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Foreshore Licence Application for Capacity Extension at Shannon Foynes

Review of RFI Response

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Foreshore Licence Application for Capacity Extension at Shannon Foynes (FS006837)

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1 INTRODUCTION

1.1 Project Overview

Shannon Foynes Port Company ("the Applicant") has submitted a Foreshore Licence Application for works to increase the capacity of the port. The proposed capacity extension is presented as two principal elements, (1) the connection of the East Jetty and West Quay, including the relocation of the small craft landing pontoon, and (2) the development of the 'Durnish Lands'.

The development of the Durnish Lands is entirely land-based and does not involve any works on the foreshore. As such, this element of the project has been excluded from further consideration in this report, since it is not of relevance to the Foreshore Licence application in question.

The foreshore elements of the project comprise modifications to the existing jetties and quays at Shannon Foynes Port, including the following and all associated site development works:

(1) Connection of the existing West Quay and East Jetty for the purpose of extending the length of the quay to facilitate the mooring of vessels and other Port-related operations. This would consist of:

   i. Removal of the existing small craft landing pontoon and walkway from its current position affixed to the shore between the West Quay and East Jetty;

   ii. Construction and remedial works to the ends of the existing West Quay and East Jetty to facilitate structural tie-in of the new jetty structure;

   iii. Construction of a new, open piled jetty with suspended, 116.5m, reinforced concrete deck, linking the West Quay and East Jetty, and also tying in with reclaimed land[1] to the rear of the East Jetty; and

   iv. Quayside furnishings including quay fenders, mooring bollards, safety ladders, toe rail and lighting columns.

(2) Relocation of small craft landing pontoon and walkway affixed to the western side of the West Quay wall (Plate 1.4).

This report contains a review of the Natura Impact Statement (NIS) which has been submitted with the Foreshore Licence Application.

1.2 Purpose of this Document

Roughan & O'Donovan (ROD) undertook a technical review of the Foreshore Licence Application to assist the DHLGH to make a determination with respect to adverse effects on European Sites. ROD presented its findings in the '*AA Review Document'* (ROD, May 2021). ROD recommended that the DHLGH request further information from the applicant. The AA Review Document was forwarded to the Applicant for comment. The Applicant submitted further information to the DHLGH in June 2021.

This report has been prepared by ROD and contains an evaluation of the Foreshore Licence Application and Further Information submitted by the Applicant, for the capacity extension at Shannon Foynes.

[1] Land reclamation ongoing under previous planning permissions (Refs. 12/212 and 17/7019).

The purpose of the review is to ensure that the submitted material contains complete, precise, and definitive findings and conclusions to allow the DHLGH, in their capacity as the Competent Authority, to carry out Appropriate Assessment of the proposed development and to make a determination as to whether or not the proposed development, either individually or in combination with other plans or projects, will adversely affect the integrity of one or more European Site(s).

1.3 Response Documents

The Applicant submitted Further Information in the following documents as part of the response with are relevant to Appropriate Assessment:

- Response to RFI's Issued by DHLGH on 23rd June 2021.

The contents of the Further Information as well as the contents of the original Foreshore Licence Application were considered in this assessment.

1.4 Legeslative Context

In order to avoid unnecessary repetition, this section is not repeated in this document, but is presented in the *AA Review Document* (ROD, May 2021).

1.5 Methodology

This report comprises a review of the Foreshore Licence Application and the Further Information submitted as part of the Foreshore Licence Application.

This technical review has been carried out with regard to the relevant legislation, case law and guidance. The NIS and further information have been carefully assessed to determine if it complies with the relevant legislation, guidance and is also cognisant of recent case law, including:

- DEHLG (2010) *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.
- NPWS (2010) *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular Letter NPWS 1/10 & PSSP 2/10. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.
- EC (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. Environment Directorate-General of the European Commission.
- EC (2018) *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. European Commission, Brussels.

2.0 REVIEW OF RESPONSE DOCUMENT

Following the review, it is the opinion of Roughan & O'Donovan, that the material presented to the DHLGH contains complete, precise, and definitive findings and conclusions and recommends that the DHLGH determine that the proposed capacity extension at Shannon Foynes, either individually or in combination with other plans or projects, will not adversely affect the integrity of one or more European site(s).

It is recommended that the DHLGH include the mitigation measures described in the NIS as conditions of the Foreshore Licence.

Table 1 below contains the responses provided by the applicant in the further information documents, which have been summarised under two headings ('topics') and provides a comment on whether the response contains the necessary information to allow the DHLGH to carry out AA.

Table 1. Review of Further Information

Topic	Comment (AA Review Document)	Response from Applicant	Roughan & O'Donovan Response to Further Information
Experience and Qualifications of Competent Experts	The experience and qualifications of the author(s) should be provided, and the NIS should be dated, so that the Competent Authority can be assured that the assessment was undertaken by a competent expert and that the timeframe between the NIS and lodgement of the Foreshore Licence Application is reasonable.	Pages 5-8 of the response document provides the response to this comment.	The applicant has provided the date that the NIS was finalised and lodged to the DHLGH. Details of the qualifications and experience of the author of the NIS have been provided, along with details of the qualifications and experience of the technical experts whose assessments were relied upon.
In-combination Assessment	Further information is required in relation to the methodology, the search area and the time-scale for the in-combination assessment.	Page 9 of the response document provides the response to this comment.	The applicant has provided the methodology for carrying out the in-combination assessment as well as the search area and timescale used for the assessment.