

FS007037

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

ON

FORESHORE LICENCE APPLICATION ON BEHALF OF

CORK COUNTY COUNCIL

FOR

DREDGING WORKS

AT

BALLYCOTTON HARBOUR, CO. CORK

Feb 23

Assessment Report

This is the technical assessment for a foreshore licence for the proposal to dredge at Ballycotton Harbour (FS007037)

Proposal

Cork County Council has submitted an application for a Section 3 Foreshore Licence, for the duration of 5 years, for dredging at Ballycotton Harbour Co. Cork.

Location application

The proposed works are to take place in Ballycotton Harbour, Ballycotton, County Cork. The proposed disposal location for the dredged materials is 6 km due South of Power Head, County Cork.

Total area of foreshore the subject of the application: Dredge area: 1.13 ha, Dump site: 377.8ha.

Outline of proposal

Cork County Council propose dredging works to maintain safe navigation and mooring for vessels at Ballycotton Harbour, County Cork. The majority of the dredged material will be disposed of at sea and a small amount of the dredged material, which is contaminated, will be processed at an appropriate on land facility.

The harbour consists of a pier and breakwater, which protects an area of water which is occupied by up to approximately 70 vessels. The vessels are mostly fishing or angling boats, a few leisure boats, a small ferry for trips to the lighthouse and the RNLi All Weather Trent Class Lifeboat. There is a small landing pontoon adjacent to the pier which is subject to a licence granted under FS005873. Irish Water have application FS007022 under consideration for a licence to construct a temporary work area which overlaps partially with the proposed dredge area, however basic sequencing and communications should ensure the works don't conflict.

Technical details and duration of dredging

The proposal is to dredge an area adjacent to the main pier at Ballycotton Harbour to bedrock or to -3.5m Chart Datum (CD), whichever is achieved first, the remainder of the harbour adjacent to the breakwater shall be dredged to bedrock or to -2.5m CD whichever is achieved first. It is proposed to dispose of approx. 19,500m³ of suitable dredged materials at the previously used Dumping at Sea site approx. 6km South of Power Head and 16km southwest of Ballycotton. It is proposed to dispose of approx. 1,500m³ of contaminated dredged material to a suitably licenced on land processing facility.

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

The Foreshore Section of the DHLGH conducted the public consultation. The application documents were available to view for 30 days, from 26th July 2021 to 24th August 2021.

Notices announcing the consultation were published in the Irish Examiner and Southern Star newspapers.

No public submissions were received.

Public Consultation in accordance with R42 of EC Birds and Natural Habitats Regulations 2011 (as amended).

Following a screening in of the application 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 and supporting documents were available on the Department's website and to view at:

- Midleton Garda Station , Oliver Plunkett Place, Midleton, Co. Cork, P25 Y439
- Cork County Council Planning Department , Cork County Council, County Hall, Cork, T12 R2NC
- Midleton Library, Main Street, Midleton, Co. Cork, P25 W085.

For 30 days, from 8th August 2022 and 6th September 2022.

Notices announcing the consultation were published in the Irish Examiner and Southern Star newspapers.

No public submissions were received.

Prescribed Bodies Consultation 2021

The Foreshore section of the DHLGH conducted a prescribed body consultation in 2021.

Observations were requested from:

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

Prescribed Bodies Consultation 2022

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,
- Sea Fisheries Protection Authority
- Underwater Archaeology
- Natural Parks and Wildlife Services
- Department of Agriculture Food and Marine.

There were no objections to the Appropriate Assessment.

Environmental 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 department's Marine Advisor completed a Screening for Appropriate Assessment report in June 2022, which concluded that likely significant effects as a result of this project, alone or in-combination with other plans and projects, on the conservation objectives of European sites cannot be excluded and therefore an Appropriate Assessment is required.

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

Following submission of an appropriate assessment and its assessment it was concluded that the proposed project, either alone or incombination with other projects, will not adversely affect the integrity of any European Site, subject to compliance with mitigation measures. This conclusion is agreed with and forma part of the of the basis for this assessment.

EIA Screening

The Department's Marine Advisor concluded that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. This conclusion is agreed with.

Risk Assessment for Annex IV Species

A review of the applicant's environmental reports provided sufficient relevant information to carry out a Risk Assessment of Annex IV species. To accommodate dredging at all times of the year it is recommended that the DAHG Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters (DAHG 2014) is followed strictly.

