

1. Ms Murphy, Asst. Principal

*approved  
initially  
6.07.16*

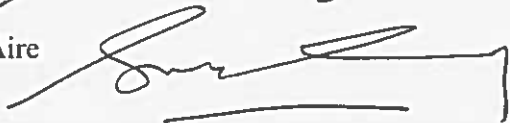
2. Mr Harrington, Principal

*Away from the office  
6/7/16*

3. Mr Walsh, Assistant Secretary

*DW 7/7/16*

4. Runaí Aire



**Foreshore Licence application by Aughnish Alumina Ltd to carry out maintenance dredging at Aughnish Island, Askeaton, Co Limerick.**

**1. Application:** The approval of the Minister is sought to grant a licence for a term of 8 years under Section 3 of the Foreshore Act 1933 to Aughnish Alumina Ltd., Aughnish Island, Askeaton, Co. Limerick. The purpose of the licence is to allow the company to carry out routine maintenance dredging at Aughnish Island.

A maximum annual dredging quantity of 8000m<sup>3</sup> (approximately 16,000 tonnes) is proposed. Dredging events would typically be over a 4 to 5 day period and the volumes could vary between 1000m<sup>3</sup> and 6000m<sup>3</sup>. The applicant has sought an 8-year maintenance dredging programme and proposes to carry out the dredging by means of plough dredging to remove high points within the navigation and berthing areas. The dredge site and surrounding sea bed will act as the dredge disposal site availing of the strong ambient velocities to disperse the sediment widely within the middle estuary.

A copy of the application is at **Tab 1**.

**2. Companion Consents:** Section 1 of the Dumping at Sea Acts 1996 – 2009, defines plough dredging as “dumping” and this activity requires a Dumping at Sea Licence from the Environmental Protection Agency (EPA).

A Dumping at Sea Licence application has been made to the EPA (Ref : S0026 -01), but has yet to be determined.

As the proposed dredging does not involve any terrestrial aspects, consent under the Planning and Development Act 2000 is not required.

**3. Public consultation:**

A public notice concerning this application was published in Irish Times and Weekly Observer on 11 May 2016. The relevant documents were on display at Newcastle West, Garda Station for the required period of 21 days.

One submission was received, from the Cappagh Farmers Support Group (Tab 2). The Group is concerned that the dredging will disturb what the Group suggests is toxic waste built up from the company pushing left over bauxite and alumina waste into the river and

the Group puts forward alternative solutions. The Group is also concerned about the impacts of disturbing what is in the Group's view a toxic waste dump on the seabed that will in the Group's view contaminate surface water with negative effects for aquatic species, fish and fishing and is also concerned about public health implications.

In addition, the Group suggests that an Environmental Impact Statement (EIS) should have been required as part of the application. They also suggest that the operation may cause damage to Natura 2000 site(s) and propose alternative methods of disposal and/or storage of any dredge spoil.

In a detailed reply, Tom Philips and Associates and Malachy Walsh & Partners, consultants acting on behalf of Aughnish Alumina Ltd., advise that the material to be dredged is clean and has no contamination or toxic material and that this is based upon a baseline characterisation report carried by Aquafact International Services Ltd

The consultants advise that as the material proposed to be dredged is clean, that there are no risk to aquatic species.

The consultants point out that an EIS is not required as maintenance dredging does not fall within any of the required categories or thresholds for Environmental Impact Assessment.

With regard to potential damage to Natura 2000 site(s), the consultants state that the operation is within a Special Area of Conservation (SAC) as well as a Special Protection Area (SPA), however, the baseline characterisation report carried out by Aquafact International Services Ltd. included an aquatic and benthic assessment which found that the bed levelling process will not lead to any habitat loss. The consultants further advise that the Appropriate Assessment Screening carried out and the Natura Impact Statement prepared for the project concluded that with mitigation measures there would be no impacts on the SAC and SPA.

The consultants advise that there will be no risk to public health as a result of the proposed dredging as there is no toxic material or waste on the seabed.

In conclusion, the consultants argue that what is proposed, a redistribution of naturally occurring sediments, is a preferable solution than removing this material for storage or disposal. A copy of the consultant's response on behalf of the applicant to the single submission received is at **Tab 3**.

