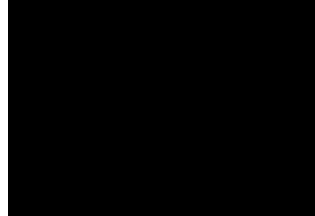


Submission HLG 00289-22: FS006970 Cork County Council - Screening for Appropriate Assessment Determination

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY:

Final comment

Signed by minister, 23/06/2022

Action required

Ministerial determination on the Screening for Appropriate Assessment and signing of the Screening for Appropriate Assessment Determination statement.

Executive summary

Cork County Council, under section 3 of the Foreshore Act 1933, has submitted a foreshore licence application for the purposes of carrying out dredging at Glengarriff Pier, Glengarriff, Co. Cork.

As part of the assessment of this application the Minister is required to make a Screening for Appropriate Assessment determination 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').

Having considered all relevant materials, a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment report and reaches the determination:

In accordance with Regulation 42(6) of the EC (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 sites. 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 measure intended to avoid or reduce significant effects on European sites.

Detailed information

Cork County Council submitted a foreshore licence application to the Department of Housing, Local Government and Heritage for a Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, for 5 years. The purpose of this licence is for carrying out dredging at Glengarriff Pier. The proposed works include first the temporary removal of the floating jetty pontoon and gangway. Once these have been removed, the bed around the western and southern sides of the pontoon are to be dredged to - 5.00mODM. Dredge spoil is to be removed off-site for disposal. Lastly, the floating jetty pontoon and gangway are to be re-instated.

Environmental Assessment

As part of the assessment of the foreshore licence application Roughan & O'Donovan ("ROD") were commissioned as Independent Environmental Consultants (IEC) to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on European sites from the application for a foreshore licence.

A number of application documentation submitted by Cork County Council informed the Screening for Appropriate Assessment report, including, but not limited to:

Application Form (Tab 4)

Foreshore Licence Map (Tab 5)

Site Location Map

Natura Impact Statement

Consolidated Prescribed Bodies Observations (Tab 6)

Consolidated Applicant Responses to Prescribed Bodies Observations (Tab 7)

These documents are also available on the Departments website at the following link:

FS006970 Cork County Council - Dredging at Glengarriff Pier, Co. Cork

Public Consultation under Section 19 of the Foreshore Act:

The public consultation was from **24th January 2019 to 14th October 2019** and the application documents were displayed at the following locations for the duration:

- Skibbereen Garda Station, High Street, Skibbereen, Co. Cork, P81 VP22

No submissions were received.

Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were requested from:

Department of Housing, Local Government and Heritage (Marine Advisor - Engineering)
Department of Housing, Local Government and Heritage (National Parks and Wildlife Service)
Department of Housing, Local Government and Heritage (Underwater Archaeology)
Department of Agriculture Food and the Marine (Aquaculture)
Marine Institute
Inland Fisheries Ireland
Marine Survey Office (MSO)
Sea Fisheries Protection Agency

Observations were forwarded to the applicant (Tab 6) and there were no objections in principle to the proposed works.

The applicant provided a response to the Prescribed Bodies Observations (Tab 7).

Screening for Appropriate Assessment

The Independent Environmental Consultants completed the Screening for Appropriate Assessment report in **March 2022**, which concluded that likely significant effects could not be ruled out for a number of SACs that lie within the Zone of Influence. Therefore, a stage 2 Appropriate Assessment is required. The Department's Marine Advisor (Environment) agrees with and accepts the Screening for Appropriate Assessment and its conclusions.

The Screening for Appropriate Assessment report, along with all relevant material, was considered by the Department's Marine Advisor (Environment), a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment report and reaches the following Screening for Appropriate Assessment Determination:

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).

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 sites. 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.

A copy of material, which informed the Screening for Appropriate Assessment prepared by the Independent Environmental Consultants, is linked above. The Screening for Appropriate Assessment prepared by ROD, is attached at **Tab 1**, and the adoption of the report is recommended.

The Marine Advisor (Environment) report is attached at **Tab 2**, recommending adoption.

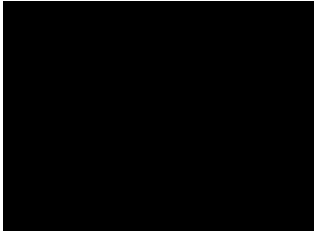
The Screening for Appropriate Assessment Determination, prepared by the Department's Recommending Officer, for Ministerial determination and signature, is attached at **Tab 3**.

Related submissions

There are no related submissions.

User details

INVOLVED:



READ RECEIPT:

