Cronin Millar
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30 June 2014

Mr. Patrick O'Neill,
Foreshore Unit,
Coastal Zone Management Division,
Department of Environment, Community and Local Government,
Johnstown Castle Estate,
Wexford,
Co. Wexford.

Re: Foreshore Lease/Licence Application FS005826
Monkstown Bay Marina Company Ltd. – Monkstown, Co. Cork
Redacted Public Submissions

Dear Mr. O'Neill,

I refer to your letter dated 25th April 2014 in relation to the redacted public submissions received for this application.

We note that 86% of all submissions were in favour of the development with 13% of submissions constituting objections. We therefore consider the proposal to be very well received and hope the Foreshore Unit take this into account.

For the purposes of this letter, the undersigned has focused on the objections submitted. The responses to the objections on behalf of the Applicant are detailed below.

We have prepared our responses under the relevant headings and made reference to each of the specific objections. This letter should be read in conjunction with the individual submissions.

Dept. of Environment, Heritage & Local Government
7 JUL 2014
Wexford

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Submission 18

18.1 Wildlife

The site of the proposed marina and section of foreshore to be reclaimed is outside of the Cork Harbour SPA (004030). This area was successfully appealed out of the originally defined Natura 2000 site boundary. The current SPA boundary is shown in Figure 1 below along with the outline of the proposed marina.

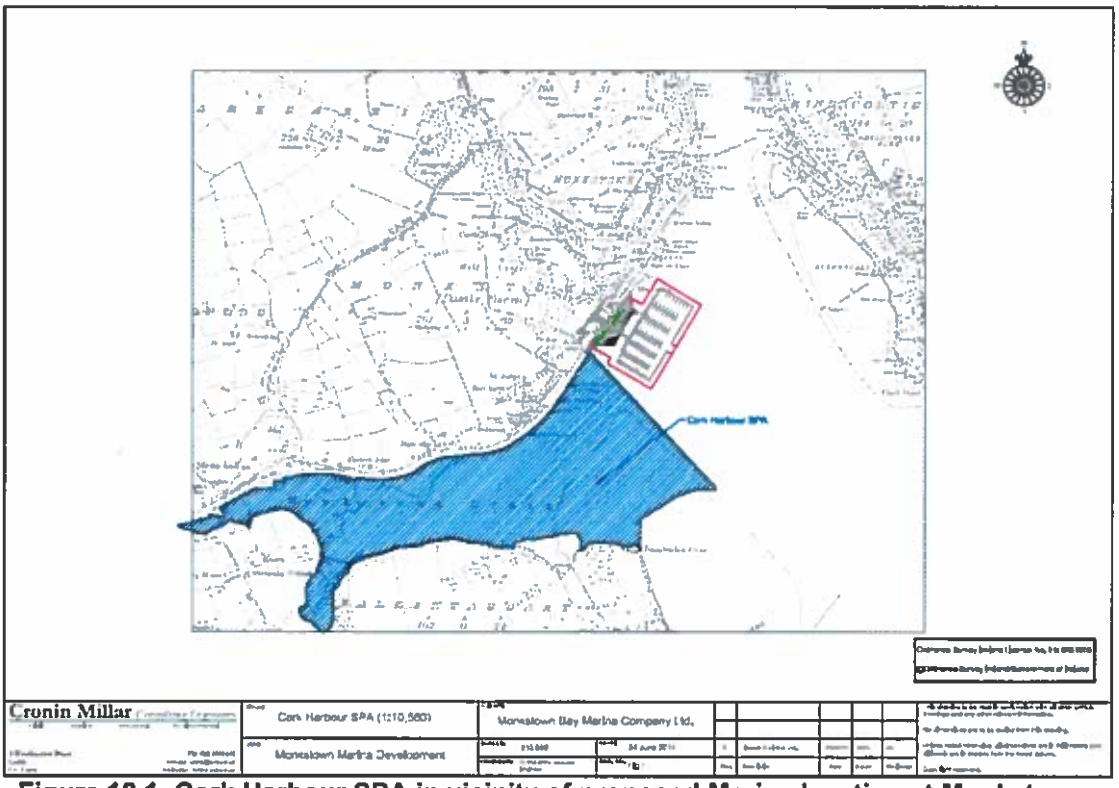


Figure 18.1. Cork Harbour SPA in vicinity of proposed Marina location at Monkstown.

