

**Foreshore Licence Application to carry out
Maintenance Dredging at Ballycotton Harbour Co. Cork FS007037**

- 1. Marine Advisors Report**
- 2. Marine Institute**
- 3. Inland Fisheries Ireland**
- 4. Underwater and Archaeology Unit (response 1)**
- 5. National Parks and Wildlife Services**
- 6. Department of Agriculture, Food and the Marine**
- 7. Sea Fisheries Protection Authority**
- 8. Marine Survey Office**
- 9. Further comments from Underwater Archaeology Unit (response 2)**



Foreshore Unit,
Department of the Housing, Local Government & Heritage,
Newtown Road,
Co. Wexford.

20/10/2021

File Ref: FS007037

Re: Foreshore Licence application for Dredging of Ballycotton Harbour and Disposal of suitable material at sea 6 km due South of Power Head, County Cork.

Applicant: Cork County Council

Site Location: Dredging Location; Ballycotton Harbour, Ballycotton, County Cork.
Disposal Location; 6 km due South of Power Head, County Cork.

Supporting information considered:

- Application Form, Dated 30 April 2021.
- Foreshore Licence Maps, Drawings, Plans, Charts and Maps submitted,
- Foreshore Application Report, Dated May 2021
- Screening for Appropriate Assessment and Natura Impact Statement, Rev. 0.3, Dated 13/05/2021

1.0 Project Overview and Background

Cork County Council propose dredging works to maintain safe navigation and mooring for vessels at Ballycotton Harbour, County Cork. The majority of the dredged material will be disposed of at sea and a small amount of the dredged material, which is contaminated, will be processed at an appropriate on land facility.

1.1 Brief Description of the proposed works

The proposal is to dredge an area adjacent to the main pier at Ballycotton Harbour to bedrock or to -3.5m Chart Datum (CD), whichever is achieved first, the remainder of the harbour adjacent to the breakwater shall be dredged to bedrock or to -2.5m CD whichever is achieved first. It is proposed to dispose of approx. 19,500m³ of suitable dredged materials at the previously used Dumping at Sea site approx. 6km South of Power Head and 16km southwest of Ballycotton. It is proposed to dispose of approx. 1,500m³ of contaminated dredged material to a suitably licenced on land processing facility.

2.0 Estate Management

2.1 Site Inspection, Existing Use and Activities and Consent History

I inspected the harbour at Ballycotton 19/10/2021 at approx. 17:00hrs see photo 1. The harbour consists of a pier and breakwater which protects an area of water which is occupied by up to approximately 70 vessels. The vessels are mostly fishing or angling boats, a few leisure boats, a small ferry for trips to the lighthouse and the RNLI All Weather Trent Class Lifeboat. There is a small landing pontoon adjacent to the pier which is subject to a licence granted under FS005873. Irish Water have application FS007022 under consideration for a

licence to construct a temporary work area which overlaps partially with the proposed dredge area however basic sequencing and communications should ensure the works don't conflict. The existing moorings in the harbour are to be lifted by the mooring holders prior to the dredging and replaced by the mooring holders after the dredging is complete. Leisure users and fishers will have to accept the disruption caused by the dredging by either removing the vessel for the period of dredging or tying up to the pier when weather allows and seeking shelter in Cork Harbour when poor weather is forecast. However accommodation will have to be made for the lifeboat, as in certain poor weather it cannot remain alongside the pier and it cannot be relocated to Cork Harbour and remain on service. A mooring within the harbour will have to be provided at all times throughout the works to the RNLi's specification and requirements to ensure the lifeboat's lifesaving service is maintained at all times.

All foreshore is presumed state owned unless proven otherwise. There are no known or established claims of private ownership of the foreshore at Ballycotton Harbour or off Power Head. Therefore the foreshore the subject of this application is currently presumed state owned and proposed development does not conflict with the existing overlapping licences nor does it significantly injure the public use of, access to and enjoyment of the foreshore.

Total area of foreshore the subject of the application: Dredge area: 1.13 ha, Dump site: 377.8ha.

