

RNLI Ireland

COMPLIANCE STATEMENT

Courtmacsherry Site Investigation Works

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1 INTRODUCTION

The applicant Royal National Lifeboats Institute (“RNLI”) is applying to the Marine Area Regulatory Authority to undertake marine site investigation works in accordance with Schedule 7 (3) of the Maritime Area Planning Act 2021. The works to be carried out in the proposed Maritime Usage Area will enable RNLI to determine the conditions of the site and support the development and design of a new RNLI jetty and berth at Courtmacsherry, County Cork and to inform disposal options for dredged sediment material.

This document details how this Maritime Area Usage Licence Application and associated investigation works facilitate and are consistent with the National Marine Planning Framework (NMPF) (2021) and its relevant planning policies.

This statement should be read in conjunction with the accompanying documentation enclosed within this Maritime Area Usage Licence Application.

1.1 The Proposed Development

1.1.1 Project Description

The Proposed Development is limited to small-scale site investigation works at the following location:

- Courtmacsherry, County Cork
- Townland of Cullenagh

Site coordinates (relative to centre of site)

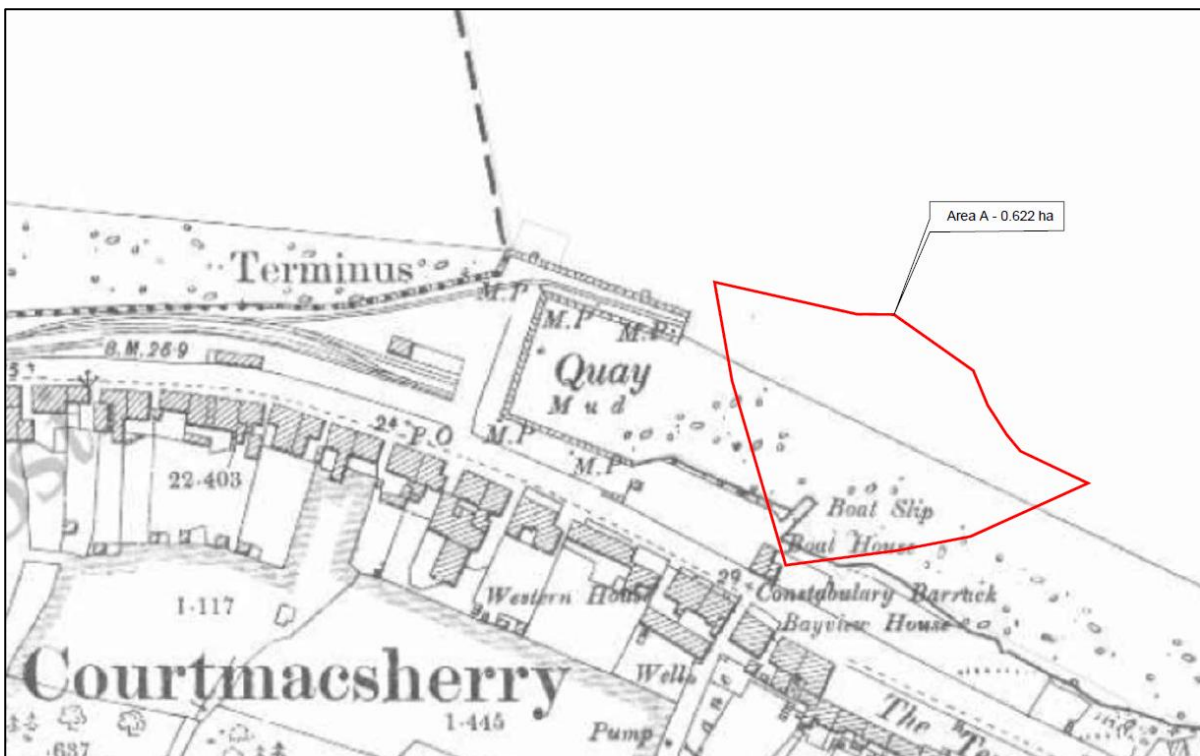
- X (Easting): 150980
- Y (Northing): 042736
- Latitude: 51.635333
- Longitude: -8.7088048

The site of the proposed site investigations will align with the High-Water Mark by the Chief Boundary Surveyor.

