Submission From:	Marine Advisor (Housing)
Submission Date:	30/11/2022

Submission:

As part of the assessment of the foreshore licence application, the Minister has determined, in accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011, that an Appropriate Assessment is required in respect of the proposed plan or project. Details of all documents considered by the Minister in his determination, can be accessed on the Foreshore Noce webpage for this application: https://www.gov.ie/en/consultaon/a9c85-fs007027-irish-water-whitegate-at-aghada/

The Minister will make a determination as to whether or not the proposed plan or project would adversely affect the integrity of a European site in accordance with Regulation 42(11) of the European Communities (Birds and Natural Habitats) Regulations 2011 and, in doing so, shall have regard to the matters in Regulation 42(12). A further public consultation will therefore take place in accordance with Regulation 42(13).

In accordance with the requirement as set out in Statutory Instrument 353/2011 – Foreshore Regulations 2011, please forward your observations on Appropriate Assessment as soon as possible, but not later than 16th November 2022. Please include in your observations details of other developments, plans or projects that may, in conjunction with this application, have a cumulative effect on a Natura 2000 site. If you wish to add no further comment or observations, please reply as soon as possible to that effect.

Response (Issued 13/01/2023):

Noted. No further comments.

Submission From:	Marine Advisor (Environment)
Submission Date:	14/11/2022

Submission:

The works overlap with Cork Harbour SPA [IE004030]. This site is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive.

As you will note from my Screening Stage Report Environmental Report of the 25th of May 2022 I agreed with and accepted the outcome of the IEC's review of the environmental reports associated with this application.

I have no objection to this application and on completion of the IEC's work on this second consultation I will provide my final report with determinations which may include site specific conditions having regard to the information obtained during public participation.

Response (Issued 13/01/2023):

Noted. No further comments.

Submission From:	Underwater Archaeology & NPWS
Submission Date:	22/11/2022

Submission:
Further to the observations provided in 2021- in relation to Foreshore Application for the construction of Waste Water Collection and Treatment System for the combined Villages of Whitegate and Aghada, County Cork - there are no additional Underwater Archaeological nor Nature Conservation (NPWS) comments to be made

Response (Issued 13/1/2023):

Noted. We have no comments on these observations.

Submission From:	DAFM
Submission Date:	24/11/2022

Submission:
Although there are no fisheries subjected to a Fisheries Natura Plan in the area of the proposed application there is however considerable fishing activity in the area especially pong for velvet and spider crabs. In addition there is an active Oyster Fishery order in the area of the proposed application, T05/0020F0 licenced to Atlantic Shellfish (see attached). It is BIM's view that an Appropriate Assessment would need to take account of "in combination effects" that the proposed works would have on Natura 2000 sites covered by the area of this application.

Response (Issued 13/1/2023):

A small section of the sewer upgrade works for the Rostellan and Lower Aghada pumping stations is located on the southern boundary of the Atlantic Shellfish Ltd Blue Mussel Aquaculture Site (T05/002OFO).

The Marine Institute carried out an Appropriate Assessment of aquaculture in Cork Harbour . This report reviewed the potential for in-combination (cumulative) impacts with other activities within Cork Harbour SPA. This report noted that in the case of disturbance to foraging birds, the potential energetic and displacement impacts from bottom mussel cultivation are very small to they would not be likely to make a significant contribution to any cumulative impacts. Disturbance to the East Harbour and North Channel nocturnal roosts from other marine traffic in winter is probably very limited due to the small scale of the activity. In particular, there is probably very little marine traffic in the East Harbour east of Aghada Pier, in the East Ferry Channel above the East Ferry Marina, or in the North Channel, during winter, so disturbance to the Cormorant roosts at Siddon's Tower and Bagwell's Hill are probably very rare events. This report concluded that bottom mussel cultivation was not predicted to cause significant disturbance impacts to foraging Red-breasted Merganser, Cormorant or Great Crested Grebe during the day. While potential nocturnal disturbance could occur, the number of nights on which this would occur would be limited to 4-5 nights per month.

