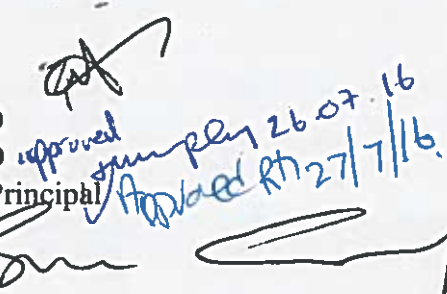


1. Mr. Hickey, HEO
2. Ms Murphy, APO
3. Mr. Harrington, Principal
4. Runai Aire

*Approved*  
*Approved 26.07.16*  
*Approved 27/7/16*



**Re: MS51/8/1360 FS006062**

**Application for a foreshore licence for the continued use of an existing outfall at a car park at Loughbeg, Ringaskiddy, County Cork**

**Approval Sought**

The approval of the Minister is sought to grant a foreshore Licence under Section 3 of the Foreshore Act, 1933, to DePuy (Ireland) for a period of 35 years for the continued use of an existing surface water outfall pipe to service the Company car park at Loughbeg, Ringaskiddy, County Cork, situate on attached map. *Tab 1*

**Background**

Construction of the original outfall formed part of consented works completed under a 10 year foreshore licence issued to Warner Lambert (Export) Ltd on 01 September 1998. *Tab 2*

On 27<sup>th</sup> September 2011 the approval of a previous Minister with responsibility for the foreshore function consented to a further 35 year foreshore Licence to Pfizer Ireland Pharmaceuticals for the continued use of the outfall pipe however, prior to agreeing and signing of the engrossed licence the Department was notified of a change of company ownership to DePuy (Ireland).

In accordance with the advices received from the Chief State Solicitor's Office (CSSO), DePuy (Ireland) were required to submit a new foreshore licence application which is the assessed application currently before the Minister for consideration.

DePuy (Ireland) predominately manufactures orthopaedic knee and hip replacement joints. Currently the company employs over 800 people in Cork.

**Public Consultation:**

A public notice concerning the application was published in Irish Examiner and Southern Star on 12<sup>th</sup> March 2016. The documents were available for inspection at Toghher Garda Station, Cork City for the required period of 21 days. No submissions were received during the consultation period.

**Prescribed Bodies Consultation:**

Written submissions on the proposed development were received from this Department's Engineering Inspectorate, Department of Agriculture, Food and the Marine, Marine Survey Office, South West Regional Fisheries Board (now Inland Fisheries Ireland), The Marine Institute, and the Underwater Archaeology and National Parks and Wildlife Service of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

There were no objections in principle to the development.

**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 as part of the Marine Licence Vetting Committee (MLVC) Report and it has been determined that there will be no significant adverse effects as a result of the proposed works on the Conservation Objectives of Cork Harbour SPA, (Site Code 004030).  
*Tab 4*

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

Given that the outfall has been in place since 1998 and that no new works are proposed it can be concluded that there will be no additional disturbance to the foreshore and no impacts on any Natura 2000 site and it is recommended that a licence be issued. See report attached at *Tab 5*.

**Financial Considerations:**

Lisney, who acted as this Department's valuers in this case, set a value of \_\_\_\_\_ subject to a fixed peppercorn annual rent of \_\_\_\_\_ (if demanded) with provision for rent reviews for a 35-year lease/licence agreement.

**Agreement of Applicant:**

DePuy (Ireland) have agreed to be bound by the terms of the original consent, accepted the site specific conditions that will be inserted into the licence *Tab 6* and agreed to the rent of \_\_\_\_\_ and an annual peppercorn rent of € \_\_\_\_\_ per annum, if demanded. *Tab 7*

**Companion Consents:**

Planning permission was granted on 14<sup>th</sup> November 1997 under the Local Government (Planning and Development Acts) 1963 – 1993. *Tab 8*

**Recommendation:**

Having regard to:

- the application for a Foreshore Licence together with accompanying documents;
- the submissions received from 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:

- as no new works are proposed, there will not be a negative impact on the marine environment and the integrity of the Natura 2000 site.

