Submission HLG 00004-23: Appropriate Assessment Determination on Foreshore Application FS007027 Uisce Éireann/Irish Water for Construction of a Waste Water Collection and Treatment System for the combined villages of Whitegate and Aghada, Co. Cork

TO:	Minister of State O'Donnell	AUTHOR:	[redacted]
STATUS:	Completed	OWNER:	
PURPOSE:	For Decision and Signature	REVIEWERS:	
DIVISION:	Foreshore		
DECISION BY:	24/03/2023		

Final comment

Seen and Approved by Minister O'Donnell 5/4/2023

Action required

Ministerial Determination on Appropriate Assessment and signing of the Appropriate Assessment Conclusion Statement, if approved.

Executive summary

Uisce Éireann/Irish Water have applied for a Foreshore Licence to carry out construction of a Waste Water Collection and Treatment System, for the combined villages of Whitegate and Aghada, Co. Cork, under Section 3 of the Foreshore Act 1933, as amended.

As part of the assessment of this application the Minister is required to make a Screening for Appropriate Assessment 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 Screening for Appropriate Assessment determined that an 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 and that the risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. See Related Submission HLG 00263-22.

The Marine Advisor (Environment) having considered all relevant material, has made a recommendation that the Minister accepts and adopts the Appropriate Assessment Report and determines that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives.

Detailed information

Uisce Éireann/Irish Water have applied for a 35 year Foreshore Licence under Section 3 of the Foreshore Act 1933 as amended, for the purposes of constructing 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

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.

Further details of the proposed activity are outlined in the application form and associated documents (**Tab 09**) and at the link: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027/

Public Consultation in accordance with Regulation 42 of EC Birds and Natural Habitats Regulations 2011, as amended:
The 30 day Public Consultation commenced on **17 November 2022** and ended on **16 December 2022**. The Public Notice invited public submissions for the purpose of conducting the Appropriate Assessment in accordance with Section 42 (1) of S.I. No. 477 of 2011, the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

All documents that informed the Screening for Appropriate Assessment Determination (links available above) were made publicly available at: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027/

Notices were published in The Irish Examiner and The Southern Star newspapers. Documents were made available for inspection throughout the consultation period in the following sites and on the Departments website:

- Midleton Garda Station, Oliver Plunkett Place, Midleton, Co. Cork, P25 Y439
- Cork Co. Co. Planning Office, Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork

No submissions were received.

In addition to the application documents submitted Uisce Éireann/Irish Water, the following documents were also on public display at the above locations and published on the Department's website: https://www.gov.ie/en/foreshore-notice/43d64-foreshore-notice-fs007027

- Screening for Appropriate Assessment Determination
- Screening for Appropriate Assessment Report (Prepared by IEC)
- Marine Advisor Environmental Report
- Submission on Screening for Appropriate Assessment Determination

Prescribed Bodies Consultation for Appropriate Assessment (2022)

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 from:

- Department of Housing, Local Government and Heritage (Marine Advisor - Engineering)
- Department of Housing, Local Government and Heritage (Marine Advisor - Environmental)
- 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
- Environmental Protection Agency
- Inland Fisheries Ireland
- Marine Survey Office (MSO)
- Sea Fisheries Protection Agency

Observations were forwarded to the applicant **(Tab 07)** and there were no objections in principle to the proposed works. The submitted observations and the applicant's response to these Prescribed Body observations **(Tab 08),** have been considered as part of the Appropriate Assessment.

Recommended conditions will be considered as part of the assessment of this application.

MLVC

Please note that the MLVC report (**Tab 13**) is being attached at AA Determination stage for information purposes only in matters related to the environmental assessment process.

Appropriate Assessment

Environmental Consultant Roughan & O'Donovan (ROD) in February 2023, adopted the comments from the Public Consultation and the Prescribed Bodies Consultation on Appropriate Assessment. The IEC concludes that:

The information contained in the revised NIS provides clear, concise, and definitive findings, capable of removing all scientific doubt as to the effects of the proposed development on the Cork Harbour SPA. Therefore, the Competent Authority (i.e. the Minister for Housing, Local Government and Heritage) may determine that the proposed development, either individually or in combination with other plans or projects, will not lead to adverse effects on the integrity of the Cork Harbour SPA, or any other European site, in view of the site's Conservation Objectives

The Appropriate Assessment Report, along with all relevant material, was considered by a Marine Ecologist in the Department and the recommendation has been made that the Minister adopts the Appropriate Assessment Report.

The Appropriate Assessment Conclusion Statement prepared by the Department's Recommending Officer, for Ministerial Determination, is attached at **Tab 1** for signing.

Submitted for decision.

Related submissions

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

User details

INVOLVED: [redacted]

READ RECEIPT: [redacted]