Submission 30

Environment, Heritage & Government
10 APR 2014
Wexford

9 April, 2014

A Clara,

With reference to foreshore application. (Ref: FS005836) in respect of an extension to the existing marina development by C. Monkstown Bay Marina Company Ltd) at Monkstown Bay, Cork Harbour, I fully support this extension. This extension to the present marina will enhance the area further and greatly improve marine leisure activity in the harbour. Cork Harbour is well placed for major marine leisure and tourism. This extension will be very much part of this overall development. This application will create many badly needed jobs in the local area. As a native of Monkstown for 70 years, I have seen the demise of many industries in Cork Harbour. Any new development to give employment is very welcome. This extension can do just that. Sailing has considerably increased in recent years & marina extends safe access to boats & crafts. It adds a splendid vista to the village.

I thoroughly support the Company's application.

Yours

Submission 31

9th April, 2014.

Department of Environment
Community & Local Government
11 APR 2014

Foreshore Unit,
Department of the Environment,
Community and Local Government,
Newtown Road,
Wexford,
Co. Wexford.

Re: FS 005826. Foreshore Application – Monkstown.

Dear Sir/Madam,

There is an 83 berth marina operated by The Monkstown Bay Marina Company (MBMC) which **currently has 30% occupancy** and less than 40% occupancy all the year round. The granting of a foreshore licence for the infill of 3.5 acres of a very scenic area of the foreshore and an additional 200 berths does not make any commercial sense. As local residents we are gravely concerned with the logic behind this application by MBMC,

We believe the developer(MBMC) that operates the existing 83 berth Marina has not abided by the conditions of the planning permission as laid down by the statutory authorities and therefore should not be eligible to apply for a foreshore licence when **not compliant** with the law of the land.

Please note the following;-

The existing pontoons and entrance were, also, **sited in the wrong position** and not in accordance with their site location map as drawn up by their Engineers Cronin Miller. Both Cork County Council and An Board Pleanala **acknowledged the deviation** but neither party were willing to enforce it. If the Marina company could not, or were not willing to, follow the site map in relation to the existing 83 berth marina what would they do if they were granted a foreshore licence to infill the foreshore?

Another important point to consider would be that without proper tidal modelling being completed there will be a build-up of silt that will extend out into the pathway of a very busy shipping channel. Who would be responsible and pay for dredging the sea bed?

In addition, local residents attended a meeting in Monkstown National School on Tuesday 11th March, hosted by Irish Water and Cork County Council.

A representative from Irish Water outlined their plans for sewerage treatment in Cork harbour. They are looking to locate a sewerage treatment pumping house in Monkstown,

and we are of the opinion that is the reason a foreshore licence is being requested. The marina company are proposing to lease back the foreshore infill to Irish Water for the construction of a sewerage treatment pumping house. This would totally contradict Cork County Councils development plans for Cork Harbour as well as the terms and conditions of the planning permission which was granted.

Please note and consider the following;-

- As residents of we overlook this area of the foreshore and we are opposed to any foreshore licence being granted to a private company what will close off this area of the waterfront to the public.
- We are, also, opposed to a sewerage treatment pumping house being located in this very scenic area which is currently enjoyed by many residents and visitors to the area.
- We are requesting that this application be turned down and that the Foreshore Unit maintains their fiduciary duty to the general public to uphold their ethical, social and moral responsibility.

We plead with you to give serious consideration to our objections.

Yours faithfully,

Concerned resident of , Monkstown, Co.Cork

Submission
32

Department of Environment
Community & Local Government
11 APR 2014

5/04/14

Minister for the Environment, Community
and Local Government at Foreshore Unit,
Department of the Environment, Community
and Local Government,
Newtown Road,
Wexford,
Co. Wexford.
Re: Foreshore Licence Application Ref No. FS 005826

Dear Minister,

My name is and my great grandfather captained the Sirius in 1838, the first ship to cross the Atlantic under steam power, which left from the Monkstown area. My family still resides in this. area, and I myself was one of five founding members of Monkstown Bay Sailing Club in 1970, along with the Managing Director of Monkstown Bay Marina Ltd's. father.

Two of my sons are in the merchant navy and all four of my children still participate in boating in the harbour. , the Managing Director of Monkstown Bay Marina Ltd., is also a director of Monkstown Bay Sailing Club, and an active sailor with the sailing club. He has also worked on this project for the past 15 years, to better the quality and safety of boating in Monkstown Bay and Cork Harbour, which is greatly needed.

Since my great grandfathers time, facilities in the harbour have decreased decade by decade and this development is the first sign of progress for the marine leisure industry on this side of the harbour for over a hundred years.

I hope that you will grant a foreshore licence for this development, helping us reach European standards.

Yours faithfully,

SUBMISSION 33

Department of Environment
Community & Local Government
11 APR 2014

Minister for the Environment, Community & Local Government
Foreshore Unit,
Department of the Environment, Community & Local Government,
Newtown Road,
Co. Wexford

Date: 10th April 2014.

Re: Foreshore Application FS005826

Dear Minister

It has been brought to my attention of the application by Monkstown Bay Marina for a foreshore licence (ref: FS 005826)

I write in two capacities, firstly of a local business man and secondly as an experienced sailor and boat handler.

Firstly since the marina facility has been introduced into Monkstown, Co.Cork I have been able to entertain many clients around the inner Cork Harbour on a weekly basis for the summer months. I am not in the minority here and I do feel that the local businesses in the inner cork harbour (Cobh, East Ferry, Crosshaven & Aghada) have greatly benefitted from boats arriving to eat and socialise.

Secondly as an experienced sailor and boat handler, I have entered and berthed in hundreds of marina facilities all over the world. To have such a facility in the inner cork harbour is an invaluable asset. The amount of families now able to take to the water has increased due to the safety of boarding boats. Gone are the days of battling currents on a little rowing boat and then commencing the somewhat dangerous task of getting from tender to boat!

Monsktown is now a thriving hub with families and friends all buzzing around the marina facility.

I would like to extend my support for the extension of this project on many grounds, namely safety, tourism and local trade and employment to name but a few.

Yours Sincerely,

DELTA ENGINEERING

MECHANICAL ENGINEERING CONTRACTORS

Workshop:
Rafeen Bridge,
Monkstown,
Co. Cork.
Tel: (021) 4373394
Fax: (021) 4373394

VAT No.: 29849931

SUBMISSION 34

Office:
6 Congress Place,
Monkstown,
Co. Cork.
Tel: 086-2773690

Minister for the Environment, Community and Local Government at Foreshore Unit,
Department of the Environment, Community and Local Government,
Newtown Road,
Wexford,
Co. Wexford

Department of Environment Community & Local Government
11 APR 2014

2nd April, 2014

RE: Foreshore Licence Application No. FS 005826

Dear Minister,

With regard to the above application, I have seen the plans and drawings for this proposed expansion to the marina in Monkstown Co. Cork and would like it duly noted that I am in full support of this proposal to expand the marina, as it will create further employment and have a significant positive effect on the local economy. Also as a resident of Monkstown and a boat owner this type of facility is badly needed at this location in the harbour.

Yours sincerely

Brendan O'Reilly
Delta Engineering

Submission 35

Submission in relation to the application for a Foreshore Consent to Monkstown Bay Marina Company Limited

Ref: FS005826

Department of Environment
Community & Local Government
11 APR 2014

08/04/2014

A Chara

I would like to lend the following submission in support of the Application listed above.

The landscape of education in Irish classrooms has changed dramatically over the last decade. At both primary and post primary level, there is now a major emphasis on practical approaches to teaching methodologies.

Leaving Cert Geography and History for example both have compulsory fieldwork and research topics worth 20% of the overall assessment mark. Indeed, the Leaving Cert Geography syllabus states that "*The geographical investigation is a core area of study and is compulsory for all students. Field studies and investigations using primary and secondary sources are central to the geographical education and experience of all students.*" (Leaving Cert Geography Syllabus p.4) Similarly, the Junior Cert Geography syllabus stresses that "*Fieldwork is good education and hence it is an integral part of studying this syllabus.*" (Junior Certificate Geography – guidelines for teachers, section 3.3) The proposed changes to the Junior Cert syllabi will include even more practical approaches to science, history and geography.

Primary education also promotes the integration of field work in History, Geography and Science as part of the Social Environmental and Scientific Education (S.E.S.E.)programme. "*It is a fundamental principle of the geography curriculum (and of the other curricula in SESE) that children should develop an understanding of the world through direct experience and activity.* (Primary School Geography Curriculum p. 7). The history curriculum echoes this approach when it states "*Visiting and exploring historical sites and buildings, especially if the visit is focused using a trail leaflet or if the children are accompanied by an older person who can talk about life in that place in the past, will reveal much about the pupils' awareness of the evidence of the past in their environment and their attitudes to its conservation*". (Primary School History, Teacher Guidelines p. 117)

The Cork Harbour region holds a wealth of educational treasures such as Spike Island, Fort Camden, Cobh Heritage Centre, Manufacturing Industry, Areas of Conservation, Ringaskiddy

Deep Water Port, Transport Networks and Natural Environments just to name a few. The opportunities for real practical education are limitless.

