

Suellen Sheelan

From: Manager Dau [Manager.Dau@ahg.gov.ie]
Sent: 19 July 2013 14:46
To: Planning Group- LCC
Subject: Re. Planning application 13/241 by Frazer Ferries
Attachments: 13241 npws & uau obs.pdf; ATT746784.txt; ATT746785.htm

A Chara,

I refer to your notification with respect to the above proposed development application, please find hereunder nature conservation and underwater archaeological observations and recommendations of the Department of Arts, Heritage and the Gaeltacht, for consideration by your Authority.

*An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht*

Emmet Deegan,
Development Applications Unit,
Newtown Road,
Wexford

t: (053) 911 7384
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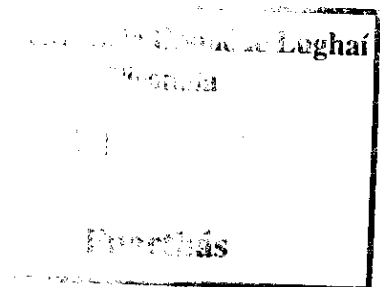


An Roinn
Ealaíon, Oidhreachta agus Gaeltachta
Department of
Arts, Heritage and the Gaeltacht

19th July 2013

Your ref: 13/241

Director of Services – Planning,
Louth County Council,
County Hall,
Millennium Centre,
Dundalk,
Co. Louth.



Re. Planning application 13/241 by Frazer Ferries for permission for the proposed construction of ferry terminal facilities adjacent to Greenore Port at Greenore Point , Shore Road, Greenore, County Louth.

A Chara,

I refer to your notification with respect to the above proposed development application, please find hereunder nature conservation and underwater archaeological observations and recommendations of the Department of Arts, Heritage and the Gaeltacht, for consideration by your Authority.

Nature Conservation

The Department notes that there will be permanent loss of 0.47 ha of Carlingford Lough proposed Natural Heritage Area (pNHA) and 0.22 ha of the Carlingford Shore candidate Special Area of Conservation (cSAC). Carlingford Shore cSAC is designated for perennial vegetation of stony banks and also for annual vegetation of drift lines. However the EIS survey shows these habitats are not present at the proposed site at Greenore (please see www.npws.ie for a description of the sites).

The NIS states there will be no negative impact on Brent Geese in the Carlingford Lough Special Protection Area (SPA) however there will be noise from piling and beach access will be necessary which will cause disturbance. More bird data is provided in chapter 6 of the EIS where it is stated no Brent Geese were found in the count area which includes the development footprint although up to 16 Black Guillemots were present and in the summer 21 Sandwich Terns were present. This is said to represent about 4% of the Northern Irish SPA population of Sandwich Terns. There may then be an ex-situ impact on the Terns in the Northern Irish SPA as a result of the Greenore development although the EIS considers any indirect impact of food resource depletion for Terns unlikely (table 6.24). Similarly the loss of habitat for Brent Geese at Greencastle in Northern Ireland (7 m² of shingle and 17 m² sandy intertidal flats) could be deemed to be an ex-situ impact

on the Carlingford Lough SPA in Ireland. However it is deemed not to be significant as only a peak count of 21 Brent Geese were found in the area. It is stated in the NIS that the birds will quickly habituate to the noise but that people create a greater disturbance. The construction is to last approximately 6 months but no indication is given in the NIS as to how many people or what machines will be involved on the beach. Louth County Council may wish to request FI on this issue or to consider restricting construction to a certain time of the year to minimise impacts on birds.

The conservation objectives given for the SAC and SPA are out of date, they are draft generic ones. The EIS is dated 2013 and the conservation objectives on the Departmental website www.npws.ie are dated 2012 for the SPA and 2011 for the SAC.

It is stated in the EIS that an oil spill plan will be submitted at foreshore licence application stage (page 3-4) and, prior to commencement, a CEMP will be submitted to the planning authorities and statutory nature conservation bodies for approval (page 6-59). You should refer to Circular Letter PD 2/07 and NPWS 1/07 on the use of compliance conditions issued by the National Parks and Wildlife Service of this Dept. which can be found at <http://www.npws.ie/planning/appropriateassessment/>. In order to allow for a complete assessment, it is essential that any mitigation measures detailed in the EIS and/or NIS form part of a construction management plan which must be implemented by the successful contractor at construction phase. This should be detailed in the EIS/NIS. It is not possible to adequately assess the impact of the project without knowing the minimum standards and mitigation measures that will be in any construction methodology or plans.

In addition to the above comments the mitigation measures for marine mammals below should be a condition of any planning permission granted.

- No pile-driving operations must be undertaken within the period from June to September to allow for breeding and moulting of harbour seal within Carlingford Lough to proceed unimpeded. Disturbance during those periods would increase the potential for long-term effects to the population.
- A qualified and experienced marine mammal observer (MMO) must be appointed, with appropriate optical equipment to monitor for marine mammals, to inform the relevant sound-producing operations and to log all relevant events using standardised data forms.
- The MMO must advise the Works Superintendent 1 hour before scheduled activity if environmental conditions (e.g. sea state, light, visibility) are insufficient for effective visual monitoring. In such conditions, the activity of concern will be postponed until acceptable conditions prevail.
- The MMO should conduct pre-start-up constant effort watches at least 30 minutes before the sound-producing activity is due to commence, continuing monitoring during and for 30 minutes following the activity.
- Operations should not commence if marine mammals are detected within a 100m radial distance of the intended sound source, i.e. within the Monitored Zone.
- Marine mammals must not be harassed or chased from the area but allowed to leave of their own accord. Acoustic deterrent devices must not be used as a method to prevent animals

from entering or remaining within the 100m-radius Monitored Zone or any other nearby area.