The site location (red line boundary) of the Proposed Development is illustrated in

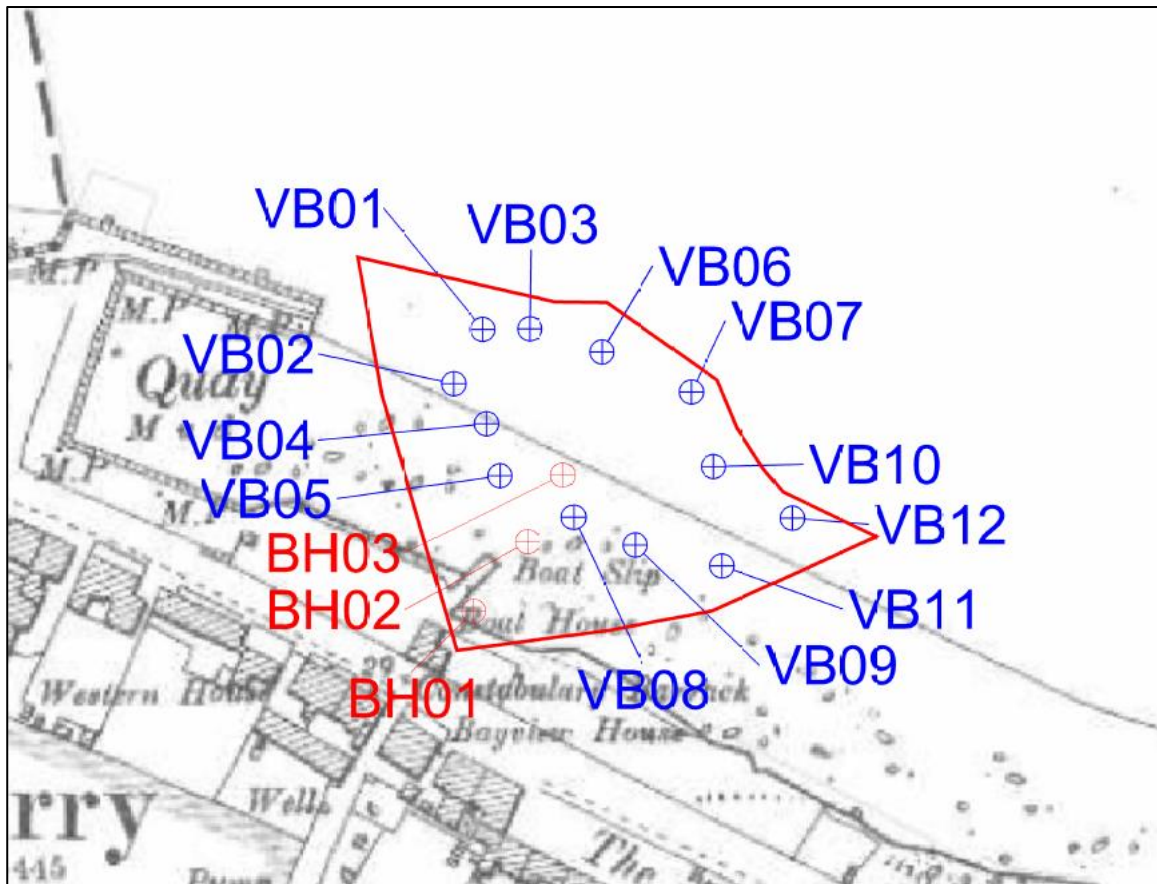
Figure 1.

Figure 1: Site Layout and Site Boundary



The layout of the proposed site investigations works is illustrated in Figure 2 below:

Figure 2: Site Layout and Site Boundary



1.1.2 Description of Proposed Works/Activity

The Proposed Development as set out within the Maritime Usage Licence application is defined as follows:

Site investigation works to inform the design of a new RNLI jetty and berth and to inform disposal options for dredged sediment material.