However, the biggest obstacle to exploiting the harbour region for educational purposes is the fragmented geography of the harbour itself coupled with sporadic and restricted access to its entry points. For example, a teacher wishing to take a class to the Cobh Heritage centre and then onto Fort Camden in Crosshaven would involve an extra un-necessary travel time on the road network of at least 45 minutes. A class wishing to visit the area of Roche's Point and then include a visit to the aforementioned Camden would involve an extra road journey of at least 1¼ hours.

In a 2012 survey of over 500 secondary school students from 5 different schools in Cork, only 36% had taken part in harbour based activities in that year. Students were then asked if they would be more involved in watersports if access to the harbour was made easier and 62% responded that they would. Furthermore they were asked if they were interested in field trips in the harbour by boat if available and 75% responded in the affirmative. One of the main reasons cited for the low level of participation in water based activities was the lack of access and provision of same.

As a teacher of almost 20 years' experience, the provision of a central location in the bay providing safe access to the harbour and its amenities is an exciting prospect in planning of fieldwork activities and would drive educational professionals in the Munster region to avail of this development.

Primary and Post Primary Curricula and Syllabi are available on http://www.curriculumonline.ie

foreshore Submission 36

From:
Sent: 10 April 2014 14:26
To: foreshore
Subject: Ref FS 005 826 Foreshore License for Monkstown, Co. Cork

Hello,

I wish to object to the application FS 005 826 Foreshore License for Monkstown, Co. Cork.

My reasons are as follows:

the fabric and safety of Monkstown village, a residential, harbour village will be significantly compromised

The proposed modifications to the foreshore are ugly and take zero account of the aesthetic impact on a Victorian village
Ireland's record for recognising and protecting what is an aesthetically valuable feature of Irish architectural heritage is lamentably poor; allowing this ugliness of a ghastly car park for
vehicles on the foreshore in Monkstown will confirm our inability to protect what is valuable - we would be better advised to learn from how England manages heritage, both maritime, architectural and rural before this license is granted.

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.
Granting the license will exclude rather than enable, even further, the use of the harbour by the greater sailing public; sailors who could afford to moor their boats in Monkstown,
are increasinly no longer able to do this, as it becomes the preserve of a monied elite. Where are the regular sailors going to moor their boats, if the foreshore is
privatised? How can the government justify prioritising a few over the greater public in this?

The enablement of economically disadvantaged groups, particularly in inner city Cork, who would like to learn to sail,
is missed by putting an extended marina in a small village downriver from Cork and not locating a marina closer to the city/in the city itself, where there are fewer ships to deal with and where there are so many people, who would like to learn sailing
and who will never sail in Monkstown?

I have been living in Monkstown since 1970.
This year, for the first time in my memory, and during the severe wet period of flooding, the road from the Sand Quay in Monkstown, right down to Raffeen (beyond Murph's Pub) was completely
flooded in both lanes, making driving very dangerous.
Everything points to further intensification of flooding with increasing climate change.
How can this license be granted, knowing that the road system can already not accommodate this flooding that has happened and the flooding that is expected?

Sailors who had moored boats in the current 86 berth marina, recognised that it could not serve them well in the severe windy weather earlier this year, 2014.
They relocated their boats out of the marina to protect them. Increasingly strong winds are now acknowledged as a feature of climate change.

If those who already berth in the marina need to leave it in windy weather, how on earth, can an extension be considered as safe?

The roads into Monkstown are very narrow i.e. the road from Passage West, from Raffeen and the back road from Rochestown are the only three routes into Monkstown.
How can these roads SAFELY accommodate all the proposed vehicles travelling to the proposed extended marina?
Who is going to regulate traffic in a village where there are primary school children every day?
Must the interests of all people who enjoy walking in Monkstown, living in Monkstown, cycling in Monkstown be secondary to those who sail?
The walking routes in Monkstown are enjoyed by locals and Cork city residents alike.
What recognition is given to them? There is only one path along the harbour on which to walk. Must they now expect traffic of cars, jeeps, boat trailors etc to be a feature across
their daily walks?

Cork Harbour is increasingly relocating its shipping traffic to Ringaskiddy from the city centre. The traffic of ships in Monkstown Harbour reduces the areas in which people can sail safely.
The proposed marina extension and foreshore license would also reduce foreshore access onto the water for the general public in a permanent way, if sailors can permanently
own foreshore, for boats - boats which will most of the time not even leave their berths. How can the dept of the Marine justify this favouritism of the few at the expense of the greater public?

The current 86 berth marina is not even occupied fully in the busiest sailing season - sailors who moored boats where the marina now is and who can not afford the marina, are now
obliged to moor much further west in the direction of Raffeen creek.
If this foreshore license is granted, it will enrich a tiny number of people at the expense of the greater public; it will not serve sailing; it will allow a few to profit, if it goes ahead, with Government approval (will this appalling tradition ever change?) it will destroy a lovely harbour village; it will compromise safety of pedestrians, cyclists and drivers alike.

Sincerely,

foreshore

SUBMISSION 37

From:
Sent: 10 April 2014 16:30
To: foreshore
Subject: Cork Harbour Marina-Monkstown Ref: FS005826

Dear Sir/Madam,

I would just like to express my view regarding the proposed expansion of the marina facilities in Monkstown, Co.Cork.
Having used this marina & many others I feel I should lend my support towards its expansion & the betterment of the marina facilities not only in Cork but the country as a whole.
I have seen firsthand the enjoyment that people, many of them young, have gotten from the use this facility, e.g. dinghy racing, sailing, diving & general water sports.
The manager running this marina has, from my view, poured himself into its development & having spoken to some of the visiting boats that berthed there last year they had nothing but praise for him & the facility, from him organising food, water & fuel, to collecting & dropping people at the airports & ferries for crews from visiting boats.

This facility is a extreme asset to the harbour area & its expansion is worthy of our support.

Yours Sincerely,

foreshore

Submission 38

From:
Sent: 11 April 2014 14:20
To: foreshore
Subject: Foreshore licence for Marina development at Monkstown Co. Cork.

Ref: FSOO5826.

To whom it may concerns.

Sir/s Madam,

Please find my observations and comments re: proposed new development to the existing boat marina at Monkstown Co. Cork (Lower Harbour).

1) This type of development is long overdue in one of the best harbours you'll find anywhere in Europe, which has suffer sustained under development to the determent of the marine leisure industry and the tourist industry and the public.
2) It is difficult to see who such a development would adversely impact upon the adjacent area, including the main channel and the surrounding mud flats and shore.

As someone who has worked almost all of my working life in the marine environment, having been involved in major landfall operations I feel that this development in principle,
would be enormously beneficial as outline above.

Barring some major unforeseen impediment I would expect this proposal to come to a satisfactory development conclusion for the area.

Regards.

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foreshore Submission 39

From:
Sent: 13 April 2014 23:57
To: foreshore
Subject: Application for Foreshore Licence Ref: FS005826

To whom it may concern,

I would like to show my support for the proposed marina development in Monkstown. Cork harbour is in dire need of a development in such as this.

I hope you approve this application.

Regards,

foreshore Submission 40

From: manager@meithealmara.ie
Sent: 13 April 2014 23:27
To: foreshore
Subject: Extension to Monkstown Bay Marina

To:
The Minister for the Environment, Community and Local Government,
Foreshore Unit,
Department of the Environment, Community and Local Government

I'm writing on behalf of Meitheal Mara in support of the proposed extension to the Monkstown Bay Marina. Meitheal Mara is a community boatyard and maritime training centre, based in Cork city. We work to promote and foster maritime culture and traditional skills using curach and wooden boat building, woodwork and seamanship, including rowing and sailing. Our programmes are aimed at personal development, and we run programmes for youth and adults, many of whom come from backgrounds of disadvantage. Further information is available at www.meithealmara.ie and www.oceantocity.com.

The crew of our Bantry longboat, Fionnbarra, has enjoyed berthing at the Monkstown Bay marina during the last two summers, using it as a base for sail training in preparation for the international Atlantic Challenge competition in Bantry in 2012 and for local programmes in 2013. Our crew includes 20 people aged from 15 to 74, with up to 16 on board for any one outing. Many of them are from youth groups in the city and had never been out in a boat before 2011. Ferrying a crew of this size to and from a boat on a mooring is a bit of an undertaking, and the simplicity and safety of being able to use a marina berth has been very welcome.

Typically, we have outings on week nights and twice on a Saturday with a break in between. We are very aware of the lack of shore-based facilities in Monkstown for our crew members, particularly on wet days. Toilets, changing rooms and shelter are the most basic requirements; a shop, restaurant and bar would become attractions in themselves for visitors to the marina, Monkstown and Cork Harbour and help keep the enterprise sustainable.

The River Lee and Cork Harbour are a fantastic amenity for the local population and for visitors: for recreation, competition, exploration, heritage and transport. Provision for safe access to the water at key points around the harbour is important if the advantages of this amenity are to be opened up, and we have been campaigning for increased and improved access to the river and harbour for several years.

We would welcome the development of facilities such as those proposed for the Cork Harbour Marina extension.

