

1. Ms. Martina Gallagher, Higher Executive Officer ✓ m. Gallagher 26/11/18
2. Ms Jeannine Dunne, Assistant Principal *Jeannine Dunne* 12/11/18
3. Mr. Roger Harrington, Principal *Approved R 14/11/18.*

**Foreshore Licence application by Irish Water in respect of Marine Site  
Investigation Works at White Bay, Whitegate, Co. Cork**

**Ref: FS 006835**

1. **Application:** The approval of the Minister is sought to grant a licence for a term of one (1) year under Section 3(3) of the Foreshore Act 1933 to Irish Water for the purpose of carrying out marine site investigation works at White Bay, Whitegate, Co. Cork.

The site investigation works proposed are:

- The drilling of six (6) 150mm boreholes using cable percussion and rotary core drilling. This will be carried out from a jack-up barge, floating pontoon or similar.
- The collection of five (5) sediment samples using a Van Veen grab or similar.
- Sub bottom profiling of the entire site investigation area involving the use of seismic reflection and refraction methods.

The purpose of the site investigations to gather the necessary information and data to inform the design and construction of an outfall from the proposed new wastewater treatment facilities in Whitegate– Aghada.

A Foreshore Licence Map indicating the location of the proposed boreholes and survey works is attached at **Tab 1**.

A Schedule of Survey works is attached at **Tab 2**.

2. **Companion Consents:** Planning permission is not required for Marine Survey works such as these.
3. **Public Consultation:** A public notice concerning this application was published in the "East Cork Journal" on 28 June 2018. The public display documents were made available in Midleton Garda Station, Midleton, Co. Cork for the required period of twenty one (21) working days (28 June to 27 July 2018).

No public submissions were received on foot of the public consultation.

4. **Prescribed Bodies Consultation:** Written submissions on the proposed development were received from this Department's Water and Marine Advisory

Unit (WMAU), the Marine Institute, the Department of Agriculture, Food and the Marine, the Marine Survey Office, Inland Fisheries Ireland, Cork County Council, the Underwater Archaeology Unit and National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltácht, and the Sea Fisheries Protection Authority.

There were no objections to the proposed development.

5. **Environmental Assessment:**

**EIA Screening:** The proposed works are not of a class that requires a mandatory EIS under the EIA Directive. **Tab 3**

**Appropriate Assessment:** The project was screened for Appropriate Assessment (AA). A Finding of No Significant Effects Report has determined that there will be no significant adverse effects as a result of the proposed works on the Conservation Objectives of the adjacent Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (Site Code: 001058). **Tab 4.**

**Marine Lease Vetting Committee (MLVC) assessment and report:**

Considering the nature, scale and location of the proposed work the MLVC concludes that, subject to compliance with the conditions set out below at **Tab 6**, the proposed works would not have a significant negative impact on the marine environment, would have a significant negative impact on any Natura 2000 site and therefore, is agreeable to the grant of the licence to facilitate the proposed development. See report attached at **Tab 5.**

6. **Financial Considerations:**

Irish Water has accepted the licence fee of

7. **Agreement of applicant:** Irish Water has agreed to the specific conditions which would be attached to the licence, if granted. **Tab 6**

8. **Recommendation:**

Having regard to:

- the application for a Foreshore Licence together with accompanying documents;
- the submissions received from Prescribed Bodies;
- the applicant's responses to the submissions of the Prescribed Bodies;
- the public consultation undertaken;
- the AA screening performed;
- the EIA screening performed;
- the assessment of the proposed development by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard; and
- the consent conditions to be attached to the Foreshore Licence, if granted

it is considered that:

- the proposed works on the foreshore would not have a significant negative impact on the marine environment and would not significantly affect the integrity of any Natura 2000 sites.

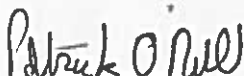
It is recommended that a Foreshore Licence be granted subject to the conditions recommended by the MLVC and the licence fee set out above.