The reference to the freshwater stream being diverted to emerge sub-tidally is incorrect. The stream outflow will be diverted from its current location and conveyed via culvert to an outfall at the south western extent of the proposed area of reclamation. The stream will thus continue to discharge into the intertidal zone and be available for birds and otter to access. This has been previously indicated on drawing C285/F/5/A Services Layout.

The submission suggests that the study undertaken as part of the EIA process attempts to minimise the damage that would result from the marina by stating:

> "*The limited intertidal area within the footprint of the proposed marina would be of limited value to any of these species on account of the coarseness of the substrate and the proximity of the road to the shore*".

This statement does not exclude the occurrence of small numbers of birds utilising the stretch of intertidal habitat within the footprint of the proposed marina but highlights the limited value of the area as confirmed by the results of the winter bird surveys undertaken in February and March 2009. This data is presented in conjunction with the results of count data for Monkstown Creek for comparison. Species such as heron, cormorant and black headed gull (as referred to in the submission), have a high tolerance of human disturbance and frequently utilise

artificial structures such as marinas, harbours, wharfs etc. either for perching or as a foraging platform. The coarse nature of the substrates in the vicinity of the proposed marina makes it unsuited for species such as black-tailed godwit which feed on invertebrates within estuarine mud's by probing with their long bills, and shelduck which sift off the surface of estuarine muds with their flattened bills. Redshank and curlew are commonly found on a variety of shore types while oystercatcher and turnstone are primarily associated with hard substrate or rocky shores.

Dredging of the approaches to the marina and within the sub tidal area will not result in any impact on birds utilising the intertidal mudflats and the marine biota of the seabed will rapidly recover following this work. The potential for negative impacts on the marine ecology from sewage, paints, accidental spillages, etc. are readily mitigated for by the measures as prescribed in Section 6.4 of the Ecology section of the EIS.

18.2 Leisure

The submission states:

> *"In the unlikely event that the projected marina is permitted to go ahead, local roads will become congested and dangerous during construction work. Thereafter, the roads would be busy and congested at all times…."*

As part of the Environmental Impact Statement which formed part of this foreshore lease/licence application, a Traffic Impact Assessment (TIA) was undertaken. Section 12.44 of the EIS states:

> *"The predicted traffic generated by the proposed development corresponds to 1% - 2% of the carrying capacity of the road, thereby having a minimal impact on the carrying capacity of the R610 in the vicinity of the site."*

The claim that the local roads would become *"congested and dangerous"* is unfounded. It is a condition of the planning permission granted (08/9317) that the foreshore for the car park is reclaimed prior to expansion of the marina. This will reduce the impact of cars parking along the existing road side.

The submission seems to state that the provision of the walkway around the proposed reclaimed foreshore will be a safety hazard. We do not agree that this is the case. Furthermore, there are a number of accesses currently traversing the existing footpath such as:

- 2 No. entrances at the Cross River Ferry, Glenbrook;
- 2 No. entrances at the car park opposite "the Bosun";
- 2 No. entrances at Sand Quay.

It is apparent that these existing vehicular entrances over the pedestrian footpath (as listed above) do not negatively impact upon the amenity. The entrances at Glenbrook are particularly busy as they form part of a commuter route. There is no evidence to suggest that the entrance to the proposed marina development will be of a greater health and safety risk to pedestrians than the above.

The pedestrian walkway within the car park is designed to be open to use by the general public.

18.3 Insurance

The applicant currently holds public liability insurance for the existing marina development. The applicant has confirmation from their insurance company that this insurance may be extended to public parking and all persons within the Phase 2 development curtilage. Similarly this applies to the provision of public toilets within the marina facilities building.

The submission claims that:

> *"Its claim* [the brief] *that the complex would 'provide a large amount of amenities to the users of the Marina and the public alike', can be dismissed on the same grounds"*

This claim is unfounded. Please see enclosed Appendix 1 which confirms the insurance cover proposed for the marina development.

