



An
Bord
Pleanála

Inspector's Report 04.YA0014

Development	Construction of a breakwater
Location	Baltimore Harbour, Baltimore, Co. Cork
APPLICATION DETAILS	
Applicant	Cork County Council
Type of Application	L.A. Foreshore Development
Date of Application	12 th September 2016
Prescribed Bodies	<ul style="list-style-type: none">• Department of Housing, Planning, Community & Local Government• Department of Agriculture, Food and Marine• Waterways Ireland• Inland Fisheries Ireland• The Arts Council• An Taisce• Failte Ireland• The Heritage Council• The Office of Public Works• The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit)

Submissions

- Department of Transport, Tourism and Sport
1. Diarmuid Minihane, Baltimore Harbour Master
 2. Seamus O'Drisceoil, Cailin Oir
 3. Maria Coleman
 4. Mairtin O Mealoid, Comharchumann Chleire Teoranta
 5. Donnchad Kennedy
 6. Dermot & Diana Kennedy, Baltimore Sailing School
 7. Vincent O'Driscoll, Carbery Isle Ferries Ltd
 8. Micheal Cottrell, Baltimore Sea Safari
 9. Michael Collins, Sherkin Island Development Society
 10. Timothy McKnight
 11. Felix Coleman
 12. Shelia O'Sullivan & Colin Lyden
 13. Brian Marten
 14. Aidan Bushe, Bushes Bar
 15. Capt. Dave Hopkins
 16. Grahame Coplestone, Baltimore Sailing Club
 17. Baltimore Harbour Cottages Ltd.
 18. Kieran Cotter
 19. RBG Fish Sales Ltd.
 20. Knollway Ltd.
 21. O.D.S Fishing Ltd.
 22. Kedge Fishing Ltd.

Date of Site Inspection

28th & 29th October 2016, 27th September 2017

Inspector

Una Crosse

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1.0 Introduction

- 1.1. Approval is sought by Cork County Council, for a breakwater development at Baltimore, Co. Cork. The application which was received by the Board on 12 September 2016 is made under Section 226 of the Planning and Development Act 2000, as amended. This follows a screening determination (References 04.JN0009 & 04.YD0009) made by the Board on 29 September 2014 stating that both an EIS and a NIS was required.
- 1.2. The application was accompanied by an Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS). A public notice was published in the Southern Star on 10th September 2016 and in the Irish Examiner on 9th September 2016 inviting submissions from the public in respect of:
 - The implications of the proposed development for proper planning and sustainable development in the area concerned;
 - The likely effects on the environment of the proposed development;
 - The likely significant effects on a European site of the proposed development if carried out.
- 1.3. The following prescribed bodies were notified of the proposed scheme by the applicant in advance of the application on 8th September 2016:
 - Department of Housing, Planning, Community & Local Government
 - Department of Agriculture, Food and Marine
 - Waterways Ireland
 - Inland Fisheries Ireland
 - The Arts Council
 - An Taisce
 - Failte Ireland
- 1.4. In response to a request from the Board the applicant was requested to notify the following prescribed bodies by letter dated 30 September 2016.
 - The Heritage Council

- The Office of Public Works
- The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit)
- Department of Transport, Tourism and Sport

2.0 Site Location and Description

- 2.1. The site of the proposed breakwater is on the foreshore within the Inner Harbour at Baltimore, Co. Cork. Its land connection is west of the car park adjacent to the West Pier extending west and then north and north east around the Inner Harbour.
- 2.2. Baltimore is located approximately 10km to the south west of Skibbereen on the Mizen Peninsula. Baltimore village adjoins the Inner Harbour with two piers (west and north) within the Inner Harbour. Between the two piers there are a number of slipways and a temporary floating pontoon (removed during winter months). Northeast of the north pier there is a ro-ro slipway.

3.0 Proposed Development

- 3.1. The proposed development provides for the development of a breakwater on the foreshore in Baltimore Harbour. The proposed breakwater construction comprises a c.400m long rubble mound construction comprising of a geotextile filter membrane, core fill material, 360kg filter layer and 3,600kg of rock armour. The crest level of the proposed structure is proposed at +4.0m OD Malin with the crest width 4m, the slope proposed is 1 in 1.1.5, the rock armour size is 2.6 tonnes and public access to the breakwater is prohibited. It is stated that the crest level of the breakwater is approximately 1m higher than the deck level of the West Pier and Fisheries (North) Pier.
- 3.2. The development proposed also provides for the dredging of a new navigational channel 50m in width to a depth of -7.2m OD Malin (noted as -5.0m Chart Datum) comprising of up to 3m of dredging to match the existing navigation channel depth.
- 3.3. The total volume of material to be dredged is approximately 87,948m³ of sea bed material (4,320m³ under the footprint of the breakwater and 83,628m³ for the navigational channel).

- 3.4. The dredge footprint for the breakwater is 1.57ha and the dredge footprint for the navigational channel is 3.1ha.
- 3.5. It is proposed to dump the material dredged from the site of the breakwater and navigational channel at sea. It is stated at section 1.8 of the EIS that an application to the EPA for a dumping at sea licence will be made under the Dumping at Sea Act 1996.
- 3.6. It is estimated that the construction period will be approximately 18 months. It is proposed that the construction site is closed for the summer months of June, July and August.

