From: [redacted] (Housing)
Sent: Friday 20 August 2021 09:39
To: [redacted] (Housing) <[redacted]@housing.gov.ie>
Subject: Marine Advisor's environmental Reports_Case FS006837-Foynes Jetty extension

Hi [redacted],
I reviewed the application and all the environmental documents associated with the Foreshore Application FS006837 by Shannon Foynes Port Company construction of an open pile jetty structure at Foynes Port, Co. Limerick to facilitate the connection of the existing East Jetty and West Quay structures located.

Please find attached the Screening for AA Determination and Appropriate Assessment Determination and Conclusion Statement and also an EIA Pre-Screening and an EIA Reasoned Conclusions documents. These are part of the Department's Statutory Obligations. My comments are as follows:

Independent Environmental Consultant (IEC): *The Department has engaged ROD as IEC to provide assistance with regard to the statutory environmental assessments of this Foreshore Licence application. The IEC has conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Birds and EIA Directives, the Birds and Natural Habitats Regulations and the public and prescribed bodies' consultations.*

Environmental Impact Assessment (EIA) Regulations: *The proposed project falls within the classes defined under Annex I or Annex II of the EIA Directive. An EIAR was provided by the applicant and in accordance with Article 1(2)(g)(iii) of this Directive this EIAR along with all supplementary information was examined by the IEC on behalf of the Department. An EIAR Technical Review was prepared by the IEC, I agree with and accept this Technical Review.*
EIA Reasoned Conclusion
In accordance with Article 1(2)(g)(iv) of the EIA Directive an EIA Reasoned Conclusion was compiled, this document is attached. It identified the main significant effects and the mitigation measures that will be undertaken to offset these. In keeping with Article 8a(1)(a) of this Directive the Department shall incorporate this document into to its decision making process. The EIA Reasoned Conclusion document is attached.

Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive): *After a review of the NIS supplied by the applicant a screening of the project was carried by the IEC. This* ***Screening for Appropriate Assessment*** *determined that likely significant effects could not be ruled out with respect to water and habitat quality, underwater noise and disturbance, aerial noise and visual disturbance and habitat for the two Natura sites, Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. Having considered the application by Shannon Foynes Port Company and the IEC's Screening for Appropriate Assessment Report, I agree with and accept the IEC's Screening for Appropriate Assessment and its conclusions. Attached is my recommending officer's Screening for Appropriate Assessment Determination which requires the Decision Maker's signature.*

The IEC reviewed the ***Stage 2 Appropriate Assessment*** *which included the mitigation measures of Industry Standards in managing waste and adherence to the NPWS 2014 Guidance on sound.*

Appropriate Assessment Conclusion - The IEC concluded that with the inclusion of the mitigation measures the proposed development, individually or in-combination with other plans or projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives.

Having considered the application by Shannon Foynes Port Company, the submissions from the public and prescribed bodies' consultations and the IEC's Screening for Appropriate Assessment and Appropriate Assessment Report, I agree with and accept the IEC's Appropriate Assessment Report. Please find attached the Appropriate Assessment Determination and Conclusion Statement which requires the Decision Maker's signature.

Further information and Clarifications requested/received
No further information or clarifications were sought.

Conclusion/recommendations:

Having considered the information submitted in support of the application, I have no objection to the granting of a Section 3 Licence subject to the following conditions:

1. *The licensee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other hazardous substance occur to the foreshore or surface waters during the site investigation. In the unlikely event of a spill occurring all relevant statutory bodies, including BIM and SFPA, shall be notified as soon as possible.*
2. *The Licensee shall strictly adhere to NPWS 2014 "Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters" including the employment of a qualified Marine Mammal Observer as appropriate and a soft start procedure to be used where the equipment is ramped up slowly to full power.*
3. *Vibratory pile driving to be used to the maximum extent possible*
4. *Piling for limited time period each day and during daylight hours only*
5. *No refuelling of equipment, machinery or plant shall take place on the foreshore. Also, no storage of machinery or plant shall take place on the foreshore.*
6. *A detailed Construction Environmental Management Plan (CEMP), to include waste management measures, is to be submitted by the Licensee to DHLGH for approval in advance of works commencing.*
7. *A detailed Environmental Management Plan (EMP), to include waste management measures, is to be submitted by the Licensee to DHLGH for approval in advance of works commencing.*

Kind regards,

[redacted]

[redacted].

Marine Advisor
Department of Housing, Local Government and Heritage
M: 087 [redacted]