**9. Notification of Minister's Determination:**

If approval is granted by the Minister, Irish Water will be informed accordingly, an appropriate licence will issue and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website. The Notice of Determination will address:

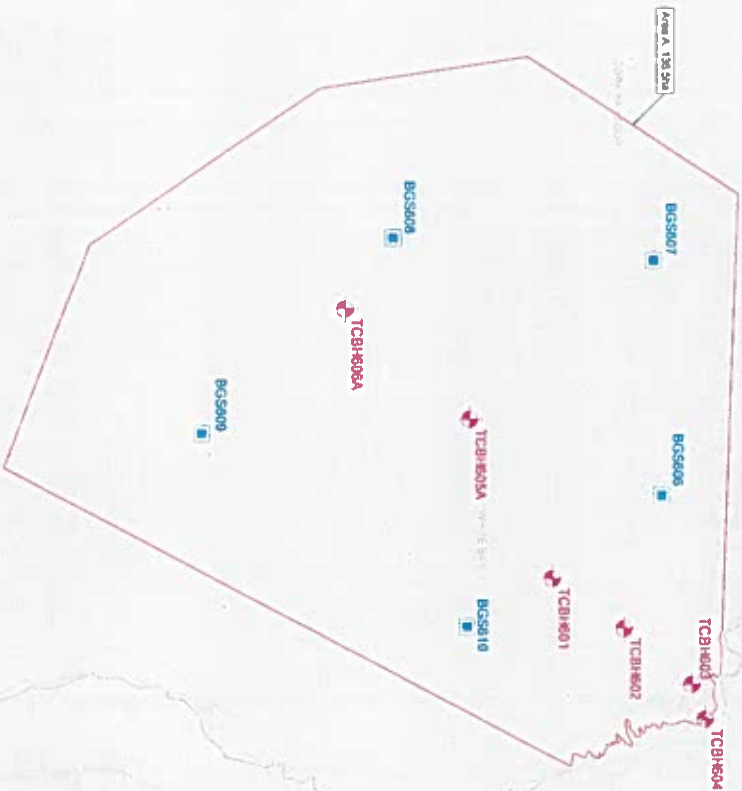
- the outcome of the Minister's determination of the application;
- the main reasons and considerations for the Minister's determination;
- a statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office; and
- confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted, please, to grant a licence under Section 3(3) of the Foreshore Act, 1933. The draft licence (in duplicate) in the pouch across is submitted for signing please.



Patrick O'Neill

26 November 2018



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**LEGEND**

- Borehole
- Borehole
- Foreshore Licence Area (136 Sha)



1. DRAINAGE SURVEY AND LAND USE/COVER MAPS
2. THE DRAWING TO BE READ IN CONJUNCTION WITH THE DATA FROM THE SURVEY AND MAPS
3. ANY CHANGES TO THE DATA ARE TO BE INDICATED BY A RED LINE
4. ANY CHANGES TO THE DATA ARE TO BE INDICATED BY A RED LINE

NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/10/2011	Initial Design	Barry Mc Donald	Barry Mc Donald
2	10/10/2011	Final Design	Barry Mc Donald	Barry Mc Donald

**BYRNELLOOBY**  
**PHMCCARTHY**

2700 Cork Airport Business Park, Kildare Road, Cork  
 Email: [info@byrnellooby.com](mailto:info@byrnellooby.com) www.byrnellooby.com

**ARUP**

Attn: Barry Mc Donald  
 Tel: +353 (0)1 427 2000  
 www.arup.com

UTAS, CORR BUNDLE  
 WHITEGATE, AOHADA

FORESHORE LICENCE MAP

FOR INFORMATION

CERTIFY THAT THE AREA OF  
 THE FORESHORE LICENCE  
 AREA IS 136 SHA  
 SIGNED *Barry Mc Donald*  
 POSITION *Associate*

# Schedule of Proposed Marine Ground Investigation Locations – Whitegate Aghada UTAS

Schedule to be read in conjunction with Drawing (W-10015229-03-04-001 and the supporting information provided with the application for the foreshore licence for the ground investigation for the UTAS project at Whitegate Aghada.