Yours sincerely,

Cathy Buchanan
General Manager

Meitheal Mara
Crosses Green House
Crosses Green
Cork
353 21 4316813

www.meithealmara.ie
www.oceantocity.com
www.fionnbarra.ie
www.naomhogachorcai.ie

foreshore SUBMISSION 41

From:
Sent: 13 April 2014 18:06
To: foreshore
Subject: Ref FS005826

I have viewed the application Ref FS005826 and I am very much in favour of this foreshore application.

foreshore SUBMISSION 42

From:
Sent: 13 April 2014 16:39
To: foreshore
Subject: ref ; fS005826,

Dear Sir ,Madam,
As local a water sports and boating enthusiast, i would like to support the proposed development to enlarge and update Monkstown Marina . As the marina is already established the many benefits of it as safety etc are already apparent.

foreshore Submission 43

From:
Sent: 12 April 2014 17:29
To: foreshore
Subject: Proposed development by the Monkstown Bay Marina Company Ltd at Monkstown Cork Harbour.

Sent from my iPad
Ref.No.FS 005826

I write in support of the above development. Given the importance to Irish tourism and the irish economy in general the proposed development is a most welcome one.

The existing marina fulfills a need to a certain degree, but an inspection of marinas in Britain and mainland Europe shows that the standards and facilities provided and required by this type of marina has improved greatly in recent times. Consequently the expectations of users of marinas have risen considerably.

The proposed development of Monkstown Marina will help to keep Ireland on a par with developments elsewhere overseas.

We are fortunate to have a world class harbour in Cork and which has international recognition.The Monkstown Marina improvement will help maintain this reputation.

foreshore Submission 44

From:
Sent: 12 April 2014 17:28
To: foreshore
Subject: Monkstown Bay Marina

Monkstown Bay Marina Co. Development
Ref No.FS005826

As a boat owner and user of Monkstown Marina I wish to support the proposed development.
The existing marina provides a good but limited range of services to boat owners and their guests. The operator of Monkstown Bay Marina , is a thoroughly professional and skilled person and his service is characterised by courtesy and friendship. His approach has been favourably remarked upon by my guests frequently.
My guests include my mother and parents in law who find that the existing marina is good for access to the boat. The proposed improvements would make the experience of water based activity such as boating even more enjoyat

Signed

Sent from my iPad

the planning partnership

4 Avondale
Church Road
Passage West
Co. Cork
Phone: +353 (0) 21 6010778
Fax: +353 (0) 21 6010772

SUBMISSION 45

Minister Phil Hogan TD
Minister for the Environment, Community and Local Government
Foreshore Unit
Department of the Environment, Community and Local Government
Newtown Road
Wexford
Co. Wexford

Friday, 11th April 2014
[By Registered Post]
[By E-mail: foreshore@environ.ie]

Dear Minister Hogan TD

RE: SUBMISSION TO THE *FORESHORE CONSENT APPLICATION* IN RESPECT OF AN EXTENSION TO THE EXISTING MARINA DEVELOPMENT, DREDGING, RECLAMATION OF FORESHORE, INSTALLATION OF PONTOONS AND ASSOCIATED WORKS AT MONKSTOWN BAY, CORK HARBOUR

Monkstown Bay Marina Company Ltd. - Foreshore Consent Application Ref. No.: FS005826.

1.0 INTRODUCTION - opportunity to actively partake in plan making process

The Planning Partnership[1] has been retained by , to prepare this submission in respect of the *Foreshore Consent Application* in respect of an extension to the existing marina development, dredging, reclamation of foreshore, installation of pontoons and associated works at Monkstown Bay, Cork Harbour, Monkstown, Co. Cork. We welcome this opportunity to actively partake in this consultation stage to present our Client's views which should be taken into consideration in the determination of Foreshore Consent Application Ref. No.: FS005826 which was made by Monkstown Bay Marina Company Ltd., Monkstown, Cork Harbour, Cork.

1.1 Background - Cork Harbour

The amenity and tourism potential of Cork Harbour have been extensively documented and there exists a widespread awareness of the need for an integrated approach to the Harbour.

Cork County Council details the following on page 137 within the *Cork County Development Plan 2009*:

> *"It is recognised that the full potential of the harbour could best be realised through a more integrated approach to its planning and development."*

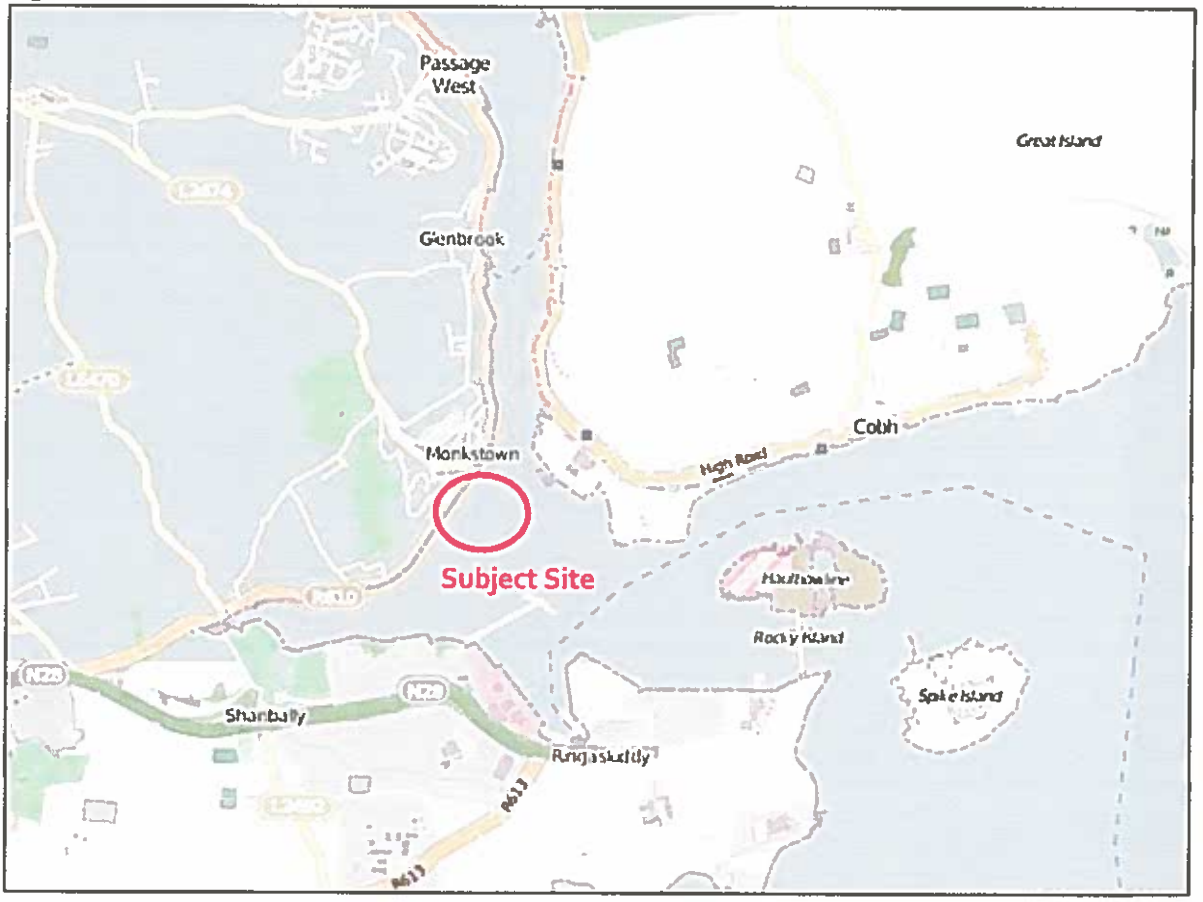
[1] 4 Avondale, Church Road, Passage West, Co. Cork

1.2 Subject Site - Cork Harbour Marina Monkstown, Cork Harbour, Monkstown Bay, Monkstown, Co. Cork

Cork Harbour Marina Monkstown is located at Monkstown in the outer part of Cork Harbour, near the southern end of Passage West and to the west of the main shipping channel to the inner harbour. Great Island, and the town of Cobh, Haulbowline Island and Ringaskiddy, lie to the east/south east. Monkstown Creek is to the south/south-west.

The immediate landside boundary to the site is formed by the Strand Road, R610, a Designated Scenic Route in terms of the *Cork County Development Plan 2009*. Alta Terrace, a Victorian development of substantial semi-detached and detached residential properties is on elevated ground on the opposite side of the road. Alta Terrace back onto to the R610. Carlisle Place, a terrace of Victorian houses, is a short distance to the north. Sand Quay, that includes a parking area for boats and a slipway, is also located a short distance to the north.

Figure 1.1 Site Context - Cork Harbour



Source: Reproduced under Esri GIS Licence by The Planning Partnership

1.3 Relevant Statutory Site Protection Designations

- Cork Harbour Marina Monkstown is located adjacent to Lower Monkstown Architectural Conservation Area (CDP Volume 3, ACA Maps, Monkstown).

- Cork Harbour Marina Monkstown is located adjacent to designated scenic landscape (CDP Volume 3, Map 16).