3.0 Public Interest

Section 2 and 3 of the Foreshore Act, as amended, states that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As state owned foreshore is a finite and valuable state resource and a public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that resource.

The proposed works are to ensure the safe operation of the harbour and safe navigation and mooring of vessels within the harbour. Harbours such as Ballycotton are the gateway to the sea and are fundamental infrastructure that supports public access, marine leisure, tourism, sea fishing, communications and the associated local community and economy. Considering this I am satisfied that the proposed dredging and disposal at sea are in the public interest.

4.0 Assessment & Conclusion

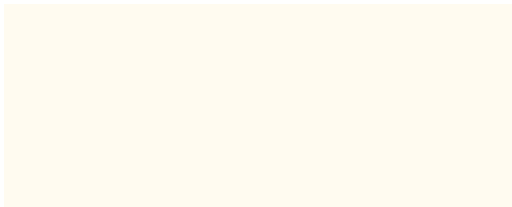
The foreshore the subject of this application at Ballycotton Harbour and off Power Head is state owned, there are no conflicts with existing leases or licences and the works as proposed are in the public interest. The works, if completed as proposed and in accordance with conditions as set out below, will not have significant adverse impacts on the public use of, access to and enjoyment of the foreshore, navigation, fisheries or the environment (subject to MLVC confirmation).

5.0 Recommendation

I have no objection to the granting of Foreshore Licence under Section 3 of the Foreshore Act for this application subject to the following conditions;

1. The licensee shall use that part of the foreshore, the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever.
2. The following drawings shall be attached to and referenced in the licence document;

- Foreshore Licence Map 1, Drawing Number: CM1123-BLP-ZZ-DR-C-00004, Date: 22/03/21, Rev: 03, 06/2021,
 - Foreshore Licence Map 2, Drawing Number: CM1123-BLP-ZZ-DR-C-00005, Date: 22/03/21, Rev: 03, 06/2021,
3. A valid Dumping At Sea Permit shall be in place and a copy of the permit shall be submitted to the Marine Planning and Foreshore Section of the Department of Housing, Local Government and Heritage prior to the works proceeding.
 4. Irish Water have application ref. FS007022 under consideration for a licence to construct a temporary work area which overlaps partially with the proposed dredge area. If approved the licensee shall coordinate with Irish Water in terms of sequencing to ensure both set of works don't conflict.
 5. A fore and aft mooring within the Harbour shall be available at all times throughout the duration of the dredging for the RNLI Trent Class Lifeboat. This shall require coordination and agreement of the RNLI to relocate their mooring as the dredging works proceed or as otherwise agreed with the RNLI.
 6. The licensee shall notify the Marine Planning and Foreshore Section of the Department of Housing, Local Government and Heritage at least 14 days in advance of the commencement of any works on the foreshore. This notification shall include an up to date Programme of Works for the completion of the project.



Engineering Inspector and Marine Advisor



Photo 1. The Harbour at Ballycotton at high water, the breakwater to the left and pier to the right. 19/10/2021)

FROM : MARINE INSTITUTE

Date: 6th August, 2021

Foreshore-DHLGH

From: Marine Institute

Re: FS007037 - Ballycotton Harbour Dredging Foreshore applications

Cork County Council submitted a foreshore application for the loading of dredge spoil from Ballycotton Harbour. The application is to cover the dredging and loading of the spoil. A separate dumping at sea application to the EPA will cover the disposal at sea. In addition to the application form, Cork County Council submitted a number of other documents and figures (maps), including:

☐ Ballycotton Dredging NIS

☐ Ballycotton Dredging Underwater Archaeology

☐ Foreshore Application Report

Project Summary:

On the basis of information provided in the application form and associated documentation, it is proposed to carry out dredging of the full harbour area (1.13ha) in Ballycotton harbour. The estimated volume of material to be removed is approximately 15,000m³ or 19,000 Tonnes¹.

¹ It is noted in the NIS document page 11 and the Foreshore Application report – Outline Construction Method Statement Table 1 (page 2) that the values for Volume (m³) and Mass (tonnes) appear to be reversed. It is assumed that the volume of material to be dredged and loaded is 15,000m³ representing 19,500Tonnes. The material to be removed is primarily mixed sediment (a mix of gravel, sand and silt).