18.4 Planning

The submission states:

> *"It is sinister that Cork County Council, which is charged with preserving the interests of all the area's users and particularly its inhabitants, has agreed to lease 'the relevant area of the foreshore' to the developers without consulting local residents about the potential impact of the proposal on the native area."*

Commercial agreements between Cork County Council and the applicant are not within the jurisdiction of the Foreshore Unit. The applicant wishes to point out that the marina will provide facilities to the wider community in the Monkstown area, not an elite class. The existing marina currently caters for the following clients, individuals and charities:

i. Boat hire
ii. Boy scouts
iii. Coast Guard training services
iv. Family pleasure boats
v. Fishermen – commercial and recreational
vi. Irish Coast Guard
vii. Irish Naval Service
viii. Kayakers
ix. Mallow Search and Rescue
x. Meitheal Mara Youth Group
xi. Monkstown Bay Sailing Club (including rescue craft)
xii. Passage West Rowing Club (safety boat)
xiii. Port of Cork Schools Initiative
xiv. RNLI training services
xv. Sail boats
xvi. Sail Cork – sail training
xvii. Sea angling craft
xviii. Sea safaris
xix. Southern Scientific monthly water sampling
xx. Spirit of Oysterhaven – sail training
xxi. Tourists from UK, mainland Europe, USA etc.
xxii. Triathlon swimming event
xxiii. Work boats
xxiv. Diving club boats

It is therefore evident that the marina caters for the general public and is valued by the wider community. Appendix 2 provides images of various existing marina users.

Submission 23

23.1 Marina Capacity

The submission states that the current marina is *"underutilised since inception"* and appends images purporting to show an empty marina. This is untrue. The marina is at peak capacity during summer months. The applicant is forced to reject some vessels wishing to use the marina due to capacity issues. The marina therefore requires expansion. Please see figure 23.1 which shows the marina at full capacity during summer months. Outside of summer months, the occupancy of the marina is reduced as tourists generally don't sail to Ireland during the winter, and many of the services mentioned in 18.4 are not in operation.

Figure 23.1 Monkstown Marina – 10 June 2014

23.2 Marina Location

The submission states:

> *"The requirement of a marina in the inner harbour does not meet sailors' expectations for access to the outer harbour as sailing time to reach outer harbour can take 2 hours".*

The submission is not clear with regard to the distinction between the "inner harbour" and "outer harbour". However, the objective of providing a marina at the proposed location in Monkstown is to have safe access to vessels in a location that is relatively central within Cork Harbour. The marina is easily accessible from Cork City Centre and suburbs. A regular scheduled Bus Éireann Route (No. 223 Cork – Haulbowline) stops adjacent to the entrance to the existing marina development.

The location provides quick access to safe and sheltered sailing grounds within Cork Harbour. The fact that the existing marina is at full capacity appears to confirm the suitability of the marina location.

23.3 Sailing Interest

The submission states:

> *"Only 35% of current residents have a sailing interest yet 85% of the village sea views could be compromised by sailing infrastructure which will potentially only be enjoyed by people outside of the locality."*

We are unaware of any evidence to back up the quoted figures. The EIS addresses the visual impact of the proposed development.

23.4 Industrialisation

The submission states:

> *"The enlargement of the existing marina will only further add to the 'industrialisation' of the inner harbour."*

The pharmaceutical plants and the location of Port of Cork facilities are amongst some of the developments within Cork Harbour that add to the industrial theme. In the opinion of the applicant, the provision of leisure facilities in the Monkstown area negates the apparent industrial environment of Cork Harbour.

23.5 Property

The submission states:

> *"The properties adjacent to the development are comprised of Edwardian, Georgian, Victorian and Gothic Victorian buildings which are part of the story of Monkstown Village and granting of the foreshore licence will detract enormously from the story of the village and the setting of these structures."*

The proposed development will not negatively impact upon the setting of these structures. The applicant wishes to point out that in recent property adverts placed in national and local papers, images of the existing marina are used as a selling point for the sale of the properties.

If required, the applicant can provide evidence of same.

23.6 Stream

The submission refers to the stream discharging at *Thorncliffe*. It is our understanding that this stream discharges through the boundary wall of the property, then drops into a culvert that runs under the public road, before discharging onto the Cork County Council owned foreshore. It is a condition (No. 26) of the planning permission granted that the water is conveyed to the outside boundary of the reclaimed foreshore. The applicant has proposed that this culvert is located at the south west extremity of the reclaimed foreshore. Inspection of the culvert will still be possible.