Figure 1.2 Site Context - Aerial Photograph

Source: Reproduced under Esri GIS Licence by The Planning Partnership

- Cork Harbour Marina Monkstown is located adjacent to designated scenic route S54 (CDP Volume 2, Appendix B, Scenic and Volume 3, Map 16).
- Cork Harbour Marina Monkstown is located opposite Thorncliff House, a Protected Structure (RPS No. 00573).
- Proposed Natural Heritage Area -1979, Monkstown Creek. Subject Site includes small part.
- Special Protection Area-4030, Cork Harbour (Monkstown Creek). Subject Site is adjacent.

1.4 Executive Summary - the Minister is Restricted to Grant or Approve the Foreshore Consent as doing so will facilitate the extension of an unauthorised development

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, **is <u>restricted</u> to** Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826 **to facilitate the extension of unauthorised development** having regard to the terms of the *Planning and Development Act 2000 - 2013*.

Cork County Council is currently in the process of implementing Planning Enforcement Procedures as facilitated by Part VIII of the *Planning and Development Act 2000 - 2013* under Enforcement Reg. Ref. No.: ENF 11195.

It is further our professional Planning Opinion that the Minister for the Environment, Community and Local Government, will by Granting, Approving or Consenting to the Application for Foreshore Consent Ref. No.: FS005826 cause the effect of **Sterilisation of Land** which will hinder the completion of the Cork Lower Harbour Main Drainage Scheme.

We are of the opinion that the description utilised in the *Statutory Public Notice* of the Application for a Foreshore Consent as published by Monkstown Bay Marina Company Ltd., Foreshore Consent Application Ref. No.: FS005826 is deliberately misleading in that **the existing marina development** is considered unauthorised as confirmed by **Cork County Council Enforcement Reg. Ref. No.: ENF 11195** which is a current live and open Enforcement Case against the existing Cork Harbour Marina Monkstown development.

Having regard to the fact that the existing marina development is considered unauthorised, it is our professional planning opinion that the extension of an unauthorised development (which does **not** benefit from Planning Permission) will result in the **unauthorised nature of the completed marina development in its entirety**.

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, **is restricted to** Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826 **to facilitate the extension of unauthorised development** having regard to the terms of the *Planning and Development Act 2000 - 2013*.

2.0 EXISTING PLANNING HISTORY

The following relevant Planning History summary is provided in this instance and will be further elaborated on under Section 3 of this *Report*.

2.1 The Planning Permissions Facilitating a Marina Development

2.1.1 "Parent" Permission - Cork County Council Plan. Reg. Ref. No.: 06/11584 - Now Expired

Lodged: 19th October 2006
PA Decision: Grant Subject to Conditions on 2nd April 2007 – Third Party Appeal to An Bord Pleanála.
ABP Decision: Granted by An Bord Pleanála on 21st September 2007 **subject to 7 No. Conditions** per Board's Order Ref. No.: PL04.223102.

The An Board Pleanála's Board did not agree with their Inspector's Recommendation that Planning Permission be **Refused** and subsequently Granted Permission.

The Internal Planning Authority correspondences are available electronically on Cork County Council's Intranet. The full Planning Application files are not available from Cork County Council. Cork County Council Officials indicated verbally on 10th April 2014 that the file "*has been missing for several years*".

Key Issue in this Regard:

There is a statutory requirement in terms of Section 38 of the *Planning and Development Act 2000 - 2013* for a Planning Authority to retain at least one original copy of the entire complete Planning File. According to Section 38(2) of the *Planning and Development Act 2000 - 2013*, the documents **shall** be available for a period of not less than 7 years after the making of the decision by the Authority (in this instance An Bord Pleanála. After this 7 year period, at least one original copy **shall** be retained in a local archive in accordance with Section 65 of the *Local Government Act 1994*.

This non-availability (or missing) nature of the Planning File raises a question regarding the following of Procedural Matters in determining any future permissions as such applications cannot be assessed against the sites Planning History. In short, the "parent" permission, is not available to the Planning Authority to inform the assessment purposes of future Applications for Planning Permission.

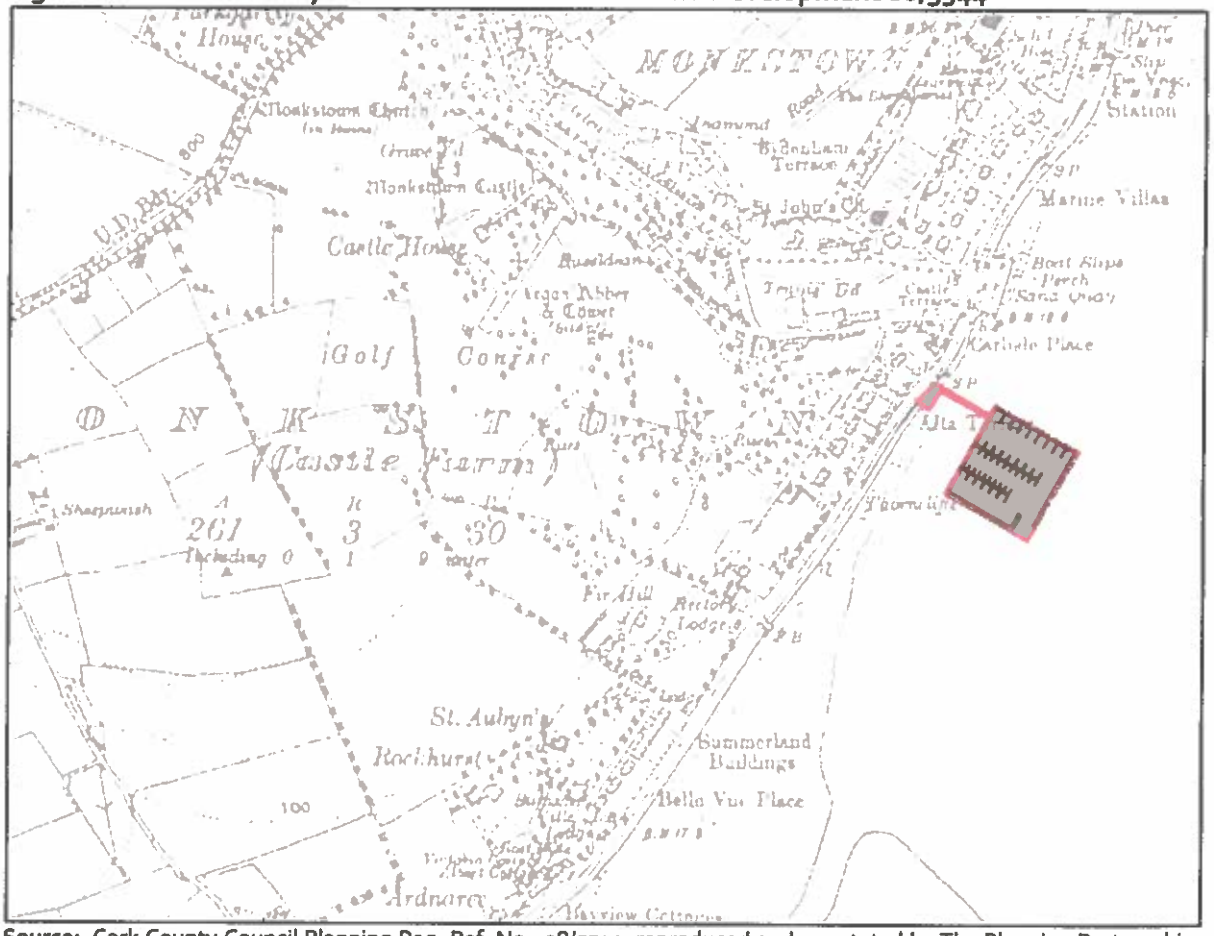
Comments: On 19th March 2008, a Planning Application was lodged to Cork County Council to amend elements of the permitted 82 berth marina. This in effect amended the "parent" permission, as well as extended the life of the permission to July 2013.

2.1.2 The "Amendment" Permission, Cork County Council Planning Reg. Ref. No.: 08/5544 - Now Expired

Lodged: 19th March 2008
PA Decision: Grant Subject to 2 no. Conditions on 13th June 2008 – No Appeal to An Bord Pleanála.

Cork County Council Planning Reg. Ref. No.: **08/5544** amended Permission 06/11584 and resulting therein that the life of the construction of the development was extended and only expired in July 2013. This development appears to have been physically completed.

