

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)

on

**FORESHORE CONSENT APPLICATION IN RESPECT OF THE PROVISION
OF PONTOONS AT BERTH NO 50 DUBLIN PORT**

by

DUBLIN PORT COMPANY

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Water and marine Advisory Unit
Marine Licence Vetting Committee
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Dublin Port Company– Foreshore Consent application in respect of the provision of pontoons at Berth No 50, Dublin Port. (FS006806)

Background

In November 2017 Dublin Port Company submitted an application for a foreshore licence to facilitate the provision of pontoons at Berth No 50 for tug boats in Dublin Port. Dublin Port Company (DPC) own and operate 2 No. tug boats known as the Beaufort and Shackleton. These vessels are operated and provide 24/7 (365 days a year) essential services within Dublin Port, ranging from Vessel Berthing assistance to Vessel towing under the direction of DPC Harbour Master personnel. The tug boats were originally berthed on Ocean Pier, Berth 32 and as part of the Alexandra Basin Redevelopment; Berth 32 was redeveloped to house a new Linkspan. Therefore, an alternative berth is now required. The proposed berth (i.e. North end of Berth 50) was selected by the applicant in consultation with DPC Harbour Master Offices as it offers a safe means of entry and exit routes on a 24/7 basis for the tug boat Masters. Furthermore the proposed berth is protected from main vessel traffic and offers significant wind protection. The proposed berth location at Berth No 50 is therefore considered the ideal location for the provision of this essential service.

The proposed works involve:

The works (the provision of the berth and road) includes the provision of a new road, tug boat berth pontoon system, car park, lighting, CCTV and new security fencing along sections of the boundary of the proposed scheme together with a security gate. This application focuses on the foreshore element i.e. the provision of a tug boat berth at the North end of Berth 50 in Dublin Port.

The proposed berth is a pontoon system comprising a number of floating dock sections (pontoons), which rise and fall with the tide. An access walkway will connect the pontoons to the quay wall. The pontoons and walkway shall be clamped to vertical guides to keep them in position as shown in Figure 1C of Drawing No. 170157_4100_1A Typical Construction Details (Sheet 1). The vertical guides shall be fixed to the existing sheet pile quay wall as indicated in Drawing No. 170157_2100_1A Pontoon Layout. The access walkway shall also be designed to rise and fall with the tides. The proposed pontoons and walkway shall be manufactured off-site. There is no marine piling required as part of the proposed development. The proposed pontoon will incorporate life-saving equipment, lights and electrical junction box (to connect the tugs to a shore power supply). The pontoon will be illuminated by pole mounted LED fittings to lux levels indicated by CIBSE standards. The fittings will be modern low glare and low spill luminaires suitable for a Marine environment. The edges of the pontoon shall be strongly fendered. Specialist contractors will be engaged to carry out the required marine works. A proposed pontoon layout is provided on drawing 170157-2100-1 included with this application.

The location and details of the proposed works on the foreshore is shown in the following Drawings submitted by the applicant:

- Drawing Number 170157-2000-1 “Site Context Map”, dated September 2017
- Drawing Number 170157-2000-2 “Site Location Map”, dated September 2017
- Drawing Number 170157-2000-3 “Site Layout Plan”, dated September 2017
- Drawing Number 170157-2000-4 “Foreshore Site Location Plan”, dated September 2017
- Drawing Number 170157-2100-1, “Pontoon Layout”, dated September 2017
- Drawing Number 170157-4100-1, “Typical Construction Details Sheet 1” dated September 2017
- Drawing Number 170157-4100-2, “Typical Construction Details Sheet 2”, dated September 2017
- Drawing Number 170157-4100-3, “Typical Construction Details Sheet 3”, dated September 2017
- Drawing No. IBM0569-FS-0108, “Location Map”, dated Feb 2018

It is anticipated that the duration of the works would be Construction on the Foreshore is planned to commence late July 2018 with the construction phase duration planned for 6 No. weeks.

The proposed works are located on Foreshore in the ownership of Dublin Port Company (Private Foreshore) and therefore **Section 10 of the Foreshore Act** applies.

Environmental Impact Assessment Regulations

As set out in Part II of the First Schedule of the European Communities (Environmental Impact Assessment (Amendment) Regulations, 1999 (SI No. 93 of 1999) an Environmental Impact Statement (EIS) must be submitted in support of an application for the following classes of a development:

1 (g) Reclamation of land from the sea, where the area of reclaimed land would be greater than 10 hectares

8 (e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of the Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land or which would involve the construction of additional quays exceeding 500m in length

12 (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.”

It is clear that the proposed development does not exceed any of the thresholds set out and the proposal constitutes a sub-threshold development. On the basis of the above and considering the location, nature, scale and duration of the proposed works significant impacts on the environment are not considered likely and it is concluded that the preparation and submission of an EIS is not required.

Appropriate Assessment (Birds and Natural Habitats Regulations)

In accordance with Article 6(3) of the Habitats Directive (92/43/EEC), RPS on behalf of Dublin Port Company has carried out a shadow screening for an appropriate assessment on the project.

The findings from the screening process for Appropriate Assessment of Natura 2000 Sites, as conducted by RPS, concludes that the proposed works will have no significant effect on the Natura 2000 network and a stage 2 Appropriate Assessment was not carried out.