Assessment:

Chemical analysis of sediments to be loaded was carried out and presented with the application. The analysis was based upon a plan designed by the Environmental Chemist, Marine Institute). Results of sediment analysis indicated approximately 1,500 T are contaminated and it is proposed that these sediments will be separately removed to land and disposed in a suitably licenced facility. The remaining material, (which is considered clean and suitable for disposal at sea) will be dredged and loaded for disposal at a site South of Power Head, 16km southwest of Ballycotton.

It should be noted that the assessment guidelines for Dumping at Sea are not used for bringing the sediment on land. The sediment to be brought up on land will need to be assessed using the Waste Assessment Criteria. It is the understanding of the MI that the EPA issues waste licences for this activity.

Risk to conservation features associated with the proposed activity are communicated in the NIS report. The interactions identified are appropriate and assuming the mitigation measures proposed are implemented in full, the likely interactions are not considered significant to conservation features. The Marine Institute agrees with the conclusions communicated in the NIS.

Interactions with Fisheries and Aquaculture operations:

The closest licenced aquaculture sites to the proposed development are in Cork Harbour (approx. 16km line of sight) or Ballymacoda Bay (approx. 11 km line of sight). The closest shellfish growing water is Ballymacoda Bay at approx. 11km.

On the basis of the information provided in the application and supporting documents the proposed development is unlikely to impact on any licenced aquaculture activities or shellfish growing waters.

Interactions with fisheries interests are likely in the harbour. The MI recommends full engagement with users of the pier and suggests it is carried out on an ongoing basis until the works are completed.

On this basis, and considering the information above, impacts on aquaculture and sea fishing from the proposed activity are not considered likely.

FROM IFI :

MARINE LICENCE VETTING COMMITTEE:

**RE: FS007037 Foreshore Application on behalf of Cork County Council,
Ballycotton Harbour Dredging**

Request for observations from

(DECLG) dated 15.07.2021

Location: Ballycotton, Cork

Applicant: Cork County Council, Carrigrohane Road Cork, T12 R2NC.

Purpose: The proposed dredging works are to facilitate commercial and public use of the harbour by providing safe boat access

Schedule of Works: Dredging Works – 19,500m³ of substrate to be removed over an area of 1.13Ha in the harbour. Disposal of suitable dredged material at previously used site, 16km southwest of Ballycotton, over an area of 377.8Ha. Disposal of contaminated dredged material at a suitable facility.

The harbour was last dredged in 1984 and 1998.

Timing of works: Outside summer months, but general date is not stated in the application

IFI Comment

The proposed works are not within known proximity of sensitive fisheries location or fish spawning grounds. The nearest significant river, in terms of potential use by anadromous fish species to the proposed dredge site is the Munster Blackwater, approximately 18km (hydrologically) from Ballycotton harbour. This river is designated for *Salmo salar* (Salmon), *Petromyzon marinus* (Sea lamprey), *Lampetra fluviatilis* (River Lamprey) and *Alosa fallax* (Twaité Shad) as habitat for Annex II migratory fish species. The proposed works have the potential to affect these species as they migrate along the coast by way of suspended sediment, pollution via drift of contaminated sediment or by accidental oil/fuel spills during works.

IFI would point out that the mitigation measures and guidance of NPWS in regard to marine mammals are not transferrable to fish species. The fish remain invisible to any shore- or boat-based observer. Mitigation measures should aim to reduce the sound generated, in intensity and duration for the fish species present. The use of soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day should be undertaken. This measure should be a condition of the foreshore licence. The estimated zone of influence (ZOI) extending from the dredging works is approximately 3km and is a relatively small distance that migratory species may avoid if suspended sediment levels are inhospitable during works. The Marine Institute was consulted in relation to environmental testing of proposed dredge material within the harbour and have provided sediment site specific sampling and disposal recommendations for the contaminated and non contaminated sediment, which should limit any impact from contaminated dredged material to the environment. The application has a detailed methods statement with mitigation measures outlined for various risks highlighted. To avoid the possibility of accidental spillage of oil/fuel associated with machinery or inshore shallow water vessels, a series of mitigation measures are to be implemented, as described in the Natura Impact Statement. These mitigation measures should be a condition of the Foreshore licence. Given the localised nature of the project, including the ZOI and notwithstanding the past history of the dumping site southwest of Ballycotton, the proposed works are not considered deleterious to migratory fish species in the long term. The local IFI office in Macroom should be informed in advance of works starting.