Figure 2.1 Statutory Location of Permitted Marina Development 08/5544



Source: Cork County Council Planning Reg. Ref. No.: 08/5544, reproduced and annotated by The Planning Partnership under OS Licence AR0114714

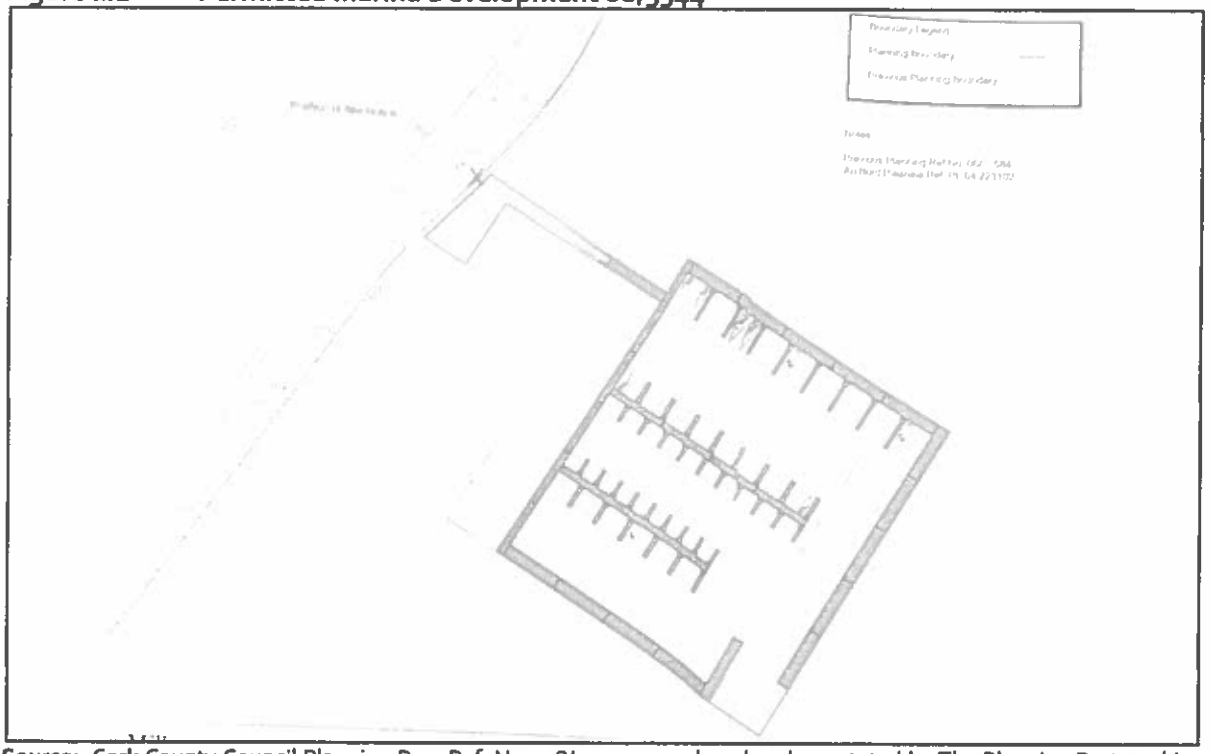
Comments: The 2 no. Conditions attached to the Grant of Permission are significant in this instance as it ties the Permitted Amendments to the terms and conditions of the "parent" permission, Cork County Council 06/11584. Compliance with the Condition of the "parent" permission remains a significantly relevant requirement.

2.1.3 Level of Compliance with Conditions, the "Parent" Permission (06/11584), as amended by "Amendment" Permission (08/5544) - Now Expired

"Parent" Permission (06/11584) Conditions

The following presents a brief review of relevant conditions as attached to the An Bord Pleanála Order Ref. No.: PL04.223102 associated with Cork County Council Planning Reg. Ref. No.: 06/11584. The focus is on Conditions which requires specific actions from the developer, and within a specific timeframe, to ensure compliance of a development with the terms and conditions as Permitted.

Figure 2.2 Permitted Marina Development 08/5544



Source: Cork County Council Planning Reg. Ref. No.: 08/5544, reproduced and annotated by The Planning Partnership under OS Licence AR0114714

Condition No. 1 confirms that the development is to be completed as per the details received by Cork County Council on 7th March 2007, except as may otherwise be required in order to comply with the conditions attached to the Order to Grant Planning Permission. **Deviating from this renders the development unauthorised.**

Condition No. 3 requires that 8 of the 82 permitted berths shall be designated as berths for visiting boats. There are **currently 90 berths** (www.corkharbourmarina.ie) available at the marina and it is considered the current development contravenes this condition and is **not** in line with the permitted 06/11584 "Parent" Permission. **The current Cork Harbour Marina Monkstown development is non-compliant and thus considered unauthorised.**

Condition No. 4 requires the provision and agreement of a construction management plan with the Planning Authority "***prior to commencement of development***" and evidence shall be submitted and agreed with the Planning Authority. **No details** regarding this construction management plan are available. **Deviating from this renders the development unauthorised.**

Condition No. 5 requires the developer to pay to Cork County Council a Financial Contribution in terms of Cork County Council's Development Contribution Scheme prepared in terms of Section 48 of the *Planning and Development Act 2000 - 2013*. This contribution was payable prior to the commencement of development or in such phased payments as agreed with Cork County Council. **No details** regarding the payment of this contribution are available. **The current Cork Harbour Marina Monkstown development is non-compliant and thus considered unauthorised.**

Condition No. 6 requires the developer to pay to Cork County Council a Financial Contribution as a Special Contribution in terms of Section 48(2)(c) of the *Planning and Development Act 2000 - 2013* in respect of the shortfall in parking facilities. This contribution was payable prior to the commencement of development or in such phased payments as agreed with Cork County Council. **No details** regarding the payment of this contribution are available. **The current Cork Harbour Marina Monkstown development is non-compliant and thus considered unauthorised.**

Condition No. 7 requires the developer to pay to Cork County Council a Financial Contribution as a Special Contribution in terms of Section 48(2)(c) of the *Planning and Development Act 2000 - 2013* in respect of the provision of the proposed parallel parking spaces and associated works to the footpath. This contribution was payable prior to the commencement of development or in such phased payments as agreed with Cork County Council. **No details** regarding the payment of this contribution are available. **The current Cork Harbour Marina Monkstown development is non-compliant and thus considered unauthorised.**

"Amendment" Permission (08/5544) Conditions

Condition No. 1 confirms that the development is to be completed as per the details received by Cork County Council on 19th March 2008, except as may otherwise be required in order to **comply with the conditions attached** to the Order to Grant Planning Permission. Deviating from this renders the development unauthorised.

Condition No. 2 has applied **all** the Conditions as attached to the An Bord Pleanála Order Ref. No.: PL04.223102 associated with Cork County Council Planning Reg. Ref. No.: 06/11584. As such, the developer/applicant has to comply with all the restrictions as imposed by all the Conditions as attached to the "Parent" Permission.

Having regard to the net effect of the marina development permitted, it is our professional planning opinion that the existing Cork Harbour Marina Monkstown Development does **not** benefit from Planning Permission and as such is considered **unauthorised in its entirety**.

It is clear that, having regard to the *Statutory Public Notice* of Application for a Foreshore Consent as published by Monkstown Bay Marina Company Ltd., Foreshore Consent Application Ref. No.: FS005826 is to facilitate an extension **to the existing marina development**.

As detailed above, it is our opinion that the existing marina development (Cork Harbour Marina Monkstown) is considered unauthorised as it materially contravenes the *Planning and Development Act 2000 - 2013* in that it does not benefit from Planning Permission.

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 above unauthorised nature of development is confirmed by **Cork County Council Enforcement Reg. Ref. No.: ENF 11195** which is further elaborated on below.

2.2 Cork County Council Enforcement Reg. Ref. No.: ENF 11195 - confirming the unauthorised nature of the current Cork Harbour Marina Monkstown

Enforcement action is taken against unauthorised development, which is defined as "*the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use*".

Works as defined in the *Planning and Development Act 2000-2013* refers as follows:

> ***"works" includes any act or operation of construction,*** *excavation, demolition, extension,* ***alteration, repair or renewal*** *and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

The definition of 'development' as contained at Section 3 of the *Planning and Development Act 2000-2013* refers to the '*carrying out of works*' and as follows:

> *3.—(1) In this Act,* ***"development" means,*** *except where the context otherwise requires,* ***the carrying out of any works*** *on, in, over or under land or the making of any material change in the use of any structures or other land.*

Unauthorised works are works which are neither exempted development nor carried out in compliance with planning permission and the conditions attached thereto. It is not sufficient that planning permission has been granted for the development in question; non-compliance with any attached condition(s) renders the development unlawful. The development also has to be in conformity with the submitted plans and particulars.

Cork County Council has a **current live file Enforcement File Reg. Ref. No. 11195** against the Cork Harbour Marina Monkstown Development and has issued a Warning Letter to the company/owner/developer dated 14th September 2011.

Enforcement File Reg. Ref. No. 11195 not available for Public Inspection, however the Enforcement File stems for the alleged non-compliance with Conditions No. 2, 3, 4, 6, and 7 and only a "Warning Letter" has been issued.

Having regard to the fact that the life of both Planning Permissions (06/11584 and 08/5544) for the marina development has expired, it is our professional planning opinion that the existing Cork Harbour Marina Monkstown Development does **not** benefit from Planning Permission and as such is considered **unauthorised in its entirety**.

When an Enforcement Notice is issued, and the matter is not resolved, the Planning Authority must take the case to the Courts **within a 6 month** period.

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, is as such restricted to Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826.

