

Mr Rory O'Connor,
Foreshore Unit,
Department of Housing, Local Government and Heritage,
Newtown Road,
Co. Wexford
19th of October 2021

Environmental Report and Statutory Declarations

Re: Foreshore Licence Application for maintenance on the rock armour revetment at the Murrough, Wicklow Town - FS007004.

Applicant: The Office of Public Works

I have reviewed the application and all the environmental documents associated with the Foreshore Application FS007004 by the OPW for maintenance on the rock armour revetment at the Murrough, Wicklow Town. My comments on and recommendations for this application are as follows:

Having regard to the Habitats Directive, the EIA Directive and the prescribed bodies' consultation I, as Marine Adviser – Environment, carried out a **Screening for Appropriate Assessment Report** on the proposed project. Please find attached a copy of same.

Environmental Impact Assessment Regulations: The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. Please find attached the EIA Pre-Screening document.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): Following a review of the proposed project and the applicant's Screening for Appropriate Assessment, I undertook a **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on any European site.

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.

Request for Further Information

Further information was requested and received during the decision making process. The Further information was not deemed significant and had no bearing on the outcome of the assessment. Therefore an additional period of consultation was not required.

Conclusion/recommendations:

Having considered the information submitted in support of the application, I have no objection to the granting of a Section 3 Licence subject to the following conditions:

1. A pedestrian management system is in place for the duration of the works.
2. All refuelling of machines and equipment must take place well away from the shoreline. All fuels, lubricants and hydraulic fluids must be kept in secure bunded areas away from the shoreline. The bunded area shall accommodate 110% of the total capacity of the containers within it.
3. An effective spillage control procedure must be put in place with all staff properly briefed. Any waste oils or hydraulic fluids shall be collected, stored in appropriate containers and disposed of offsite in an appropriate manner. Spill kits, with an appropriate capacity for the contaminants used on site must be kept on site and must be made available throughout the construction process.

4. IFI must be included in an Emergency Response Plan as a notifiable body in the event of water pollution occurring during construction works. Particular attention to activities likely to generate suspended solids and/or other pollutants and the proposals to prevent these pollutants need to be specified.
5. Measures must be taken during all aspects of construction to ensure that no concrete is allowed to enter intertidal waters whether from pouring or mixing of cementitious material.
6. The CEMP should be forwarded to the local IFI Environmental Officer

Signature and Date of Marine Advisor :  19th October 2021

Appendix 1

TECHNICAL/ENVIRONMENTAL CLARIFICATIONS REQUESTED AND RECEIVED

As part of the environmental assessment of this application by the Departments Marine Advisor (Environmental), the following clarifications were requested.

REQUESTED:

1. The work is to commence in Spring months, will it be finished before overwintering species arrive?
2. Have the OPW considered incorporating structures and materials that will encourage biodiversity <http://www.ecostructureproject.eu/publications/>?

RESPONSES RECEIVED:

1. It is intended to commence the works in Spring 2022, subject to the Foreshore Lease being granted, with the construction phase expected to last approximately 2 months.
2. Alternative structures and materials were considered in the design of the proposed works, however, the rock armour option was chosen as the works are considered to be maintenance in accordance with the Coast Protection Act, 1963 which provides the Commissioner of Public Works in Ireland with powers to “...execute such improvements to works as appear to them to be minor matters properly capable of being regarded as maintenance”. In addition, the proposed option will mainly consist of natural rock materials which by its nature will attract biodiversity (e.g. algae, lichens, etc.) as opposed to other options such as concrete armour units.

EIA Pre-Screening

EIA legislation sets down the types of projects that may require an EIA. Annex I of Directive 2011/92/EU, as amended by Directive 2014/52/EU, defines mandatory projects that require an EIAR and Annex II lists projects which can be subject to case by case analysis or thresholds to be determined by member states.

In the case of development which is under the relevant threshold, the consent authority is required to request an EIAR where it considers that the proposed development is likely to have significant environmental effects. The decision as to whether a development is likely to have such effects must be taken with reference to the criteria set out in Annex III (Schedule 7) inserted by (the Planning and Development Regulations 2001, as amended, (S.I. No. 600 of 2001)) the above Directive and the national guidance developed to assist.

Name of Proposed Development: Maintenance on the rock armour revetment at the Murrough, Wicklow Town.

Foreshore Reference, where applicable: FS007004

Question 1: Is the proposed development included in Annex I and II of the Directive (Schedule 5 to the P& D Regs)?

- If Yes: EIA is required.
- If No, proceed to Q2.

Answer: No

Question 2: Is the proposed development of a type/class included in Annex I and II of the Directive (Schedule 5 to the P&D Regs) but below the threshold specified?

- If Yes, but the development is below the quantity/area/other threshold, proceed to Q3.
- If No, no EIA or Screening for EIA is required.

Answer: No

Question 3: Are significant effects likely?

To decide whether significant effects are likely, use the Annex III of the Directive (Schedule 7 of the P&D Regs)

- If Yes, significant effects are likely; an EIA is required.
- If No, no significant effects are likely; no EIA is required.

Answer: N/A

Access to Information:

- The Consent Authority's process must be documented.
- A record of the decision and the decision-making process must be made public.

Appendix 3

Screening for Appropriate Assessment Determination

Project reference: FS007004 Maintenance on the rock armour revetment at the Murrough, Wicklow Town.

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 undertake maintenance on the rock armour revetment at the Murrough, Wicklow Town, 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(7) 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 not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on any European site. The risk of likely significant effects on European sites can 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:  18th October 2021

Signature and Date of the Decision Maker: