

FS006970

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

ON

FORESHORE LICENCE APPLICATION ON BEHALF OF

CORK COUNTY COUNCIL

FOR

DREDGING WORKS AT THE PONTOON

AT

GLENGARRIFF PIER CO CORK

Assessment Report

This is the technical assessment for a foreshore licence for the proposal to dredge at the pontoon at Glengarriff Pier County Cork (FS009670)

Proposal

Donegal County Council has submitted an application for a Section 3 Foreshore Licence, for the duration of 5 years, for temporary removal of the floating jetty/pontoon/gangway to enable dredging at Glengarriff Pier, Monteensudder, Co. Cork.

Location application

Glengarriff Pier is located in Glengarriff Harbour just outside the village of Glengarriff on the Beara Peninsula in County Cork. The subject site is located approximately 75km west of Cork City and approximately 10km north of Bantry.

Glengarriff pontoon is located adjacent to Glengarriff Pier. The proposed works will be restricted to the existing pontoon and the surrounding dredge pocket. The proposed dredge footprint is approximately 900m². The proposed works overlap with the Glengarriff Harbour and Woodland SAC (000090). There will be no land-take within the SAC.

Outline of proposal

Glengarriff pontoon is located adjacent to Glengarriff Pier. It is used by leisure and commercial users including passenger ferries to Garinish Island. The pontoon itself is connected via a walkway to Glengarriff Pier. The pontoon grounds and twists at low tide. Proposed dredging works aim to stop the current grounding and twisting and increase the amenity value of the pontoon. Proposed works include:

- The removal and replacement of the pontoon;
- Disconnection and reconnection of power and water supplies to the pontoon;
- Dredging of the channel and immediately around the pontoon to a depth of -5m ODM max (Proposed dredge footprint is 815m²);
- Disposal of dredged to an off-site licenced waste facility.

Technical details and duration of dredging

Initial works will require the removal and storage on-site of the existing pontoon. This will be done using a crane or excavator. Dredging works will be carried out by a long reach excavator operating from a barge or from land as necessary. Spoil will be loaded onto trucks and will then be taken off-site to a licenced waste facility.

Once dredging works are complete, the barge (if required) and excavator will leave the site. The pontoon, removed at the project commencement, will be returned reinstalled in its original location.

The equipment and resources required for the works will include:

- Crane for removing and reinstating pontoon;
- Barge to facilitate dredging;
- Safety boat;
- A long-reach excavator;
- On-site personnel;

- Trucks: These vehicles would be used to bring construction materials to site and to remove any dredge spoil from site. These vehicles will also be used to relocate the pontoon.

Proposed works should take a total of 1 to 2 weeks, including site setup and demobilization. Likely start date will be dependent on seasonal constraints.

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”).

The application documents were available on the Department’s website and to view at Skibbereen Garda Station, High Street, Skibbereen, Cork, P81 VP22 for 30 days, from 20th July 2020 to 19th August 2020.

Public Notice of the application was given for the dates of Public Consultation in the Irish Examiner and Southern Star newspapers.

No public submissions were received.

Prescribed Bodies Consultation on Foreshore Licence Application

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, Planning and Local Government (Marine Advisor)
- Marine Institute
- Marine Survey Office,
- Inland Fisheries Ireland,
- Environmental Protection Agency
- Sea Fisheries Protection Authority
- Underwater Archaeology
- Natural Parks and Wildlife Services
- Department of Agriculture Food and Marine.

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. The submissions made have been noted and the suggested conditions will be considered.

Public Consultation Under S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

The Foreshore Section of the DHLGH conducted the public consultation on Appropriate Assessment. All consultation was undertaken to conform to the requirements of the Section S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

The application documents were available on the Department's website and to view at:

- Skibbereen Garda Station, High Street, Skibbereen, Cork, P81 VP22
- Skibbereen Library 10 North Street, Marsh, Skibbereen, County Cork, P81 DH60

For 30 days, from 12th September 2022 and 11th October 2022.

Public Notice of the application was given for the dates of Public Consultation in the Irish Examiner and Southern Star newspapers.

No public submissions were received.

Prescribed Bodies Consultation for Appropriate Assessment

The Foreshore Section of the DHLGH conducted the Prescribed Body consultation on Appropriate Assessment. All consultation was undertaken to conform to the requirements of the Section S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

For this Appropriate Assessment, observations were requested from:

- Department of Housing, Local Government and Heritage (Marine Advisor - Environment)
- Department of Housing, Planning and Local Government (Marine Advisor - Engineering)
- Marine Institute
- Marine Survey Office,
- Inland Fisheries Ireland,
- Environmental Protection Agency
- Sea Fisheries Protection Authority
- Underwater Archaeology
- Natural Parks and Wildlife Services
- Department of Agriculture Food and Marine.

There were no objections to the conclusions of the Appropriate Assessment.

Environmental 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.

As part of the assessment of the foreshore licence application, Roughan & O'Donovan (ROD) were commissioned on 24th September 2021 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. 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) agreed with and accepted the Screening for Appropriate Assessment and its conclusions.