#### **4. Prescribed Bodies Consultation**

Written submissions on the proposed development were received from the Department of Agriculture, Food and the Marine, the Marine Institute, the Marine Survey Office, Inland Fisheries Ireland, the Department of Arts, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology Unit) and the Water and Marine Advisory Unit of this Department.

There were no objections in principle to the proposed dredging activity. Copies of the submissions are at Tab 4.

#### **5. Environmental Assessment:**

The proposed dredging will take place within the Shannon SAC (Site Code 002165) and the River Shannon and River Fergus SPA (Site Code 004077). The applicant submitted a Natura Impact Statement with the application.

**EIA Screening:** The EIA screening carried out has determined that the proposal is not of a class that requires the applicant to submit an EIA. The EIA screening report is at Tab 5.

**Appropriate Assessment:** The application was accompanied by a Natura Impact Statement. The Marine Licence Vetting Committee duly carried out an Appropriate Assessment of the project and concluded that there will be no significant effects posed by the proposed dredging activity on any of the qualifying interests of the Natura 2000 sites. The Appropriate Assessment report attached is at Tab 6.

**Marine Licence Vetting Committee (MLVC) assessment and report:** The following suite of documents were considered by the MLVC:

- Foreshore Licence Application and associated maps, drawings and documents;
- Report: Natura Impact Statement, Proposed Maintenance Dredging Aughinish, Co. Limerick, Malachy Walsh and Partners;
- Report: Impacts on the receiving Environment. Maintenance Dredging & Dumping at Sea Aughinish Alumina Jetty, Malachy Walsh and Partners;
- Report: Assessment of Risk to Marine Mammals from Proposed Maintenance Plough Dredging at Auginish Jetty, Co. Limerick, Dr. Joanne O'Brien;
- Report: Sediment Transport Modelling of Proposed Maintenance Dredging of the Outer and Inner Berths at the Aughinish Marine Terminal, Shannon Estuary, Hydro Environmental Ltd.;
- Report: Aughinish Baseline Characterisation Report, AQUAFAC International Services Ltd.;
- Report: Archaeological Impact Assessment Report, Rusal Ltd, Aughinish, Co. Limerick;
- Written submissions from Inland Fisheries Ireland, Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Unit), Sea Fisheries Protection Authority, the Marine Institute, the Department of Arts, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology Units), the Marine Survey Office, the Water and Marine Advisory Unit of the Department of the Environment, Community and Local Government and Cappagh Farmers Support Group.

Having assessed the potential environmental impacts of the proposal, the MLVC concluded that, subject to compliance with specified conditions, the proposed works

would not have a significant negative impact on the marine environment and would not adversely affect the integrity of any European sites.

In its report (Tab 7), the Marine Licence Vetting Committee recommended that this foreshore licence be granted, subject to specific conditions. The MLVC has no objection to the term of 8 years sought by the applicant.

**6. Financial Considerations:**

The standard licence fee  edging applies to this activity.

**7. Agreement of applicant:**

Aughnish Alumina Ltd has agreed to an 8-year licence period, the specified conditions plus licence fee.

**8. Recommendation:**

Having regard to:

- the application for a Foreshore Licence together with the accompanying NIS;
- the submissions received from prescribed bodies;
- the submission received from Cappagh Farmers Support Group and the response on behalf of the applicant;
- the Appropriate Assessment of the proposed activity under domestic and EU law, including the Birds Directive and the Habitats Directive, and its conclusions and recommendations in this regard;
- the screening for Environmental Impact Assessment of the proposed activity by the Marine Licence Vetting Committee, and its conclusions and recommendations in this regard;
- the environmental assessment of the proposed development by the Marine Licence Vetting Committee ("MLVC"), and its conclusions and recommendations in this regard;
- the consent conditions to be attached to the Foreshore Licence, if granted; and
- the nature of the proposal and its objective of protecting navigational safety,

it is considered that:

- the proposed activity on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of European sites;
- the proposal is in the public interest.

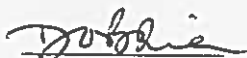
It is recommended, therefore, that a foreshore licence be granted subject to the conditions recommended by the MLVC and the licence fee set out above.

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

If approval is granted by the Minister, Aughnish Alumina Ltd. will be informed accordingly, an appropriate licence will issue for execution and a Notice of Determination regarding the decision (including the reasons for the decision) will be published on the Department's website.

The Notice of Determination addresses:

- 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;
- 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.



Danny O'Brien Marine Planning and Foreshore Section

6 July, 2016