Works will comprise of the following:

- Boreholes – Target depth 25m
- 12 Vibrocores – Target depth 4m
- In situ sampling with further testing and reporting to be undertaken off site

No structures will be erected on the foreshore; all works will be temporary in nature (a duration of 10 days).

Works have an estimated start date of November/December 2026 (subject to consenting) with an estimated duration of fieldwork of 10 days (Monday to Friday) followed by laboratory testing and reporting within 6 weeks of the completion of the field works. The proposed works are not subject to any season restriction and will likely require 1-2 mobilisations of plant.

1.1.3 Project Need

The site investigation works are being undertaken to inform the design of a proposed new berth for the Courtmacsherry RNLI lifeboat. The berth will be subject of a future Maritime Area Consent application, upon development of project design.

2 CONSENTING & SUPPORTING INFORMATION

The Proposed Development is subject of a Maritime Usage Licence to the Maritime Area Regulatory Authority. The applicant is RNLI Ireland.

The Proposed Development does not meet the thresholds for an Environmental Impact Assessment Report (EIAR) however a Non-statutory Environmental Report (NSER) has been provided in support of the licence application.

Supporting information for screening for Appropriate Assessment (AA) and Annex IV Species Risk Assessment has also been provided in support of the licence application.

2.1 National Marine Planning Framework Compliance

The National Marine Planning Framework (NMPF) was published on 30th June 2021 and brings together all marine-based human activities for the first time, outlining the government's vision, objectives and marine planning policies for each marine activity.

The NMPF details how these marine activities will interact with each other in an ocean space that is under increasing spatial pressure, ensuring the sustainable use of our marine resources to 2040.

The NMPF is intended as the marine equivalent to the National Planning Framework. This approach will enable the Government to:

- set a clear direction for managing our seas
- clarify objectives and priorities
- direct decision makers, users and stakeholders towards strategic, plan-led, and efficient use of our marine resources

The NMPF sets out a wide range of marine planning policies which are considered at applicable to projects which are considerably larger in scale and significance to that of the Proposed Development. Applications for development will be considered in terms of their consistency with the NMPF.

The Proposed site investigation works are cognisant of the objectives and policies contained within the NMPF specifically the biodiversity, water quality and underwater noise policies contained within the document and Chapter 19 Safety at Sea.

2.1.1 Biodiversity

Biodiversity Policy 1 states that proposals that may have significant adverse impacts on species adaptation or migration, or on natural native habitat connectivity must demonstrate that they will, in order of preference and in accordance with legal requirements: a) avoid, b) minimise, or c) mitigate, significant adverse impacts on species adaptation or migration, or on natural native habitat connectivity.

Biodiversity Policy 2 states that proposals that protect, maintain, restore and enhance the distribution and net extent of important habitats and distribution of important species will be supported, subject to the outcome of

statutory environmental assessment processes and subsequent decision by the competent authority, and where they contribute to the policies and objectives of the NMPF. Proposals must avoid significant reduction in the distribution and net extent of important habitats and other habitats that important species depend on, including avoidance of activity that may result in disturbance or displacement of habitats.

Biodiversity Policy 3 states that where marine or coastal natural capital assets are recognised by Government: Proposals must seek to enhance marine or coastal natural capital assets where possible; and proposals must demonstrate that they will in order of preference, and in accordance with legal requirements a) avoid, b) minimise, or c) mitigate, significant adverse impacts on marine or coastal natural capital assets, or d) if it is not possible to mitigate significant adverse impacts on marine or coastal natural capital assets proposals must set out the reasons for proceeding.

Biodiversity Policy 4 states that proposals must demonstrate that they will, in order of preference and in accordance with legal requirements: a) avoid, b) minimise, or c) mitigate, significant disturbance to, or displacement of highly mobile species.

This application of maritime usage is accompanied by a Screening for Appropriate Assessment and an Annex IV Species Risk Assessment which demonstrates that there are no impacts and no mitigation required and as such there is a need or requirement for a Regulation 54 derogation licence.