Plate 2.1 Cork Harbour Marina Monkstown Development

Source: The Planning Partnership 4th April 2014

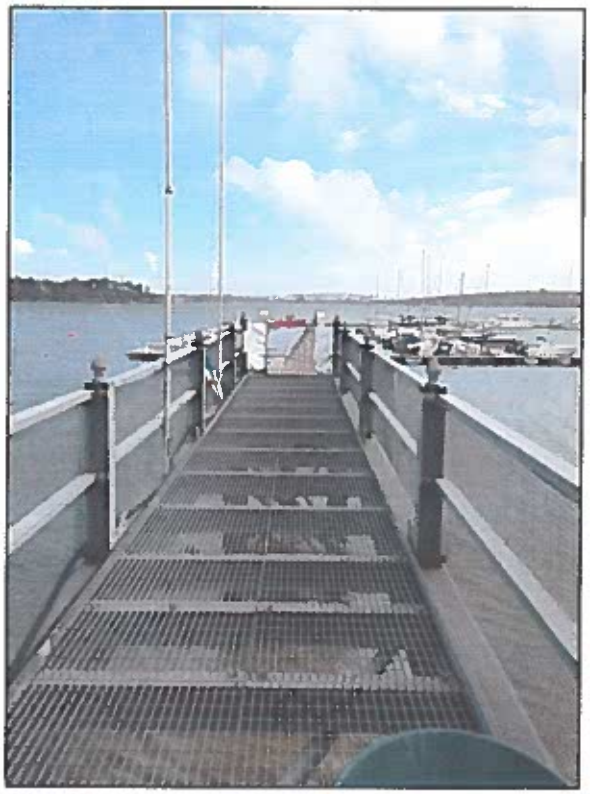
Plate 2.2 Cork Harbour Marina Monkstown Development Entrance

Source: The Planning Partnership 4th April 2014

Plate 2.3 Cork Harbour Marina Monkstown Development

Source: The Planning Partnership 4th April 2014

Plate 2.4 Cork Harbour Marina Monkstown Orientation



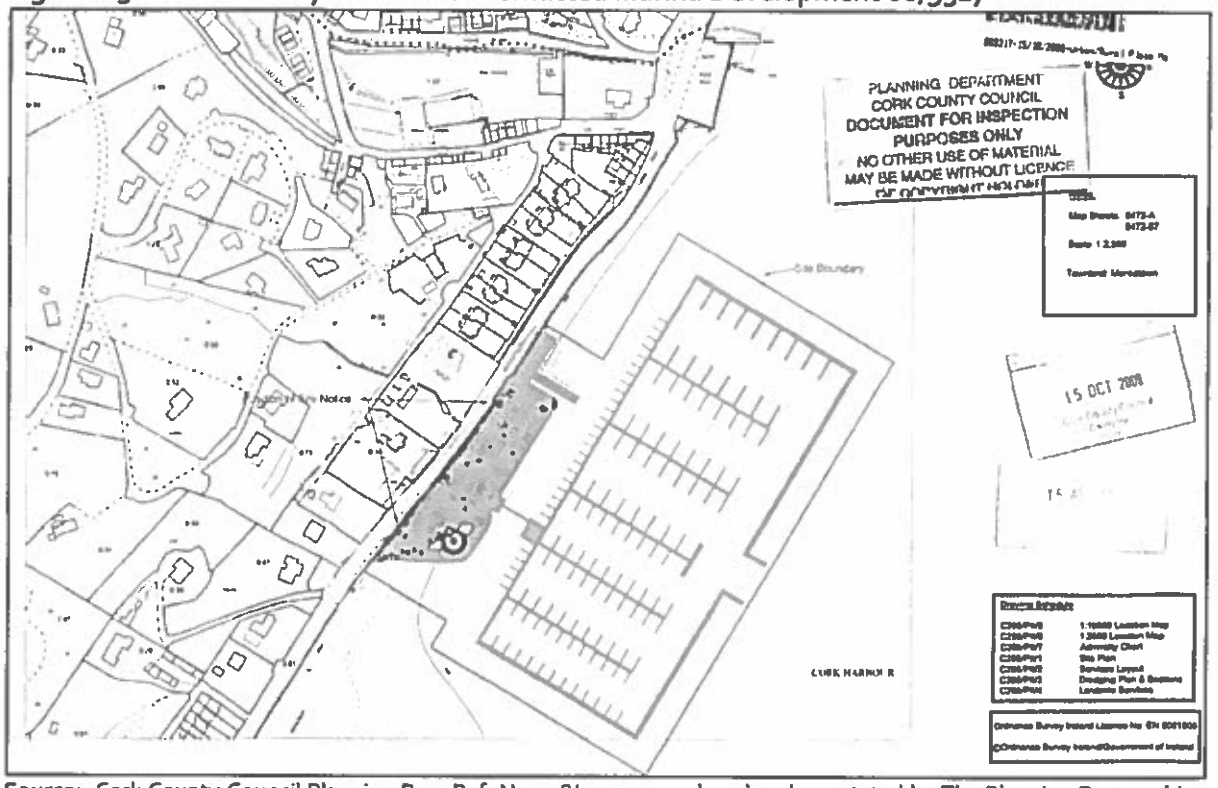
Source: The Planning Partnership 4th April 2014

2.3 The Planning Permission Facilitating the extension of the Marina Development - 285 No. Berth Marina Development, Cork County Council Planning Reg. Ref. No.: 08/9317, a current Live Planning Permission cited as reason for Foreshore Consent Application Ref. No.: FS005826

Lodged: 15th October 2008
PA Decision: Grant Subject to Conditions on 2nd July 2010 – Third Party Appeals to An Bord Pleanála.
ABP Decision: Granted by An Bord Pleanála on 1st December 2010 subject to 28 No. Conditions per Board's Order Ref. No.: PL04.236980.

Comments: This application is a current live Permission and is due to expire in January 2016. It appears that no development has commenced in this instance.

Figure 2.3 Statutory Location of Permitted Marina Development 08/9317



Source: Cork County Council Planning Reg. Ref. No.: 08/9317, reproduced and annotated by The Planning Partnership under OS Licence AR0114714

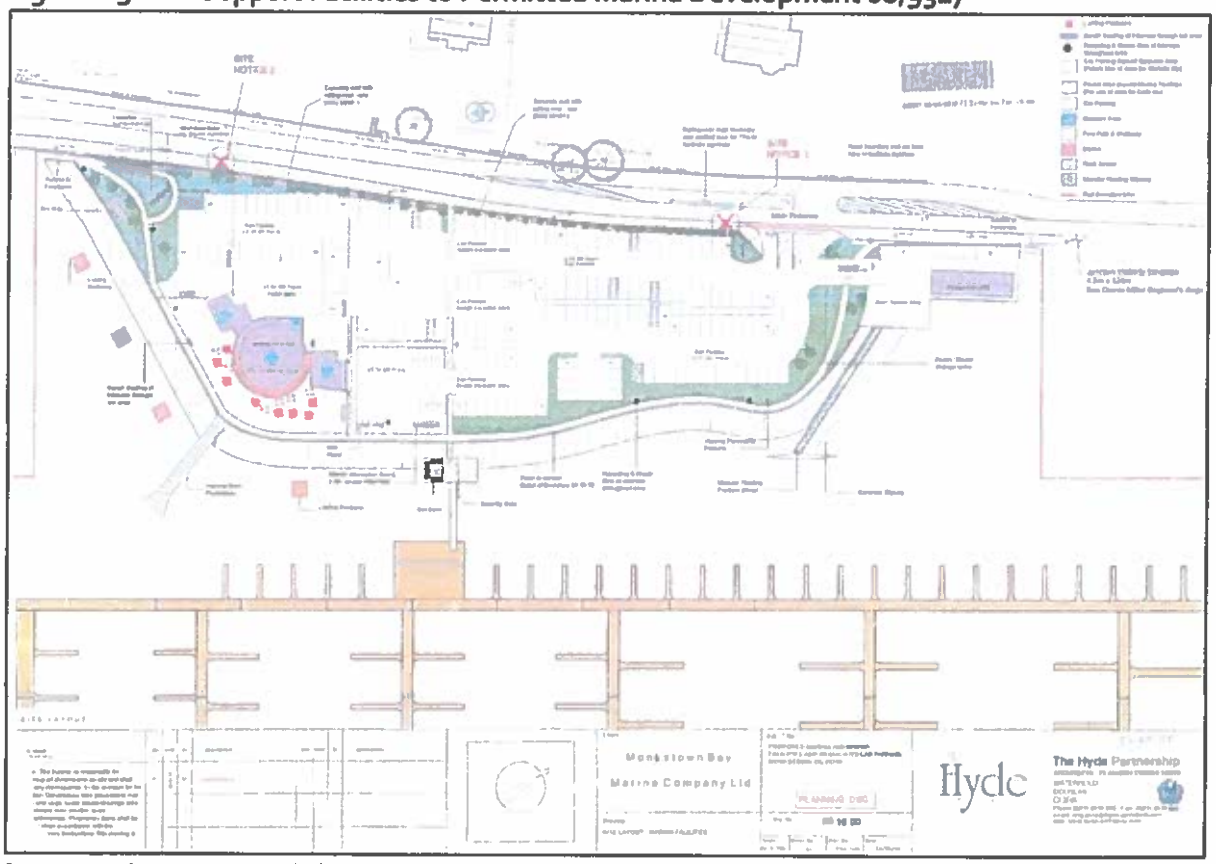
Having regard to the fact that the existing marina development is considered unauthorised, it is our professional planning opinion that the extension of an unauthorised development (which does **not** benefit from Planning Permission) will result in the **unauthorised nature of the completed marina development in its entirety**.

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, is thereby restricted to Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826.