As noted in Section 9 of the Natura Impact Statement (NIS) (DixonBrosnan 2022), works for the proposed UTAS scheme will primarily take place during hours of daylight to minimise disturbance to any roosting birds. It is also noted that construction works associated with the proposed network and terminal WWPS's (Rostellan, Lower Aghada and Whitegate) will avoid the wintering bird season (September to March). This will minimise the disturbance to any wintering/migratory bird species utilising the harbour during this period. Where summer works take place adjacent to these sensitive areas, i.e. Rostellan pumping station and Lower Aghada pumping station, hoarding will be placed between the works and the water's edge. While the main aim of this is to prevent disturbance to non SCI waterbirds foraging within these habitats, this will also prevent disturbance to SCI birds which forage or roost within these areas during the summer months including Common Tern which could potentially to forage in this area of the harbour. During operation there will not be a significant increase in noise or activity associated with the development and therefore no significant effects will occur. In the absence of any adverse effects associated with this proposed development following mitigation, no significant in-combination impacts in relation to noise and disturbance with aquaculture activities have been identified.

As noted in the NIS, mobilisation of marine sediments and increased turbidity levels will arise during works for the proposed outfall pipe. However the marine works will be located 2.9km from the closest point of the SPA (via a hydrological connection) at Curraghbinny Woods (Great Island Channel SAC is located over 10km from the proposed development site via hydrological connection). Given the mitigation measures proposed, the temporary nature and limited scope of the proposed works, the dilution provided in the marine environment and the limited potential for elevated turbidity/silt to impact on invertebrate populations in estuarine mudflats on which important bird populations feed, no adverse effects on bird species listed as SCIs for the Cork Harbour SPA has been identified. During operation of the project improvements in water quality in Cork Harbour SPA will bring water quality in line with requirements of the Water Framework Directive as well as the Habitats Directive and Birds Directive and create a more sustainable ecosystem for QI's/SCI's. Therefore, considering the improvement of water quality is an important factor in maintaining the conservation objectives of Cork Harbour SPA, the operational phase of the proposed development will have a long-term positive impact on the conservation objectives of the SPA. It is noted that in their appropriate assessment of aquacultural activity in Great Island Channel SAC , the Marine Institute concluded that given there are no hydrological

pressures resulting from intertidal aquaculture activities, pressures resulting from point discharge location such as the urban waste-water treatment and/or combined sewer outfalls which would likely impact on physico-chemical parameters in the water column will not result in any in-combination effects with aquaculture activities. This report also noted that given the resilience of qualifying habitats within Great Island Channel SAC, in-combination effects of fisheries with intertidal trestle aquaculture activities on designated habitats (and constituent community types) can be discounted. Given the range of mitigation measures specified for construction works and the improvements in water quality during operation no adverse effects on Natura 2000 sites are predicted to occur.

In the absence of any significant potential impacts or adverse effects on the on the qualifying interests and conservation interests for the Cork Harbour SPA and Great Island Channel SAC and in the absence of significant impacts on its overall integrity, no potential in-combination impact from the proposed development with aquaculture activity in Natura 2000 sites has been identified.

Please feel free to contact me, Stephanie, at stephanie.merenbach@arup.com for any further clarification.

[1] Marine Institute 2020. Report supporting Appropriate Assessment of Aquaculture in Cork Harbour SPA. Atkins
[2] Marine Institute 2019. Report supporting Appropriate Assessment of Aquaculture in Great Island Channel SAC (Site code: 001058)

Submission From:	Marine Survey Office
Submission Date:	21/11/2022

Submission:

After careful consideration the Marine Survey Office has no objection to the proposed works in the application referenced in the subject line from a navigational safety perspective.
However the following shall be noted;

- A Marine Noce shall be published for the information of all local marine users detailing the works and any vessels which may be engaged in said works during the construction phase.
- To ensure the safety of navigation for all maritime users, the construction area within the dal zone shall be clearly deniable to all maritime users. Where deemed necessary, temporary marker buoys shall be installed upon consultation with the Harbour Authority.
- The applicant shall be obliged to inform the United Kingdom Hydrographic Office (UKHO) (Fax: 0044 1823 284077, email: hdc@hdc.hydro.gov.uk) detailing the location and nature of the proposed works to ensure relevant avigation charts and nautical publications are updated.
- The applicant is required to apply to the Commissioner of Irish Lights email info@irishlights.ie for sanction to establish an Outfall Mark or Buoy

Response (Issued 13/1/2023):
Noted. No further comments.

Submission From:	Marine Institute
Submission Date:	21/12/2022

Submission:

Apologies for the delay responding. In relation to the request for observations on the AA process for the Irish Water Whitegate to Aghada installation in Cork Harbour, the observations of the Marine Institute (dated 26/04/2021) still stand.