2.1.2 Water Quality

Water Quality Policy 1 states that proposals that may have significant adverse impacts upon water quality; including upon habitats and species beneficial to water quality, must demonstrate that they will, in order of preference and in accordance with legal requirements: a) avoid, b) minimise, or c) mitigate significant adverse impacts.

This application is accompanied by a statement of compliance with the Water Framework Directive which demonstrates that there is no adverse impact on water quality posed by the site investigation works.

2.1.3 Underwater Noise

Underwater Noise Policy 1 states that proposals must take account of spatial distribution, temporal extent, and levels of impulsive and / or continuous sound (underwater noise) that may be generated and the potential for significant adverse impacts on marine fauna. Where the potential for significant impact on marine fauna from underwater noise is identified, a Noise Assessment Statement must be prepared by the proposer of development. The findings of the Noise Assessment Statement should demonstrably inform determination(s) related to the activity proposed and the carrying out of the activity itself. The content of the Noise Assessment Statement should be relevant to the particular circumstances and must include: Demonstration of compliance with applicable legal requirements, such as necessary assessment of proposals likely to have underwater noise implications, including but not limited to: Appropriate Assessment (AA); Environmental Impact Assessment (EIA); Strategic Environmental Assessment (SEA); Specific response to 'strict protection' requirements of Article 12 of the Habitats Directive in relation to certain species listed in Annex IV of the Directive; and Species protected under the Wildlife Acts. An assessment of the potential impact of the development or use on the affected species in terms of environmental sustainability;

a) avoided, Demonstration that significant adverse impacts on marine fauna resulting from underwater noise will, in order of preference and in accordance with legal requirements be: b) minimised, or c) mitigated, or d) if it is not possible to mitigate significant adverse impacts on marine fauna, the reasons for proceeding must be set out. This policy should be included as part of statutory environmental assessments where such assessments require consideration of underwater noise.

The Annex IV Risk Assessment concludes that no impact on Annex IV species is envisaged due to the very limited time of potential exposure.

2.1.4 Safety at Sea

Safety at Sea Policy 3 states that all proposals for temporary or permanent fixed infrastructure in the maritime area must ensure navigational marking in accordance with appropriate international standards and ensure inclusion in relevant charts where applicable.

Safety at Sea Policy 4 states that establishing, changing or disestablishing Aids to Navigation (AtoN) must be sanctioned, in advance of works, by the Commissioners of Irish Lights.

Safety at Sea Policy 5 states that proposals must identify their potential impact, if any, on Maritime Emergency Response (Search and Rescue (SAR), Maritime Casualty and Pollution Response) operations. Where a proposal may have a significant impact on these operations it must demonstrate how it will, in order of preference: a) avoid, b) minimise, c) mitigate adverse impacts, or d) if it is not possible to mitigate significant adverse impacts, proposals should set out the reasons for proceeding, supported by parties responsible for maritime SAR.

This application is for site investigation works only and the results used to inform the detailed design of the RNLI jetty, berth and dredging.

2.2 Marine Strategy Framework Directive Compliance

The Marine Strategy Framework Directive (MSFD) is EU legislation which aims to ensure European seas are clean, healthy and biologically diverse, and sustainably used through the achievement of Good Environmental Status (GES) and to protect the resource base for marine related economic and social activities. The MSFD was adopted on 17th June 2008 establishing a framework for marine environmental policy. The MSFD is implemented through a national Marine Strategy.

2.3 Ireland's Marine Strategy Compliance

Ireland's Marine Strategy incorporates 3 parts, the assessment and environmental targets; monitoring programmes, and a programme of measures. Part 1 contains the most comprehensive and up to date assessment of the status of Ireland's marine environment, the characteristics of what Good Environmental Status (GES) should look like and a revised set of environmental targets for each of the 11 qualitative descriptors of the MSFD. Revised targets seek to limit disturbance of the seabed and prevent underwater noise.