4.0 Environmental Impact Statement

- 4.1. The EIS was prepared by Cronin Millar Consulting Engineers with additional expertise from external consultants and comprises one volume.
- 4.2. A non-technical summary is included at the outset of the statement. An introduction provides a summary of the proposal. Chapter 2 provides a project description and includes at section 2.2 a table (Table 2.1) outlining the existing infrastructure in the Inner harbour area. This section also outlines the need for the scheme which is stated as providing safer berthing for fishing vessels, ferry boats, leisure crafts, ancillary marine leisure companies and the RoRo ferry; Safer boat launching facilities; sailing school activities and safer access to swing moorings. An outline of the construction method proposed is provided. An Outline Construction Method Statement is included at Appendix 13.
- 4.3. Chapter 3 entitled Screening, Scoping and Construction outlines the legislative requirements for EIA in respect of the proposed development, the scoping undertaken and consultation carried out particularly with the public. While not expressed specifically as an examination of alternatives, details of options received from the public submission process are outlined. Eight options received are referenced however only seven options are included in the EIS. The two preferred options from the process as decided upon by the Baltimore Skibbereen Harbour Board (BSHB) are set out in Section 3.3.2. Option 1 is similar to the proposal herein. Option 2 is a 235m headland breakwater and a 240m detached or island breakwater

running west to east parallel to the coast. Scoping letters and responses are included at Appendix 1 with comment and query sheets attached as Appendix 2.

- 4.4. Chapter 4 deals with Planning Context and Human Beings and addresses population, employment and economic activity. The potential impacts identified relate to tourism, fishing and aquaculture and shellfish waters. Health and safety is also a potential impact. The chapter concludes that if appropriate mitigation is put in place the overall impact will be significantly positive particularly in terms of employment and health and safety issues.
- 4.5. Chapter 5 deals with traffic. I note that the Chapter deals with onshore traffic where an increase in traffic during construction is anticipated. In addition, parking spaces will be unavailable during construction within the site compound. Marine traffic impacts include a change to the navigational channel, impacts are also anticipated on wave activity, harbour restrictions, navigation charts and turning circle. A Traffic Impact Assessment is attached as Appendix 3 with a Marine Traffic Impact Assessment included as Appendix 4.
- 4.6. The report outlines the existing harbour infrastructure and the existing environment and users and notes that the summer is the busiest period for the Harbour with peak vessel movements stated at 130 total movements per day. The most significant negative impact is considered to be the dredging of a new navigational channel creating a more restricted navigation channel around the head of the breakwater leading to congestion in peak periods as all of the vessels accessing the harbour will be required to travel around the head of the breakwater. A reduced line of sight as vessels approach the head of the breakwater is also considered a potential impact. Impacts related to navigation charts and GPS are outlined but updating of same is proposed. It is stated that adherence with navigation rules and harbour restriction will result in a negligible impact with new navigation lighting proposed to negate the risk of collision. Updating of navigation charts and publishing of notices is outlined as mitigation.
- 4.7. Chapter 6 deals with Flora, Fauna and Marine Ecology. It addresses the marine and terrestrial environment in the vicinity of the site, marine mammals and birds. It then outlines the Habitats Directive as it applies to the site. The potential impacts are outlined with the loss of habitat under the footprint of the breakwater outlined and

noted that this will not result in any effect on the structure and function of the remaining habitat with the breakwater providing an artificial reef habitat partially compensating for such a loss. The potential impact on reefs is also discussed as is the impact on Peregrine Falcon & Chough and the Harbour Porpoise, Otter and Grey Seal. Mitigation measures are outlined in Section 6.7 with the impact on Fisheries and Aquaculture also addressed. The NIS (discussed separately in the next section) is included as Appendix 5, a Marine and Terrestrial Ecology report is included as Appendix 6. An Analysis of Sediments and Infauna is included as Appendix 7.

- 4.8. Chapter 7 addresses Soils, Geology and Hydrogeology. The existing environment is outlined with the site investigations undertaken in 2007 at the West Pier, 2010 at the North Pier and the trial holes undertaken in September 2012 outlined. In term of hydrogeology, it is estimated that a high vulnerability rating may be assigned to the proposed site. Seabed sediments and sediment sampling is outlined with dumping-at-sea mentioned as a future licence application to the EPA. The potential impacts are considered to occur at construction stage with the operational stage not anticipated to have a negative impact. The anticipated impacts to soil and geology including the dredging of the material from the sea bed. The removal of the overburden increases vulnerability of the underlying aquifer. Appendix 8 includes seabed sediments analytical report and Appendix 9 includes the Trial Hole Site Investigation Report.
- 4.9. Chapter 8 deals with coastal processes. It is stated that while the Harbour mouth provides some element of protection from wave energy to the inner harbour that substantial waves still propagate through the inner harbour area. It is stated that while the wave parameters may not be excessive in terms of structural design, they pose health and safety issues and create difficulty for berthing. Wave heights are outlined as are the design simulations undertaken. The two options modelled to determine the most appropriate are outlined with the option as proposed in the current proposal considered to provide greater wave protection. Table 8.3 provides an analysis of wave attenuation at 8 areas of interest in the inner harbour pre and post development under the 6 test conditions. It is stated that the model simulation found that currents in the harbour would not generally be affected. In terms of siltation it is noted that some siltation is likely between the proposed breakwater and

the West Pier which may require periodic dredging. Appendix 10 includes the Monitoring and Model Study.

