APPROPRIATE ASSESSMENT DETERMINATION AND CONCLUSION STATEMENT

Project reference: FS006837 Foynes Jetty Extension.

The proposed project is for the 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.

The Appropriate Assessment Screening process 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 loss for the two Natura sites, Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage made a determination following screening that an Appropriate Assessment was required as the project individually or in combination with other plans or projects is likely to have a significant effect on a European site.

The Appropriate Assessment identified the adherence to the NPWS guidance underwater noise and marine mammals (2014) as appropriate mitigation to avoid significant effects on the Annex IV and Annex II species at this site. It also concluded that adverse effects on the Special Conservation Interests of the River Shannon and River Fergus Estuaries SPA as a result of aerial noise and visual disturbance as a result of the proposed development could be excluded. It also determined that the risk to water and habitat quality will be prevented by the use of standard construction good practice methods.

The cumulative loss of the Annex I Estuaries habitat from this current application and the existing approved Foynes Port development is 0.01% and the cumulative loss of a single Marine Community Type is 0.03%. The Appropriate Assessment identified this loss as negligible and not significant as it will not result in any loss of ecological function.

It is therefore concluded that the proposed project, either alone or in-combination with other projects, will not adversely affect Annex IV species or the integrity of European sites, in view of the said sites' conservation objectives.

Signature and Date of Recommending Officer: [redacted] DATE 19th August 2021

Signature and Date of the Decision Make [redacted] [redacted]

EIA Reasoned Conclusion

Project reference: FS006837 Foynes Jetty Extension, Co. Limerick

The proposed project is for the 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.

This type of project is listed in Annex II to the EIA Directive [Directive 2011/92/EU as amended by Directive 2014/52/EU] and under Article 4.2 of the directive was subjected to and Environmental Impact Assessment. The Applicant had submitted an EIAR with their application.

An Independent Environmental Consultant (IEC) Roughan & O'Donovan was engaged, on behalf of the Department, to conduct an examination of this EIAR and other supplementary information relevant to the proposed development including:

- Foreshore License Application Form
- Natural Impact Statement.
- Prescribed Bodies' observations in relation to the Foreshore Licence Application (ref. FS006837);
- Applicant responses to the Prescribed Bodies' and Public observations; (no public submissions were received)
- Additional information furnished to An Bord Pleanála in relation relevant environmental issues for this application which has been granted (ref. ABP-301561-18); and
- An Bord Pleanála planning permission grant decision document, including conditions imposed.

The IEC concluded that the Foynes Jetty extension EIAR and application documentation identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. For all environmental factors examined where significant direct and indirect effects were identified these were addressed through remedial or mitigation measures.

The IEC's examination of the EIAR for the proposed development concluded that, subject to the implementation of the remedial and mitigation measures identified in the EIAR and the relevant conditions imposed by An Bord Pleanála, the effects on the environment of the proposed development, by itself and in combination with other developments in the vicinity, would be acceptable. I agree with and accept the IEC's report and conclusions.

Signature and Date: [redacted] 1st October, 2021

Signature and Date of the Decision Make [redacted]