23.7 Flooding

The applicant is not responsible for any existing works to be carried out to the culvert near *Thorncliffe*. Extension of this culvert will not cause flooding. The culvert will be appropriately maintained by Cork County Council. Flooding on the adjacent roadway is generally caused by extreme tide levels. Figure 23.7 provides evidence of previous flooding in the area.

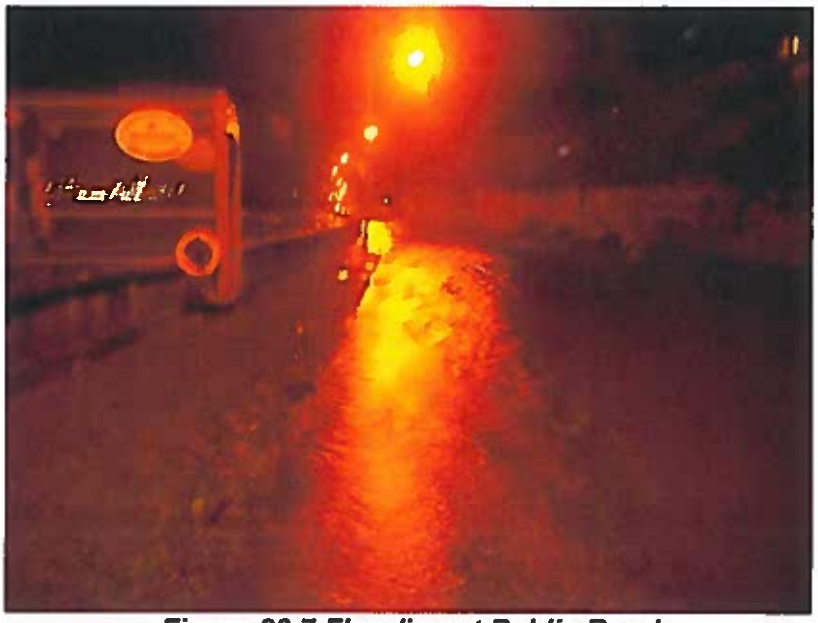


Figure 23.7 Flooding at Public Road

23.8 Public Consultation

There is no statutory requirement to consult with individual landowners. A public consultation was held in September 2008 at Monkstown Bay Sailing Club. The documents were also made available for public viewing at the Dublin Boat Show, RDS, Dublin in February 2009. The general public also have the right to make observations during the planning and foreshore processes. We understand that the owners of the property at *Thorncliffe* made observations during the planning process.

23.9 Mooring Ring

The submission states:

> *"A mooring ring on thesea wall in front of Thorncliffe 'a protected structure' has been enjoyed by the residents of Thorncliffe since its installation"*

There are a number of items of redundant infrastructure located along the sea wall such as ladders and mooring rings (see figure 23.9). The applicant understands that this mooring ring is located on state owned foreshore. The applicant regards this mooring ring as having a very limited function, and as being rarely used.

We are not aware of any vessels owned by the residents of *Thorncliffe*. We are therefore unaware how the residents of *Thorncliffe* "enjoy" the mooring ring.

Figure 23.9: Redundant Furniture at Quay Wall

23.10 Flooding

The public road at Monkstown floods periodically due to extreme tidal levels. See section 23.7.

The level of the proposed car park is set at +3.80m OD Malin. This is approximately 1.05m above the existing road level. The car park will not cause flooding on the public road. Surface water will be conveyed to sea via a petrol interceptor.

23.12 Private Benefit

The submission states:

> *"The proposed development is primarily for private benefit and will be of no benefit to those locals not associated with the sailing fraternity"*

Please refer to section 18.3.

23.13 Traffic

A full traffic impact assessment has been provided in the EIS. Private dwelling house access issues are outside the remit of the Foreshore Unit.

23.14 Light Pollution

The submission states:

> *"Lighting of the proposed parking areas along with the proposed buildings on the proposed marina will further add to lighting pollution of the Lower Monkstown Area. No solution has been proposed to compensate for this."*

The applicant proposes to install downward facing lights with a cowl to minimise light pollution. This is also stated in An Bord Pleanala condition No.18.