- 4.10. Chapter 9 addresses Landscape and Visual. It is stated that Baltimore is situated within a Landscape Type 4 'Rugged Ridge Peninsulas' bordering on Type a 'Indented Estuarine Coast' with 3 landscape character areas within these landscape types (Toe Head/Lough Hyne/Roaringwater Bay & Islands/Lough Abisdealy). Type 4 landscapes have a very high landscape value, a very high landscape sensitivity and are of national importance as determined in the Cork County Draft Landscape Strategy. It is noted in relation to the landscape character area that it has a very high sensitivity to change. A zone of theoretical visibility is outlined and is presented in Figure 9 and is divided into 24 separate receptor groups each of which is named and assessed with a significance of impact given to each group. 13 photomontages are also included. It is stated that significant visual effects are predicted for ten of the receptor groups with profound effects predicted for one. It is considered that over time that the proposal will become accepted into the surroundings.
- 4.11. Chapter 10 deals with matters related to Archaeological and Cultural Heritage. The chapter indicates that in addition to a desktop and geophysical survey that a dive survey was undertaken. The archaeological and historical background is outlined. It is noted that the geophysical survey indicated 9 potential archaeological artefacts. The dive survey recorded one of the 9 and is described as a boat or a ship's timber. It is stated that the construction phase will cause a profound, permanent and irreversible impact. Mitigation is proposed by way of further investigation of the timber identified. Appendix 11 provides a copy of the Archaeological Impact Assessment Report.
- 4.12. Chapter 11 addresses Air Quality. The principle impacts envisaged relate to construction phase dust and particulate matter emissions principally from the delivery and storage of material required for the proposal. Mitigation by way of construction management and traffic management plans. Odours arising from dredging and disposal of dredge material is also outlined as a potential impact. It is stated that the prevailing wind is not likely to transport the odours to sensitive receptors such as the village with no mitigation considered necessary. No mitigation is considered necessary for the operational stage.

- 4.13. Chapter 12 addresses noise and vibration. It is noted that while the majority of works are expected to occur during normal working hours that the reliance of marine construction works on total conditions may require works being undertaken outside normal working hours. The principle impacts are predicted to be noise and vibration from the construction phase. Principally from moving and unloading rock with various machines. Mitigation is proposed by way of noise control measures. Noise and Vibration from the operational phase is not addressed in this Chapter. Appendix 12 includes the Noise Impact Assessment.
- 4.14. Chapter 13 deals with Material Assets which are described as economic assets and cultural assets in the existing environment. None of the potential impacts envisaged are considered to be adverse and no mitigation is required.
- 4.15. Chapter 14 considers the interaction of the foregoing. Approximately 45 interactions are identified. Which are presented in tabular format at Table 14.1. Section 14.47 presents a summary of impacts and mitigation measures.

5.0 Natura Impact Statement

- 5.1. The NIS, dated June 2016, was prepared by EirEco Environmental Consultants. The first section of the report sets out the Guidance and Report Format.
- 5.2. The second section describes the proposed development and the existing environment. It states at Section 2.1 of the NIS unusable material from the development will be disposed of in accordance with current legislative requirements and will be subject to a separate Appropriate Assessment dependent on the selected option. Table 1 provides the approximate dredging requirements for the breakwater and navigational channel.
- 5.3. Section 3 outlines the Natura 2000 sites to be considered in the assessment and Conservation Objectives relevant to same. It is stated that the site is within the Roaringwater Bay and Islands SAC (site code 000101) and is within 0.5km of the Sheep's Head to Toe Head SPA (site code 004156). The report states that the Lough Hyne Nature Reserve and SAC (site code 000097) is located over 5km to the east and is considered to be beyond any potential for direct or indirect impact by the proposed development. Table 3 then outlines the 2 proposed sites under consideration, namely Roaringwater Bay and Islands SAC (site code 000101) and

Sheep's Head to Toe Head SPA (site code 004156) and outlines the conservation objectives for both these sites.

- 5.4. The fourth section includes the Stage 1 screening which is carried out on the two aforementioned sites. The potential impacts of the proposal are identified at section 4.2 and are impact on Annex 1 habitat; loss/reduction of habitat area; direct or indirect damage to the physical quality of the environment; causing serious or ongoing disturbance to species or habitat for which the site is selected; causing direct or indirect damage to the size, characteristic or reproductive ability of populations of the sites; and fragmentation of habitats or populations of species due to location of development. This section then addresses the potential impacts as they apply to the two sites. It notes that there would be permanent loss of an area of 1.57ha of subtidal shallow inlet and bay habitat within the Roaringwater Bay and Islands SAC. This would comprise 0.011% of the overall area of the habitat at 12,809ha. The risk of impacting on water quality within the SAC through the release of sediments during dredging activities is also outlined. The potential for siltation arising from dredging and dumping at sea of dredged spoil settling on area of reef within the SAC are outlined. Impacts on the qualifying species are also outlined including the grey seal, harbour porpoise and otter. Table 4 outlines the potential effects relative to the qualifying interests with the potential significant effects related to the loss of habitat, silt accumulation on reefs and the effects on otter. The screening assessment states that there will be no likely significant effect on the bird populations in the Sheep's Head to Toe Head SPA with this SPA screened out at Stage 1. The development it states has the potential to have an impact on the habitat large shallow inlet and bay through loss of habitat, the reefs through sediment accumulation and the otter through potential water quality impacts with a Stage 2 assessment required.
- 5.5. The stage 2 assessment outlines at section 5.2 the mitigation measures to be employed. It then deals with the three potential impacts identified. It is stated at section 5.3.1 that the disposal of dredged spoil within the proposed dumping-at-sea site presents a risk of silt dispersion over a wider area due to tidal movements and currents. The dumping at sea site is stated to be located within Baltimore Bay, south of the mouth of the Harbour and east of Sherkin and Cape Clear Islands, with an area of 23.8ha. Reference is made to a Sediment Modelling Report prepared by