Part 2 incorporates monitoring programmes to gather scientific data and information to enable the ongoing assessment of Ireland's marine environment.

Part 3 incorporates a programme of actions targeting biodiversity, non-indigenous species, pollution, underwater noise, marine litter and the impacts of increased human activity with the goal of protecting biodiversity.

This proposed site investigation works require minimal disturbance to the seabed being in close proximity to the nearshore and pose no adverse effects on any marine receptor from noise disturbance.

2.4 Consistency with the Designated Marine Area Plan

The Proposed site falls within the South Coast Designated Maritime Area Plan (October 2024) which is Ireland's first forward marine spatial plan for offshore renewable energy (ORE). It provides a clear and sustainable framework for developing offshore renewable energy, balancing economic growth, environmental protection, and community engagement to support Ireland's transition to a low-carbon future. The plan identifies 4 Maritime Areas in the Celtic Sea within future ORE projects may be located, which relates to fixed offshore wind technology.

The proposed site investigations do not impact upon the designated areas for ORE.

2.5 Compliance with Objectives of the Water Framework Directive

This section on WFD compliance, describes and assesses the potential impacts and effects of the proposed works on water quality and the receiving environment. The objectives of this assessment are:

- Produce a baseline desk study of the existing water environment in the area of the proposed works;
- Identify any likely significant effects of the proposed works;
- Identify any mitigation measures to avoid, remediate or reduce likely significant negative effects; and
- Assess whether there are any likely significant residual or cumulative effects of the proposed works and other local projects.

2.5.1 Water Framework Directive

Directive 2000/60/EC establishing a framework for community action in the field of water policy (the Water Framework Directive), and transposing regulations, establishes a legal framework for the protection, improvement and sustainable management of rivers, lakes, transitional waters (estuaries), coastal waters (to a distance of one nautical mile) and groundwater.

The fundamental objectives of the WFD are to maintain "high status" of surface waters where it exists, prevent deterioration in the existing status of waters, and achieve at least "good status" in relation to all waters by 2027 unless subject to extended deadlines. A water body must achieve both good 'ecological status' and good 'chemical status' before it can be considered to be at good overall status. An assessment of the risks to the achievement of these objectives for water bodies has been undertaken by the EPA through

the extensive characterisation of water bodies and the key pressures acting upon them. This facilitates the development of a programme of measures to allow the achievement of the WFD objectives.

The Programme of Measures (POM) outlines the steps that will be taken to meet WFD objectives as applicable to each water body. This POM is contained within an overarching River Basin Management Plan (RBMP). These measures will require implementation at strategic level but also at regional and local level through the establishment of Regional Integrated Catchment Management Programmes. Whilst none of the water bodies within the proposed Marine SI area have been included amongst those areas prioritised for action in the most recent River Basin Management Plan for Ireland 2022 - 2027 (DHLGH, 2024), it is noted that measures required to ensure compliance with existing legislation will be implemented during this river basin management cycle.

Environmental Quality Standards (EQSs) for classifying surface water status are established in the European Communities Environmental Objectives (Surface Waters) Regulations, 2009 (SI No. 272 of 2009), as amended. These regulations set standards for biological quality elements, physio-chemical conditions supporting biological elements (including general conditions and specific pollutants), priority substances and priority hazardous substances.

As shown in Figure 1, the 'ecological status' of a water body is established according to compliance with the EQSs for biological quality elements, physio-chemical conditions supporting biological elements, relevant pollutants and hydromorphological quality elements. The 'chemical status' of a water body is established according to compliance with the EQSs for priority substances and priority hazardous substances.

In addition to achieving good ecological and chemical status, a water body must achieve compliance with standards and objectives specified for protected areas, which include areas designated by the Bathing Water Directive; the Urban Waste Water Treatment Directive; the Shellfish Waters Directive; the Habitats Directive and the Birds Directive. Waters bodies that are compliant with WFD standards, but that contain protected areas that are non-compliant with protected area standards are downgraded to 'less than good' status.