Figure 2.4 Permitted Marina Development 08/9317

Source: Cork County Council Planning Reg. Ref. No.: 08/9317, reproduced and annotated by The Planning Partnership under OS Licence AR0114714

Figure 2.5 Support Facilities to Permitted Marina Development 08/9317

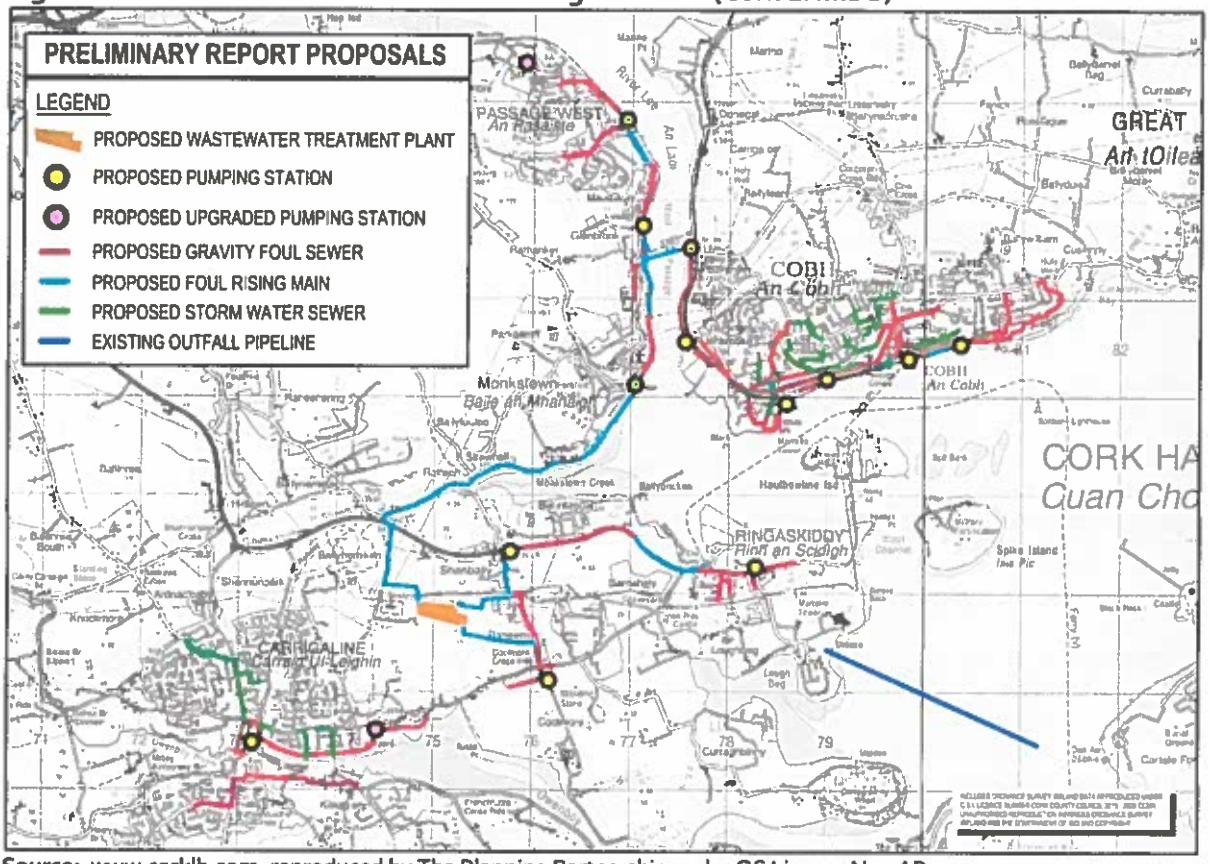


Source: Cork County Council Planning Reg. Ref. No.: 08/9317, reproduced and annotated by The Planning Partnership under OS Licence AR0114714

2.4 Cork Lower Harbour Main Drainage Scheme - improving the quality of Cork Harbour

The Cork Lower Harbour Main Drainage Scheme (Cork LHMDS) includes the population/industrial centres of Cobh, Carrigaline, Crosshaven, Passage West, Monkstown, Glenbrook, Ringaskiddy Shanbally and Coolmore. The existing sewer network serving the Lower Cork Harbour area comprises mainly combined sewer systems, i.e. effluent and stormwater in the same piping. Wastewater from Cobh, Carrigaline, Passage West / Monkstown and Ringaskiddy is currently discharged following preliminary screening only, or untreated, directly into Cork Harbour.

Figure 2.6: Cork Lower Harbour Main Drainage Scheme (Cork LHMDS)



Source: www.corklh.com, reproduced by The Planning Partnership under OS Licence No.: AR0114714

The Cork LHMDS proposes to transfer wastewater from the Cork Lower Harbour to a new wastewater treatment plant site located at Shanbally (north west of Carrigaline) utilising the existing IDA outfall discharging to the Harbour at Dognose Bank. The overall Cork LHMDS includes the construction of eight main pumping stations and approximately 57km of new/upgraded sewers, rehabilitation of existing sewers and surface water separation where economically viable. An Environmental Impact Statement was prepared for the scheme and approved by An Bord Pleanála on 26th June 2009 (An Bord Pleanála Reg. ref. No. YA0005).

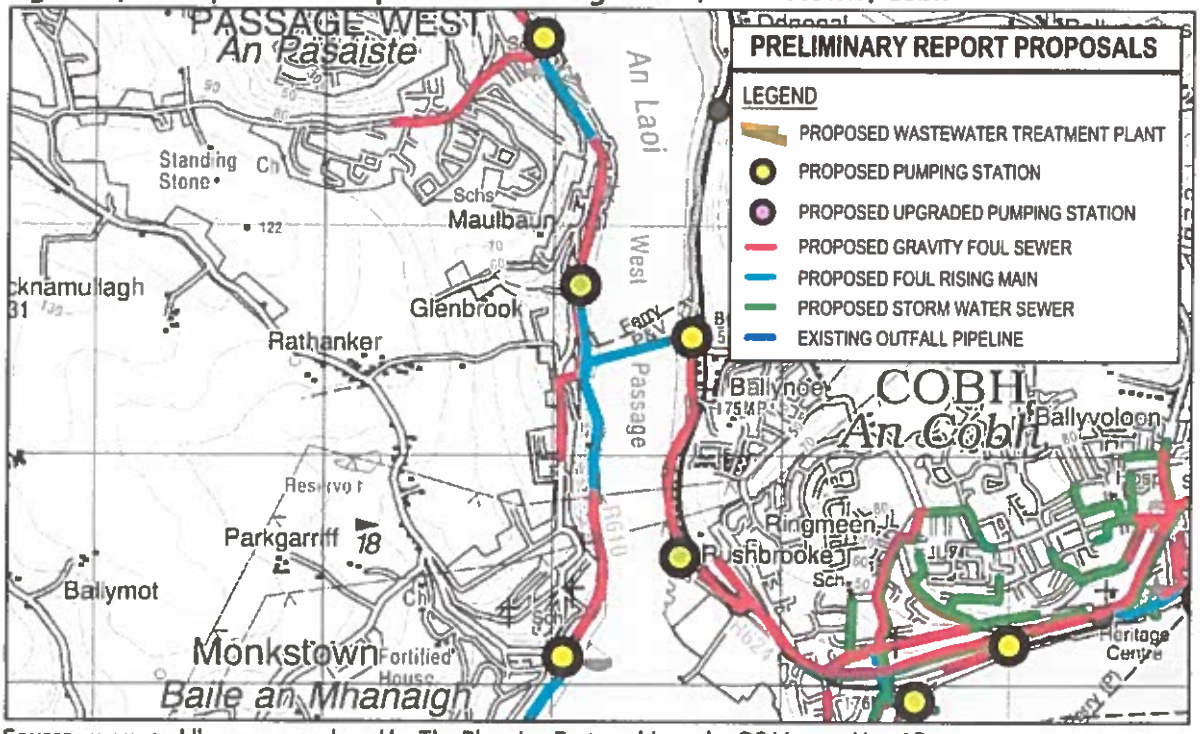
From 1st January 2014, Irish Water has taken over responsibility for water and wastewater services in Ireland, in partnership with the Local Authorities under a Service Level Agreement (SLA). Irish Water recognises the vital importance of the Cork Lower Harbour Main Drainage Project to Cork and to Ireland in order to protect the environment, facilitate economic development and for a growing population.

The Cork Lower Harbour Main Drainage Scheme is funded in part by the Department of Environment, Community and Local Government. Cork County Council is required to raise funding for the non-domestic sector and future residential development to 30% of the overall cost.

It is considered that the provision of a secondary wastewater treatment plant for Cork Lower Harbour is a requirement under European and National law. The *Urban Waste Water Treatment Regulations 2001* (S.I. 254 of 2001) as amended, require sanitary authorities to provide treatment plants which offer secondary treatment or equivalent treatment by specified dates according to the population equivalent entering the collection system.

Upgrading of the sanitary services infrastructure has been set as an objective of the *Cork County Development Plan 2009*, the *Carrigaline Electoral Area Local Area Plan 2011*, the *Midleton Electoral Area Local Area Plan 2011* and the *Cobh Development Plan 2011*.

Figure 2.7: Pump Station Requirements Passage West / Monkstown / Cobh



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In relation to the Passage West / Monkstown Contract, preliminary designs have been completed and a Planning Application is due to be lodged for the pumping stations.