The location of the proposed works lies within the Conservation Objectives for the South Dublin Bay SAC (Code IE000210), Rockabill to Dalkey Island SAC (Code IE003000), North Dublin Bay SAC (Code IE000206), Howth Head SAC (Code IE000202), Codling Fault Zone SAC (Code IE003015), Lambay Island SAC (Code IE000204), North Bull Island SPA (Code IE004006), South Dublin Bay & River Tolka Estuary SPA (Code IE004024), Dalkey Islands SPA (Code IE004172), Howth Head Coast SPA (IE004113).

A separate AA screening and finding of no significant effects report has been prepared on behalf of the Consent Authority (Department of Housing, Planning and Local Government) by the MLVC.

Public Consultation

A public notice concerning this application was advertised in the “Northside People East”, the “Northside People West”, the “Southside People” and “The Irish Times” on 23rd May 2018. The application materials were available for inspection in Store Street Garda Station, Store Street, Dublin 1 and Irishtown Garda Station, 57A Irishtown Road, Dublin 4 and were also available on the Department’s website for 21 working days.

No submissions were received during the public consultation period.

Prescribed Bodies Consultation

Written submissions on the proposed development were received from the Department of Housing, Planning and Local Government (Water Services Advisor), Sea Fisheries Protection Authority, Marine Institute, Marine Survey Office, Inland Fisheries Ireland, Department of Culture, Heritage and the Gaeltacht, (Underwater Archaeology and Nature Conservation) and the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division).

There were no objections to the proposed development

MLVC Assessment

The following documents were considered and assessed

- Foreshore Application
- A document entitled “*RPS Dublin Port Company DFT Road Access and Pontoons, Screening for appropriate assessment Report*” prepared by RPS dated October 2017 was submitted in support of the application.
- Written submissions from the Department of Housing, Planning and Local Government (Water Services Advisor), Sea Fisheries Protection Authority, Marine Institute, Marine Survey Office, Inland Fisheries Ireland, Department of Arts, Heritage and the Gaeltacht, (Underwater Archaeology and Nature Conservation) and the Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division).

MLVC Conclusions

Considering the nature, scale, and location of the proposed works it is concluded that, subject to compliance with the specific conditions set out below, the proposed works would not have a significant negative impact on the marine environment, would not have an adverse impact on other legitimate uses/users of the area and would not have a significant impact on the Conservation Objectives for the neighbouring Natura 2000 Sites, namely South Dublin Bay SAC (Code IE000210), Rockabill to Dalkey Island SAC (Code IE003000), North Dublin Bay SAC (Code IE000206), Howth Head SAC (Code IE000202), Codling Fault Zone SAC (Code IE003015), Lambay Island SAC (Code IE000204), North Bull Island SPA (Code IE004006), South Dublin Bay & River Tolka Estuary SPA (Code IE004024), Dalkey Islands SPA (Code IE004172), Howth Head Coast SPA (IE004113).

It is, therefore, recommended that a Section 10 consent is issued in respect of this Consent application.

Proposed Section 10 Conditions

1. The Consent Holder shall use that part of the Foreshore the subject matter of this consent for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Consent Holder shall notify the Department of Housing, Planning and Local Government, 14 days before commencement of the works on the foreshore.
3. The mitigation measures set out in Section 3.3 of the Method Statement Outline of October 2017 by DBFL Consulting Engineers shall be implemented in full.

4. The Consent Holder shall provide a letter to the Department of Housing, Planning and Local Government from a Chartered Engineer certifying that the works have been designed and constructed in accordance with the BS 6349, British Standard Code of Practice for Maritime Structures.
5. On completion of the works, the Consent Holder shall provide a letter to the Department of the Housing, Planning and Local Government from a Chartered Engineer certifying that all works have been completed in accordance with the drawings and documents submitted in support of the application.
6. The Consent Holder shall adopt appropriate methods of operation in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to sea occur during the installation/maintenance/use of the pontoons.
7. All vessels and floating plant to be used in the works shall have the appropriate certification from the Marine Survey Office and on completion of the works all plant shall be removed from the foreshore.
8. During the course of the works the Consent Holder shall ensure that,
 - (a) All necessary precautions are put in place to protect the public in accordance with relevant Health and Safety Legislation;
 - (b) Where applicable existing public access arrangements to the general foreshore area are not impeded by any plant or materials used in connection with the said works, and where relevant this access should be made safe and guaranteed by the provision of appropriate signage/notices/barriers etc.
 - (c) Procedures are adopted to ensure that the works are not injurious to fishing, navigation, adjacent lands or the public interest
9. The Consent Holder shall arrange for the publication of a local marine notice. This local marine notice shall give a general description of operations and approximate dates of commencement and completion. An advertisement in a locally read newspaper shall suffice.
10. In order for charts and nautical publications to be updated the Consent Holder shall inform the British Admiralty Hydrographic Office at Taunton, UK of the location and nature of the works.
11. The Consent Holder shall ensure that lighting and marking is carried out in consultation with the Marine Safety Directorate, Department of Transport.
12. On completion of the works all temporary plant and floating plant shall be removed from the foreshore and the foreshore reinstated to its original

condition to the satisfaction of the Department of the Housing, Planning and Local Government.