Submission HLG 00385-21: FS006837 Foreshore Application by Shannon Foynes Port Company for jetty extension at Shannon Foynes Port

TO:	Minister of State [redacted]	AUTHOR:	[redacted] (Housing)
STATUS:	Completed	OWNER:	[redacted] (Housing)
PURPOSE:	For Decision and Signature	REVIEWERS:	[redacted] (Housing)
			[redacted](Housing)
			[redacted](Housing)
DIVISION:	Foreshore		
DECISION BY:	29/10/2021		

Final comment

Approved by minister, 29/10/2021

Action required

Ministerial approval is sought to grant a Foreshore Lease to Shannon Foynes Port Company under the Foreshore Act 1933, as amended.

Executive summary

The approval of the Minister is sought to grant a Foreshore Lease to Shannon Foynes Port Company under the Foreshore Act 1933, as amended, for the purpose of carrying out works to extend the port's East Jetty to connect with the West Quay, and to construct a small craft landing pontoon on the western side of the West Quay. This is part of a project aimed at extending capacity at Shannon Foynes Port, Co. Limerick.

Detailed information

Shannon Foynes Port Company (SFPC) submitted an application for a Foreshore Lease (*Ref: FS006837)* to the Department of Housing, Local Government and Heritage, as part of a project aimed at extending capacity at Shannon Foynes Port, Co. Limerick. This requirement to extend Port capacity is responsive to a historic pattern of commercial growth through the Port of Foynes consistent with the projections envisaged in the Port Company's spatial and commercial masterplan – 'Vision 2041' and the resultant fruition of those projections experienced to date. This capacity extension is provided in two interrelated ways – increased capacity of the quay wall, and, increased capacity of supporting landside storage facilities and logistics.

See attached docs: 1_Application Form , 2_Location Maps

It is proposed to extend the East Jetty to connect with the West Quay, for the purpose of extending the length of the existing quay to facilitate the mooring of vessels and Port related operations. 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. Consequently, the project includes two specific elements of development and operational activities as follows:

- JETTY EXTENSION
  The joining of the existing 'West Quay' and the 'East Jetty', and;

- DURNISH LAND DEVELOPMENT
  To provide for increased port related storage and port-centric logistics

At this stage SFPC are proceeding with Phase 1 works which comprises the Jetty Extension.

See attached doc: 3_Construction Environment Management Plan, Rev B, Phase 1 Jetty Extension.pdf

Modifications to the existing jetties and quays to connect the existing West Quay to the existing East Jetty for the purpose of extending the length of the existing quay to facilitate the mooring of vessels and Port related operations.

Development 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.

PROPOSED WORKS FOR JETTY EXTENSION

Connection of the existing West Quay to the existing East Jetty will involve the construction of an open piled jetty structure with suspended reinforced concrete deck tying into; the existing jetty and quay wall structures; and, the land reclaimed to the rear of the East Jetty (and Berth 5 of same) which already has planning consent.

A 25m wide suspended reinforced concrete deck will span between the West Quay and the East Jetty, though will be wider at its eastern end to facilitate transition of the proposed deck into the reclaimed land behind the East Jetty. The proposed deck shall extend a distance of 116.5m between the West Quay and the East Wall with the loads carried by tubular steel piles driven to provide approximately 3m deep penetration into rock.

Similar methodology will be equally applicable for the foundation piles that will accommodate the relocated small craft floating pontoon on the western side of the West Quay wall.
No storm water runoff shall be permitted from the jetty connection structure but shall be collected in a dedicated storm water drainage system.

Dredging

No capital dredging is required as part of the proposed works. The location of the proposed jetty extension is currently dredged to a declared depth of -10.5mCD as part of SFPC's current maintenance dredging campaign.

Quay Furniture

The proposed suspended deck will include berthing fenders and mooring bollards placed at regular intervals along the outside (northern) quay edge to accommodate mooring vessels for the purpose of loading and unloading of goods. Mooring bollards will also be placed at regular intervals along the inside (southern) quay edge. The suspended deck will facilitate port traffic and infrastructure which would typically expect to include; loading and unloading vehicles, mobile loading hoppers and craneage, and, associate port traffic and personnel. All existing jetty structures will be retained during the works and will continue to be used for berthing.