CMCE included at Appendix 6 and dated 16th May 2016 which reviewed and analysed survey data generated as part of the overall impact assessment process in order to summarise the fate of sediment released during dredging operations within the Bay along with the fate of material disposed in the dumping-at-sea site. It is stated that there is the potential for sediment to settle in 344ha of the SAC to an average thickness of 1.6mm of which an estimated 146ha would be reef habitat. Table 5 considers the potential adverse effects on each of the three qualifying interests with two potential adverse effects considered to be minor (habitat area and community distribution).

- 5.6. The report concludes that the review of the proposed breakwater and associated dredging and dumping at sea of dredged spoil has been carried out in view of the conservation objectives of the Roaringwater Bay and Island's SAC. It stated that it is concluded that the proposed breakwater and associated dredging and dumping at sea of dredged spoil will not have a significant adverse effect on the SAC and no additional mitigation is required. An assessment of potential in-combination effects is carried out at Section 6 of the report which it restricts to the Roaringwater Bay and Island's SAC with potential long-term proposal to develop a marina which it is stated would be optimally located within the lee of the proposal breakwater using a system of floating pontoons (Figure 8). The final conclusion reached is that with strict adherence to Best Practice Guidance and the application of the mitigation measures specified that there will not be a significant adverse effect on the Roaringwater Bay and Island's SAC, its site integrity or conservation objectives either alone or in combination with other plans or projects.

6.0 Policy Context

6.1. National Ports Policy 2013

Baltimore is not included as a port of National (Tier 1 or Tier 2) or Regional Significance nor is it a Fisheries Centre of Regional Significance.

6.2. Cork County Development Plan 2014

Coastal Areas are specifically considered at Section 4.9 of the Plan. Some of the key issues facing the coastal zone are included at Section 4.9.4 and include: lack of integration between the regulatory bodies that control activities in the Coastal Zone; need to provide coastal protection for key social and economic assets; and development of sustainable marine tourism opportunities. Coastal protection is outlined in Sections 4.9.20 & 4.9.21 with the objectives included at RCI 9-3 and which provide that the Council's natural coastal defences are not compromised by inappropriate works or development and ensure due regard is paid to visual and other environmental considerations in the design of any such coastal protection works. Development Plan Objective RCI 9-4 deals with Marine Leisure with the objective to support the development of rural Cork's inland and coastal marine leisure facilities, where they are compatible with other objective and policies in the Plan and any Natura 2000 designations.

6.3. West Cork Municipal District Local Area Plan (MDLAP) 2017

This LAP was adopted on 24th July 2017. The Draft Plan was open for public consultation between 16th November 2016 and 16th January 2017 and amendments were published in May 2017 with further public consultation with the Plan adopted in July 2017. Baltimore is designated as a key village in the settlement strategy. Baltimore is specifically addressed at Section 4.3 of the MDLAP. The Plan states at Section 4.3.14 that the town is heavily reliant on tourism, especially marine leisure, both of which are identified as in need of strengthening. Section 4.3.19 refers to the pressure on the existing port to manage all the different activities that operate from it with conflict arising not only in terms of space but also in function. It states that there is a need to separate the commercial and water based tourist functions and a need to finalise the proposals for the development of the harbour so that the uses are sufficiently segregated to allow for effective growth of each.

Section 4.3.22 the Plan refers to the land from Bull Point along the coastline of Church Strand bay and the inclusion of previous development plans for land zoned for agriculture, tourism with an option for hotel/marina. Reference is also made to the previous permissions granted for the development of a marina and associated on-shore service buildings but that there are no extant permissions although development did commence with the erection of a steel frame structure which it is considered is an eyesore in the area and which should be addressed. It states that the current Plan takes the opportunity to provide a more practical mixed tourism zoning for the area to allow for mixed development proposals within this sensitive landscape setting.

Section 4.3.25 notes that Baltimore is located in an area designated as a High Value Landscape (HVL) in the Cork County Development Plan 2014. There are 4 designated scenic routes S85, S86 & S87 & S88. Three buildings or other structures on the Record of Protected Structures (Section 4.3.27) - Ruins of Dunashed Castle – (RPS No. 00809), Baltimore Church of Ireland (RPS No. 01250) and the Former Baltimore Fishery School (RPS No. 01468). It is stated at Section 4.3.31 that the Bull Point to Church strand promenade walk should be developed in conjunction with the development of the area zoned for mixed tourist development.