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

**Notification of Minister's Determination:**

If approval is granted by the Minister, DePuy (Ireland) will be informed accordingly, an appropriate licence will issue for execution 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.

**Next steps**

If approval is granted, DePuy (Ireland) will be advised and the Chief State Solicitors Office will be asked to draft the necessary licence.

Submitted please.



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Shirley Kennedy  
Marine Planning and Foreshore Unit  
26<sup>th</sup> July 2016

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**Seen and approved by the Minister**

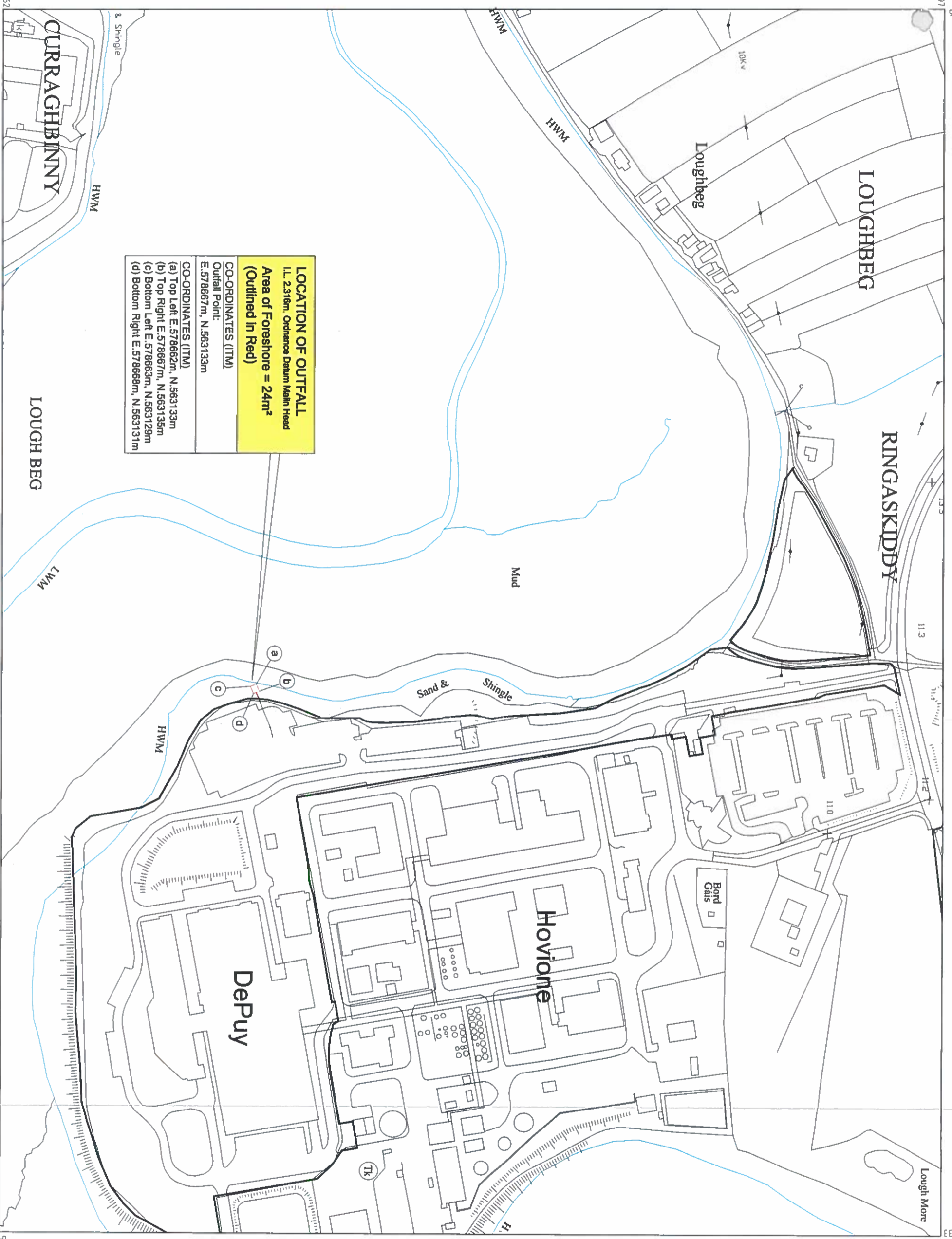
**Signature:**

**Date:**

Mr. Simon Coveney, T.D., Minister for Housing, Planning,  
Community and Local Government.