Mechanical and Electrical Services

The proposed lighting for the jetty connection working area will comprise 30.0m high; base hinged raising and lowering masts with multiple floodlight arrangements and light cowls for light pollution control. Low energy LED lighting will provide an average lighting level of 30-50 lux for storage and operational areas, and an average of 20 lux in circulation areas. The lighting will be designed to prevent direct glare into surrounding properties and illumination of the night sky.
Power supply will be by connection to the local electricity grid system.

Water Supply

Water supply will be by connection to the existing water supplies on the existing East and West Jetty structures.

Safety Equipment

Fire hydrants will be provided at regular intervals along the jetty structure. Access ladders and safety chains shall be provided at regular intervals along both faces of the jetty connection structure.

Fencing and Security

The site of the proposed works is wholly contained within the existing port operational (ISPS) area and as such no additional security fencing will be required.

General Construction Sequence

The general sequence of the construction of the jetty connection works are anticipated to include:
1. Removal and relocation of the existing small craft landing pontoon to an area identified at the west side of West Quay. Two locating piles will be installed at the new location to accommodate the relocated landing pontoon.
2. Driving of steel tubular piles to the required depth using a vibrating hammer and hydraulic impact hammer to achieve the required toe level. Piles to support a suspended concrete deck, connecting the existing West Quay to the existing East jetty to create New Berth No. 4.
3. Localised demolition of existing jetty structures and structural connection between new structure and existing jetty structures.
4. Installation of pre-cast concrete deck elements using suitable plant.
5. Pouring of in-situ concrete deck on jetty extension using concrete pump/skip.
6. Installation of drainage, services, quay furniture and lighting.

Landing Pontoon Relocation

Prior to commencement of the jetty extension works, the existing small craft landing pontoon located behind the proposed jetty extension shall be removed and relocated to an area identified at the west side of West Quay. Two locating piles shall be installed at the new location and a landing platform shall be constructed to tie in with the existing quay structure, along with a landing structure and concrete bank-seat to accommodate the pontoon walkway.

Proposed Operations at East Jetty

Port operations on the jetty extension will be as per the existing jetties, and will generally comprise the loading and unloading of vessels using Harbour Mobile Cranes consistent with existing quay operations. Materials handled will vary depending on trade requirements but the following is anticipated;

- Construction materials including timber, steel sections reinforcement etc.
- Project cargoes such as wind turbine components, steel pipes etc.
- All types of dry and liquid bulk cargoes

It is intended that hours of operation on the jetty extension will be the same as the existing hours.

Equipment

Handling operations on the existing jetty will continue as is the current practice with vessels generally being loaded or unloaded by the use of the Port's existing harbour mobile cranes. Other types of port handling equipment such as mobile hoppers, mobile cranes, mobile weighbridges, loading shovels, reach stackers, mast lift trucks or similar will be used as and when required.

Operational Access

Access to the jetty extension will be via the existing entrances onto the East and West jetty access structures.

It is estimated that the proposed construction works will be undertaken during a construction period of approximately 12 months. An area will be required for the establishment of the Contractor's site compound. The site compound will be used for the Contractor's site office accommodation and facilities and will include an area for temporary storage of construction materials. A suitable area will be made available on existing port lands close to the site of the proposed works. Existing port operations will continue as normal during the construction period. Access to the site will be via the Foynes Port Access Road (which can be accessed from the adjacent existing port access road off the N69), and along the internal port roads. In general all construction related traffic will use the port entrance to the east of Foynes village in order to avoid traffic passing through the village. Suitable traffic management and other systems will be put in place as required to minimise disruption to existing activities during the construction period.

Pollution Control

The construction works will involve Civil and Marine Engineering works and Mechanical and Electrical works. All machinery used during the construction phase of the works will be required to be in good working order and free from oil and hydraulic fluid leakages. If machinery maintenance has to take place, it will be carried out at the allocated Contractor's compound which will be located away from the adjacent waters. Fuel for machinery will be required to be stored in a secure and bunded area.

Waste Disposal

Contractors working on site during the works will be responsible for the collection, control and disposal of all wastes generated by the works.