Development Boundary Objectives include:

DB-02 – Protect and enhance the attractive coastal setting and landscape character of the village:

DB-03 – Development only permitted where it is shown that it is compatible with the requirements of the Habitats Directive and protection of the Roaringwater Bay and Islands SAC.

DB-05 – Support the sustainable provision and expansion of harbour facilities in a manner that is compatible with the protection of the Roaringwater Bay and Islands SAC and the habitats and species for which it is designated.

The Plan includes Specific Development Objectives for Baltimore which include three Special Policy Areas (map in pouch), all of which are noted to be adjacent to

the Roaringwater Bay and Islands SAC. The following two special policy areas are considered relevant:

X-01 includes the harbour area with a specified area of 1.7ha and refers to marine related activity including selected new pier, mixed commercial, marine related industry, community, tourism and leisure activities, excluding residential.

X-03 includes sensitive lands on a distinctive promontory making a significant contribution to the visual setting of Baltimore. It has the potential to enhance the employment, economic and community base of the village through –

- a) A marina and its associated land based facilities,
- b) A comprehensive high quality tourism related development which has regard to the scenic and visual sensitivities of the location,
- c) Provision of appropriate recreational facilities.

6.4. Skibbereen Electoral Local Area Plan 2015

For the Board's information at the time of the request for further information the relevant local planning policy document was the Skibbereen Electoral Area Plan 2015 which included a plan for Baltimore which is designated as a key village within the Electoral area. I would note that the considerations outlined, the objectives and special policy areas are as per those outlined in the current plan addressed in Section 7.2 above.

7.0 Prescribed Bodies Submissions

- 7.1. A response from the Development Applications Unit of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs was received by the Board on 30 November 2016. It is presented in two parts, one dealing with archaeology and the other with Nature Conservation.
- 7.2. In relation to Archaeology it refers to the Underwater Archaeological Impact Assessment Report (UAIA) and the Marine Geophysical Report and notes the record of over 110 wrecks in Baltimore Harbour with the high potential for fragments or artefacts from same to be located within the footprint of the proposed works. The

response recommends archaeological assessment and investigation of the possible wreck as identified and states that upon completion of the archaeological investigation for consideration and further comment a report shall issue to the National Monuments Services (UAU). The report concludes that based on the results of the report, further archaeological investigation, preservation in situ or archaeological monitoring of works may be recommended.

- 7.3. In respect of Nature Conservation, the response refers to the location of the site within the Roaring Water Bay and Islands cSAC and to the requirements set out in Regulation 42 of the European Communities (Bird & Natural Habitats) Regulations 2001 which transposes council Directive 92/43/EC into National Legislation. It is stated that the proponent should pay particular attention to the conservation objectives framed around the Area, Range, Structure & Function and Future Prospects for each qualifying interest. Reference is made to the ruling of the Court of Justice of the EU in relation to case C-258/11. It is states that the current documentation associated with the proposed development indicated a direct loss of 1.517ha of Large Shallow Inlet and Bay. This direct loss of habitat is not compatible with the conservation objective for the cSAC and specifically would not allow that 'the permanent habitat area is stable or increasing' as it would result in a net permanent loss. The response concludes by stating that it is recommended that the NIS should be revised to consider the implications of the potential direct loss of habitat associated with the proposed development and ensure that there are no gaps in consideration of the likely significant effect on the cSAC.

8.0 **Observer Submissions**

8.1. **Submissions in Support**

13 submissions were received in support of the proposal which are summarised as follows:

- Primary concern is safety with harbour currently lacking shelter;
- Investment in piers, pontoons and slipways over last 10 years but facilities cannot be used in bad weather due to lack of shelter with vessels having to go up river, which is tidal, for shelter;

- Breakwater will increase number of people using the harbour bringing increase in business in the village with more employment;
- With weather conditions increasingly unpredictable and severe, onus on local government to create safe conditions where appropriate and viable;
- Breakwater would create a tranquil inner harbour for all users with harbour currently chocked up in summer season with small craft vying for safe haven;
- Baltimore one of busiest ports in Ireland for wildlife watching boat trips with the industry growing with lack of safe berths and mooring facilities a hindrance to expansion;
- Breakwaters can become a new habitat for wildlife with wildlife regularly spotted in vicinity of stone breakwater at Sherkin and breakwater at Bull Point for lifeboat station creating no adverse change to wildlife and creates shelter for lifeboats;
- All those dependent on the harbour for their livelihoods need the breakwater with absence hindering further expansion and development of marine based jobs and indirect jobs onshore;
- Photos attached highlighting use of the harbour and inability to use harbour during bad weather with passenger and cargo ferries unable to operate to the islands;
- Daily lives of the islanders disrupted upwards of 30/40 days per year and damage to vessels with proposal vital to the islands in terms of vessel safety, access and continued sustainability;
- Location of breakwater would mean both piers could be used all year round for connection to the islands with commercial and leisure entities able to operate safely for longer period, prolonging season;
- Alternative proposal extending from the north pier would not protect other infrastructure including the West Pier;
- Islands have sought breakwaters at both Baltimore and Sherkin in order to make both piers safer