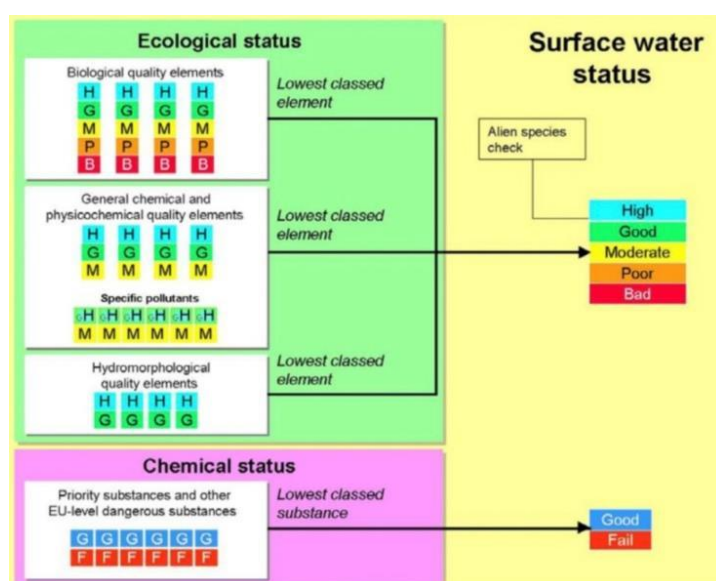


Figure 1: Elements of the Water Framework Directive Status

2.5.2 Proposed Site Investigation (SI) Works

Site investigation works are to inform the design of a new Royal National Lifeboat (RNLI) jetty and berth at Courtmacsherry. The SI works will also inform the disposal options for dredged sediment material. SI works will generally comprise of the following:

3 Boreholes – Target depth 25m.

12 Vibrocores – Target depth 4m.

In situ sampling with further testing and reporting to be undertaken off site.

2.5.3 Receiving Environment

Water Quality

Table 1 shows a list of key waterbodies in the area as well as their codes, type and distance from the proposed works

Table 1: Waterbodies in close proximity to the proposed works

Waterbody Name	Waterbody Code	Waterbody Type	Distance from Proposed Works
Argideen Estuary	IE_SW_090_0200	Transitional	Works located within waterbody
Courtmacsherry Bay	IE_SW_090_0000	Coastal	1.6km east

All of the waterbodies listed in Table 1 are within or hydrologically linked to European Sites (i.e., Courtmacsherry Estuary SAC, Courtmacsherry Bay SPA and the Old Head of Kinsale SPA).

The Garretstown & Garrylucas and White Strand bathing water areas are located within the wider context of Courtmacsherry Bay, 8.7 km and 9.4km east of the SI works. Both bathing water areas have Excellent water quality. While these sites are hydrologically linked to the Marine SI works, the separation distance means that any impacts are extremely unlikely. There are no other designated areas downstream of the SI works.

Table 2 shows the overall WFD status of the relevant waterbodies from 2010-2024.

Table 2: WFD Status of Waterbodies in close proximity to the proposed works

Waterbody	Overall WFD Status			
	2010-2015	2013-2018	2016-2021	2019-2024
Argideen Estuary	Poor	Poor	Moderate	Moderate
Courtmacsherry Bay	Poor	Good	Good	Moderate

2.5.4 Potential Impacts

It is possible that a negative impact on water quality and therefore the ecological and/or chemical status of Argideen Estuary transitional and Courtmacsherry Bay coastal waterbodies may arise due to marine SI works. The drilling of boreholes and removal of sediment from the seabed may introduce small amounts of sediment into the water column. The geographical extent of this impact would likely be limited to the Marine Usage Licence Area. However, currents and tides would ensure that the sediment is quickly dissipated and unlikely to represent a significant elevation above sediment levels normally associated with the ebb and flood tides. It is expected that the significance of impact will be short-term, and negligible in nature in the context of water quality and the environmental objectives of the Argideen Estuary transitional and Courtmacsherry Bay coastal waterbodies. Conditions will return to baseline conditions after SI works are completed. The Marine SI works will not increase the risk of deterioration in the overall WFD surface water status of the Argideen Estuary transitional waterbody and Courtmacsherry Bay coastal waterbody which are both currently at moderate status (Table 2).