- Sound-producing activity must not commence until at least 30 minutes have elapsed with no marine mammal detections by the on-site MMO.
- A clear on-site, communication signal should be agreed between the MMO and the Works Superintendent as to whether the relevant activity may or may not proceed. It may only proceed on positive confirmation with the MMO.
- Once begun, the activity may continue if weather conditions deteriorate or if marine mammals enter the 100m-radius Monitored Zone following start-up.
- Full reporting on MMO operations and mitigation undertaken should be made to the Department of the Arts, Heritage and the Gaeltacht (offshore@ahg.gov.ie).
- The noted operational plan for the ferry should be forwarded to this Department for comment once finalised. This should include detailed procedures in relation to mandatory speed limits and reporting of incidents of collision with marine mammals etc.

Underwater Archaeology

Having reviewed the Environmental Impact Statement (EIS) and other documentation associated with the scheme, the Department of the Arts, Heritage and the Gaeltacht have the following comments in relation to the predicted impacts of the proposed scheme on the archaeological heritage of the study area.

The predicted impact of the proposed scheme upon archaeological heritage is detailed in Chapter 16 of the EIS and Mitigation Measures are summarised in Section 16.7.

It is this Departments recommendation that all of the Mitigation Measures detailed are carried out in full.

Kindly forward any further information received or in the event of a decision being made a copy of same should be referred to the following address:

**The Manager,
Development Applications Unit (DAU),
Department of Arts, Heritage and the Gaeltacht,
Newtown Road,
Wexford**

Alternatively, documentation associated with the above can be referred electronically to the DAU at the following address:

manager.dau@ahg.gov.ie

LOUTH COUNTY COUNCIL

Planning Section, County Hall, Millennium Centre, St Alphonsus Road, Dundalk
Tel: 042/9335457 Fax: 042/9320080

PLANNING AND DEVELOPMENT ACT, 2000-2010

Date: 19/07/2013

TO: The Manager
Development Applications Unit
Department of Arts, Heritage and the Gaeltacht
Newtown Road
Wexford

ACKNOWLEDGEMENT OF SUBMISSION

Applicant: Frazer Ferries

Description of Development: Permission for the proposed construction of ferry terminal facilities adjacent to Greenore Port. The proposed works include:

- At Greencastle the construction of a reinforced concrete suspended pier (58m long), supported by vertical tubular piles & a reinforced concrete slipway (70m long) to allow vehicular access to the Ferry & 12 berthing piles with fenders & steel gangway to facilitate berthing & tying up of vessels overnight, new access & hardstanding for parking & queuing, kiosk for office & ancillary staff facilities, drainage & landscape proposals.
- Upgrade & widening to part of the Greencastle Pier Road & provision of passing bays.
- At Greenore construction of a reinforced concrete slipway (60m long) with 7 vertical tubular berthing & fender piles on the southern side to facilitate ferry berthing; relocation of existing Port entrance gates & weighbridge; realignment of existing boundary fence to northern side of Port; modification of entrance road layout, part demolition of gable walls of existing shed to allow through access for vehicles, use of existing hard stand area for parking & queuing, new lighting columns, new pedestrian footpath along the existing rock armour & replacement of existing fence on SE boundary with pedestrian bollards.
- Floating navigational marks anchored to the bed of the Lough & laid at the edges of the navigable channel to delineate appropriate channel boundaries or to mark shallow rock outcrops & provide for safety of navigation.

An Environmental Impact Statement & a Natura Impact Statement have been prepared in support of the planning application. This application may have transboundary environmental effects.

Location of Development: Greenore Point Shore Road Greenore.

Date Application Received: 14/06/2013

Type of Application: PERMISSION

A Chara

I wish to acknowledge receipt of your written submission/observation in relation to the above application.

The Planning Authority will take this submission/observation into consideration before a decision is made on the application. You will be notified of the decision as soon as it is made together with details of your right of appeal to An Bord Pleanala.

The application and all plans, etc. submitted with it are available for inspection at this office from 9 a.m. to 5 p.m. Monday to Friday. Please quote the planning reference number (13241) in any future correspondence or enquiry.

Mise, le meas

Suellen Sheelan
Planning Office

Viewing Local Authorities
purposes only!

PLANNING AND DEVELOPMENT REGULATIONS, 2006 (as amended)

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION
OR OBSERVATION ON A PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT!

**KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO
PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF
YOU WISH TO APPEAL THE DECISION OF THE PLANNING
AUTHORITY.**

LOUTH COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. 13/241

Frazer Ferries, Greenore Point, Shore Road, Greenore.

A submission/observation in writing has been received from

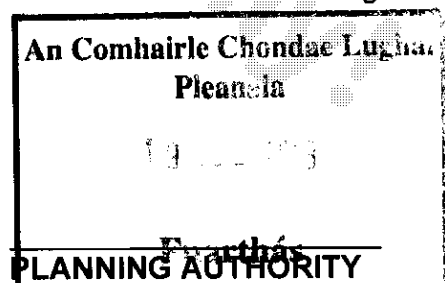
**The Manager
Development Applications Unit
Department of Arts, Heritage and the Gaeltacht
Newtown Road
Wexford**

on **19th July 2013** in relation to the above application.

The appropriate fee of **€00.00** has been paid.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2006 (as amended), and will be taken into account by the Planning Authority in its determination of the Planning Application.

Planning Office



DATE: 19/07/2013