23.15 Noise Pollution
The submission states:

> *"Noise pollution from the additional maintenance and out of hours sailing that goes with such a marina will add to the industrialisation of the Monkstown area..."*

Maintenance will not be carried out on vessels at this marina.

An assessment of the impact of noise and vibration was carried out as part of the EIS.

23.16 Inshore Fisheries
The submission states:

> *"In shore salmon fishing which has been enjoyed in the area proposed for over 100 years will no longer be available to fishermen."*

Fishermen generally shoot their nets at the mud flats to the south west of the proposed marina development. The applicant has consulted with Cork Draft Net and Inshore Fishermen's Association in 2014. They have stated that they have *"no great issue with the proposal".*

23.17 Cork County Council
It is unclear how the applicant may be deemed to be *"in hoc"* with Cork County Council. The applicant does not intend to *"construct houses or apartments on the area concerned".*

23.18 Figure 3
The submission states:

> *"2011 – Only 6 yachts - yachts and pleasure boats of a small type that could not sustain a larger marina going forward."*

It is unclear when this picture was taken, possibly in the winter season or immediately after construction. Please refer to section 23.1.

23.19 Figure 4
The mooring ring on the public wall across the road from *Thorncliffe* is not a protected structure.

23.20 Figure 6
The applicant understands that residents of the properties shown in Figure 6 did not submit objections at planning or foreshore stage. This submission appears to object on behalf of these property owners, without proof of their authority to do so.

23.22 Figure 8.1
The image provided in Figure 8.1 shows boat storage on land at another marina site. This will not occur at Monkstown Marina.

23.23 Figure 9
The applicant understands that the Sand Quay was not originally a *"green park area with a Victorian Band Stand"*. The Sand Quay was originally constructed for the local yacht club in 1872. This bears no relevance to this foreshore application.

Submission 28

28.1 Visual Impact Assessment
The submission states that:

> *"The existing 83 berth marina is an eye sore and has been quite frustrating for the residents of Alta Terrace"*

The individual who made the submission is entitled to their opinion regarding the visual effect of the development; however a visual impact assessment has been carried out, with mitigation measures proposed, as part of the EIS for this development.

28.2 Compliance with Planning
The submission states:

> *"Monkstown Bay Marina Company have acted in a very unprofessional manner. Sight* [sic] *location maps were not correctly followed for the existing marina…. As part of the planning conditions for this marina MBMC were ordered to pay money to Cork County Council….. To date this money has not been paid."*

Please refer to section 45.1 of this letter.

28.3 Marina Capacity
Please refer to section 23.1 of this letter.

Submission 29

29.1 Marina Capacity
Please refer to section 23.1 of this letter.

29.2 Planning Contributions/An Bord Pleanala Appeal
Please refer to section 45.1 of this letter.

29.3 Siltation
There is no evidence to suggest that the proposed development will cause a build-up of silt into the existing channel. A Coastal Process Report was carried out as part of the EIS. This report states:

> *"Based on the composition of the seabed, it is unlikely that any additional erosion or accretion will occur as a result of the development.*

It is however possible that localised deposition will occur at the upstream side of the proposed slipway and at the upstream end of the rock armour revetment face, due to the physical configuration of these structures. This will be very minor in nature and will not result in any negative impacts.

It is likely that re-siltation of the dredged basin will occur over a period of time. It is difficult to predict the time frame for re-siltation of the basin, but it is expected that maintenance dredging will be required approximately every ten to twelve years."

29.4 Irish Water / Cork County Council

The applicant lodged this foreshore application in October 2012. Preliminary consultations with Irish Water were not held until 2014. Irish Water stated that the proposed marina location was a proposed option for a pumping station as part of the Cork Lower Harbour Main Drainage Scheme. No agreement has been made in this regard. Should Irish Water wish to place a pumping station in this location, both the planning authority and Foreshore Unit will be required to give the necessary consents.

Submission 31

This submission is identical to Submission 29. Please refer to comments under section 29.

Submission 36

36.1 Boat Access

The submission states:

"The fabric and safety of Monkstown village, a residential, harbour village will be significantly compromised."

