

**FS007085**

**REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)  
ON**

**FORESHORE LICENCE APPLICATION ON BEHALF OF IRISH WATER  
FOR**

**SITE INVESTIGATIONS FOR A SEWERAGE SCHEME**

**AT**

**ROUNDSTONE, CO. GALWAY**

**Colin Ryan  
December 2022**

## **Assessment Report**

This is the technical assessment for a Section 3(3) Foreshore Licence for the proposal to undertake Site Investigation (SI) works at Roundstone, Co. Galway (FS007085)

### **Proposal**

The Roundstone Sewerage Scheme is required to bring the agglomeration of Roundstone into compliance with the EU Wastewater Directive. The SI works are planned in the vicinity of the existing northern combined sewer outfall into Roundstone Bay. The SI works form part of the preliminary investigations to help inform the detailed design of the Roundstone Sewerage Scheme which is being advanced by Irish Water.

### **Location**

The project is located in Roundstone, County Galway. Roundstone is a coastal village situated approximately 76km to the west of Galway City, and approximately 20km south east of Clifden via the R341. The works area is comprised of a rocky shoreline with shingle. The works area is inundated regularly by the tide. The foreshore is bordered by an existing road and urban development.

### **Outline of proposal**

The activity includes Site Investigation (SI) works, consisting of 3 No. rotary core boreholes and sampling, within the foreshore in Roundstone, County Galway. A temporary coring rig will be mobilised to the foreshore to undertake the proposed 3 No. rotary core boreholes within the foreshore. The coring rig will be mobilised to site during low tide and will be removed from site prior to high tide. The coring will be required to a depth of approximately 3m.

### **Technical details**

Ground investigation works are required to inform the detailed design of the proposed pumping station.

The works will entail a total of three rotary boreholes at the foreshore at Roundstone. The required working area for the type of rig proposed is a minimum of 4m by 2m. This type of borehole rig typically has tracked wheels to allow for movement over rough terrain from the foreshore before each high tide to prevent the plant from being inundated.

### **Public Participation**

#### **Public Consultation under Section 19 of the Foreshore Act 1933 (as amended)**

The Foreshore Section of the DHLGH conducted the public consultation. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 (as amended) and the European Directive 2003/35/EC (known as the Public Participation Directive or “PPD”).

Public Notice of the application was given on the 29<sup>th</sup> May 2020 in the Connacht Tribune and the Irish Examiner newspapers.

The application documents were available on the Department’s website from **29<sup>th</sup> May 2020 to 27<sup>th</sup> June 2020**.

Fourteen public submissions were received on foot of this consultation process, all raised objections to the proposed works. These matters can be summarised as prematurity of the application which should be co-ordinated with any application to for planning permission; matters related to environmental legislation including compliance with the EIA directive; the need for other alternatives to be considered in view of amenity concerns including residential amenity; wider issues relating to the need for alternative locations for a waste water treatment facilities and the need for CPO to be carried out and wider concerns were raised regarding the use of public funds and the motives of the applicant.

The matters raised have been taken into consideration which is reflected in the body of the report. The proposed development is for site surveying which will inform future design solutions for what is an identified need to improve the waste water treatment capacity in Roundstone. Site investigations are a necessary undertaking to best inform the preparation of the design of a scheme, it does not prejudice the ultimate proposal nor the assessment procedure which will be undertaken through a separate process nor any CPO process. With respect to this application, it relates to the foreshore and must be considered under the relevant legislation. With respect to environmental considerations relating to this application these have been carried out as referred to below.

### **Prescribed Bodies Consultation**

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provide 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 and received 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 Marine,
- Marine Institute
- Marine Survey Office,
- Inland Fisheries Ireland,
- Sea Fisheries Protection Authority.

There were no objections in principle to the proposed works. A number of the submissions from the Prescribed Bodies raised particular observations and put forward suggested conditions to be included in any licence that may be issued.

### **Environmental Consultation**

As part of the assessment of the Foreshore Licence application MERC Consultants Ltd were appointed as Independent Environmental Consultants (IECs) on 2nd March 2021 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 site investigation Licence.

### **Screening for Appropriate Assessment (AA)**

In considering the potential effects of the project, the IEC reviewed the application documents and Supporting Information for Screening for AA (SISAA) report. The proposed development was **screened out** for Appropriate Assessment and following consideration of same it was concluded that there will be no likely significant effects arises from this project, alone or in-combination with other plans and projects, on the conservation objectives of any European site. The IECs Screening for Appropriate Assessment report, along with all relevant material, was considered by the Department's Marine Advisor (Environment). A submission on Screening for AA was made to the Minister and the Minister adopted the conclusion of the Screening for Appropriate Assessment report and the MAs Screening Determination for AA, on 8<sup>th</sup> November 2022.