FROM UNDERWATER ARCHAEOLOGY AND NATIONAL PARKS AND WILD LIFE

A chara,

Please find the heritage recommendations of the Department for the above mentioned application.

Underwater Archaeology

We refer to the foreshore licence application for the t propose temporary pier wall and dredging works and the submitted Underwater Archaeological Impact Assessment (UAIA). The following are the recommendations of the Underwater Archaeology Unit of the National Monuments Service, in keeping with the mitigation strategy proposed in the UAIA and should be include as a CONDITION of any Foreshore Licence that issues:

Archaeological Monitoring:

Archaeological monitoring is to be carried out during dredging works and for the works at the pier. The pier is a Protected Structure, registered on the Local Authority's List of Protected Structures (RPS Reg. No. 20824038). Similarly, Ballycotton has a substantial record of shipwrecking events, with the potential being high for the remains of wrecks or artefactual material associated with such events still extant in the near harbour area awaiting discovery. The monitoring shall take the following format:

- The services of a suitably qualified and suitably experienced underwater archaeologist (with experience in the archaeological monitoring of marine dredging operations) shall be engaged to carry out the archaeological monitoring of all works.
- The archaeological monitoring shall be licensed by this Department and a detailed method statement is to accompany the licence.
- The method statement shall set out the monitoring strategy for the dredging works.
- A communication strategy is to form part of the monitoring strategy to ensure full communication is in place between the monitoring archaeologist and the plant operators at all times during works.
- The archaeological personnel undertaking the monitoring will be in a position to monitor directly all elements of the dredging works, to ensure they have unobstructed views of the dredging plant head, and the plant and machinery operators shall be prepared to facilitate the archaeological personnel in the undertaking of their monitoring work.
- No works at the pier should damage the existing protected structure and all provisions shall be made to ensure that the historic pier structure is protected from all potential impacts. This to include the pier itself and any pier furniture, features, etc. The archaeological monitoring strategy shall include the plan for the protection of the historic pier.
- As part of the Finds Retrieval Strategy in the methodology, if the material is being brought ashore, 25% of the dredged material removed is to be spread and metal detected to assess the artefacts-bearing potential. If large quantities of artefacts are present, then the percentage of material being assessed may be increased. Similarly if, after an agreed period of time, there is minimal artefactual evidence, the archaeological assessment of the dredged spoil may be scaled down. The methodology should seek to have a representative percentage assessed from all areas.
- Sufficient archaeological personnel will be in place to cover all aspects of the monitoring and assessment of the dredging and pier works.
- Should potential archaeology be identified during the dredging or pier works, then the dredging is to be suspended in that location pending full resolution of the archaeology,

which may include archaeological assessment, testing, avoidance/preservation *in situ* or full excavation.

- In the event that potential archaeology is identified and dredging works have to be suspended, the Underwater Archaeology Unit shall be contacted immediately to ensure the least delays to works are incurred.

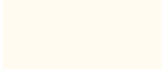
Reason: To ensure the continued preservation (either *in situ* or by record) of our underwater cultural heritage and all associated features, objects and structures.

Nature Conservation

The proposed dredging application for Ballycotton Harbour has been evaluated by a Natura Impact Statement (NIS) and other documents. The conclusion of the Natura Impact Statement document is that the proposed works are unlikely to pose a significant likely risk to nature conservation interests in the vicinity. It is noted that potential interaction with marine mammals can be ameliorated by the application of "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters".

National Parks & Wildlife Service concur with this conclusion in and request that mitigation outlined in Section 7.1 of the NIS document is implemented in full.

