Shannon Foynes Port Company

Capacity Extension at Shannon Foynes

Foreshore Application (Reference FS 006837)

Response to RFI's issued by DHLGH on 16th June 2021

23rd June 2021

Introduction

Shannon Foynes Port Company (SFPC) applied for consent under the Foreshore Acts to connect the existing West Quay and East Jetty for the purpose of extending the length of the quay to facilitate the berthing of vessels and other port-related operations. The works consist of:

i. Construction of an open piled jetty structure with suspended 116.5 metre concrete deck connecting the West Quay to the East Jetty;
ii. Quayside furniture including quay fenders, mooring bollards, safety ladders, toe rail, and lighting columns,
iii. Construction and remedial works to the both existing West Quay and East Jetty ends to facilitate structural 'tie-in' of the proposed new jetty structure,
iv. Removal of the existing small craft landing pontoon and walkway from its current position affixed to the shore between the West Quay and the East Jetty, and provision of a new small craft landing pontoon and walkway affixed to the western side of the West Quay wall, and,
v. All associated site development works.

The Department of Housing, Local Government and Heritage (DHLGH) issued a Request for Further Information (RFI) to SFPC on 16th June 2021 requesting a response to 7 issues relating to the EIAR and 2 issues relating to the AA raised by DHLGH's Environmental Consultants Roughan O'Donovan (EIAR Review, May 2021; and AA Review, May 2021).

This document presents SFPC's response to the RFI's.

EIAR REVIEW, MAY 2021

Issue 1

Under Section 1 description of the development, question 1.42 queries if the types and quantities of gaseous and particulate emissions generated by the project have been identified. It is queried if odours have been assessed as part of the construction or operation stages of the project or if it has been scoped out. Further clarification is required on this.

SFPC Response

There is no potential for odours to arise from the construction phase of the works because capital dredging is not required. There is no proposed change of use to the existing port related activities during the operational phase of the works.

Consequently the potential impact of odour has been scoped out of the EIAR.

Issue 2

Under Section 3, description of the likely significant effects of the project, question 3.22 queries if the effects that could result from accidents, abnormal events or exposure of the Project to natural or man-made disasters been described and where appropriate, quantified. The EIAR states that issues such as health and safety and risk of major accident and/or disaster were dealt with in an RPS Seveso Report which was prepared under separate cover and submitted as part of the application, however this is not available or submitted as part of the Foreshore Lease. It is therefore requested that the RPS Seveso Report is made available to substantiate that effects from accidents and natural disasters have been assessed.

SFPC Response

A Seveso Report accompanied the Strategic Infrastructure Development (SID) Planning Application for the Capacity Extension at Shannon Foynes Project to An Bord Pleanala. The Seveso Report is issued with this response to the RFI (under separate cover).

In light of the nature of the activities that will take place, and the nature of the surrounding environment, the most significant risks of major accidents and disasters are associated with the COMAH establishments. The development is within the vicinity of a number of establishments that fall within the scope of the *Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations*, 2015 (the COMAH Regulations).

The SEVESO report concludes that, from a COMAH perspective, the potential direct and indirect major accident and disaster risks arising from the Capacity Extension at Shannon Foynes Project satisfy the Health and Safety Authority's COMAH land use planning guidance.

The Shannon Estuary, the approaches to the Port and the shipping channel are monitored by the SFPC Harbour Master's Office. All vessels are advised regarding works, developments or issues that are ongoing in the Shannon Foynes Port area of jurisdiction. Prior to any works, SFPC "Notice to Mariners" is sent out to all shipping, informing them about the planned work and dates. The vessel traffic is thereby supervised and controlled at all times.

SFPC has also developed a comprehensive emergency management plan that caters for the range of accident and emergency events that may occur within its estate.

It is therefore concluded that other, non-COMAH direct and indirect major accident and disaster risks arising from the Capacity Extension at Shannon Foynes Project are not significantly different from the current risks.

Issue 3

Similar to question 3.22, it is requested that the RPS Seveso Report is made available for review so that the risk of disasters can be assessed.

SFPC Response

See response to Issue 2, the Seveso Report which accompanied the SID Planning Application is included in this response to the RFI (under separate cover).

Issue 4

In response to question 3.37, it is noted that there is no assessment of residual impacts within Chapter 14 Archaeology and Cultural Heritage. It is noted in Table 14.4, Chapter 14 of the EIAR, potential impacts to Areas 1 and 2 related to the Jetty Expansion works were found to be:

- No impact to known cultural heritage sites.
- Potential negative impact to any unrecorded archaeological deposits or structures buried within the foreshore/riverbed.

It is therefore requested that the assessment of residual effects be completed for Chapter 14 Archaeology and Cultural Heritage.