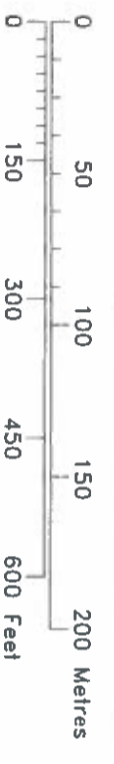
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# Rural PLACE Map



<b>LOCATION OF OUTFALL</b> LL 2.316m, Ordnance Datum Mean Head Area of Foreshore = 24m <sup>2</sup> (Outlined in Red)	
<b>CO-ORDINATES (ITM)</b> Outfall Point: E:578667m, N:563133m	
<b>CO-ORDINATES (ITM)</b>	
(a) Top Left	E:578662m, N:563133m
(b) Top Right	E:578667m, N:563135m
(c) Bottom Left	E:578663m, N:563129m
(d) Bottom Right	E:578668m, N:563131m

Scale: - 1:2,500  
 Scale: - 1:2,500



ITM CENTRE PT COORDS  
 578619,563279  
**MAP SHEETS**  
 1:2500 (A3)  
 6511-B

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Dated the 23<sup>rd</sup> day of Dec 2015

Signed *Sheela*

Finbarr Gannon,  
 B.E., C.Eng., M.I.E.I., M.I.C.E.

FINBARR GANNON & CO. LTD.  
 CONSULTING ENGINEERS  
 2A RIVER HOUSE,  
 BLACKPOOL PARK,  
 BLACKPOOL,  
 CORK.

## FORESHORE LICENCE MAP

Marine Planning and Foreshore Unit  
 Case File Reference FS006062

FINBARR GANNON & CO. LTD.  
 Drawing No. 15702-005  
 Revision B - 23rd December 2015

LICENCE UNDER SECTION 3(2) OF FORESHORE ACT, 1933

The Minister for the Marine and Natural Resources hereby authorises Warner Lambert (Export) Ltd, Loughbeg, Ringaskiddy, Co Cork (hereinafter referred to as the "Licensee"), on payment of a once-off fee of £1000 (the receipt of which is hereby acknowledged), under section 3(2) of the Foreshore Act, 1933 (No. 12 of 1933) to discharge surface water on to the foreshore from two outfall pipes to be constructed and maintained continuously in proper working order, in accordance with the Documentation submitted (Doc. No. A4696-C-R-01-A) and Drawings Number 628730 - 000 - 10C - 33 - Issue 2 and 628730 - 000 - 10C - 34 - Issue 1 as amended in agreement with the Department of the Marine and Natural Resources, subject to the following conditions:

1. The Licence shall remain in force until the 31st day of August 2008 unless earlier revoked for any breach thereof.
2. The Licensee shall ensure that there will be no contaminants of any kind discharged to the marine environment and will, in particular, ensure that
  - (a) surface rainwater from the surfaced carpark will be routed through the petrol interceptor, and
  - (b) surface water (including firewater) from the grounds and buildings of the factory area will be routed through a continuous monitoring chamber before discharge free of contamination to the foreshore. In the event of contamination from spillage or firewater the monitoring system will cause the contaminated water to be diverted to the firewater retention pond.
- 3(1). Subject to subparagraph (2), the Licensee may use an area of foreshore surrounding the said outfall pipes for the purpose of constructing and maintaining in continuous proper working order the said outfall pipes and for no other purpose whatsoever.
- (2). The Licensee shall minimise disturbance to the said foreshore as much as possible during construction and maintenance and reinstate to the satisfaction of the Minister any foreshore disturbed as a result of said construction or maintenance.
4. The Licensee shall indemnify and keep indemnified the State and the Minister, their officers, agents and employees against all actions, loss, claims, damages, costs, expenses and demands arising in any manner whatsoever in connection with the exercise of the permission hereby granted.