- Guidelines for Accessible Maritime Passenger Traffic (Dept. of Transport and National Disability Authority) cannot be implemented until waves and swell in the harbour reduced to a safe level;
- Support proposed dredging with 5m depth necessary from west of Wallis Rock red marker buoy into the North Pier for ease of operations;
- Important that vessels have access to the harbour at all stages of tide with current restriction in relation to draught within the harbour with deep water required;
- While wind conditions will be altered inside the breakwater, sailing not undertaken extensively within this area with additional distance to travel to open water offset by the benefit gained from having safe launching and berthing;

8.2. Submissions in Opposition

9 submissions were received in opposition to the proposal which are summarised as follows:

Marine Traffic

- Possibility of collision between dinghy's leaving the harbour and ferries, yachts approaching with breakwater confining all boats leaving the harbour to a single corridor creating safety issues;
- Blind spot created for boats leaving and entering the inner harbour with sight of oncoming vessels not possible approaching head of breakwater;
- Breakwater creates need for sharp turn by large vessels following dredged channel dangerous in high winds and not considered in Marine TIA;
- Need to separate commercial and pleasure craft and access harbour piers from less concentrated or different stretches of water;
- Height of breakwater will block views from the village of those using the outer harbour and will force on-water activities further away with height restricting wind reaching the boats;
- Prevailing winds mean dinghies frequently have to tack across the channel more than once to reach the training area with no visibility of outer harbour and oncoming traffic from inside the breakwater;

- Loss of space within the harbour reduces suitability of location for events with dinghy sailing major tourist attraction for Baltimore;
- Seek assurance that provision will be made for rescue boats mooring to remain inside the proposed breakwater close to the Club with unrestricted access;
- If breakwater built without provision for moorings (no plans shown for moorings) moorings outside will move further into the sailing area with assurance sought that relocated moorings and visiting yacht moorings will be within suitable restricted area regulated by the Council;
- Would welcome a clear zoning policy and proper regulation of harbour moorings and visiting yachts;
- Current lack of space to facilitate activity on the pier recognised in the Local Area Plan (s.5.3.6) which promotes segregation of users with proposal worsening congestion;
- No mitigation provided for the loss of swing moorings and impact of removal of not addressed;
- Need to create proper foul weather berths for ferries and fishing vessels without creating hazard and impacting on visual amenity;

Alternatives

- Alternative breakwater achievable by extending an arm of the north pier which would give fishing vessels and commercial vessels shelter in bad weather and not interfere with the sailing club or create a marine traffic problem would have a lower environmental impact and financial cost and have less risk of silting;
- Alternative of extending north arm not considered or included in EIS with only alternative shown similar to the proposal;
- Proposal will exacerbate congestion of cars and people into the area with proposal for breakwater off the North Pier spreading the activity of the Harbour uses with area available for new marina in a 'new harbour';
- If permission is granted suggest south eastern level (extending from car park) reduced from 70m to 35m which would direct greater impact of wave pattern onto stronger section of rock armour;

Marina

- Proposed marina alluded to in application but no consideration given to effects of proposed marina at this location including parking;
- Permission given for a marina close to the lifeboat station which is out of the main channel reducing risks of silting and not currently used;
- NIS states that no current plans for marina development but Figure 8 shows the yacht marina proposed in 2011 with marina the primary reason for the breakwater;
- Indirect effects likely to arise from additional sheltered berthing space such as marina not considered which development designed to facilitate;

Need/Justification

- No indication provided of frequency of unacceptable wave conditions in the Harbour the reduction of which is entire justification for the project;
- No indication provided of the impact of climate change on the current situation or situation if breakwater constructed;
- EIS does not state that breakwater is essential for the socioeconomic survival of the community;
- Scale of proposed public funds required with no potential for creation of sustainable employment;
- No justification provided with no detail in report of number of days commercial or pleasure crafts affected by extreme weather conditions;
- Breakwater will not make use of harbour safe on every storm occasion with vessels not going to sea if not safe to do so;
- Improvements to Baltimore not improving ferry services if improvements needed at Sherkin and Cape Clear with no details of docking difficulties on the islands;
- No detail provided of the long term effectiveness of the breakwater from higher sea levels and increased storm frequency;

- Suggestion that proposal will facilitate marine tourism as operations no longer subject to large waves ignores seasonal nature of activities with large waves extremely rare in summer;
- Source of data used for peak number of fishing and leisure vessels using the harbour not provided with no indication of surveys or relevant dates;
- Congestion at head of breakwater acknowledged but assessment fails to address key risk of safety to small vessels using the harbour especially at low tide;
- Indirect effects on human beings not addressed with cost of the breakwater not provided;

Visual Impact

- Negative impact of proposal on views from Baltimore and visual amenity of Baltimore with no proposals to minimise visual impact with profound visual impact confirmed in EIS with proposal contrary to Baltimore LAP;
- Location of breakwater directly across the western aspect from the Village;
- EIS does not address the indirect effects of the proposed marina in respect of air quality, visual impact;
- Chapter 4 on human beings ignores long term negative impact on tourism on the visual amenity of the Harbour and Village;
- Need to maintain the village bond with the sea;