SFPC Response

Residual Impacts, as per the 2017 Draft EPA Guidelines, refer to "the final or intended effects which occur after the proposed mitigation measures have been implemented". The implementation/ completion of the archaeological mitigation measures, as detailed in Chapter 14 of the EIAR, will ensure that no residual impacts to the archaeological/ cultural heritage landscape will arise as part of the proposed development.

Issue 5

It is requested that confirmation be made by the applicant that all mitigation measures outlined in the EIAR are to be implemented in full and will form part of the Schedule of Commitments for the project.

SFPC Response

SFPC confirms that all mitigation measures outlined in the EIAR will be implemented in full and will form part of the Schedule of Commitments for the project.

Of note, Condition 1 of the grant of planning by An Bord Pleanála requires the following:

The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

In addition, Condition 2a and 2b of the grant of planning requires the following:

A Prior to commencement of development, the developer shall prepare a Schedule of Environmental Mitigation Measures that were identified for the proposed development as part of the planning application, including those detailed in the Environmental Impact Assessment Report and in the Habitats Directive Assessment. This Schedule of Environmental Mitigation Measures shall be submitted to the planning authority and shall be made publicly available on the planning authority's website.

B The measures detailed in the Schedule of Environmental Mitigation Measures shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions in this order. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to oversee the construction phase of the proposed development and to ensure that the mitigation measures are implemented in full.

SFPC provided Limerick City and County Council with the Schedule of Environmental Mitigation Measures, set out in the EIAR, on 19th June 2019.

SFPC has thereby an obligation under the Conditions of the grant of planning to adhere to all the mitigation measures set out in the EIAR.

Issue 6

The following measure is included in s.7.4.5.3 of Chapter 7, however it is unclear whether this should be a binding commitment to monitor the future trends as a result of the project and to ensure that any mitigation measures are effective, or whether it is a general recommendation to the port in relation to their overall activity. "It is recommended that Shannon Foynes Port Company consider establishing a monitoring programme for ambient/shipping noise to address the issue of long term trends in ocean noise in the future, in view of likely increases in shipping activity".

Clarification from the applicant is sought as to whether this is intended to be a binding commitment.

SFPC Response

The co-author of Chapter 7, Biodiversity, Flora & Fauna, [redacted] (IWDG) recommended that SFPC consider establishing a monitoring programme for ambient/shipping noise to address the issue of long term trends in ocean noise in the future, in view of likely increases in shipping activity.

This recommendation was not intended to be directly associated with the Capacity Extension at Shannon Foynes Project and was therefore not brought forward as a mitigation measure within the EIAR. Furthermore it was not brought forward as a planning Condition by ABP.

SFPC thereby confirm that the long term monitoring of ambient/shipping noise is not intended to be a binding commitment.

Issue 7

Clarification is sought as to who the responsibility lies with under section 11.2.7 of Chapter 11, Monitoring Proposals, which states that an underwater noise survey will be undertaken during the construction period at both the Pontoon and Beacon 2 locations. Clarification is required if this will be the responsibility of the contractor.

SFPC Response

The following mitigation measure is specified in Chapter 11 of the EIAR:

An underwater noise survey will be undertaken during the construction period at both the Pontoon and Beacon 2 locations. The monitoring will be carried out at the commencement of the piling activity.

SFPC intend that the underwater noise survey will be carried out, independent of the contractor. A suitably qualified consultant with the relevant experience of Underwater Noise monitoring will be appointed to carry out the survey and report the results directly to SFPC.

AA REVIEW, MAY 2021

Issue 1

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.

SFPC Response

[redacted] is the author of the NIS and he drafted the Stage 1 screening appraisal for appropriate assessment and the Stage 2 appraisal for appropriate assessment contained in the NIS. In preparing the document, [redacted] relied upon a number of scientific and technical assessments made by a range of other experts. The experience and qualifications of these experts are set out in the table below.

The NIS was finalised in April 2018 and submitted to the Department in May 2018.

Table 1: NIS authors and contributors

Expert (role)	Qualifications and Experience
[redacted] (NIS author)	[redacted] is a [redacted] Team Leader in RPS. He holds a BA degree in Plant Science from the University of Dublin, Trinity College and a MSc degree with Distinction in Habitat Creation and Management from Staffordshire University. He is a Chartered Ecologist and Chartered Environmentalist with the Chartered Institute of Ecology and Environmental Management (CIEEM); and a Chartered Biologist with the Royal Society of Biology. He previously sat on the CIEEM Irish Section Committee and the CIEEM Policy Review Group in Ireland. He was a member of the CIEEM technical committee updating the Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018). He currently sits on the CIEEM Technical Working Group for EcIA accreditation across the institute's UK & Ireland practitioner network. [redacted] has over nineteen years' experience managing ecological survey and assessment contracts as part of EIA Directive and Habitats Directive appraisal processes. He has undertaken ecological assessments, prepared Natura Impact Statements and biodiversity chapters of EIARs and presented expert evidence at oral hearing for a range of ports and harbour projects involving marine construction, dredging and discharges to the marine environment including:

Ref.	Client	Project
FS005699	Dublin Port Company	Alexandra Basin Redevelopment
FS005705	Frazer Ferries Ltd	Carlingford Lough Ferry
FS006281	Port of Cork Company	Ringaskiddy Port Redevelopment
FS006281	Port of Cork Company	Maintenance Dredging
FS006292	Irish Water	Marine Site Investigations
FS006495	Dublin Port Company	Maintenance Dredging
FS006497	Dublin Port Company	Marine Site Investigations
FS006843	Irish Water	Greater Dublin Drainage outfall
FS006893	Dublin Port Company	MP2 Project
FS006975	Shannon Foynes Port Company	Maintenance Dredging 2021-26
FS006980	Dublin Port Company	Maintenance Dredging 2020-21
FS007049	Arklow Bank Wind Park	Marine Site Investigations
FS007339	Arklow Bank Wind Park Phase 2	Marine Site Investigations
awaiting	Port of Cork Company	Maintenance Dredging 2022-29
awaiting	Dublin Port Company	Maintenance Dredging 2022-29
awaiting	Dublin Port Company	Capital Dredging 2022-30
ML 28/12	Islandmagee Storage Ltd	Subsea gas storage caverns
ML 52/13	Moyle Interconnector Ltd	Replacement of HVDC cables
ML 135/15	Local Authority	Maintenance dredging & disposal
ML 147/16	RNLI	Lifeboat moorings
ML 122/16	Belfast Harbour Commissioners	Cruise Ship facilities
ML 150/16	Belfast Harbour Commissioners	Capital dredging & disposal
ML 162/16	Firmus Energy	Lough Foyle subsea gas pipeline
ML 10/18	Local Authority	Floating pontoons & moorings
ML 25/18	RNLI	Lifeboat moorings
ML 2/19	Bushmills Distillery	Long Sea Outfall refurbishment
ML 7/19	Belfast Harbour Commissioners	Floating pontoons

[redacted] (ornithology)	[redacted] holds an honours degree in Natural Sciences from Trinity College Dublin and a Masters degree in Zoology from University College Cork. He is a Chartered Environmentalist and a Fellow of CIEEM, and a former director of BirdWatch Ireland. He has been a professional ornithologist since 1980 and has comprehensive knowledge of waterbird ecology in the Shannon Estuary and survey methodologies for surveying waterbirds. He has published research on birds in peer-reviewed journals, and he is the author of two books entitled *Bird Habitats in Ireland* (2012) and *Dublin Bay: Nature and History* (2017). He has over 30 years' experience in environmental consultancy and he has prepared ecological impact assessments for over 250 projects including roads, pipelines, port developments, sewage treatment works and industrial developments.
[redacted] (marine ecology & fisheries)	[redacted] holds an honours BSc and MSc degree in Zoology from University College Cork. He is a specialist in anthropogenic impacts in freshwater, estuarine and near-shore aquatic habitats. He has over 25 years' experience in environmental consultancy and he has prepared ecological impact assessments for a wide range of infrastructural and land-use projects in the Shannon Estuary including several port developments.
Dr [redacted] (marine mammals)	Dr [redacted] holds an honours degree in Applied Biology from Liverpool Polytechnic and a PhD in Zoology from University College Cork. He is a part-time lecturer at the Galway-Mayo Institute of Technology contributing to the Applied Freshwater and Marine Biology degree and Masters programmes and currently supervises four PhD students. He is a founder member and current CEO of the Irish Whale and Dolphin Group and has been working on whales and dolphins in Ireland since 1989. He has published the results of his research on marine mammals in peer-reviewed journals, with over 100 publications to date. He has been involved in environmental consultancy and assessment since 1991 and he has prepared ecological impact assessments for a range of marine projects from ports and harbour development to offshore windfarms. He has managed dedicated harbour porpoise surveys on behalf of NPWS.
[redacted] (water quality)	[redacted] holds a Master of Engineering Degree (with Distinction) in Civil Engineering from the Queen's University of Belfast. She is a chartered Water and Environmental Manager, a chartered Scientist and a chartered Engineer. She is also a Fellow of the Chartered Institution of Water and Environmental Management, a Fellow of Engineers Ireland and a Fellow of the Institution of Civil Engineers. She is a Director with RPS and has been a professional consultant since 1991. Over the course of her 28 years' experience she has prepared environmental impact assessments for several significant marine and terrestrial infrastructure projects (including marine outfalls, pipelines, ports and industrial development). In addition she has gained extensive experience in water quality assessment including the implementation of the Water Framework Directive in an Irish context, contributing to several EPA and Departmental publications supporting River Basin Management Planning.