Operational Activities

When construction work has been completed, the jetty extension will require little by way of maintenance. Surface water from the new working area on the jetty extension will be collected by a system of drainage channels and gullies. The surface water will be discharged via interceptors to ensure that no pollution is released into the surrounding waters.
It is the intention of SFPC to retrofit dust suppression hoppers to two of the existing hoppers used in the vicinity of the proposed jetty extension. This will assist with the control of dust from the jetty operations.

COMPANION CONSENTS

Planning Permission for the overall project was granted by An Bord Pleanála in December 2018 (Reference: PL91.301561). *See attached doc: 3a_An Bord Pleanala-Grant of Permission, Dec 2018*

Details of previous Foreshore Leases obtained as below:

20 June 1933 – West Quay (MS 51/10/38),

13 January 1988 – West Jetty Extension (MS 51/10/118),

16 January 2015 – East Jetty Reclamation (MS 51/10/135).

PUBLIC PARTICIPATION

There were two public consultations periods conducted by the Foreshore Section of the DHLGH. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 as amended and the European Directive 2003/35/EC (known as the Public Participation Directive or "PPD").

The second consultation was initiated following legal advice on procedural requirements for applications for projects requiring the submission of an Environmental Impact Assessment Report (EIAR). The advice was that such applications require the application and EIAR documentation to be more readily available for public viewing and a consultation period of 8 weeks.

First Public Consultation

The first public consultation period ran from 17 January 2019 to 22 February 2019. A public notice concerning this application was published in the "Irish Examiner" and the "Limerick Leader". The relevant documentation was displayed at Newcastle West Garda Station for the required period of 21 working days and was also available to view on the Department's website.

No public submissions were received during the first consultation period.

Second Public Consultation
The second public consultation period ran for an 8 week period from 23 January 2020 to 23 March 2020. A public notice concerning this application was published in the "Irish Examiner" on 23 January 2020, the "Limerick Leader" on 25 January 2020, the February 2020 issue of "Marine Times" (notice dated 23 January) and March 2020 issue of "The Skipper" (notice dated 23 January).
The relevant documentation was displayed in Newcastle West Garda Station, Foynes Public Library and the main offices of Limerick and City Council at City Hall, Limerick throughout the consultation period, and was available to view on the Department's website. Also, SFPC established a dedicated website to display the application and EIAR documentation.

No public submissions were received during the second consultation period.

Public Consultation Submissions and Assessment
No public submissions were received in either the first public consultation period in 2019 or the second public consultation period in 2020.

PRESCRIBED BODIES CONSULTATION
Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. Prescribed bodies consultation is conducted in tandem with the public consultation so as with the public consultation two prescribed bodies consultations were undertaken following legal advice on procedural requirements for applications for projects requiring the submission of an EIAR.

There were two Prescribed Bodies Consultations conducted by the Foreshore Section of the DHLGH.

First Prescribed Bodies Consultation
The first consultation period ran from 17 January 2019 to 22 February 2019 and observations were requested from the following;

- Department of Housing, Planning and Local Government (Water and Marine Advisor)
- Marine Institute
- Marine Survey Office
- Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology) (DCHG)
- Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division) (DAFM)
- Sea Fisheries Protection Authority (SFPA)
- Inland Fisheries Ireland (IFI)

Responses were received from all bodies contacted.

See attached Doc: *4_Prescribed Bodies Submission*

Second Prescribed Bodies Consultation

The second public consultation period ran from 23 January 2020 to 23 March 2020. Observations were again requested from the following;

- Department of Housing, Planning and Local Government (Water and Marine Advisor)
- Marine Institute
- Marine Survey Office
- Department of Culture, Heritage and the Gaeltacht (Nature Conservation and Underwater Archaeology) (DCHG)
- Department of Agriculture, Food and the Marine (Aquaculture and Foreshore Management Division) (DAFM)
- Sea Fisheries Protection Authority (SFPA)
- Inland Fisheries Ireland (IFI)

No additional or amended responses were received from the prescribed bodies.

Prescribed Bodies Submissions and Assessment
The prescribed bodies confirmed no objection to the project and provided commentary which is listed as the Prescribed Bodies Observations on the Department's website *here*.
A number of the submissions from the prescribed bodies raised particular observations and put forward suggested conditions to be included in any consent issued.

