

[REDACTED]  
Foreshore Unit,  
Department of Housing, Local Government and Heritage,  
Newtown Road,  
Co. Wexford  
26<sup>th</sup> August 2022

### **Environmental Report with Statutory Declarations**

**Re:** FS006795 Foreshore licence application for public realm improvements and flood alleviation measures along Father Mathew Quay and Morrison's Quay, Cork City.

**Applicant:** Cork City Council

I have reviewed the application and all the environmental documents associated with the Foreshore Application FS006795 by Cork City Council for public realm improvements and flood alleviation measures along Father Mathew Quay and Morrison's Quay, Cork City. 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, the EIA Directive and the public and prescribed bodies' consultations.

**Environmental Impact Assessment Regulations:** Having considered the application by Cork City Council IEC concluded that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive and therefore does not require an EIA. Having considered the application by Cork City Council and I agree and accept the IEC's conclusion.

**Risk Assessment of Annex IV Species of Directive (92/43/EEC) (as amended) (Habitats Directive):** Following a review of the applicant's Risk Assessment of Annex IV species, with adherence to the "*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*" (DAHG, 2014) and their response to a Request for Further Information (Appendix 1) from the IEC, it is very unlikely that there will be negative residual impacts from the proposed works on Annex IV species. It is also very unlikely that any of these animals will be injured or killed as a result of the proposed works. Having considered the application by Cork City Council and I agree and accept the IEC's conclusion.

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.

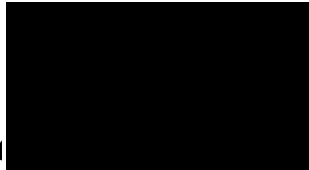
**Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive):** Following a review of the proposed project, the IEC assessed and endorsed the applicant's **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was required as the project, individually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

Having considered the application by Cork City Council and the IEC's Screening for Appropriate Assessment Report I agree and accept the IEC's 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 1).

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. 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 of Marine Advisor Environment**

A solid black rectangular box redacting the signature of the Marine Advisor Environment.

26<sup>th</sup> August 2022

# Appendices

## **Appendix 1 Further Information**

Due to the lack of detail in the application documents regarding the hydroacoustic impacts which are likely to arise from the installation of piles, the risk of a significant impact on Common Dolphin, Harbour Porpoise or Bottlenose Dolphin could not be quantified. A scientific analysis of this risk was therefore sought by the Foreshore Unit from the Applicant, who provided the following response in the document titled *Morrison's Island Public Realm and Flood Defence Project - Foreshore Licence RFI* (dated 01/02/2022):

*“Pre-construction surveys to identify the potential presence of aquatic mammals (including Common and Bottlenose Dolphins, Harbour Porpoise and Common Harbour and Grey seals) will be undertaken by a suitably qualified Ecologist over the course of one month prior to the commencement of construction works. In total 8 no surveys shall be carried out. The half hour vantage point surveys shall be carried out either side of low water in daylight hours to establish if any aquatic mammals are using the river corridor. A report will be prepared which will inform the development of the construction method statements including the piling method statement. If the pre-construction surveys demonstrate that aquatic mammals are frequently using this stretch of the River Lee then further mitigation around the method of working will be reviewed in consultation with NPWS and IFI.*

*The following mitigation will be implemented as a minimum:*

- *The piling method statement will be developed with regard to the preconstruction survey report and appropriate guidance including “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters”, Dept. of Arts Heritage and the Gaeltacht, 2014*
- *Prior to the commencement of any works all construction staff will receive an appropriate Tool Box Talk;*
- *A pre-start monitoring brief will be established for piling activities, to be carried out by suitably qualified staff. A monitored zone will be established with predefined distances upstream and downstream of the works (the appropriate distances will be informed by the pre-construction surveys).*
- *Piling work will not commence if any aquatic mammals are observed in the monitored zone during the pre-start monitoring;*
- *A soft start-up process (increasing power to full strength over a 30 minute period) for piling will be used. This will allow aquatic mobile receptors ample time to move out of the construction area to areas of refuge, thus preventing any impacts from the noise and vibration generated by the piling;*
- *Further reduction in the potential impacts from piling noise and vibration in the water column will be achieved by only allowing piling works to be undertaken at times when the water level is below mean tide level;*
- *Weather warning procedures will be part of the piling method statements and piling will not take place during periods of high tides or forecasted high water levels either from the sea or by the release of water from the dams by the ESB;*
- *All instream works will be carried out in consultation with IFI. Agreement with IFI will be sought for the mitigation of piling noise; and*

*During the construction phase, fish and mammal passage will be maintained in areas of in-channel working.”*

## Appendix 2 Screening for Appropriate Assessment Determination

### Screening for Appropriate Assessment Determination

**Project reference:** FS006795 Cork City Council to construct a public realm improvement scheme with integrated flood defence measures along Morrison's Island, Cork City.

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 construct a public realm improvement scheme with integrated flood defence measures along Morrison's Island, 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 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.

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



**26<sup>th</sup> August 2022**

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