GI Number	Type <sup>2</sup>	Length	Depth	A (starting)		B (ending)		Surface Type	Vessel Type	Remarks
				Eastings <sup>3</sup>	Northing	Eastings	Northing			
BGS606	BGS	N/A	N/A	582241	561754	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
BGS607	BGS	N/A	N/A	581783	561738	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
BGS608	BGS	N/A	N/A	581737	561230	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
BGS609	BGS	N/A	N/A	582117	560857	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
BGS610	BGS	N/A	N/A	582497	561375	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
TCBH601	BH/RC	N/A	15	582402	561541	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
TCBH602	BH/RC	N/A	15	582501	561679	n/a	n/a	Foreshore	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
TCBH603	BH/RC	N/A	15	582610	561812	n/a	n/a	Beach	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
TCBH604	BH/RC	N/A	15	582671	561833	n/a	n/a	Beach	Jack up barge/Floating Pontoon	Foreshore <sup>9</sup> Arch <sup>8</sup>
GP601	GP	50		582367	561534	582408	561505	Foreshore	Boat with trailing equipment	Geophysics <sup>10</sup>
GP602	GP	50		582431	561824	582472	561595	Foreshore	Boat with trailing equipment	Geophysics <sup>10</sup>
GP603	GP	50		582495	561714	582536	561685	Foreshore	Boat with trailing equipment	Geophysics <sup>10</sup>
GP604	GP	270.5		582373	561499	582530	561720	Foreshore	Boat with trailing equipment	Geophysics <sup>10</sup>
Sub bottom	GP	138ha. Approx.						Foreshore	Boat with trailing equipment	Sub-bottom <sup>11</sup>

## Notes:

- BH = Borehole, RC = Rotary Core, ST = Silt Trench, TP = Trial Pit, IP = Inspection Pit, BGS = Benthic Grab sample, PLT = Plate Load Test, WAC = Waste Acceptance Criteria Sample, SPA = Special Protection Area ([www.npws.ie](http://www.npws.ie)), ATT = Archaeological Test Trench.
- Coordinates given in ITM
- An archaeologist may be required at these locations. Contact archaeologist before excavating for specific requirements.
- Benthic surface grab sample. See foreshore licence and Section 2.4.6 and 2.9 for restrictions.
- Geophysical survey including underwater MASW and seismic refraction as per this specification.
- Sub bottom profiling as per the BOQ and drawings

## Foreshore Guidance Document

### Screening for EIA

EIA Directive (85/337/EEC as amended by 97/11/EC and 2003/35/EC) requires that certain developments be assessed for likely environmental effects (environmental impact assessment) before consent can be granted. When submitting an application for such a development on the foreshore, the applicant must also submit an Environmental Impact Statement (EIS). General EIA requirements are set out in the EC (EIA) Regulations 1989 (as amended) including Schedules 1 and 3 inserted by the EIA regulations 1999 (S.I. No. 93 of 1999).

In the case of development which is under the relevant threshold, the consent authority is required to request an EIS 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 Schedule 3 inserted by the 1999 regulations and the national guidance developed to assist.

**Name of Proposed Development:** Marine Site Investigation Works at White Bay, Whitegate, Co. Cork

**Foreshore Reference, where applicable:** FS 006835

**Question 1: Is the proposed development included in the 1<sup>st</sup> Schedule of the 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 the 1<sup>st</sup> Schedule but below the threshold specified?**

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

**Answer:** No

**Question 3: Are significant effects likely?**

To decide whether significant effects are likely, use the 3<sup>rd</sup> Schedule of the 1999 regs (via the EIA Screening Checklist and, where required, the EIA Significant Effects Checklist):