Dated this 1st day of September, 1998

For the Minister for the Marine and Natural Resources

An Officer authorised in this behalf by the said Minister.

## 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:** Surface water outfall from a car park at Loughbeg Drug Product Plant, Ringaskiddy, County Cork

**Foreshore Reference, where applicable:** FS6062

**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.

## SITE SYNOPSIS

**SITE NAME: CORK HARBOUR SPA**

**SITE CODE: 004030**

Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay and the Rostellan and Poul nabibe inlets.

Owing to the sheltered conditions, the intertidal flats are often muddy in character. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*. Green algae species occur on the flats, especially *Ulva lactuca* and *Enteromorpha* spp. Cordgrass (*Spartina* spp.) has colonised the intertidal flats in places, especially where good shelter exists, such as at Rossleague and Belvelly in the North Channel. Salt marshes are scattered through the site and these provide high tide roosts for the birds. Salt marsh species present include Sea Purslane (*Halimione portulacoides*), Sea Aster (*Aster tripolium*), Thrift (*Armeria maritima*), Common Saltmarsh-grass (*Puccinellia maritima*), Sea Plantain (*Plantago maritima*), Lax-flowered Sea-lavender (*Limonium humile*) and Sea Arrowgrass (*Triglochin maritima*). Some shallow bay water is included in the site. Cork Harbour is adjacent to a major urban centre and a major industrial centre. Rostellan Lake is a small brackish lake that is used by swans throughout the winter. The site also includes some marginal wet grassland areas used by feeding and roosting birds.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl, for which it is amongst the top five sites in the country. The two-year mean of summed annual peaks for the entire harbour complex was 55,401 for the period 1995/96 and 1996/97. Of particular note is that the site supports internationally important populations of Black-tailed Godwit (905) and Redshank (1,782) - all figures given are average winter means for the two winters 1995/96 and 1996/97. At least 18 other species have populations of

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

**on**

**FORESHORE LICENCE APPLICATION FOR RETENTION OF AN EXISTING  
STORMWATER OUTFALL DISCHARGING INTO CORK HARBOUR**

**BY**

**DePuy (Ireland) Ltd**

**Dr. Terry McMahon  
Chair, Marine Licence Vetting Committee  
05 May 2016**



### **Natura 2000 considerations**

The outfall is located immediately adjacent to that part of the Cork Harbour SPA (Site Code 004030) located in Loughbeg. As no works will take place within or adjacent to the the SPA there will be no loss of habitat and no habitat or species fragmentation. Similarly there will be no significant disturbance to key habitats or species. As only rainwater will be discharged, via a petrol interceptor, to the marine environment, there will be no significant impact on water quality in the SPA. There will be no significant impact on wetland habitats within the SPA and no loss of potential feeding areas for overwintering waterbirds within the SPA will occur. The integrity of the site will not be affected.

On the basis of the above it considered the proposed retention and use of the existing outfall pipe will not have a significant adverse impact on the Conservation Objectives of the Cork Harbour SPA.

### **Conclusions and Recommendations**

Given that the outfall has been in place since 1998 and that no new works are proposed it can be concluded that there will be no additional disturbance to the foreshore and no impacts on any Natura 2000 site and it is recommended that a licence be issued.

### **Recommended Conditions**

It is recommended that the following Conditions be attached to any licence that may issue.

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 ensure that no contaminants of any kind are discharged to the marine environment and shall, in particular, ensure that surface rain water from the surfaced car park is routed through a petrol interceptor
3. The Licensee shall ensure that petrol interceptor is regularly maintained and inspected to confirm that it is functioning properly.

