



To the Mayor & Each Member of Galway City Council

8th April 2019

Item No 4(f)- Agenda Ordinary Council Meeting of Galway City Council 8th April 2019. – Sailín to Silverstrand Project Update

Dear Mayor & Councillor,

Background

The purpose of the proposed coastal Protection Scheme was to implement protection and management measures necessary to arrest the ongoing serious coastal erosion occurring at the drumlins at Knocknagoneen and Gentian Hill and also to incorporate Galway City Council's long term objective of providing a coastal walk between the promenades of Salthill and Silverstrand. The proposed scheme comprises the provision of rock armoured revetments at the base of Knocknagoneen and Gentian Hill drumlins. Walkways were to be incorporated into the crest of the revetments where possible and these would be linked by low key pathways along the existing terrain with two footbridges over the tidal entrances to Lough Rusheen and Sailín.

Project/Planning History

- An Bord Pleanála (the Board) granted permission for the development on 7th September 2007 following receipt of an application and Environmental Impact Assessment and stated

“ It is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area and would not result in significant adverse effects on the environment”

subject to four conditions which are summarised as follows:

- All works to be supervised by a project ecologist
– Reason “ to protect the terrestrial ecology of the area”

- Architectural monitoring to be carried out and reports made available for public inspection.
– Reason “to protect cultural heritage”
- An Operational Management Scheme to be drawn up to cover security and safety. – Reason “to protect users of the facility and to provide for environmental protection”
- A Marine Notice advertisement shall be placed prior to construction.
– Reason “to ensure safety of navigation during construction”

For a full copy of the permission see Appendix 1.

- Consultants were then appointed to carry out a detailed design of the scheme. Their brief included the following:
 - Review of all existing documentation, including preliminary design, EIS, An Bord Pleanála decision and Inspector’s Report.
 - Preparation of normal topographical survey of site,
 - Preparation of contract documents for site investigations
 - Consultations with all Interested Parties and Landowners.
 - Preparation of land acquisition maps and schedules for the scheme where necessary.
 - Preparation of detailed design, contract documents and tender drawings, specifications and bills of quantities for the construction of the scheme.
- Following underwater surveys, topographical surveys and site investigations the Consultants recommended a revised scheme which included the following alterations.
 - Reduction in the footprint of the revetments to lessen the overall environmental impact
 - Relocation of the footbridge at Sailín to bring it closer to the shore for a shorter crossing point and thus lessen the Environmental Impact.
 - Addition of a central support on the footbridge at Lough Rusheen to reduce the overall size of the outer supports which reduced the environmental impact.

Please refer to Appendix 2 for a drawing showing the changes.

- A foreshore licence based on the new proposal was then applied for to the Department of Environment, Community and Local Government in November 2014 and they replied in December 2015 requesting a Natura Impact Assessment to be prepared for the new layout. The major significance of this relates to the introduction of S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011. This Natura Impact Assessment was submitted in August 2016 following a comprehensive study. The Department now have concerns about the validity of the original

permission due to the changes in legislation coupled with the changes in footprint of the original design.

- The major difficulty with this project is that revetments have to be constructed to protect the habitat or it is likely to be subject to severe coastal erosion which is already evident. However the construction of the revetments themselves will impact on the habitat.
- The ruling by the European Court of Justice (ECJ) (Sweetman vs An Bord Pleanála) in relation to the Lough Corrib site – N6 Galway City Outer Bypass road scheme made on the 11th April 2013 (in relation to on the assessment of the implications for a protected site of a plan or project) means effectively, that it makes it seemingly very difficult, if not impossible, for projects to be permitted where even the smallest areas of protected habitats will be destroyed as a consequence” However there is a caveat that it is not clear whether the judgement only applies to priority habitats. This ruling may have a significant impact in leaving existing planning permission open to challenge.
- Galway City Council have commissioned consultants to review the planning approval and the foreshore licence application to assess its validity in light of recent correspondence, changes in legislation and recent Court rulings. This process is not yet complete but a report is expected in the next few weeks.



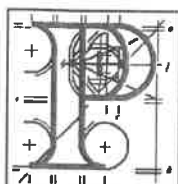
Dermot Mahon,

A/Director of Services,

Housing, Environment & Climate Change, Recreation & Amenity.

Appendix 1

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Galway City Council

APPLICATION by Galway City Council for approval under section 226 of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with the Board on the 18th December, 2006.

PROPOSED DEVELOPMENT: Construction of a coastal protection scheme between Sailfn and Silverstrand, County Galway.

DECISION

GRANT approval for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having considered any submissions or observations made to it and the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter and also having regard to:-

- the Galway City Development Plan, 2004-2010,
- the mitigation measures proposed in the environmental impact statement,

it is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area, and would not result in significant adverse effects on the environment.

Conditions

1. A project ecologist shall be appointed and shall supervise all works pertaining to the Special Areas of Conservation or Special Protection Areas. These works shall be carried out in accordance with the protocols set out by the National Parks and Wildlife section of the Department of Environment, Heritage and Local Government.

Reason: To protect the terrestrial ecology of the area.

2. An archaeologist shall be employed on the site during the removal of the topsoil and for the drainage pipeline excavation. Quarterly written reports shall be made on all archaeological monitoring and these shall be made available for public inspection at the offices of Galway City Council.

Reason: To protect cultural heritage.

3. An operational management scheme shall be drawn up by Galway City Council to cover security and safety measures for people using the coastal walkway and also covering the protection of European Union Designated Areas outside the boundaries of the walkway.

Reason: To protect users of the facility and to provide for environmental protection.

4. A "Marine Notice" advertisement in accordance with the requirements of the Department of Communications, Energy and Natural Resources shall be placed in a locally circulating newspaper prior to commencement of construction. Local commercial fishing and angling organisations shall be directly notified of the commencement of construction.

Reason: To ensure safety of navigation during construction.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2007.