

[REDACTED]  
Foreshore Unit,  
Department of Housing, Local Government and Heritage,  
Newtown Road,  
Co. Wexford  
21st of June 2022

## Environmental Report with Statutory Declarations

**Re** FS007037 Cork County Council – Maintenance dredging in Ballycotton Harbour, Co. Cork.  
**Applicant:** Cork County Council

I have reviewed the Foreshore Application FS007037 and the environmental documents associated with it. My comments on, and recommendations for, this application are as follows:

**Independent Environmental Consultant (IEC):** The Department engaged **Arup** as an IEC to provide assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Application. The IEC has conducted an independent assessment of the information provided by the Applicant, having regard to the Habitats Directive, EIA Directive, and the public and prescribed bodies' consultations.

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**Risk Assessment of Annex IV Species of Directive (92/43/EEC) (as amended) (Habitats Directive):** A review of the applicant's environmental reports provided sufficient relevant information to carry out a Risk Assessment of Annex IV species. To accommodate dredging at all times of the year it is recommended that the *DAHG Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters* (DAHG 2014) is followed strictly.

With implementation of the above mitigation measures, it is very unlikely that there will be negative residual impacts from the proposed works on Annex IV species in the area. It is also very unlikely that any animals will be injured or killed as a result of the proposed works. I agree with and accept the Risk Assessment for Annex IV species including the mitigation measures outlined in section 4 of the Risk Assessment report.

It should be noted that this risk assessment is not part of the Article 6.3 assessment and therefore identification and inclusion of mitigation measures at this stage within the risk assessment is appropriated.

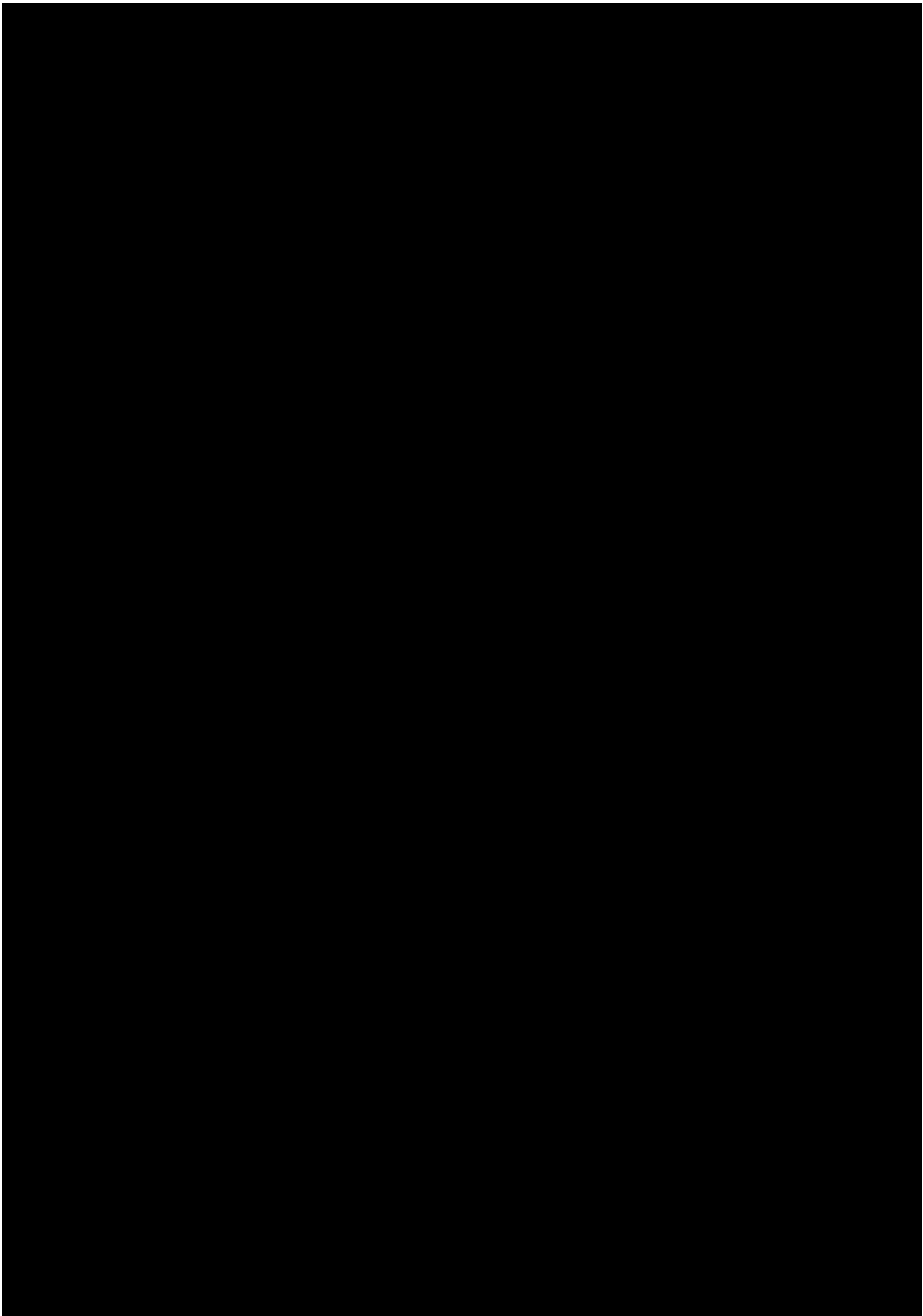
**Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive):** Following a review of the proposed project, the IEC assessed and endorsed the applicant's **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

Having considered the application by Cork County Council and the IEC's Screening for Appropriate Assessment Report I agree with and accept the Screening for Appropriate Assessment and its conclusions. Please find attached my signed Recommending Officer's **Screening for Appropriate Assessment Determination**, this requires the signature of the Minister as part of the decision-makers obligations under the Habitats Directive (Appendix 3).

If the Minister adopts and approves these reports with the determination that a Stage 2 Appropriate Assessment is required a public consultation will be held on the Appropriate Assessment. On completion of this second consultation and the work of the IEC, I will furnish my final assessment report which will have regard to the information obtained during public participation and will include, if necessary, any case specific conditions.

**Signature and Date of Marine Advisor:**  21<sup>st</sup> June 2022

# Appendices



## Appendix 2 Screening Determination for Appropriate Assessment

### Screening Determination for Appropriate Assessment

**Project reference:** FS007037 Cork County Council – Maintenance dredging in Ballycotton Harbour, Co. Cork.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project for maintenance dredging in Ballycotton Harbour, Co. Cork, individually or in combination with other plans or projects, would be likely to have a significant effect on a European sites.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European site. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

**Signature and Date of Recommending Officer - Marine Advisor Environment:**



**21<sup>st</sup> June 2022**

**Signature and Date of Minister of State for Local Government and Planning:**