The applicant is of the opinion that the proposed development will improve safety issues as safer vessel access will be possible. This will be as a direct result of the provision of floating pontoons and a gangway instead of the existing swing mooring field.

36.2 Visual Impact Assessment

The submission states:

"The proposed modifications to the foreshore are ugly and take zero account of the aesthetic impact on a Victorian village"

Please refer to section 28.1 of this letter.

36.3 Target Groups
The submission states:

> *"The target group of sailors, who would benefit from the proposed extension will need to be wealthy to afford the current prices for using the marina."*

The pricing system set up at the existing marina is very competitive. The operator gives pricing plans for daily, weekly, monthly and yearly rates to facilitate all users. The marina is primarily used by owners of small boats. These do not reflect a *"wealthy"* group of boat owners.

The submission states:

> *"Granting the licence will exclude rather than enable, even further, the use of the harbour by the greater sailing public."*

Please refer to item18.3 of this letters which highlights the extent of the general public using the marina.

The submission states:

> *"Where are the regular sailors going to moor their boats, if the foreshore is privatised?"*

The foreshore will not be privatised; it will be in the ownership of the state.
It must be noted that Monkstown Bay Sailing Club, who may be deemed to represent the *"regular sailors"* in the area are fully supportive of the development.

36.4 Social Aspect
The submission seems to suggest that disadvantaged persons will not be in a position to learn to sail in Cork Harbour.

It must be noted that several sailing schools have operated out of the existing marina development. Other charity groups, such as Meitheal Mara, also operate occasionally from the existing marina. These groups will be given even further access as part of the proposed marina development.

36.5 Flooding
Please refer to item 23.10.

36.6 Extreme Weather Events
The submission appears to suggest that existing marina users must vacate the marina during extreme weather events. This is untrue. The marina development also provides safer, quicker access to the land from vessels, rather than berthing at swing moorings. Image 36.6 shows how vessels in the Monkstown area broke their swing moorings during storm events in December 2013 to January 2014. Only minor damage occurred at Monkstown Marina during this event.

Figure 36.6 Vessels Breaking from Swing Moorings

36.7 Traffic

A Traffic Impact Assessment has been carried out as part of the EIS.

36.8 Harbour Management

It is unclear what point the submission makes in relation to harbour traffic and harbour management. Both the Port of Cork and the Marine Survey Office have no objections to the proposed development.

Submission 45

45.1 Planning Enforcement

The submission states:

> *"It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, as such is restricted to Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.:FS005826 where it relates to unauthorised development."*

The existing Monkstown Marina development is not an unauthorised development. Monkstown Bay Marina Company Ltd. received planning permission for the *"Parent Permission" (Ref 06/11584)* which was subsequently amended by the *"Amendment Permission" (Ref 08/5544).*

The works have been completed as per the details received by Cork County Council. A third party appeal was made to An Bord Pleanala (Ref 04.RL3055) with regard to the positioning of the access gate. An Bord Pleanala made the decision that this was not a material deviation. **Cork County Council has not issued enforcement proceedings in this regard, therefore, in our opinion the development is considered authorised.**

The marina operator provides a significant number of *"visitor berths"* at the marina. There is a minimum of 10 berths available until these berths have been filled to capacity. **Cork County Council has not issued enforcement proceedings in this regard, therefore, in our opinion the development is considered authorised.**

The majority of construction works were carried out from the water. The applicant considered that the provision of a construction management plan was not necessary as it did not impact upon traffic in the area. **Cork County Council has not issued enforcement proceedings in this regard, therefore, in our opinion the development is considered authorised.**

Cork County Council issued enforcement procedures to the applicant in relation to the payment of contributions. The applicant has since agreed a payment scheme with Cork County Council. The enforcement procedures have since been withdrawn. **In our opinion the development is considered authorised.**

45.2 Sterilisation of Land
The submission states:

> *"It is our professional Planning Opinion that the Minister of the Environment, Community and Local Government is likely to cause the effect of the Sterilisation of Land should the Application for Foreshore Consent Ref. No.:FS005826 be Granted, Approved or Consented to. This in our opinion will hinder the completion of the Cork Lower Harbour Main Drainage Scheme".*

The submission does not make any argument with regard to how the "land" will be sterilised by the proposal. It is proposed to construct the development on state owned intertidal and sub tidal foreshore.