It is possible that accidental spills from plan equipment (e.g. jack up barge, tug and work vessels) may cause a negative impact on water quality and WFD status. This impact will not result in significant effects to the ecological or chemical status of the waterbodies if proposed mitigation measures were correctly implemented and will be of short-term duration with conditions returning to baseline levels following completion of the SI works.

Overall, it has been determined that the sensitivity of the receptor is High, and the magnitude of the impact is considered to be Medium. Therefore, there is expected to be Moderate impacts.

However, it is expected that, with implementation of mitigation measures (described below), the overall impact will be Negligible and will not result on a deterioration in the ecological or chemical status of the hydrologically connected waterbodies or compromise the achievement of the environmental objectives, including associated protected area objectives, of these waterbodies.

2.5.5 Mitigation Measures

- Prior to entering the site all plant shall be cleaned and checked twice daily for leaks or drips.
- No plant is to be filled more than $\frac{3}{4}$ fill with fuel.
- Refuelling will take place, where possible, remote from the site and within suitable oil receptors.
- All oils and fuels at the compound will be adequately stored to ensure that any potential spill is contained and treated on site and that none can reach any drainage system or Argideen Estuary or Courtmacsherry Bay.
- Development of Construction and Environmental Management Plan (CEMP). A typical CEMP includes the following:
 - Construction method statement;
 - Pollution prevention plan;

- Site drainage plan;
 - Surface Water Management Plan;
 - Environmental Emergency Plan;
 - Water Quality Monitoring Plan; and
 - Ecological Clerk of Works (ECOW) appointment
- A spill response kit will be available onsite and accessible to all to control pollution incidents. These spill kits will contain absorbent pads, absorbent granules and methods of disposal of materials and used kit. These kits will be located at appropriate points around the site which are considered to be at a higher risk of pollution (e.g. refuelling area and next to fuel tanks). Further spill kits and supplies will be located in the stores within the site, where replacements for used kits will be found.
 - Spill kits will need be regularly inspected and immediately replaced if used.
 - Toolbox talks will be communicated to site staff and contractors so that they are fully informed of refuelling procedures.

2.6 Compliance with Climate Action and Low Carbon Development (Amendment) Act 2021

The Climate Action and Low Carbon Development (Amendment) Act 2021 supports Ireland's transition to New Zero and achieve a climate neutral economy by no later than 2050. It sets out measures to be taken to reach national climate targets in each sector of the economy. To achieve this public bodies including when conducting surveys must act in ways consistent with environmental sustainability and biodiversity protection; climate resilience and adaptation; emission reduction and avoidance (including carbon budgets); best available science and technical advice; and climate justice and just transition.

The proposed site investigations are temporary in nature, with a small footprint, and negligible emissions. This application is accompanied by an Annex IV species assessment and a RIASS, concluding no adverse effects. The proposed investigations will comply with all best practice and biodiversity protection elements of the National Climate Objective. The proposed site investigations will be limited in scope and do not conflict with climate justice or just transition principles.

The proposed site investigations are consistent with the National Climate Objectives as defined in the Climate Action and Low Carbon Development (Amendment) Act 2021.

3 CONCLUSION

The proposed RNLI Courtmacsherry Marine Site Investigation is fully compliant with the relevant objectives of the NMPF and its associated Planning policies. In addition, the proposed site investigations are compliant with the Marine Strategy Framework Directive and Ireland's Marine Strategy in that they pose minimal disturbance and are temporary. The proposed site investigations pose no bearing on the South Coast Designated Maritime Area Plan for Offshore Renewable Energy. The proposed site investigations pose a negligible impact on waterbodies as demonstrated in the compliance with the Water Framework Directive. Likewise, the proposed site investigations are compliant with the Climate Action and Low Carbon Development (Amendment) Act 2021 in that they will comply with best practice and biodiversity protection elements.