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

**Answer:** \_\_\_\_\_

#### **Access to Information:**

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

### Finding of no significant effects report:

Name of project or plan:	Irish Water – Foreshore Licence Application for Marine Site Investigation Works at White Bay, Whitegate Co Cork (FS006835).
Name and location of Natura 2000 site:	<p>The project is not located within a Natura 2000 site nearest Natura 2000 Sites are,</p> <ul style="list-style-type: none"> <li>• Cork Harbour SPA – Site Code 004030. Circa 1.8km north</li> <li>• The Great Island Channel SAC – Site Code 001058 Circa 7.8km north</li> </ul> <p>See attached Site Synopsis and Conservation Objectives.</p>
Description of the project or plan	<p>The proposed marine site investigations will include:</p> <ul style="list-style-type: none"> <li>• Drilling of 6 No. 150mm boreholes to a depth of circa 6m. This will be carried out from a jack-up barge.</li> <li>• Collection of 5 No. sediments samples using a VanVeen grab or similar.</li> <li>• Sub bottom profiling of the entire site investigation area involving the use of seismic reflection and refraction methods.</li> </ul>
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.	<p>Disturbance to habitats.</p> <p>Disturbance to species.</p> <p>Deterioration of Water Quality.</p>
Explain why these effects are not considered significant.	<p>There is no spatial overlap of survey works and the Natura site. The works will not result in habitat loss, there will not be significant disturbance to key species and there will be no habitat or species fragmentation. There will be no direct discharge of pollutants into the environment during the works and water/habitat quality will not be affected. It is concluded that the marine site investigation works do not pose a significant risk to the conservation features of the adjacent sites and as such does not require a full appropriate assessment.</p> <p>On the basis of the above it is considered that there will be no significant effects on the qualifying interests of the adjacent Natura 2000 site.</p>
Who carried out the assessment?	Barry Mc Donald, M.Eng, MLVC & DHP&LG , 31 October 2018
Sources of Data	<p>Applicants Report for Screening for Appropriate Assessment.</p> <p>Applicants Response to Prescribed Bodies Observations.</p>

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

**on**

**FORESHORE LICENCE APPLICATION FOR MARINE SITE INVESTIGATION  
WORKS AT WHITE BAY, WHITEGATE, CO. CORK. (FS006835).**

**APPLICANT: IRISH WATER**

**Mr. Barry McDonald M.Eng.  
Marine Licence Vetting Committee  
30 October 2018**



**Irish Water – Foreshore Licence Application for Marine Site Investigation Works at White Bay, Whitegate, Co. Cork. (FS006835).**

**Project Description**

Irish Water has submitted an application for a foreshore licence to carry out marine site investigations on the foreshore at White Bay, Whitegate, Co. Cork. The purpose of the site investigations is to gather the necessary information and data to inform the design and construction of an outfall from the proposed new waste water treatment facilities in Whitegate– Aghada

It is proposed that the site investigations will include:

- Drilling 6 No. 150mm boreholes using cable percussion and rotary core drilling. This will be carried out from a jack-up barge, floating pontoon or similar.
- Collection of 5 No. Sediment samples using a Van Veen grab or similar.
- Sub bottom profiling of the entire site investigation area involving the use of seismic reflection and refraction methods.

Details of the proposed investigations are provided in the document entitled "UTAS – Whitegate – Aghada Site Investigation. Supporting Information for Foreshore Licence Application - Marine Based Ground Investigation", dated 8 May 2018 submitted by the applicant.

The location of the proposed site investigations are shown in the following drawing submitted by the applicant:

- Drawing Number IW-10015229-03-04-001 "Foreshore Licence Map, Rev. 1, dated 4 April 2018.

The area of foreshore involved is circa 136.5Ha in total.

It is anticipated that the geotechnical survey (drilling of boreholes and collection of grab samples) will take 4 – 6 weeks to complete. It is anticipated that the geophysical survey will take 4 weeks to complete and will be carried out in advance of the geotechnical survey works.

The project is not of a class that requires the submission of an Environmental Impact Statement.

The proposed works are not located within a designated Natura 2000 site. The site of the proposed works is circa 1.8 Km from the nearest boundary of the Cork Harbour SPA (Site Code 004030) and circa 7.8Km from the nearest boundary of the Great Island Channel SAC (Site Code 001058).

A separate Screening for Appropriate Assessment and a finding of no significant effects report of the proposed works on the qualifying interests and the conservation objectives of the Natura 2000 sites has been carried out.

### **Public Consultation**

A public notice concerning this application was published in the "East Cork Journal" on June 28<sup>th</sup> 2018. The public display documents were made available in Midleton Garda Station, Midleton, Co. Cork for the required period of twenty one (21) working days (June 28<sup>th</sup> to July 27<sup>th</sup> 2018).

No public submissions were received on foot of the public consultation.

