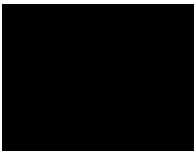
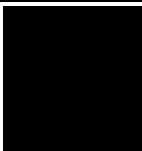
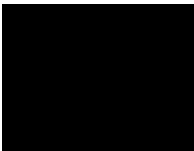
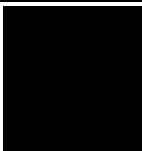
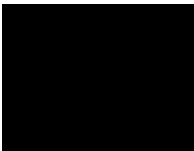
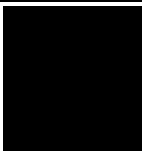


## Regional Marine Advisor - Engineering Report

**Application: Maritime Usage Licence (MUL) application for marine environmental surveys for the purposes of site investigation.**

**Applicant: Shannon Foynes Port Company.**

Document control			
Rev	Date	Prepared by	Reviewed by
A	05/09/2024		
B	10/09/2024		
C	10/09/2024		

Consenting Unit,  
MARA,  
Newtown Road,  
Wexford.

05/09/2024

**Re: Maritime Usage Licence (MUL) application for marine environmental surveys for the purposes of site investigation.**

**Applicant:** Shannon Foynes Port Company.

**Site Location:** Maritime Area Adjacent to Shannon Foynes Port and Foynes Island, Co. Limerick.

**Supporting information considered:**

- Completed Application Form dated 15/11/2023.
- AIMU Report, Version F01 1, 15/11/2023
- Marine Site Investigation- Schedule Of Works (undated)
- Site Inspection 26/03/2024

**Project Overview and Background**

Shannon Foynes Port Company (SFPC) to considering developing a deep water berth on Foynes Island and an access bridge from Foynes Port to the south-east corner of Foynes Island. The marine environmental surveys for the purposes of site investigation the subject of this application will support the planning and preliminary engineering design of the deep water berth development on Foynes Island and the access bridge connecting Foynes Island to Shannon Foynes Port. The proposed deep water berth development is stated as a fundamental part of Shannon Foynes Port Company's plan for delivering offshore renewable energy, as outlined in their Vision 2041 Strategic Review 2022.

It is intended to perform both geophysical and geotechnical marine-based SI to inform the design of the proposed bridge crossing over to the south-east corner of Foynes Island from Foynes Port, construction of an access road across the island, construction of a quay/marine infrastructure with associated quay furniture/services and development of a hardstanding hinterland area at the north-west edge of the island.

The proposed SI works in the Maritime Area is proposed as follows;

- Geophysical Surveys including gathering of bathymetric, side scan sonar, sub-bottom profiler and magnetometer data of the proposed licence area,
- Geotechnical investigation including boreholes and cone penetration tests (CPTs) (163 no. 225mm dia.),
- Environment sampling including surface grab sampling by box corer (24no.) for chemistry analysis and surface scrapes (intertidal) (7no.) and grab sample (subtidal) (5no.) for granulometric and Loss on Ignition analyses.

**Marine Advisor Review and Assessment**

**Appropriate Consent Instrument**

MARA, under the MAP Act, has responsibility for granting MACs and MULs for all maritime usages with the exception of sea fishing and related usages. Under the Foreshore Act the Minister for Agriculture, Food and the Marine (MAFM) retains the function for authorisations in relation to a fishery harbour centre, an activity which is wholly or primarily for the use, development or support of aquaculture, or an activity which is wholly or primarily for the use, development or support of

sea-fishing including the processing and sale of sea-fish and manufacture of products derived from sea-fish.

As the proposed Site Investigation works are not in relation to a retained function of the MAFM the appropriate instrument for authorisation is the MAP Act. More specifically, item 3 of Schedule 7 of the MAP Act 2021 includes “Marine environmental surveys for the purposes of site investigation” The proposed Site Investigation works, the subject of this application, therefore requires a Maritime Usage Licence (Schedule 7.3 Maritime Usage) as applied for by the applicant.

### Site Inspection, Existing Use and Activities

I inspected the site of the proposed works on Wednesday the 26<sup>th</sup> of March 2024. Area A in Figure 1. is the proposed site of the deep water berth and Area B is the site of the proposed access bridge.



Figure 1. Shannon Foynes Port and Foynes Island showing S.I. Areas A and B (AIMU Report, 15/11/2023)

Part of Area A is currently partly occupied by a now long disused and derelict oil discharging jetty and pipeline on trestle ashore. The SI works will not interfere with the existing oil jetty and pipeline trestle.



