Submission HLG 00263-22: Screening for Appropriate Assessment Determination on Foreshore Application FS007027 Irish Water Whitegate to Aghada Waste Water Collection and Treatment System

TO:	[redacted]	AUTHOR:	[redacted] (Housing)
STATUS:	Completed	OWNER:	[redacted] (Housing)
PURPOSE:	For Decision and Signature	REVIEWERS:	[redacted] (Housing)
			[redacted] (Housing)
			[redacted] (Housing)
DIVISION:	Foreshore		
DECISION BY:	10/06/2022		

Final comment

Signed by minister, 21/06/2022

Action required

Ministerial determination on the Screening for Appropriate Assessment and signing of the Appropriate Assessment Screening Determination Statement if approved

Executive summary

Irish Water have applied for a Foreshore Licence to carry out the construction of a waste water collection and treatment system at Rostellan, Whitegate and White Bay, Glanagow, County Cork, under Section 3 of the Foreshore Act.

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department has undertaken Screening for Appropriate Assessment (AA).

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment Determination **(Tab 1)**, which reaches the following conclusion:

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an **Appropriate Assessment is required** as the project, individually or in combination with other plans or projects, **is to have a significant effect** on any European site. The risk of likely significant effects on European sites **cannot be excluded** on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Detailed information

Irish Water have applied for a 35 year Foreshore Licence Section 3 of the Foreshore Act as amended, for the purpose of the construction of a waste water collection and treatment system, for the combined villages of Whitegate and Aghada, Co. Cork.

The proposed development consists of the construction of a wastewater collection system and a wastewater treatment plant (WWTP) at Ballytigeen for the villages of Whitegate and Aghada, Co. Cork. Currently wastewater from the villages of Whitegate and Aghada is being discharged untreated directly into Cork Harbour. This is not in compliance with obligations of the Urban Wastewater Treatment Directive (UWWTD) 91/271/EEC. The proposed development will rectify this issue and facilitate the future development in the villages which is currently constrained by the lack of adequate wastewater treatment. The overall developments consists of a wastewater treatment plant, upgrade works to existing sewerage system, extensive new sewage system, 3 no. pump stations and an marine outfall to the sea at White Bay.

Total area of foreshore the subject of the application: 2.016ha. Further details of the proposed activity are outlined in the application form **(Tab 4)**, which is also available on the Department's website along with all supporting documentation: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027/

Brief Description of Works

The following are the elements of the development that are on foreshore and require a consent under the foreshore act:

1. Foreshore at Rostellan for part of proposed Pump Station and Rising Main
2. Foreshore at Whitegate for part of proposed Pump Station, Rising Main and Emergency Overflow.
3. Foreshore at White Bay, Glanaglow for Marine Outfall to the sea

The treated effluent from the proposed Whitegate and Aghada WWTP is to be discharged to the sea at White Bay via a marine outfall. The proposed outfall will extend approximately 295m beyond the high water mark and approx. 190m beyond the low water mark discharging in a water of minimum depth of 4.3m at low water spring tide.

The construction works for the proposed development would also require temporary working areas to accommodate the required infrastructure within the foreshore. Existing outfall pipelines are to be repurposed to serve as combined Emergency Overflow / Surface Water Overflows (EO/SWOs).

Connections to these existing pipelines will be made on-shore and there will be no additional works within the foreshore area.

Environmental Assessment

As part of the assessment of the foreshore application Roughan & O'Donovan (ROD) were commissioned as Independent Environmental Consultants to conduct a Screening for Appropriate Assessment (stage 1 screening) and if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on European Sites from the proposed works in the application for a Foreshore Licence.

A number of application documents submitted by the Irish Water have informed Screening for Appropriate Assessment and are listed below and can be found on the Department's website: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027/

- Application Form **(Tab 4)**
- Foreshore Licence Maps 1-3 **(Tab 5)**
- Licence Area Overall Plan **(Tab 6)**
- Fisheries and Aquaculture Maps **(Tab 7)**
- Treated Effluent Outfall Plan
- Report for Screening for Appropriate Assessment (prepared by applicant) **(Tab 8)**
- IW Appendix C drawings and plans
- NIS Appendix B, C, D, F
- Archaeological Assessments
- Construction Environmental Management Plan (CEMP) and Report
- Public Submission **(Tab 9)**
- Applicant's Response to Public Submission **(Tab 10)**
- Consolidated Prescribed Bodies Observations **(Tab 11)**
- Applicants Response to Public Bodies Observations **(Tab 12)**

Public Consultation

The public consultation in respect of this application was held between 7th April 2021 and 6th May 2021

Public notices for this application appeared in the "Irish Examiner" (1st April 2021), the "Southern Star" (3rd April 2022) papers.

They were also on public display at the following locations:

- **Midleton Garda Station, Oliver Plunkett Place, Midleton, Co. Cork.**
- **Cork County Council Office, Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork.**

The Department received one submission from the public during the Public Consultation period, which is attached at **Tab 9**. The applicant's response to the submission is attached at **Tab 10**.

Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were requested and received from:

Department of Housing, Local Government and Heritage Marine Advisor

Department of Housing, Local Government and Heritage (National Parks and Wildlife Service)

Department of Housing, Local Government and Heritage (Underwater Archaeology)

Department of Agriculture Food and the Marine (Aquaculture)

Marine Institute

Inland Fisheries Ireland

Marine Survey Office (MSO)

Sea Fisheries Protection Agency

Environmental Protection Agency

Observations were forwarded to the applicant **(Tab 11)** and there were no objections in principle to the proposed works. The applicant responded to each PBC comment and observations **(Tab 12)**.

These documents are also available on the Department's website: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027/

Screening for Appropriate Assessment

The Independent Environmental Consultants completed the Screening for Appropriate Assessment report in March 2022 **(Tab 3)** which concluded that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on European sites.

This Screening for Appropriate Assessment report along with all relevant material was considered by the Departments Marine Advisor (Environment) who agreed with and accepted the IEC's report and its conclusions and a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment Report and reaches the following Screening for Appropriate Assessment Screening Determination:

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project to lay a marine outfall on the Foreshore, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is to have a significant effect on any European site. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

A copy of all the material which informed the screening for Appropriate Assessment prepared by the Independent Environmental Consultants is linked above**.** The Screening for Appropriate Assessment report prepared by the Independent Environmental Consultants, Roughan & O'Donovan is attached at **Tab 3**. The Environmental Report with Statutory Declarations prepared by the Department's Marine Advisor (environment) is attached at **Tab 2**. The Screening for Appropriate Assessment Determination prepared by the Department's Marine Advisor (environment), for Ministerial Determination, is attached at **Tab 1** for signing.

The attached environmental reports are furnished to the Minister for consideration and approval, submitted herewith for decision.

Related submissions

There are no related submissions.

User details

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