The Minister adopted the Screening for Appropriate Assessment report and determined that an appropriate assessment was required.

Following assessing the environmental information submitted as part of the appropriate assessment the IEC identified mitigation measures required to ensure that the proposed project, either individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site. The Marine advisor (Environment) agreed with and accepted the IEC's Appropriate Assessment Report and its recommendations, which are adopted as part of this assessment report.

EU Habitats Directive: Risk Assessment for Annex IV Species

Following a review of the proposed project, the IEC completed a Risk Assessment for Annex IV Species. This assessment concludes that the proposed project will not give rise to significant impacts on species listed under Annex II or IV of the Habitats Directive.

The Department's Marine Advisor (Environmental) has reviewed the IEC's Risk Assessment for Annex IV species Report [dated 22/06/2022] for the Foreshore Application FS007084 and agrees with the IEC's conclusion that the proposed project will comply with the strict protection afforded to Annex IV species by Article 12 of the Habitats Directive.

Having considered the totality of documentation attached to and prepared as part of the assessment of this application including but not exclusively the documentation submitted by Cork County Council, the submissions from the public and prescribed bodies' consultations and the IEC's Risk Assessment for Annex IV Species, it is concluded that the proposed development, subject to mitigation measures being implemented does not pose a detrimental risk to the environment or protected sites.

Estate Management

All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location and no claims of private ownership were raised during the application and public consultation process therefore, the foreshore the subject of this application is state owned.

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.

Having reviewed and assessed this application against the objectives of the NMPF, it is considered that the proposed works do not act significantly against any objective within the NMPF or wider Government Policy including climate change legislation. Furthermore, the project is aligned and secures key sectoral/activity objectives set out in under the ports, harbours and shipping section of the NMPF.

Public Interest

Section 2 and 3 of the 1933 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 foreshore is a finite and valuable national resource and 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 finite and valuable resource.

The submitted documentation, reports and assessments have been considered. The proposed development is limited in scale and extent. As such it is considered to be appropriate and needed for maritime use and enjoyment. In view of this it is recommended that a lease for the proposed development is in the public interest.

Application Assessment and Conclusion

The proposed activity is both necessary and appropriate for the ongoing safe marine use and navigation in and around Glengarriff harbour. The application has been assessed from an environmental point of view and subject to mitigation measures that were arrived at following an appropriate assessment procedure the proposed activity does not give rise to detrimental environmental effects. The submitted Prescribed Bodies reports have been considered and are noted. There is no objection in principle to the proposed activity being authorised.

The proposed activity aligns with Government marine policy and is necessary for public safety and continued safe navigation.

I recommend that a licence be approved under the foreshore Act for the activity proposed by this application.

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 form and supporting documentation and for no other purposes whatsoever.
2. The Drawing Titled Foreshore Licence Map, Drawing No: 19505-5001 Rev.D Date: 05.01.2021 should be attached to and referenced in the licence document
3. The dredging works shall be conducted in accordance with documents submitted and specifically drawings, Drawing No:19505-5003 Rev.C Date: 11.10.2019 and Drawing No:19505-5005 Rev.C Date: 11.10.2019
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.
5. The Licensee shall notify the local IFI office with contact details for the site supervisor at least 14 days in advance of commencing any works on the foreshore.
6. During the course of the works the Licensee shall ensure that existing public access arrangements are maintained, where possible, and all necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation.
7. The Licence shall remain valid for five years.
8. The works should be scheduled to take place over 3 weeks between the months of June and February inclusive each year.
9. All Mitigation Measures detailed in Section 7 of the Natura Impact Statement Report dated 22nd of July 2022 shall be implemented in full unless superseded by a specific condition stipulated within this licence.

10. A local Marine Notice shall be published for the information of all local maritime users detailing the proposed dredging campaign and any associated hazards to navigation arising for the duration of the licence period.
11. The NPWS “Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters” (NPWS 2014) shall be applied to all dredging and dumping operations.
12. No storage and/or refuelling of equipment, machinery or plant shall take place on the foreshore.
13. A documented Accident Prevention Procedure and an Emergency Response Procedure shall be put in place prior to commencement of the works. The procedure shall include an effective spillage control procedure. All staff involved in the works shall be properly briefed to prevent spills and leaks.
14. An Invasive Aquatic Species Management Plan shall be prepared and implemented to avoid the potential for the introduction and spread of alien invasive aquatic species. The plan shall include systems to ensure: Boats and marine equipment shall be free of fouling by the use of appropriate application of antifouling paints and/or wash downs for smaller boats and plant. A record of all antifouling procedures implemented shall be kept for the duration of the project.
15. The Licensee shall ensure that contractors, and their subcontractors, are made aware of all conditions and project specific requirements and they are required to have briefings on these to ensure all parties are fully aware of these requirements.

Colin Ryan- BA (Hons), MsC, MBA,MIPI
Senior Planning Adviser
01/12/2022