*Photo 1 Existing disused and derelict oil discharging jetty and pipeline on trestle ashore (BMcD 26/03/2024).*



*Photo 2 Site of proposed access bridge with SFPC Facility in the background (BMcD 26/03/2024)*

### **Site Consent and Application History**

The proposed licence area overlaps with FS005110 a Foreshore Lease for oil jetty and pipeline trestle to Irish Cement Ltd. expiry 2064. The applicants state that the structure has not be used since the 1970's and on inspection I found it to be clearly disused and derelict for an extended period of time. The lease area for the jetty includes a large area around the jetty which is not occupied by any structure or works, it's not apparent why such a large area was leased for a relatively small structure, previously the site was occupied by some moorings off the jetty within the lease area but these are not evident on site and I understand these offshore moorings were made obsolete when the jetty was modified with fenders to allow ships to berth directly to the jetty when unloading.

The proposed licence area does not overlap with any existing or proposed Maritime Area Consents or Maritime Usage Licences. It does overlap with an existing foreshore lease as outlined above however due to the nature of the works proposed there is no conflict with the existing foreshore lease. To ensure this the applicant shall consult with Irish Cement prior to proceeding with the SI works.

All maritime area within the 12NM limit is presumed state owned unless proven otherwise. This licence area is entirely within the 12NM limit. The proposed Site Investigation works does not conflict with any existing overlapping or adjacent consents or applications nor could it significantly injure the public use of, access to or enjoyment of the maritime area in question. The total size of the maritime area, which is the subject of the application, is **40.2 ha**.

### **Coastal and Seabed Morphology and Sediment Transport Processes**

Given the nature of the proposed works, and the limited range of potential disturbance impacts on seabed sedimentation, even in the absence of mitigation measures, the project will have no significant impact on Coastal and Seabed Morphology or Sediment Transport Processes.

### **Fisheries and Aquaculture**

Subject to the comments of the SFPA and relevant public submissions, it is my opinion that,

- Considering the scale and nature of the proposed maritime usage, there is no potential for significant negative impacts on the spawning and nursery grounds of commercial fish and shellfish species during the proposed Site Investigation works.
- During the completion of the proposed maritime usage there is no significant potential for impact upon legitimate fishers operating in the vicinity.
- There are no aquaculture sites in proximity to the proposed Site Investigation works and therefore no impact is envisaged.

### **Navigation**

Any vessels will be moving at slow speeds and will comply with the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs). To mitigate any risk the licensee shall arrange for the publication of a Marine Notice through the Maritime Safety Policy Division of the MSO.

### **Cultural Heritage**

The National Monuments Service (NMS) is tasked with addressing the protection and preservation of our underwater cultural heritage and in this regard the Underwater Archaeology Unit (UAU) of NMS has a wide remit, including quantification of the record, research, underwater survey, excavation and regulation. The UAU also assesses potential development impacts on underwater archaeology by making recommendations to the relevant planning authorities and other regulatory bodies on developments which have the potential to impact on underwater archaeology.

The proposed Site Investigation works have a limited potential to impact underwater archaeology. To mitigate any risk the licensee shall, in advance of operations, consult and comply with the requirements of the Underwater Archaeology Unit of the National Monuments Service.

### **Water Framework Directive (WFD)**

Section 121 Part 2b (ii) of the MAP Act requires MARA to have regard to the WFD when considering a licence application. Council Directive 2000/60/EC (the WFD) on establishing a framework for community action in the field of water policy was adopted by all member states in October 2000. Since 2000, the WFD has been the main law for water protection in Europe. It applies to inland, transitional and coastal surface waters out to 1nm as well as groundwater. It ensures an integrated approach to water management, respecting the integrity of whole ecosystems, including by regulating individual pollutants and setting corresponding regulatory standards. It is based on a river basin district approach to make sure that neighbouring countries cooperate to manage the rivers and other bodies of water they share.

The key objectives of the WFD are set out in Article 4. It requires Member States to use their River Basin Management Plans and Programmes of Measures to protect and, where necessary, restore water bodies in order to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. The WFD is the primary legislation, which is supported by the Groundwater Directive, and other directives targeting the quality of surface waters.

With regard to water quality the applicants state that overall, they have determined that without mitigation the sensitivity of the receptor would be High, and the magnitude of the impact would be considered to be Medium and therefore, without mitigation there is potential for Moderate impacts. However, it is expected that, with implementation of mitigation measures as described in Section 7.4.1 of the AMIU, the overall impact will be Minor.

Considering the scale and nature of the works and the mitigation measures outlined in Section 7.4.1 of the AIMU there is no significant risk of these works impacting the chemical or ecological status of inland, transitional, coastal surface waters and ground waters.

### **National Marine Planning Framework (NMPF)**

The NMPF is a national plan for Ireland's maritime area. It sets out, over a 20-year horizon, how we want to use, protect and enjoy our marine area. The NMPF sits at the top of the hierarchy of plans and sectoral policies for the marine area and provides a coherent framework in which those sectoral policies and objectives can be realised. All decisions on individual applications determined under the MAP Act, must secure and be consistent with the objectives of the plan, similar to the way that terrestrial plans form part of the decision-making tool-kit in the on-land planning process. NMPF objectives are supported by specific policies that articulate factors that can form part of objective consideration.