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government is likely to cause the effect of **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.

3.0 CONCLUSION

Having regard to the fact that the existing marina development is considered unauthorised, it is our professional planning opinion that the extension of an unauthorised development (which does **not** benefit from Planning Permission) will result in the **unauthorised nature of the completed marina development in its entirety**.

It is our professional Planning Opinion that the Minister for the Environment, Community and Local Government, is thereby restricted to Grant, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826 to facilitate unauthorised development in terms of the *Planning and Development Act 2000 - 2013*.

It is further our professional Planning Opinion that the Minister for the Environment, Community and Local Government, will by Granting, Approve or Consent to the Application for Foreshore Consent Ref. No.: FS005826 cause the effect of **Sterilisation of Land** which will hinder the completion of the Cork Lower Harbour Main Drainage Scheme.

Please do not hesitate to contact me should you require any further clarity in relation to any aspect of this submission.

Yours faithfully

Wessel Vosloo
Principal
The Planning Partnership

foreshore SUBMISSION 46

From:
Sent: 14 April 2014 13:12
To: foreshore
Subject: Foreshore Licence Application Ref FS005826

Dear Sir or Madam

We understand that an application has been submitted for a Foreshore Licence (Ref FS005826) to facilitate the expansion of Cork Harbour Marina in Monkstown, Co Cork.

The present Marina is a tremendous asset to Monkstown village; to the sailing community in and around Monkstown and Cork Harbour; provides safe and accessible berths for resident and visiting craft; and continues and consolidates Monkstown's long maritime history and tradition for leisure sailing in particular.

We write therefore to welcome and express our support for the application and recommend that the related Foreshore Licence be granted.

Yours faithfully

Submission 47

IRISH HYDRODATA LTD.

Rathmacullig West,
Ballygarvan,
Co. Cork.
ph 021-4311255,fax 021-4311740

Minister for the Environment, Community & Local Government,

Foreshore Unit,

Newtown Road,

Wexford,

Co Wexford.

10/April/2014

Re FS005826 – Monkstown Bay Marine Company Ltd

Dear Sirs,

I wish to express my support for this development. Our company uses the marina as a base for survey vessels working in Cork harbour. The marina is a very useful centrally located facility. The provision of additional boat berths, ample car parking and a boat slip will be a very welcome upgrade.

Yours Sincerely,

J.F. Walshe BE,MEngSc,CEng MIEI.

Managing Director

jim.walshe@hydrodata.ie
mob: 353-86-2571679

Providing Comprehensive Services to Engineering in the Marine Environment Since 1979

foreshore Submission 48

From:
Sent: 14 April 2014 14:31
To: foreshore
Subject: Ref: FS005826

Dear Minister

I am writing in relation to the proposed extension of the Marina facility in Monkstown, Co. Cork.

I wish to lend by backing for the project. The facility is a fantastic amenity to have and further development would be a fantastic boost for the local area.

A Brief Story
I have a 20ft Bayliner and my Grandson and I have have got a massive amount of use out of the oat since the Marina was built in Monkstown. In previous years, we would head off and 9 times out of 10 my grandson would refuse to get into the tender. I was also worried about the the tender with tides etc.

As a local business man for the last 40+ years, I see the further development as a fantastic boost for local trade and employment, especially in the smaller towns within the inner Cork Harbor.

I would therefore like to offer my full support for the project and looking forward to another safe year of boating.

Regards,

foreshore SUBMISSION 49

From:
Sent: 14 April 2014 15:06
To: foreshore
Subject: proposed extension to MOnkstown Bay Marina REF. FS005826

Hi,

As a resident of the Monkstown area, I would like to comment that the installation of the Marina In Monkstown has enhanced the amenities further and that the proposed enlargement of same can only be seen as a positive step.

Many Thanks

foreshore SUBMISSION 50

From:
Sent: 14 April 2014 15:10
To: foreshore
Subject: Ref. FS005826

Hi,

I would just like to say that I am in total agreement with the proposed enlargement of the Monkstown Marina. It will be an asset to the area for all.

Thanks.

foreshore SUBMISSION 51

From:
Sent: 14 April 2014 15:44
To: foreshore
Subject: Foreshore Application Reference FS0058226

Hi,

I have seen the plans for the proposed marina expansion at Monkstown. I think this development would be a great asset to the harbour and would create much needed jobs for the local economy. Cork Harbour is crying for a development like this to occur.

I hope you grant permission for this development.

Regards,

foreshore Submission 52

From:
Sent: 14 April 2014 16:36
To: foreshore
Subject: Comment to quoting ref: FS005826

I personally think that the extension to the existing development would be amazing for the local area and cork city as a whole.

The proposed development would be great for increasing jobs in the local and surrounding area as tourism would see a massive increase.

We have the second biggest natural harbour in the world and it's not being fully utilised. From a tourist point of view. You can sail sail to many places along the coast of Ireland but cork harbour misses out on a lot of traffic due to a lack of access from the water.

So to recap the proposed development would be great for tourism and people would come into the harbour more. With more traffic of tourists then there would be demand for more jobs in the local and surround area. It would also put cork on the map again as people visiting would tell friends about the place.

Thanks for taking the time to read my comment on the above matter.

foreshore SUBMISSION 53

From:
Sent: 14 April 2014 16:28
To: foreshore
Subject: Cork Harbour

To whom this may concern,
I want to take this time an express my support for the proposed marina development which I have recently reviewed. I think this development would greatly enhance the boating experience in Cork Harbour.
I am a person with an interest in recreational boating and would most definitely be interested in visiting this location if this development were to progress.
I truly believe this development would a great asset to the surrounding locality and would personally be delighted, if something like this were to be proposed for my own local area.

foreshore SUBMISSION 54

From:
Sent: 14 April 2014 16:19
To: foreshore
Subject: Foreshore Application Reference FS005826

Dear Sir/Madame

I am writing to you today with regards to the development of the extension to the marina in monkstown co cork. I have seen the plans and I believe it that the development would be an invaluable asset to our village. I say this as an avid sailor and water sports enthusiast. I truly believe that it would be wonderful amenity and I fully support this development.

Warm regards,

foreshore Submission 55

From:
Sent: 14 April 2014 16:09
To: foreshore
Subject: Ref:FS005826

Dear Sir/Madame, I am sending this email to express my support for the proposed marina development in Monkstown. I think this development will be a fantastic development within Cork Harbour. I have seen the plans and how the existing marina has thrived to date, and have great faith in this bigger development's prosperous future. Although I do not live locally, I have friends and family who reside Monkstown and in the surrounding area. They are all delighted at what this marina has done so far for the ethos of the town. I live in Melbourne, Australia. Personally, having seen firsthand what excellent marine facilities can do for the marine tourism industry, I cannot understand why something of this nature has not been pursued sooner. Cork Harbour being the second largest natural harbour in the world after Sydney, it seems wasteful not to harness its full potential. Kind Regards

foreshore SUBMISSION 56

From:
Sent: 14 April 2014 16:49
To: foreshore
Subject: Foreshore Application Ref FS005826

To whom it may concern, I have spent most of my 55 years having to row out in a small punt to get on board my sailing boat. Thanks to Monkstown Marina I can now safely step on board without having to get wet and hope that an incoming ship does not swamp the punt. The current Marina is great but will really be world class as soon as the extension and facilities are developed. It will be a fantastic amenity for the area as well as creating badly needed employment in the area. It will also bring foreign visiting yachts to the harbor and the additional associated spending.
I am fully supportive of this development and cannot wait to see it come to fruition.
Regards
Monkstown Resident.

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foreshore SUBMISSION 57

From:
Sent: 14 April 2014 16:47
To: foreshore
Subject: Cork Harbour Marina Ref No.FS005826

A Chara,

I wish to put it on record that I consider the present Marina development located at Monkstown to be a magnificent facility and any expansion of same and the addition of further facilities should be welcomed. The present facility has breathed new life into the area. It played a part in the reopening of a public house which had been closed for well over five years and trade in a number of local restaurants has increased. Restaurants in places like Cobh and Aghada have also benefitted.This development has had nothing but a positive effect on the local area.

Regards,

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foreshore SUBMISSION 58

From:
Sent: 14 April 2014 16:45
To: foreshore
Subject: Reference to FS005826

Hello, I would like to comment on the proposed plans for Monkstown marina.

I think that the proposed plans would be great for the local and surround community. The reasons I say this is that it would highly increase tourism in the county of cork. At the moment marinas close the the city centre are very scarce. So the proposed plans for Monkstown marina would catch tourists attention when planning their next holiday.

Also with the increase in tourism the local and surround areas would see and increase in consumer traffic. Therefore this would demand the increase in jobs which would give a boost to the economy.

Overall I think the proposed plans for Monkstown marina would be fantastic for everyone and full support this enterprise.

foreshore Submission 59

From:
Sent: 14 April 2014 23:51
To: foreshore
Subject: Ref FS005826

I live in the Monkstown area and keep a boat on the Marina Bay facility.
It is a superb development for the area, very well operated and a significant boost to the local economy. I and many of my neighbours look forward to the Marina being extended and developed to its full potential.

Yours sincerely