4(1). Subject to subparagraph (2) the licensee may use an area of foreshore surrounding the said outfall pipe for the purpose of maintaining in continuous working order the said outfall pipe and for no other purpose whatsoever.

4(2). The licensee shall minimise disturbance to the said foreshore as much as possible during maintenance and shall reinstate to the satisfaction of the Minister any foreshore disturbed as a result of the said maintenance.

### 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 ensure that no contaminants of any kind are discharged to the marine environment and shall, in particular, ensure that surface rain water from the surfaced car park is routed through a petrol interceptor
3. The Licensee shall ensure that petrol interceptor is regularly maintained and inspected to confirm that it is functioning properly.

4(1). Subject to subparagraph (2) the licensee may use an area of foreshore surrounding the said outfall pipe for the purpose of maintaining in continuous working order the said outfall pipe and for no other purpose whatsoever.

4(2). The licensee shall minimise disturbance to the said foreshore as much as possible during maintenance and shall reinstate to the satisfaction of the Minister any foreshore disturbed as a result of the said maintenance.

**FINBARR GANNON & CO. LTD** CONSULTING ENGINEERS

2A, RIVER HOUSE, BLACKPOOL PARK, BLACKPOOL, CORK, T23 R5TF, IRELAND  
T: 021-4396960 • E: office@fgcl.ie • W: www.fgcl.ie

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Our Ref FG/15702-L-007

Your Ref FS 006062

30<sup>th</sup> May 2016

Ms. Shirley Kennedy,  
Marine Planning - Foreshore Section,  
Department of the Environment, Community and Local Government,  
Newtown Road,  
Wexford.

Dear Ms Kennedy

**Re: Application by DePuy (Ireland) for a Foreshore Licence in respect of the use and maintenance of an outfall discharging surface water runoff from a car park at the Loughbeg Drug Product Plant, Ringaskiddy, Co. Cork.**

We refer to yours of May 10<sup>th</sup> last in relation to the above Application

On behalf of our Client, De Puy (Ireland), we accept the Site Specific Conditions as outlined, together with Licence Fee of €5,800, and a peppercorn annual rent of €1 if demanded.

Yours Sincerely



Finbarr Gannon  
Finbarr Gannon & Co. Ltd

## CORK COUNTY COUNCIL

## LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 - 1993

TO: WARNER LAMBERT EXPORT LTD.,  
c/o E.G. Pettit & Co.,  
Springville House,  
Blackrock Road,  
Cork.

Planning  
Register No: S/97/3960

Application by WARNER LAMBERT EXPORT LTD

Of c/o E.G. Pettit & Co., Springville House, Blackrock Road,  
Cork.

On 13/10/97 and as amended by revised documentation on 30/10/97

for Construction of a new secondary dose form (e.g. tablet) facility, new entrance, roads, car parking, security building, signage, flag poles, drains, firemans, fire water retention pond and landscaping, utilities building and associated bunds, piperacks, equipment warehouse, extension to existing laboratory building, new medical centre, extension to fire water pump house, new fire water storage tank, chemical store, chemical dispensary, relocation of existing portacabin chemicals store, new clarifier located at the waste water treatment plant, two storm water outfalls, new stairway at chemical building No. 1 and bulk chemical storage and unloading facility.

at RINGASKIDDY

Further to Notice dated 14/11/97 the Cork County Council hereby conveys a grant of PERMISSION for the application described above subject to the conditions set out in the Schedule (if any) attached to the said Notice dated 14/11/97 of its intention to grant PERMISSION.

Signed on behalf of Cork County Council

Planning Dept.  
County Hall,  
Cork.

Date: 17/12/97

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NOTE FOR GUIDANCE OF DEVELOPERS

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A grant of Planning Permission or Approval does NOT of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so. Unless otherwise stated or unless it is revoked a Permission is valid for a period of five years. Approval is valid only for the period of the Outline Permission to which it relates.

Any development which takes place prior to the payment of a financial contribution required by any of the conditions attached to a Permission or Approval will be unauthorised until compliance with the conditions or conditions

cont'd./