Kind regards,



FROM : DEPARTMENT OF AGRICULTURE

Our Ref: FW.8.95 An application by Cork County Council for dredging at Ballycotton Harbour, Ballycotton, County Cork

DHLGH Ref: FS007037

Dear 

I refer to your request for comments/observations from the Department of Agriculture, Food and the Marine in relation to this application by

Cork County Council.

The following should be included in any licence that issues:-

- The Marine Institute recommends full engagement with users of the pier and suggests it is carried out on an ongoing basis until the works are completed.

Regards,


AFMD

Dept of Agriculture Food and the Marine

West Pier,
Howth,
Co. Dublin

Tel: +3531 8321910
Fax: +3531 8321911
Email: sfpahowth@sfpa.ie

Application No:	FS007037	Applicant Name:	Irish Water
Application Category			
Aquaculture	Foreshore General	Energy	Other
	Capital Dredging		
Location	Ballycotton, Co.Cork	Species	N/A
Date	22-6-21	SFPA Region	Southern

Inspectors comments

The application refers to capital dredging within Ballycotton harbour to facilitate access for both RNLI and commercial fishing vessels. The total area subject to the dredging campaign is approximately 1.13 hectares. The existing temporary pontoon (FS007022) is to be removed while the dredging works are underway.

1. Wild Fisheries

The application is limited to the internal boundaries of the harbour foreshore and therefore will not interfere with any sub-tidal wild fisheries. Some temporary disturbance regarding an increase in turbidity immediately outside of the harbour is likely but it should be short in duration.

Fisheries control activities by the SFPA may be restricted due to the restriction of access at times during the construction of the proposed works, the expected timeframe is detailed within the foreshore application of 8 weeks of dredging activity within the harbour.

2. Shellfish Production Areas

There are no classified shellfish production areas in the area of the proposed works.

3. Seafood Safety

There is not expected to be any issues with seafood safety caused by the proposed works. The operators should be aware of the notification process should a pollution incident take place during the three month works period. The SFPA office with responsibility for Ballycotton is Clonakilty and should be contacted directly on 023 88559300 or sfpaclonakilty@sfpa.ie

Sea Fisheries Protection Officer	Date 14-9-2021
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MARINE SURVEY OFFICE

DATE : 29/09/2021

Good afternoon

After a comprehensive review of this application the MSO has no further comment with regard to the safety of navigation.

A local Marine Notice shall be published for the information of all local maritime users detailing the proposed dredging campaign and any associated hazards to navigation arising for the duration of the license period.

Rgds

*Marine Survey Office
Nautical Surveyor*

An Roinn Iompair
Department of Transport

Lána Líosain, Baile Átha Cliath, D02 TR60
Leeson Lane, Dublin, D02 TR60

From: [REDACTED]
Sent: Tuesday 2 November 2021 16:50
To: [REDACTED] (Housing)
Cc: [REDACTED]
Subject: FS007037 Ballycotton Harbour Dredging - Underwater Archaeology Unit
Attachments: FS007037 PBC UAU Comments.pdf; FS007037 Ballycotton Harbour dredging - Applicant Comments UAU.pdf

Dear [REDACTED]

Thank you for your email , received today, requesting response to applicant's query (26.10.2021) re Ballycotton Harbour dredging. Please note that the applicant's proposals re. disposal of dredged material are acceptable to the UAU and we await submission of archaeological licence application. The services of a suitably qualified and suitably experienced underwater archaeologist (with experience in the archaeological monitoring of marine dredging operations) shall be engaged to carry out the archaeological monitoring of all works. The archaeological monitoring shall be licensed by this Department and a detailed method statement is to accompany the licence. The method statement shall set out the monitoring strategy for the dredging works.

Should you require any further clarification please do not hesitate to contact me.

Kind regards,

[REDACTED]
[REDACTED]
Seandálaí - Archaeologist
Aonad Seandálaíochta Faoi Uisce - Underwater Archaeology Unit
Seirbhís na Séadchomharthaí Náisiúnta
National Monuments Service
An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage
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