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Bord  
Pleanála

**Board Direction**  
**04.YA0014**

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The submissions on this file and the Inspector's report were considered at Board meetings held on 23<sup>rd</sup> January 2018 and again on the 21<sup>st</sup> February 2018.

The Board decided to defer consideration of this case and to issue a notice to the parties, as follows: -

Potential impacts of the proposed Baltimore Harbour breakwater on the Roaringwater Bay and Islands SAC and on the Lough Hyne Nature Reserve and Environs SAC have been described in the Environmental Impact Assessment and the Natura Impact Statement - Stage 1 and 2, submitted with the application.

The Board, in conducting its Stage 2 Appropriate Assessment of the implication of the proposed development on the Roaringwater Bay and Islands SAC, has identified a number of documents it believes to be relevant and that appear not to have been raised by the parties or in the submissions or observations received by the Board. These documents, and their relevance to assessing the potential impacts of the proposed development on the the Roaringwater Bay and Islands SAC, are set out below and the Board is seeking the views of the parties on this aspect of the assessment prior to completing its deliberations.

The Board is also conducting a Stage 2 Appropriate Assessment on other relevant interactions between the development and the Roaringwater Bay and Islands SAC and the Lough Hyne Nature Reserve and Environs SAC but is not seeking submissions or observations in respect of those aspects of the assessment.

## Roaringwater Bay and Islands SAC - Stage 2 Appropriate Assessment

### 1. New Documentation.

1.1. In considering the Appropriate Assessment, the Board had regard to the Roaringwater Bay and Islands SAC Conservation Objectives<sup>1</sup>, published by NPWS. During its deliberations, three additional relevant documents were identified that have not previously been raised by the parties, or in the submissions or observations submitted.

These are:-

- i) Roaringwater Bay and Islands SAC (site code:101). Conservation objectives supporting document – marine habitats Version 1. NPWS, April 2011.<sup>2</sup>
- ii) The Interpretation Manual of European Union Habitats - EUR28. European Commission, April 2013.<sup>3</sup>
- iii) Article 6 Assessment of Aquaculture and Fisheries in Roaringwater Bay. Marine Institute, June 27<sup>th</sup> 2013.<sup>4</sup>

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<sup>1</sup> Roaringwater Bay and Islands SAC Conservation Objectives, NPWS, July 2011. Available at: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000101.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000101.pdf)

<sup>2</sup> Roaringwater Bay and Islands SAC (site code:101). Conservation objectives supporting document – marine habitats Version 1. NPWS, April 2011. Available at: [https://www.npws.ie/sites/default/files/publications/pdf/000101\\_Roaringwater%20Bay%20and%20Islands%20SAC%20Marine%20Supporting%20Doc\\_V1.pdf](https://www.npws.ie/sites/default/files/publications/pdf/000101_Roaringwater%20Bay%20and%20Islands%20SAC%20Marine%20Supporting%20Doc_V1.pdf)

<sup>3</sup> The Interpretation Manual of European Union Habitats - EUR28. European Commission, April 2013 Available at: [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/docs/Int\\_Manual\\_EU28.pdf](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/docs/Int_Manual_EU28.pdf)

<sup>4</sup> Article 6 Assessment of Aquaculture and Fisheries in Roaringwater Bay. Marine Institute, June 27<sup>th</sup> 2013. Available at: <https://www.agriculture.gov.ie/media/migration/seafood/aquacultureforeshoremanagement/aquaculturelicensing/appropriateassessments/RoaringWaterBayAssessment011013.pdf>

## 2. Potential Effect on the large shallow inlet and bay habitat of Roaringwater Bay and Islands SAC.

2.1. The NIS identified there would be a 'loss' of circa 1.57 ha of large shallow inlet and bay (1160), one of the eight qualifying interests of the Roaringwater Bay and Islands SAC.

The other seven qualifying interests are:-

- Reefs (1170)
- Vegetated sea cliffs of the Atlantic and Baltic coasts (1230)
- Harbour porpoise *Phocoena phocoena* (1351)
- Otter *Lutra lutra* (1355)
- Grey seal *Halichoerus grypus* (1364)
- European dry heaths (4030)
- Submerged or partly submerged sea caves (8330)

2.2. The Conservation Objectives for large shallow inlet and bay is '*To maintain the favourable conservation condition of Large shallow inlets and bays in Roaringwater Bay and Islands SAC, which is defined by the following list of attributes and targets.*' The attributes and targets for this Annex I habitat type is that it should be '*stable or increasing, subject to natural processes. See map 2.*'

2.3. Map 2 of the Roaringwater Bay and Islands SAC Conservation Objectives<sup>1</sup> identifies the entire SAC as large shallow inlet and bay. Map 3 shows the distribution of reefs within the SAC and all areas identified as reef are within the area identified as large shallow inlet and bay. Roaringwater Bay and Islands SAC (site code:101). Conservation objectives supporting document – marine habitats Version 1<sup>2</sup>, confirms that large shallow inlet and bays '*encompasses Reefs*'.