Marine Licence Vetting Committee comment: The MLVC reviewed and assessed these submission and have incorporate all relevant and necessary conditions in the proposed Lease Conditions set out below.

ENVIRONMENTAL ASSESSMENT

Independent Environmental Consultant (IEC)
In addition to the Department's in-house Marine Advisor (Ecology), the Department engaged Roughan and O'Donovan (ROD) Consultants as IEC to provide assistance with regard to the statutory environmental assessments for this Foreshore Lease 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.

Screening for Appropriate Assessment
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.

A number of application documents submitted by SFPC informed the AA Screening Conclusion by ROD including:
- Foreshore consent Application Form
- Construction and Environmental Management Plan (CEMP)
- Site Location Map
- Foreshore Lease Maps
- Admiralty Chart
- Environmental Impact Assessment Report (Volumes 1-9)
- An Bord Pleanála Order Letter
- Records of Public Consultation and Newspaper Notices
- Submissions from Prescribed Bodies
- Response Document to third party consultations

See external link below: Material considered by IEC, in preparing Appropriate Assessment Report.

The consultants concluded in the report "Appropriate Assessment Review" of May 2021 that the applicant provided sufficient information to the Minister to enable him to make an informed Appropriate Assessment Screening determination.

See attached doc: *5_Appropriate Assessment Review from Roughan O'Donovan*

This Appropriate Assessment Screening report along with all relevant material was considered by a Marine Ecologist in the Department and the following recommendation made in relation to Appropriate Assessment Screening for decision by the Minister:

In accordance with 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'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project construction of an open pile jetty structure at Foynes Port individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

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 has made a determination following screening that an Appropriate Assessment is required as the project individually or in combination with other plans or projects is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

See attached docs: 5a_Ecologist Environmental Report_email , 5b_Ecologist EIA Pre-Screening

[redacted]

Screening for Appropriate Assessment Determination
On 30 September 2021, Minister of State [redacted], upon a review of all materials of the application, concurred with the IEC and Recommending Officer, and accepted and adopted the Screening for Appropriate Assessment and its conclusions.
(***Related submission link:*** *Appropriate Assessment Screening Determination. Foreshore lease application by Shannon Foynes Port Company for jetty extension at Shannon Foynes Port***)**

See attached doc: 6_Signed Screening for AA Determination Stmnt

Appropriate Assessment (Stage 2)
The IEC 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.

Appropriate Assessment Stage 2 Determination: Minister of State [redacted], upon review of all relevant materials on the application concurred with the IEC and Marine Advisors and accepted and adopted the IEC Appropriate Assessment and Conclusions.
(*Related submission link: HLG 00344-21: Appropriate Assessment Determination and Environmental Impact Assessment Reasoned Conclusion*.)

On 14 October 2021 the Minister determined the following:

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.

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);
- 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.

See attached docs: *7_Environmental Impact Assessment Report from Rougnan O'Donovan* ,
8_Signed AA Determination Conclusion Stmnt, EIA Reasoned Conclusion Stmnt

MLVC CONSIDERATIONS
In producing their report, The Marine Licence Vetting Committee (MLVC) considered and assessed the following documents:
-Completed Foreshore Licence Application Form dated 08/05/2018
-All Associated Application Documentation including all Reports, Plans and Drawings, CEMP, NIS and EIAR etc.
-Prescribed Bodies Observations
-Applicant Response to Prescribed Bodies Observations.
-Additional information and clarifications requested and received as part of the assessment process.

See attached doc: 9_MLVC Report

ESTATE MANAGEMENT
All foreshore is presumed state owned unless proven otherwise. In this case there are no known established claims of private ownership of the foreshore at this location and no claims of private ownership were raised during the application and public consultation process therefore, the foreshore the subject of this application is state owned. Accordingly Section 2 of the Foreshore Act applies for the proposed site investigation. The lease areas for the jetty extension and landing pontoon are shown in the following maps submitted by the applicant:

- The Drawings Titled Foreshore Lease Map 1, Drg no. M0679-RPS-00-FS-DR-C-0002 Rev: P02 Date April 2018
- Foreshore Lease Map 2, Drg no. M0679-RPS-00-FS-DR-C-0003 Rev: P02 Date April 2018

PUBLIC INTEREST
Sections 2 and 3 of the 1933 Foreshore Act, as amended, state that a lease or licence of state foreshore may be granted "If, in the opinion of the Minister, it is in the public interest". As foreshore is a finite and valuable national resource and public amenity, it is important that each plan and project is fully assessed to ensure, that if consented to, it is a sustainable and proper use of that finite and valuable resource.