With implementation of the above mitigation measures, it is very unlikely that there will be negative residual impacts from the proposed works on Annex IV species in the area. It is also very unlikely that any animals will be injured or killed as a result of the proposed works. The Department's Marine Advisor agrees with and accepts the Risk Assessment for Annex IV species including the mitigation measures outlined in section 4 of the Risk Assessment report.

It is concluded that subject to site specific conditions that the proposed activities will not have a detrimental effect on the environment.

Estate Management

The proposed activity is in line with the promotion of safe navigation and is in line with the prudent use of the states maritime estate.

National Marine Planning Framework (NMPF)

This proposal is aligned with objectives of the NMPF in particular, 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 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.

The proposed works are to ensure the safe operation of the harbour and safe navigation and mooring of vessels within the harbour. Harbours such as Ballycotton are the gateway to the sea and are fundamental infrastructure that supports public access, marine leisure, tourism, sea fishing, communications and the associated local community and economy.

Considering this The Department's Marine Advisor is satisfied that the proposed dredging and disposal at sea are in the public interest.

Application Assessment and Conclusion

This application is to allow for the continued dredging of Ballycotton harbour. This is necessary to allow for the safe navigation of shipping using the port facilities.

The application has been assessed for its implications for the environment and subject to conditions it is concluded that the proposed activity will not have negative effects on the environment.

In view of the need to maintain safe navigation channels to active ports and taking account of the totality of the documentation on file relating to this application, it is recommended that a licence be granted for the period applied for, for the activities proposed in this application, subject to the conditions attached 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 following drawings shall be attached to and referenced in the licence document;
 - Foreshore Licence Map 1, Drawing Number: CM1123-BLP-ZZ-DR-C-00004, Date: 22/03/21, Rev: 03, 06/2021,
 - Foreshore Licence Map 2, Drawing Number: CM1123-BLP-ZZ-DR-C-00005, Date: 22/03/21, Rev: 03, 06/2021,
3. A valid Dumping At Sea Permit shall be in place and a copy of the permit shall be submitted to the Marine Planning and Foreshore Section of the Department of Housing, Local Government and Heritage prior to the works proceeding.
4. Irish Water have application ref. FS007022 under consideration for a licence to construct a temporary work area which overlaps partially with the proposed dredge area. If approved the licensee shall coordinate with Irish Water in terms of sequencing to ensure both set of works don't conflict.
5. A fore and aft mooring within the Harbour shall be available at all times throughout the duration of the dredging for the RNLI Trent Class Lifeboat. This shall require coordination and agreement of the RNLI to relocate their mooring as the dredging works proceed or as otherwise agreed with the RNLI.

6. The licensee shall notify the Marine Planning and Foreshore Section of 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.

7 The licensee shall ensure that any vessels used are free of invasive marine species on their hulls and in their ballast water. Method statement to that effect shall be submitted to the competent authority prior to the deployment of the deployment of the vessel(s).

8. Strict adherence during dredging operations to the DAHG 2014 Guidance to manmade sound sources in Irish waters must be undertaken.

9. All mitigation measures outlined in the submitted appropriate assessment shall be complied with.

10. Archaeological monitoring is to take place of all works that involve an impact to the seabed and foreshore, as below:

a. The services of a suitably qualified and suitably experienced underwater archaeologist shall be engaged to carry out the archaeological monitoring.

b. The archaeological monitoring shall be licensed by the Department of Housing, Local Government and Heritage and a detailed method statement that sets out the monitoring strategy is to accompany a licence application. A Finds Retrieval Strategy shall be included in the methodology and all excavated deposits shall be spread and metal detected (under licence) to recover any archaeological objects that they may contain.

c. The monitoring archaeologist shall obtain a dive survey licence in order to facilitate investigation of underwater archaeological materials should they be uncovered/identified.

e. A communication strategy is to form part of the monitoring strategy to ensure full communication is in place between the monitoring archaeologist and the plant operator(s) at all times during works. The archaeological personnel undertaking the monitoring will be in a position to monitor directly all elements of the works, to ensure they have unobstructed views of the excavations, and the plant and machinery operators shall be prepared to facilitate the archaeological personnel in the undertaking of their monitoring work.

f. Should archaeological materials be found during the course of monitoring, the archaeologist shall have work on the affected area of the site stopped pending further archaeological investigation and a decision by the Department regarding appropriate mitigation. The developer shall be prepared to be advised by the National Monuments Service with regard to any mitigating action

(preservation in-situ and/or excavation). The developer shall facilitate the archaeologist in recording any material found.

g. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

11. A 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.

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