2.4. The Interpretation Manual of European Union Habitats - EUR28<sup>3</sup>, describes reefs as '*Reefs can be either biogenic concretions or of geogenic origin. They are hard compact substrata on solid and soft bottoms, which arise from the sea floor in the sublittoral and littoral zone. Reefs may support a zonation of benthic communities of algae and animal species as well as concretions and corallogenic concretions.*' Given the material and

nature of the proposed breakwater, the NIS states that it will rapidly become colonised with a variety of marine organisms and concludes that there will be a gain in artificial reef habitat and that this is not likely to result in any significant effects on the SAC in the context of best scientific knowledge and the site's conservation objectives.

2.5. The Board considers it reasonable to predict that the breakwater will become colonised with marine organisms and would support one of the reef marine community types identified in Map 4 of the Roaringwater Bay and Islands SAC Conservation Objectives<sup>1</sup>, namely 'exposed to moderately exposed intertidal reef community complex' or a 'sheltered reef community complex'.

2.6. The Board notes the follow NPWS statements contained in the Roaringwater Bay and Islands SAC (site code:101). Conservation objectives supporting document – marine habitats Version 1<sup>2</sup>:-

- *Large shallow inlet and bays .....This habitat encompasses Reefs*
- *Habitats which are varying naturally, i.e., biotic and/or abiotic variables are changing within an envelope of natural variation, must be considered to have favourable conservation condition. Anthropogenic disturbance may be considered significant when it causes a change in biotic and/or abiotic variables in excess of what could reasonably be envisaged under natural processes. The capacity of the habitat to recover from this change is obviously an important consideration (i.e., habitat resilience) thereafter.*
- *Drawing from the principle outlined in the European Commission's Article 17 reporting framework that disturbance of greater than 25% of the area of an Annex I habitat represents unfavourable conservation status, this Department takes the view that licensing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%. Thereafter, an increasingly cautious approach is advocated.*

2.7. The NIS estimates the area of the breakwater footprint to be 1.57 ha, the area dredged for the navigation channel to be 3.10 ha and the area over which sediment will settle as a result of dredging to be 50.5 ha, giving a total area disturbed of 55.08 ha. This represents 0.43% of the area of the Annex I habitat large shallow inlet and bay which is estimated to

be 12,809 ha by NPWS. This is within the 25% disturbance figure for Annex I habitats outlined in the European Commission's Article 17 reporting framework.

2.8. The area within which the breakwater is proposed consists of shallow sand/mud community complex, see Map 4 of Roaringwater Bay and Islands SAC Conservation Objectives<sup>1</sup>. The total area of this community complex is estimated to be 3,205 ha in the Roaringwater Bay and Islands SAC (site code:101). Conservation objectives supporting document – marine habitats Version 1<sup>2</sup>. As both the dredging, and the subsequent settlement of sediment, will not modify this community type (it will remain shallow sand/mud community complex) and the disturbance will be of a temporary nature, it is reasonable to exclude the area disturbed by these activities from consideration of 'continuous disturbance' in terms of the 15% limit continuous disturbance of this community type set by the NPWS.

2.9. The Board also considered reasonable to consider the impact on the SAC from the dumping at sea activity (the potential for sediment to settle on 344 ha of SAC) to be temporary in nature and would not lead to a significant impact given the dynamic nature of the environment at this location.

2.10. The only area that will be subjected to a permanent or 'continuous disturbance' will be the footprint of the breakwater itself. Therefore, it is the footprint of the breakwater, 1.57 ha or 0.012% of the shallow sand/mud community complex, that will be permanently altered.

### **3. Potential Incombination effects on the Roaringwater Bay and Islands SAC**

3.1. The NIS concluded that there are no other plans and projects that have the potential to give rise to incombination effects on the Roaringwater Bay and Islands SAC. The Marine Institute undertook an Appropriate Assessment of Aquaculture and Fisheries reported in Article 6 Assessment of Aquaculture and Fisheries in Roaringwater Bay<sup>4</sup>, on behalf of Department of Agriculture, Food and Marine. This assessment concludes that there is an overlap of 14.3% between shallow sand and mud and the relative fishing and aquaculture activities that could impact on this type of habitat. It is further stated that the

footprint of potentially impacting fishing activity may be an overestimation and concludes that the overlap is under 15%.

3.2. The fisheries and aquaculture Article 6 assessment shows that the only activity that takes place in the vicinity of the proposed breakwater is shrimp pot and hook/line fishing and that no aquaculture activities takes place at this location.

3.3. If the proposed breakwater proceeds as per the application, the combined area of shallow sand/mud community complex permitted for activities that could potentially result in 'continuous disturbance' will be 14.312%. The breakwater itself will contribute 0.012% and fisheries and aquaculture activities could potentially contribute 14.3%. This is consistent with the advice from NPWS '*that licensing of activities likely to cause continuous disturbance of each community type should not exceed an approximate area of 15%.*'

#### **4. Request for observations and submissions.**

4.1. The Board is seeking observations and submissions in relation to:

- (i) the ability of the proposed breakwater to support either of the reef marine community types identified in Map 4 of the Roaringwater Bay and Islands SAC Conservation Objectives<sup>1</sup>, namely 'exposed to moderately exposed intertidal reef community complex' or a 'sheltered reef community complex', and
- (ii) the possibility that 'large shallow bay and inlet' can be regarded as encompassing the proposed breakwater thus resulting in no loss of the area of this habitat within the SAC.

Please allow 6 weeks for replies.

**Board Member**

**Date:** 4<sup>th</sup> April 2018

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Eugene Nixon