### **Prescribed Bodies Consultation:**

Observations on the project were received from this Department's Water and Marine Advisory Unit, the Development Applications Unit of DCHG (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of DAFM, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority, Marine Survey Office, and Cork County Council.

There were no objections in principle to the proposed site investigations.

### **Issues Considered**

The following documents were considered:

- Foreshore Licence Application and supporting documentation.
- Written submissions from the Water and Marine Advisory Unit of DHPLG, the Development Applications Unit of DCHG (Nature Conservation and Underwater Archaeology), Aquaculture and Foreshore Management Division of DAFM, Marine Institute, Inland Fisheries Ireland, Sea Fisheries Protection Authority, Marine Survey Office and Cork County Council.
- The applicant's responses to the Prescribed Body submissions.

### **MLVC Conclusions**

On the basis of the information provided by the applicant and the observations provided by the State Bodies as listed above, the MLVC concludes that, subject to compliance with the specific conditions set out below the proposed works would not have a significant negative impact on navigation, fishing, the marine environment or protected species and habitats, would not impact on other legitimate uses or users of the foreshore area in question and would not have a

significant effect on the qualifying interests and conservation objectives of the adjacent Natura 2000 sites. The MLVC, therefore, recommends that a licence be granted.

### **Proposed Licence 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 Licensee shall notify the Department of Housing, Planning and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
3. The works shall be conducted in accordance with documents submitted with the application.
4. The works shall be conducted within the area marked in red on the drawing titled Foreshore Licence Map, Drawing number IW-10015229-03-04-001 Rev: 1, dated: 30/04/2018 and in accordance with the Schedule of Proposed Marine Ground Investigation Locations – Whitegate Aghada UTAS (copies attached)
5. The Licensee shall consult with local fishermen if there is going to be an exclusion zone put into effect for the duration of the drilling.
6. No refuelling of equipment, machinery or plant shall take place on the foreshore.
7. The timing of any seismic surveying shall be agreed in advance with IFI (Macroom) in the context of migratory fish species using the survey area for access to and from Cork Harbour and tributary rivers.
8. The Licensee shall use soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day.
9. The duration of noise-generating surveys shall be reduced to the minimum necessary to collect results of sufficient quality.
10. No storage of machinery or plant shall take place on the foreshore.
11. The Licensee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to the foreshore occur during the works.

12. The Licensee shall arrange the publication of a local marine notice. This local marine notice should give a general description of operations and approximate dates of commencement and completion. An advertisement in a locally read newspaper will suffice.
13. The Licensee shall ensure that all vessels/floating plant have appropriate certification from the Marine Survey Office.
14. The Licensee shall consult with the Port of Cork prior to the commencement of and during any works.
15. The results of the SI works (e.g. cores, grab samples, etc.) shall be included in an Underwater Archaeological Impact Assessment (UAIA) to be submitted to the Department of Culture, Heritage and the Gaeltacht prior to any future proposed works being undertaken.

### **Site Specific 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 Licensee shall notify the Department of Housing, Planning and Local Government at least 14 days in advance of the commencement of the works on the foreshore.
3. The works shall be conducted in accordance with documents submitted with the application.
4. The works shall be conducted within the area marked in red on the drawing titled Foreshore Licence Map, Drawing number IW-10015229-03-04-001 Rev: 1, dated: 30/04/2018 and in accordance with the Schedule of Proposed Marine Ground Investigation Locations – Whitegate Aghada UTAS.
5. The Licensee shall consult with local fishermen if there is going to be an exclusion zone put into effect for the duration of the drilling.
6. No refuelling of equipment, machinery or plant shall take place on the foreshore.
7. The timing of any seismic surveying shall be agreed in advance with IFI (Macroom) in the context of migratory fish species using the survey area for access to and from Cork Harbour and tributary rivers.
8. The Licensee shall use soft-start and ramp-up procedures for any sound-generating surveys undertaken – both on a day-to-day basis and on re-start after any stoppages within any day.
9. The duration of noise-generating surveys shall be reduced to the minimum necessary to collect results of sufficient quality.
10. No storage of machinery or plant shall take place on the foreshore.
11. The Licensee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to the foreshore occur during the works.
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