In addition to these observations, the Marine Institute advises, during assessment of likely effects, that the licencing body consider the in-combination effects on species (marine mammals and birds, in particular) that the proposed activities may have with other activities likely to occur in the vicinity. To this end, the MI notes there are some Aquaculture licenced areas and Fishery Orders near to the proposed areas within Cork Harbour. The exact locations of these areas and details of species cultured can be found at the following link: hps://dafm-maps.marine.ie/aquaculture-viewer/

In addition, DAFM have overseen the production of Natura appropriate assessment reports which consider interactions between Natura qualifying interests and aquaculture operations (existing and proposed) that have been carried out nationally and more specifically, in Cork Harbour. These reports cover both SAC and SPA sites and can be found at the following link and give an indication of likely aquaculture activities occurring it the general area and a

conclusion on their likely impact on N2000 sites.

Aquaculture AA reports Cork Harbour SPA and Great Island SAC

Furthermore, we draw the Department's attention to fishery risk assessments relating to Natura Qualifying interests that have been carried out nationally and more specifically, on the south and west coasts. These reports can be found at the following link and give an indication of likely fisheries activities occurring it the area in question.

http://www.fishingnet.ie/sea-fisheriesinnaturaareas/concludedassessments/southandwestcoasts/

Response (Issue 13/1/2023):
We note the observations provided 26/04/2021 and further observations herein (21/12/2022). No further comments.

Feel free to contact me, Stephanie, at stephanie.merenbach@arup.com with any further questions/clarifications.

Submission From:	Inland Fisheries Ireland
Submission Date:	21/11/2022

Submission:

We have not further comment to make on this application

Response (Issued 13/01/2023):

Noted. No further comments.

Submission From:	Sea Fisheries Protection Agency
Submission Date:	30/11/2022

Submission:
The location of the application is the Upper harbour East in the Port of Cork. There is an active fishery for Palaemon serratus which is fished for by vessels in the under 10m category on an annual basis. Due to the size category of vessels engaged in the fishery, catch data and fishing effort is lacking.

The proposed construction of the marine outfall is unlikely to have any impact on the SFPA conducting its official control duties in the area.

The application is adjacent to the shellfish growing waters of Rostellen, where Crassotrea gigas is cultivated. Currently the shellfish growing waters are subjected to uncontrolled and untreated sewage from the environs of Aghada and Whitegate. The proposed waste water treatment plant and marine outfall should improve the quality of the
receiving waters by a minimum of 50% in suspended solids with the proposed primary treatment.

The application is unlikely to have any effect on the SFPA conducting fisheries control activities and seafood activities in the area.

A pollution event during the construction phase of the proposed development could cause a contamination risk to the shellfish growing in the area. Should a pollution event occur, the SFPA Clonakilty Port office should contacted immediately so measures can be put in place to restrict potentially contaminated shellfish being placed on the market. sfpa_clonakilty_port@sfpa.ie

Response (Issued 16/08/2021):

Noted. No further comments.

Submission From:	Environmental Protection Agency
Submission Date:	03/11/2022

Submission:
I refer to your correspondence received 19th October 2022 requesting observations from the Agency on the Appropriate Assessment for the above named project. The Agency previously provided observations on the foreshore application (FS0007027) on 28th April 2021 (see attached letter).

In accordance with the requirement as set out the Foreshore Regulations 2011 (S.I. No. 353 of 2011), the Agency further

advises as follows:

- A Waste Water Discharge Licence (WWDL) application (Reg. No. D0423-02) was submitted by Irish Water to the Agency on 6th December 2021. It is currently under assessment by the Agency. The Natura Impact Statement submitted in support of the foreshore application was also submitted in support of the WWDL application.
- The WWDL application and associated documentation can be viewed at this link: https://epawebapp.epa.ie/terminalfour/wwda/wwda-view.jsp?regno=D0423-02
- In considering and deciding on the foreshore application the proposed activity should not result in a contravention of the Water Framework Directive 2000/60/EC, Habitats Directive 92/43/EEC, Birds Directive 2009/147/EC, Marine Strategy Framework Directive 2008/56/EC, Bathing Water Directive 73/160/EEC or Environmental Liabilities Directive 2004/35/EC.

For all further queries and correspondence, please contact eiaplanning@epa.ie.
Please note that there is no requirement for you to acknowledge receipt of this correspondence.

Response (Issued 13/01/2023):
Noted. No further comments.