[redacted] (airborne noise)	[redacted] holds an honours degree in Natural Sciences from Trinity College Dublin, a Masters Degree in Applied Environmental Sciences from Queens University Belfast and a Postgraduate Diploma in Acoustics and Noise Control from the Institute of Acoustics. He is also a Member of the Institute of Acoustics (MIOA), a Member of the Institute of Environmental Management and Assessment (MIEMA) and a Chartered Environmentalist (CEnv). He has over 20 years' experience as a specialist in the area of Environmental Noise and Acoustics. He has completed detailed noise assessments for a broad range of proposal types including ports and harbour developments and he has worked on many port related projects throughout Ireland including Ringaskiddy Port, Shannon Foynes Port, Belfast Harbour, Greenore Port and Galway Port. He has considerable experience of all stages of the planning and licensing processes and has acted as an expert witness on many occasions for planning and statutory nuisance related cases.
[redacted] (subsea noise)	[redacted] holds a degree (B.E.) in Mechanical Engineering from University College Dublin, a degree in Law (LLB) from the National University of Ireland, Galway and a Master of Science Degree (M.Sc.) in Applied Acoustics, from the University of Derby. He is a Senior Associate with RPS and he has over thirty-five years engineering experience specialising in noise and vibration. He has been involved in over 200 Environmental Noise Studies, which have included carrying out underwater noise measurements and modelling underwater noise in Dublin Bay and the Shannon Estuary, and also the EPA STRIVE project on Ocean Noise.
[redacted] (air quality)	[redacted] is a Technical Director with the RPS. He holds an honours degree in Natural Sciences (Chemistry) from Trinity College Dublin and a Master's Degree for research in the field of Atmospheric Chemistry from the Dublin Institute of Technology. He has over 20 years' experience in environmental consultancy in Ireland and he has been involved in assessing major projects in the transport, waste management, commercial and energy sectors. He has experience in monitoring ambient air, modelling emissions and preparing environmental impact assessment in relation to port projects including the Alexandra Basin Redevelopment (ABR) Project at Dublin Port and the Port Capacity Extension at the Port of Foynes. He has been engaged as an air quality expert in assessing a wide range of projects at Dublin Port since 2013.
[redacted] (coastal processes, hydromorphology and plume dispersion modelling)	[redacted] holds a 1st Class Honours BSc in civil engineering from the University of Glasgow. He is a Fellow of The Irish Academy of Engineering, a Fellow of Engineers Ireland and he has more than 40 years' experience in the fields of maritime engineering and marine environmental modelling, having undertaken more than 60 coastal process studies for projects in the UK, Ireland and overseas, many of which involve the appraisal of the potential environmental impacts of harbour developments and dredging. He has been involved in extensive wave modelling studies on east coast of Ireland and in Dublin Bay including the Irish Wave and Water level Study for the OPW, and wave simulations and ship wash wave studies for port redevelopment projects.

Issue 2

Further information is required in relation to the methodology, the search area and the time-scale for the in-combination assessment.

SFPC Response

Methodology

The potential for in-combination effects between the proposed development and other plans and projects was taken into consideration under the four impact pathway themes first described in Section 4.1.1 of the NIS, and as noted on p100 of the NIS in Section 5.1.3 'In-combination Effects':

- Water quality and habitat deterioration
- Underwater noise and disturbance
- Aerial noise and visual disturbance
- Habitat Loss

Phase 1 of the proposed development was assessed alone and in-combination with future development in phases 2 and 3 as described and shown in the Framework Plan. At p10, of the AA Review document, Roughan & O'Donovan advice that mitigation measures should be included before the in-combination assessment is carried out. Whilst the structure of the NIS places the in-combination assessment before mitigation measures, as noted on p98 of the NIS, the mitigation measures proposed as part of the proposed development were taken into consideration as part of the in-combination assessment. The comment is nonetheless noted and acknowledged for future NIS preparation.

The proposed development was then assessed in-combination with the other projects listed in Table 5.2 of the NIS under the four impact pathway themes noted above.

Search Area

Future proposed development by Shannon Foynes Port Company and consented development from the western side of Foynes Port to the eastern extent of Aughinish East was considered, and is listed in Table 5.2 of the May 2018 NIS. In response to a request from the Department of Culture, Heritage and the Gaeltacht, this search area was extended in September 2018 in relation to the potential for in-combination habitat loss of Annex I marine habitats. The entire area of the Shannon Estuary from Limerick City to the Atlantic Ocean was used for this purpose.

Time-scale

A ten year horizon was considered for in-combination effects. This is noted in Section 5.1.3.1 of the NIS.