In assisting the Minister to establish if a particular plan or project is in the public interest, the MLVC considered and assessed the following:

-Does the project fall under any Government policy or programme?
MLVC comment: Yes, Shannon Foynes Port is a Port of National Significance Tier 1. The continued commercial development of Ports of National Significance Tier 1 is a key objective of the National Ports Policy.
-Does the project fall under any EU Directive or programme?
MLVC comment: Yes, ORE projects fall under the EU Offshore Renewable Energy Strategy.
-Is there a public use element to the project?
MLVC comment: There are no direct public use elements to the project.
-Does the project impact on existing public access/use and amenity of the foreshore?
MLVC comment: The project will have no significant short or long term impact on public access/use and amenity of the foreshore.
-Does the project impact on any potential future use of foreshore?
MLVC comment: The MLVC is not aware of any planed public infrastructure project for this area of foreshore.
-Does the plan or project contribute to the sustainable economic development of the local area or wider economy?
MLVC comment: Yes, Shannon Foynes Port is a Port of National Significance Tier 1 and it's continued development is central to the sustainable development of the local and wider economy.
-Relevant public and prescribed body submissions
MLVC comment: The submissions are listed, discussed and assessed under Sections 5 and 6 of this report.

Having considered and assessed the relevant issues above, while taking note that the state owned foreshore is finite resource which must be utilised sustainably, the MLVC is satisfied that the proposed project is in the Public Interest.

MLVC Conclusions
Submissions by the prescribed bodies have been considered and responded to by way of attached conditions. Significant appropriate consideration has been given to environmental matters by Independent Environmental Consultants, the Marine Advisor and the MLVC.
The MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed works will not adversely affect Fishing, Navigation or the Environment and is in the Public Interest. Therefore, the MLVC recommend that the Minister issues a Foreshore Lease for the proposed jetty extension and landing pontoon at Foynes Port, Co Limerick as set out in Foreshore Licence Application file reference FS006837.

Proposed Lease Conditions:

1. The Drawings Titled Foreshore Lease Map 1, Drg no. M0679-RPS-00-FS-DR-C-0002 Rev: P02 Date April 2018 and Foreshore Lease Map 2, Drg no. M0679-RPS-00-FS-DR-C-0003 Rev: P02 Date April 2018 shall be attached to and referenced in the lease document.
2. The Lessee shall use that part of the Foreshore the subject matter of this licence for the purposes as outlined in the application and for no other purposes whatsoever
3. The works shall be conducted in accordance with documents and drawings submitted by the applicant.
4. The DHLGH shall be notified 2 weeks prior to any works proceeding.
5. The mitigation and monitoring measures as detailed in the Environmental Impact Assessment Report and any Further Information Responses shall be implemented in full.
6. The mitigation as detailed in the Appropriate Assessment Natura Impact Statement shall be implemented in full.
7. 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.
8. Vibratory pile driving to be used to the maximum extent possible.
9. Piling for limited time period each day and during daylight hours only.
10. A detailed Construction Environmental Management Plan (CEMP), to include waste management measures, is to be submitted by the Lessee to DHLGH for approval in advance of works commencing. The CEMP for the construction phase of the proposed development shall be agreed with IFI in advance of the commencement of works.
11. 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.
12. The Lessee shall ensure that the appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other leakages to the foreshore occur during the Construction Phase. Contractor's arrangements for the control of pollutants should be notified to the DHLGH for agreement prior to works on the foreshore commencing.

FINANCIAL CONSIDERATIONS
Shannon Foynes Port Company have agreed to pay a once-off buyout payment of € [redacted] for the subject property, on the basis of a 35 year lease agreement and subject to a peppercorn annual rental of € [redacted], if demanded.