The Cork Lower Harbour Main Drainage Scheme proposes to install a foul rising main on the R610 adjacent to the proposed marina. This will not impact on the marina development on the adjacent foreshore. Likewise, the marina development will not impact upon the scheme.

The applicant has received planning permission from Cork County Council for the proposed development. Cork County Council was the Contracting Authority for the Cork LHMDS at this time and did not object to the proposal. Neither Irish Water nor Cork County Council have objected to this foreshore application. Irish Water has recently been in consultation with the applicant in relation to the development.

The submission provides no engineering evidence that the marina development will impact on the Cork Lower Harbour Main Drainage Scheme. The statement that the development will *"sterilise the land"* is unfounded.

Submission 60
This submission is identical to submission 36. Please refer to comments regarding same.

I trust that this adequately covers all submissions made by the general public. If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Adam Cronin
B.Eng., M.Sc., C.Eng., MIEI,
Director

Appendix 1 – Insurance Information

O'LEARY
INSURANCE GROUP
Insurance Brokers & Consultants . Est 1961 .

Private and Confidential

Monkstown Bay Marina Co Ltd
Mr. James O'Brien
1 Bellevue Terrace
Monkstown
Co Cork

29 May 2014

Client Key: 85521

Re: Insurance Liability Enquiry

Dear James,

I refer to your current expansion plans and the enquiry into liability for the planned reclamation of land on the Strand road, Monkstown, Cork.

Your enquiry to us was specifically relating to the parking facilities to be located on the reclaimed land at the location mentioned. This would come hand in hand with a marina related activity such as Cork Harbour Marina and your existing insurers would be in a position to extend cover when required.

As with all insurance policies there would be various requirements and conditions applicable to such a facility and if you would like an indication of such requirements please do not hesitate in requesting the same. For example but not restricted to – adequate lighting, safe surface, security arrangements.

I trust the above is in order.

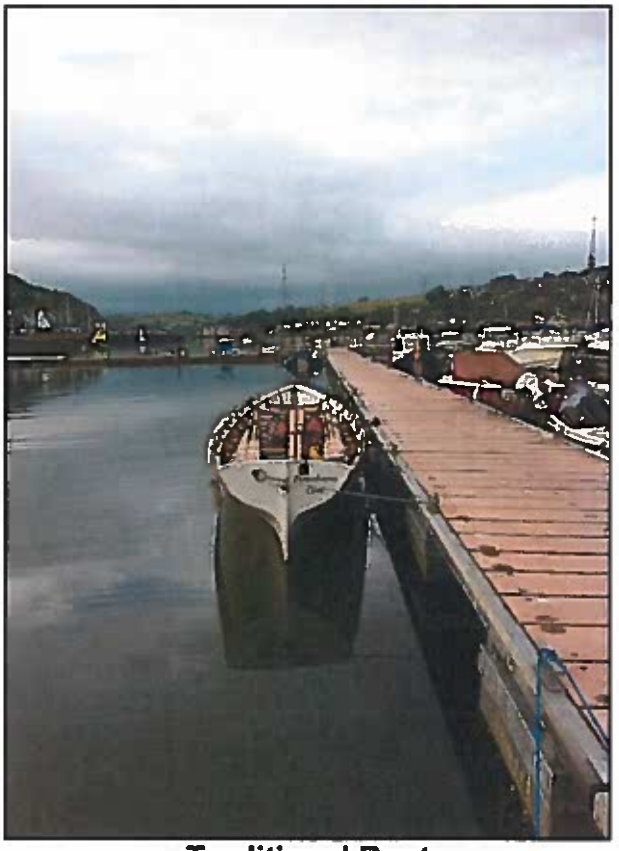
Kind regards,

Yours sincerely,

Nicholas O'Leary
Account Handler
Direct Line: (021)4536837
E-mail noleary@oli.ie

Appendix 2 – Users of Existing Marina

Feva Sailing Event



Traditional Boat

Harbour Tours

Hugo Boss

School Tours

Triathlon

Survey Craft

Work Boats