

[REDACTED]
Foreshore Unit,
Department of Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford
24th May 2022

Marine Adviser Environment Screening Stage Report

Re: FS006970 - for the dredging at the pier in Glengarriff, Co. Cork.

Applicant: Cork County Council

I have reviewed the Foreshore Application FS006970 and all the environmental documents associated with it. My comments on and recommendations for this application are as follows:

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

Risk Assessment of Annex IV Species

Following a review the Risk Assessment for Annex IV species provided by the applicant the IEC concluded that it is very unlikely that any Annex IV species will be disturbed, injured or killed as a result of the proposed works. Having considered the application and the IEC's Risk Assessment of Annex IV species report I agree with and accept this report and its conclusions. 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 within the risk assessment is appropriated at this stage.

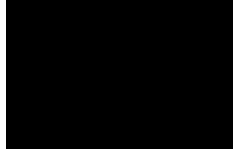
Environmental Impact Assessment Regulations: The IEC determined that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. Having considered the application by Cork County Council I agree with and accept the IEC's determination that the project does not require an EIA. However the Consent Authority (DHLGH) must complete **an Examination for EIA** as part of their obligations under the EIA Directive [see Appendices].

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): Following a review of the proposed project, the IEC complete **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 any European site.

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. My signed Recommending Officer's **Screening for Appropriate Assessment Determination** which requires the signature of the Minister as part of the decision-makers obligations under the Habitats Directive is contained in the Appendices.

If the Minister adopts and approves these reports and a determination is made that a Stage 2 Appropriate Assessment is required a public consultation will be held on the Appropriate Assessment. My Final Environmental Report with Determinations which may include any site specific conditions will follow having regard to the information obtained during the public participation phase.

Signature of Marine Advisor:



23rd May 2022

Appendices

1. Examination of EIA

EIA Questionnaire. (Pre-Screening)

Form 1

Foreshore Reference: FS006970

Proposed Development: The dredging at the pier in Glengarriff, Co. Cork.

Question 1: Is the proposed development included in Annex I and above the specified threshold of the Directive (Schedule 5 to the P&D Regs)?

- If Yes: EIA is mandatory.
- If No, proceed to Q2.

Answer:

Question 2: Is the proposed development included in Annex II and above the specified threshold of the Directive (Schedule 5 to the P&D Regs)?

- If Yes: EIA is mandatory.
- If No, proceed to Q3.

Answer:

Question 3: Is the proposed development of a type/class included in Annex I or II of the Directive (Schedule 5 to the P&D Regs) but below the threshold specified?

- If Yes, proceed to Form 2.
- If No, no EIA required. Proceed to Q4.

Answer:

Question 4: Despite Q's 1 to 3 above returning negative answers, has the applicant submitted an EIAR?

- If Yes, process the application as an EIA case
- If No; No EIAR required

Answer:

Comments:

Signature and Date of Recommending Officer:
Marine Advisor Environment



23/05/2022

2. Screening Determination for Appropriate Assessment

Screening Determination for Appropriate Assessment

Project reference: FS006970 Cork County Council – for the dredging at the pier in Glengarriff, 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 to dredge at the pier in Glengarriff, Co. Cork, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

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 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:  24/06/2022

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

3. Requests for Further Information

The following requests for further information were sought from the applicant:

1. A summary of the qualifications and experience of the author(s) should be provided as evidence that the NIS has been “prepared by a person or persons with the requisite ecological expertise and experience” (DEHLG, 2010).
2. The guidance documents that are referred to are incomplete and at least one had been superseded by updated version had been published and available at the time of writing.
3. A map showing the site boundary, likely zone of impact and designated sites should be included in the NIS.
4. There is an issue of the report using outdated or non-standardised references and guidelines.
5. Clarification should be sought on the geographic scope for identifying in-combination effects and the timescale for which cumulative impacts/in-combination effects have been considered.
6. The risks posed by invasive alien species, particularly in the context of the movement of barges, materials and equipment during construction, should be assessed and, if necessary, mitigation provided.

The applicant provided an updated NIS, dated February 2022, in which all of these points were addressed in detail.