Having reviewed and assessed the information on file for this application to complete site investigations works against the objectives of the NMPF, I am satisfied the proposed works are consistent with the objectives of the NMPF. In particular the proposed usage is consistent with a number of the Ports, Harbours and Shipping Policies of the NMPF including; Harbours, and Shipping Planning Policy 1, 2, 3, 4. The project is also consistent with ORE Policies 1, 2, 6, 7, 11 of the NMPF.

### **Licence Term**

The Applicant has requested a term of 7 years for the Licence, I have no objection to the granting of a 7 year term.

### **Assessment & Conclusion**

The maritime area which is the subject of this application is state owned, there are no conflicts with existing leases, licences, MACs, MULs or applications on hand. If completed as proposed and in accordance with the conditions below, in my opinion, the works proposed will not have significant adverse impacts on the public use of, access to and enjoyment of the maritime area, to navigation or to sea fishing or aquaculture. The works are in alignment with Ports, Harbours and Shipping Policies and ORE Policies of the NMPF.

## **Recommendation**

I have no objection to the granting of a Maritime Usage Licence under Section 119 of the MAP Act for this application subject to the following General and Specific Conditions;

## **General Conditions**

1. The Holder shall not use the Licensed Area for any purpose other than the Permitted Maritime Usage.  
**Reason:** To ensure the orderly undertaking of the proposed maritime usage.
2. The Holder shall provide the Grantor a minimum of 14 days advance notice in writing of the Holder's intention to commence the Permitted Maritime Usage and any subsequent part or phase of the Permitted Maritime Usage. This notification shall include an up to date Programme of Works for the completion of the Permitted Maritime Usage.  
**Reason:** To ensure the orderly undertaking of the proposed maritime usage.
3. The Holder shall ensure that its contractors, and their subcontractors, are made aware of all Conditions.  
**Reason:** In the interest of orderly administration of the maritime area.
4. This Licence permits the Holder to occupy and use the Licensed Area for the Term on a non-exclusive basis for the purpose of carrying out the Permitted Maritime Usage in accordance with the Conditions and the requirements of the Act.  
**Reason:** In the interest of orderly administration of the maritime area.
5. The Holder shall remove all plant, machinery, equipment or any other thing used in connection with the Permitted Maritime Usage from the Licensed Area (or if applicable from any other part of the maritime area) and restore the Licensed Area (and if applicable any other part of the maritime area) to the condition it was prior to the commencement of the Permitted Maritime Usage to the satisfaction of the Grantor.  
**Reason:** To ensure the orderly undertaking of the proposed maritime usage.

## **Specific Conditions**

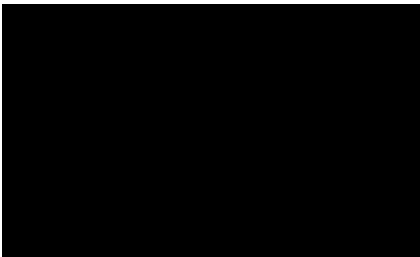
1. The licence shall be for a duration of seven years from the Commencement Date.  
**Reason:** To ensure the orderly administration of licenced usages in the maritime area.
2. The Holder shall use that part of the Maritime Area labelled Area A and B and shown outlined red on the attached Drawing titled:
  - Maritime Usage Licence Map LIC230014, Drg. No.:MUL230014-001, Dated: 12/04/2024.**Reason:** To ensure the orderly undertaking of the proposed maritime usage.
3. The Permitted Maritime Usage shall be carried out in accordance with the plans and particulars submitted in support of the application for this Licence except as may otherwise be required in order to comply with the following conditions.  
**Reason:** In the interest of clarity.
4. Prior to the commencement of the Permitted Maritime Usage the Holder shall consult and comply with the requirements of the Underwater Archaeology Unit of the Department of Housing Local Government and Heritage. National Monuments Service, G37, Custom House, Custom House Quay, Dublin 1, D01 W6X0.  
**Reason:** To ensure the continued preservation of objects of archaeological interest.

5. The Holder shall not damage or interfere with any third party's property, infrastructure or fishing gear while conducting the Permitted Maritime Usage.

**Reason:** To ensure the orderly undertaking of the proposed maritime usage.

6. Prior to the commencement of the Permitted Maritime Usage, the Holder shall engage with other relevant consent holders for the maritime area the subject of this licence, specifically the holder of Foreshore Lease File reference: FS005110 for oil discharging jetty and pipeline on trestle ashore, to plan and schedule the Permitted Maritime Usage to ensure any disruption, if any, to the other relevant consent holders is managed appropriately. Records of all engagements and consultations held and agreements reached, if any, shall be maintained by the Holder and made available to the Grantor if requested.

**Reason:** In the interest of orderly administration of the maritime area and to ensure the protection of existing infrastructure.



Senior Marine Advisor