Appropriate Assessment Determination and Environmental Impact Assessment Reasoned Conclusion. Foreshore lease application by Shannon Foynes Port Company for jetty extension at Shannon Foynes Port

REF #:	HLG 00344-21	AUTHOR:	[redacted] (Housing)
TO:	Minister of State [redacted]	OWNER:	eSub [redacted] Office
STATUS:	Review	REVIEWERS:	[redacted] (Housing) [redacted] (Housing) (Housing)
PURPOSE:	For Decision and Signature	DECISION BY:	01/10/2021
DIVISION/OFFICE:	Foreshore		

SEEN AND APPROVED: [redacted]

DATE SIGNED: 13/10/21

Action required

For Appropriate Assessment Determination and reasoned conclusion for Environmental Impact Assessment.

Executive summary

SFPC submitted a foreshore lease application to construct an open jetty structure in the Port.

The Minister was required to make an AA screening determination per Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations').

This determined 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.

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

In addition a recommendation has been made that the following EIA Reasoned Conclusion be applied:

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. The conclusions of an IEC, in their examination of the relevant EIAR and the EIA Reasoned Conclusion statement prepared by a Department Marine Biologist for this case are adopted and agreed.

Submitted for determination.

Comments

[redacted] (Housing) - 04/10/2021 16:03
[redacted] for review and approval please.

[redacted] (Housing) - 05/10/2021 10:01
[redacted] please amend as discussed

[redacted] (Housing) - 05/10/2021 12:30
[redacted] for review please.

[redacted] (Housing) - 05/10/2021 12:59
[redacted] having considered this foreshore lease application and the assessment of same to-date i recommend that the Minister approves and endorses the Appropriate Assessment determination and the Environmental Impact Assessment Reasoned Conclusion recommended herein. Please note that the document "1_AA Determination Conclusion and EIA Reasoned Conclusion Stmnts - For Signing" will require Ministerial signature on pages 1 and 2 if approved.

[redacted] (Housing) - 05/10/2021 13:05
[redacted], having considered this foreshore lease application and the assessment of same to-date i recommend that the Minister approves and endorses the Appropriate Assessment determination and the Environmental Impact Assessment Reasoned Conclusion recommended herein. Please note that the document "1_AA Determination Conclusion and EIA Reasoned Conclusion Stmnts - For Signing" will require Ministerial signature on pages 1 and 2 if approved.

[redacted] (Housing) - 05/10/2021 15:30
Minister, I concur with [redacted]s recommendation and recommend that you approve this assessment. [redacted]

Detailed information

Shannon Foynes Port Company (SFPC) submitted an application for a Foreshore Lease to the Department of Housing, Local Government and Heritage, as part of a project aimed at extending capacity at Shannon Foynes Port, Co. Limerick.

It is proposed to extend the East Jetty to connect with the West Quay, the connecting jetty extension will be a 116.5m long and 25m wide open pile structure. It will include associated works such as bollards, toe rails, fenders, lighting and a drainage system. The Port also proposes to construct a small craft landing pontoon on the western side of the West Quay.

The proposed extension to the existing Port berths will facilitate opportunity for the docking of larger vessels (with increased loads) in response to the increasing international trend toward larger vessel sizes or alternatively, the docking of increased smaller vessels at the same time.

The proposed works on the foreshore involves:

(i) Construction of an open piled jetty structure with suspended 116.5 m concrete deck connecting the West Quay to the East Jetty;

(ii) Installation of 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) The 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.

As part of the assessment of the foreshore lease application, Independent Environmental Consultants (IEC), Roughan & O'Donovan Consulting Engineers (ROD), were commissioned to conduct an Appropriate Assessment (AA) Screening (stage 1 screening) and, if required, an AA (stage 2) of the likelihood of significant impact on Natura 2000 sites from the application for a Foreshore Lease.

Following a review of the proposed project, ROD endorsed the applicant's Screening for Appropriate Assessment and concluded that the applicant provided sufficient information to enable an informed Appropriate Assessment Screening determination. ROD's

conclusion, along with all relevant material, was considered by a Marine Ecologist in the Department and the Minister made a determination that the risk of likely significant effects on European sites could not be excluded on the basis of objective evidence.

ROD prepared an Appropriate Assessment report in May 2021 which concluded that, with the inclusion of the mitigation measures, the proposed development, either 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.

This Appropriate Assessment report along with all relevant material was considered by the Department's Marine Ecologist. The following recommendation has been made in relation to Appropriate Assessment for decision by the Minister:

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 prepared by a Marine Biologist in the Department which requires the Decision Maker's signature.

A copy of all relevant material is attached/linked for consideration to inform the AA determination, including:

- material considered by Roughan & O'Donovan in preparing the AA Report (*external link*)

- final AA Report prepared by Roughan & O'Donovan *(ROD-AA Report, May2021.pdf)*

- report prepared by the Marine Licence Vetting Committee *(MLVC Report 24092021-SFPC FS006837.pdf)*

- signed Screening for AA Determination *(2021_30_09 Screening for AA Determination-signed-FS006837 SFPC.pdf)*

- document containing the combined Appropriate Assessment Determination and Conclusion Statement, and the EIA Reasoned Conclusion prepared for this application *(1_AA Determination Conclusion and EIA Reasoned Conclusion Stmnts-For Signing.pdf)*

EIA Reasoned Conclusion.

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 an 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.

Related submissions

There are no related submissions.

User details

INVOLVED: [redacted] READ RECEIPT: [redacted]

Action log

ACTION	DESCRIPTION	USER	DATE
Create	Submission HLG 00344-21 to Minister of State [redacted] created.	[redacted]	23/09/2021 12:33
Add involved user	Submission shared with [redacted] (Housing).		30/09/2021 16:01
Attachment removed	Attachment Combined EIA Pre-Screening doc and AA Determination, Conclusion Statement_for signing.pdf removed.		30/09/2021 16:10
Submit for review	Submission sent for review to [redacted] (Housing).		04/10/2021 16:03
Revert	Submission reverted to [redacted] (Housing) by [redacted] (Housing).		05/10/2021 10:01
Attachment removed	Attachment AA Determination Conclusion Statement_FS006837_Foynes Jetty Extension.pdf removed.		05/10/2021 10:27

Attachment removed	Attachment 1_AA Determination Conclusion and EIA Reasoned Conclusion Stmnts-For Signing.pdf removed.	[redacted]	05/10/2021 11:15
Submit for review	Submission sent for review to [redacted] (Housing).		05/10/2021 12:30
Submit for review	Submission sent for review to [redacted] (Housing).		05/10/2021 12:59
Take ownership	Submission ownership taken by [redacted] (Housing).		05/10/2021 13:04
Submit for review	Submission sent for review to [redacted] (Housing).		05/10/2021 13:05
Submit for review	Submission sent for review to Minister of State [redacted]	(Housing)	05/10/2021 15:30