AGREEMENT OF THE APPLICANT
Shannon Foynes Port Company have agreed to the recommended site specific conditions, which will be attached to the licence, if granted.

BASIS FOR RECOMMENDATION
Having regard to:

-The application, together with accompanying documentation;
-The submissions received from prescribed bodies (statutory consultees);
-The public consultations undertaken;
-The Screening for Appropriate Assessment
-Appropriate Assessment Screening (Stage 1) – Determination
-The Appropriate Assessment Determination
-The EIA Screening
-The assessment of the proposed development by the MLVC, its conclusions and recommendations in this regard;
-The consent conditions to be attached to the foreshore licence, if granted.

It is considered that the proposed development on the Foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of the Natura 2000 sites, and the proposal is in the public interest.

It is recommended that a foreshore licence be granted to Shannon Foynes Port Company, subject to the conditions recommended by the MLVC, and the financial considerations set out above.

NOTIFICATION OF MINISTERIAL DETERMINATION
If approval is granted by the Minister, Shannon Foynes Port Company will be informed accordingly, an appropriate lease will issue for execution, and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website.

A Notice of Determination will also be published as required under section 21A of the Foreshore Act 1933, as amended.

The Notice of Determination will address:

-The outcome of the Minister's determination of the application.
-The main reasons and considerations for the Minister's determination.
-A statement that all relevant documentation on which the determination is based is available for inspection on the website of this Department and at the Department's Wexford office.
-Confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted for approval, to grant a foreshore lease to Shannon Foynes Port Company for the purpose of carrying out works to extend the port's East Jetty to connect with the West Quay, and to construct a small craft landing pontoon on the western side of the West Quay, in order to extend capacity at Shannon Foynes Port, Co. Limerick.

Related submissions

There are no related submissions.

Comments

[redacted] **(Housing)** - 22/10/2021 17:37

[redacted], i have considered this application for a Foreshore Lease by Shannon Foynes Port Company under the Foreshore Act 1933, as amended, for the purpose of carrying out works to extend the port's East Jetty to connect with the West Quay, and to construct a small craft landing pontoon on the western side of the West Quay. This is part of a project aimed at extending capacity at Shannon Foynes Port, Co. Limerick. Having considered the application in full i recommend approval of a Foreshore Lease in this case.

[redacted] **(Housing)** - 28/10/2021 09:57

Minister, I agree with the recommendation and ask that you approve this foreshore lease. The Shannon Foynes project has been a longstanding strategically important application within the Unit and is an important critical consent to allow the project to proceed.
[redacted]

[redacted] **(Housing)** - 29/10/2021 12:54

Approved by minister, 29/10/2021

User details

INVOLVED: [redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
eSub MOS [redacted] Office
eSub MOS [redacted]

READ RECEIPT: [redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)
[redacted] (Housing)

Action log

ACTION	USER	DATE	DESCRIPTION
Create	[redacted] (Housing)	19/10/2021 16:04	Submission HLG 00385-21 to Minister of State [redacted] created.
Add involved user	[redacted] (Housing)	19/10/2021 16:53	Submission shared with [redacted] (Housing).
	[redacted]		

Attachment removed	[redacted] (Housing)	20/10/2021 14:16	Attachment Application Form.pdf removed.
Attachment removed	[redacted] (Housing)	20/10/2021 14:53	Attachment 7_Signed AA Determination Conclusion Stmnt, EIA Reasoned Conclusion Stmnt.pdf removed.
Submit for review	[redacted] (Housing)	22/10/2021 16:14	Submission sent for review to [redacted] (Housing).
Submit for review	[redacted] (Housing)	22/10/2021 16:33	Submission sent for review to [redacted] (Housing).
Submit for review	[redacted] (Housing)	22/10/2021 17:37	Submission sent for review to [redacted] (Housing).
Submit for review	[redacted] (Housing)	28/10/2021 09:57	Submission sent for review to Minister of State [redacted].
Submission sent	[redacted] (Housing)	29/10/2021 12:25	Submission sent by email to [redacted] (Housing).
Complete	[redacted] (Housing)	29/10/2021 12:54	Submission completed by [redacted] (Housing).