### **Environmental Impact Assessment**

The Department has considered the potential ecological impacts of the proposed development which in view of its limited scale, duration and nature does not require an EIAR either from mandatorily or from a sub threshold point of view. The Marine Adviser submitted an EIA Screening Examination document in this regard which is adopted.

### **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 in order for a risk assessment of Annex IV species to be carried out by the IEC. The IEC concluded that it is very unlikely that any Annex IV species will be injured or disturbed as a result of the proposed works. The Department's MA (Environment) has considered the application by Irish Water, along with the IEC's report and in their Screening Stage Report they agree and accept this conclusion.

### **Estate Management**

There are no existing or previous foreshore lease/licence/applications overlapping with or in the vicinity of the application area. Due to the distance from the shore the only activities conducted in the vicinity of the proposed area is navigation and fisheries.

All foreshore is presumed state owned unless proven otherwise. There are no known or established claims of private ownership of the foreshore at these locations. Therefore the foreshore the subject of this application is currently presumed state owned and proposed development does not conflict with the existing overlapping leases/licences/applications.

### **National Marine Planning Framework (NMPF)**

Section 74 of the Planning and Development (Amendment) Act 2018 sets out that "A public body shall adopt such measures as (a) are consistent with its functions, and (b) necessary to secure the objectives of the National Marine Planning Framework". In this context, "functions" includes the giving of any consent or approval, or the grant or issue of licences, certificates or other like documents, under any enactment for the purposes of any such development or activity, or any such proposed development or activity as well as the regulation of any such development or activity. The [National Marine Planning Framework \(NMPF\)](#) is a national plan for Ireland's marine area including the Foreshore. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a

coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the Foreshore Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

It is considered that the proposed works by virtue of their limited scale, duration and purpose which is to site survey with the intention of informing the design of an improved waste water treatment facility that it does not act significantly against any objective within the NMPF.

### **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.

Having considered the works proposed, it is considered that in view of the type, scale and purpose of the works that are intended to support improved waste water treatment facilities the proposed project is in the public interest.

### **MLVC Considerations**

The following documentation were considered:

- Application form, dated 26/03/2020
- Screening for Appropriate Assessment (Prepared by Marine Advisor -Environment)
- Screening for Appropriate Assessment Determination
- EIA Screening Examination (Prepared by Marine Advisor -Environment)
- Risk Assessment for Annex IV Species (Prepared by Marine Advisor -Environment)
- Prescribed Bodies Consultation observations and recommendations
- The applicant's responses to the Prescribed Bodies submissions
- Public submissions
- Applicant response to public submissions

### **Drawings/Maps as follows:**

- Foreshore Licence Map; Drawing Reference: MMD-386624-CDR-03-XX-1400 dated 26/03/2020
- Site Location Map

### **Application Assessment and Conclusion**

This application is to allow for site surveying works to inform the future design of an improved waste water treatment facility including outfall in Roundstone Co. Galway. It is considered prudent that site investigations be supported in order to best inform future design work for a project that will support improved public health through better treatment facilities. The ultimate proposal including its location and wider design parameters are not the subject of this application but will be the subject of a separate consenting process. This application has been assessed for compliance with environmental considerations and it is concluded that there will be no significant detrimental effects on the environment.

It is concluded that the proposed development is necessary and in the public interest to support and inform proposals for the improved treatment of waste water in the locality. I recommend that a foreshore licence be granted subject to the conditions recommended below.

### **Recommended 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 drawing titled: Foreshore Licence Map; Drawing Reference: MMD-386624-CDR-03-XX-1400 dated 26/03/2020 shall be attached to and referenced in the licence document.
3. The works shall be located and completed in accordance with documents and drawings submitted by the licensee to the Department of Housing, Local Government and Heritage.
4. The licensee shall notify 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.
5. During the course of the Site Investigation/Survey operations the Applicants shall ensure that;
  - (a) All necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
  - (b) Existing public access arrangements to the general foreshore area are not impeded by any vessels, plant or materials used in connection with the site investigations/surveys, and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc. to the satisfaction of the Department of Housing, Local Government and Heritage;
  - (c) Procedures are adopted to ensure that the site investigations/survey operations are not injurious to fishing, navigation, adjacent lands or the public interest.
6. All vessels/floating plant shall have appropriate certification from the Marine Survey Office.
7. On completion of the Site Investigation/Surveys the Applicants should ensure that all equipment and materials are removed and the foreshore is reinstated to its original condition, to the satisfaction of the Department of Housing, Local Government and Heritage.
8. Marine notice, lighting and markings to be carried out in consultation with the Maritime Safety Directorate, Department of Transport, Leeson Lane, Dublin 2.

**Colin Ryan Senior Planning (Adviser)**

**BA (Hons), MsC, MBA, MIPI**

**06/12/22**