Soils/Dredging

- Changes in tidal current direction imply high likelihood of future silting inside and around the Harbour;
- No examination of the change in the main current flow in and out of Baltimore Harbour with high risk of silting in the Cove to the south of the proposal during construction and following completion;
- Noise modelling included does not include dredging operations in the modelling of construction activities;

- Proposed dredging of the harbour will reduce the ability of boat users to control vessels with deeper channels of water will concentrate the tidal flow with boat users less able to manoeuvre boats;
- Potential for need for unplanned dredging around the breakwater to maintain the depth inside for use by any vessels;
- Proposal to place 127,391 tonnes of material for the breakwater on silt and soft clay with potential for compaction of the silt and clay and risk of breakwater failing in bad weather;
- Source of material for breakwater not clarified;
- No adequate geotechnical investigation of the substrate with only one test hole and Trial Hole Investigation report noting need for a full borehole site investigation with potential for subsidence and slope failure with dredging exacerbating same;
- The dredge envelope differs in Drawing C/451/TH/1/A and Drawing C542/P/3 with the first drawing presumed to be correct;
- Possibility of contaminants in the dredged material with sample provided inadequate with two former major boatyards operating until recent times and cannot be concluded that no contamination exists below the surface;
- Concern about study prepared for sediment dispersion during dumping at sea given the sediment samples were from the surface and not material at depth;
- Contrary to statement in Chapter 6, the seabed in vicinity of site does not currently experience continuous silt input from the River Ilan;
- Potential impact of sediment generated by dredging and construction should be reassessed;

Ecology/NIS

- Lough Hyne, Irelands first Marine Nature Reserve, an SAC, only 8km north east of the Dumping at Sea site and should have been considered in the NIS as dispersion by flood tide not addressed and would carry sediment north east towards the SAC;

- Reference to development of an emergency operating plan but the plan not included in the NIS so cannot be assessed;
- Navigational lights proposed for the breakwater likely to disturb nocturnal night time activity;
- NIS does not adequately address the potential effect of any increase in boating activity which might result from the proposal on the designated site;
- Chemical composition of the rock to be used has not been assessed;
- Impact of sediment on 134ha of reefs with reefs typically acting as sediment traps;
- Chapter 6 of the EIS and NIS inconsistent with EIS stating no signs of otters and no suitable structure and the NIS noting evidence of otters;
- Otters included in Conservation Objectives for Roaringwater Bay & Islands SAC with objectives noting importance of not obstructing their commuting routes;
- Ample evidence of otters regularly foraging and resting in couches in area of proposed breakwater with eyewitness evidence and an unpublished research report from 2010 and 2014 updated version tracking otters in the area in addition to MISE project surveys in 2012 & 2013;
- Seal activity evidenced in the area but not included in NIS nor are basking sharks;
- Fin Whales and Humpback whales common in vicinity of Dumping at Sea site;
- No indication of winter or breeding bird surveys and no assessment of impact on bats;
- No evaluation of effects of periodic maintenance dredging of the harbour which is identified in the NIS;

Onshore Traffic

- TIA inadequate and based on a single 15 minutes' traffic count in November 2012 with no summer survey undertaken and not updated for 2016;
- TIA does not include truck traffic related to fishing and aquaculture or traffic generated by the ro-ro ferry with narrow road network not addressed;

- R595 in vicinity of Casey's Hotel not adequate to cater for large construction vehicles;

Construction Phase/Other Matters

- Absence of map co-ordinates in the plans;
- Record of Council questioned in respect of completion of projects;
- Need for notification of start dates and schedule of construction activity;
- More material than estimated will be required and construction period will be longer than 18 months;
- Construction hours at low tide questioned as only mentioned in Appendix 6;
- Baltimore Sailing School not listed as a user in 5.13 of the EIS App. 4;
- Impact on lime kiln (recorded monument CO150-035) located on shore line from higher wave activity due to breakwater;
- Public consultation on the proposal criticised with the site notice for current proposal not easily seen;

9.0 Further Information Request & Response

- 9.1.1. Further information was requested by the Board on 13th December 2016. In response to the Boards request for further information, the applicant submitted a response to same on 14 July 2017. The response to same is included within report CM541/MA/R/001 which is entitled Addendum to Environmental Impact Statement. The following provides a summary of the matters raised and the response received with the information submitted addressed as it applies to the Project Justification, EIA, and AA in the relevant sections below.

9.2. Planning Policy

9.2.1. Request

The Board requested that the applicant address the following objectives and policies included in the Skibbereen Electoral Local Area Plan 2015 as it applies to Baltimore:

- a. Section 5.3.6 of the Local Area Plan states that there is a lot of pressure on the existing port to manage all the different activities that operate from it especially during the summer months. It noted that the various activities operating from the port are in conflict not only in terms of space but in terms of function. It stated that there is a need to finalise the proposals for the development of the harbour so that the uses are sufficiently segregated to allow for effective growth of each within the balanced development of the town and its quaysides. The applicant was requested to outline details of a plan for the harbour area particularly in light of the changes to the harbour proposed by the proposed breakwater and new navigational channel.
- b. The response should also have regard to section 5.4.21 of the Plan where it is stated that the development of a marina and associated tourism development at Church Strand is very important as an integrated development. It is noted that Special Policy X-03 applies to an area of approximately 5 hectares located in Church Strand to the east of the lifeguard station and north east of the harbour with the development of a marina and associated land based facilities outlined. You are requested to outline in detail how the development of the proposed breakwater would impact, positively and/or negatively, on the successful delivery of this policy particularly having regard to the marina proposal outlined in Figure 8 of the NIS (Potential Future Developments) and Figure 5.1 & 5.2 of the Baltimore Harbour Study included as Appendix 10 of the EIS.
- c. You are requested to outline in detail the need for the proposed development in respect of the existing infrastructure within the harbour and the potential future development of a marina within the breakwater as outlined in Figure 5.1 and 5.2 of the Baltimore Harbour Study (Appendix 10) and reference within this report to the proposed marina area.
- d. In this regard you are requested to outline the number of days annually that the elements of existing infrastructure within the Harbour cannot be safely used/accessed.

9.2.2. Response

The response to the matters raised in relation to Planning Policy are included in Chapter 2 and Chapter 4 of report CM541/MA/R/001 and plans interpreting same are

included at Appendix 15. Matters included in respect of planning context are also repeated in the consideration of need. The response is summarised as follows:

- Reference is made to policies within the Skibbereen LAP which highlight the importance of tourism to Cork County in general and Baltimore in particular. Policies CDP TO 1-2 and CDP TO 4-1 are specifically referenced. A Marine Leisure Infrastructure Strategy for the Western Division of County Cork was prepared in 2008 with Baltimore identified as a Primary Hub in this strategy. The importance of fisheries and aquaculture and shellfish to the area is also addressed with reference made to section 6.11.1 of the CDP which refers to support for the provision of appropriate harbour infrastructure. It is stated that the Roaringwater Bay Shellfish Cultivation Designation Area is 1.8km from the site of the proposed development. The closest aquaculture site is stated to be west of Spanish Island approximately 1.5km from the site of the proposed development.
- In response to the matters raised by the Board as outlined in Section 5.3.6 of the Local Area Plan it is stated that the LAP statement is consistent with the opinions of local businesses and operators in the area and that the location of the breakwater is a product of consultation with the former Harbour Board which identified the need to separate the commercial and water based tourist functions within the harbour. It is stated that the breakwater would release pressures on the existing harbour by providing more sheltered conditions allowing the existing harbour infrastructure to be utilised as vessels will no longer need to congregate within the inner harbour area. The proposal, it is stated, will allow for additional berthing at the west berth of the West Pier which is not currently possible.
- Proposal will allow potential future development of a small marina in Baltimore which is considered an ancillary benefit of the proposal. As outlined in the Harbour Plan submitted (Appendix 15), the proposal allows for commercial and water based tourist functions to be separated with fishing and commercial activities to the east of the harbour and water based tourism to the west;
- Any proposed marina to the east of the breakwater would be small c.50 berths, operated by local authority and used as a safer alternative to unlicensed swing moorings within the area;

- Any marina development in Church Strand Bay would be of a greater scale and most likely a private marina development attracting users from Ireland and Europe. It is noted that it is not uncommon for several marina developments to be interspersed with commercial activities in Ireland with Kinsale, Howth, Killybegs, Dun Laoghaire and Dublin Port provided as examples.
- The response states that it is not envisaged that the potential development of a marina to the east of the breakwater would impact negatively on a marina development in Church Strand Bay. It is outlined that there would be no net increase in vessels located east of the breakwater as this would provide accommodation for the vessels previously located within the swing mooring file.
- Neither, it is stated would a marina impact upon coastal processes or sedimentation at Church Strand Bay. It is concluded that while the viability of a marina development at Church Strand Bay is outside the scope of the EIS, it is the opinion of the applicant that it would have a neutral impact.
- In relation to the need for the proposed scheme, sections 2.4.1, 2.4.2, 2.4.9 – 2.4.13 of the Addendum address the matters as requested at Item (c). I would note the following:
- In relation to the need for safer berthing for fishing vessels, it was noted in the original EIS that during inclement weather fishing vessels which are unable to berth at the newly developed fisheries pier are required to moor on swing moorings in Church Strand Bay adjacent to the RNLi station. The addendum adds, at section 2.4.1 that if such vessels cannot land the fish due to the movement of the vessel relative to the pier it can result in the catch being stored in the vessel for several days with the potential to become unsellable resulting in significant losses.
- The matter of safer berthing for ferry boats is addressed in Section 2.4.2. It is noted that the ferry operators must make a call on safety, as the large waves experienced can make embarking and disembarking dangerous due to the movement of the boat relative to the steps; mooring ropes can snap or mooring points can be pulled from the pier resulting in potential for injury and cost of replacement of mooring ropes/points. Structural damage to the vessel and/or pier

can also result. Access to the pier for emergency vessels during such events is also noted.

- Other additional issues raised in respect of need for the scheme are set out in Sections 2.4.9 – 2.4.13 and include the following:
- Cost to Cork County Council of the removal and re-installation of the inner harbour pontoon which can only be used for 6 months of the year and requires removal during winter months to avoid damage from waves;
- Alleviation of the issues raised by provision of a breakwater would result in a safer working harbour allowing all infrastructure to be optimised and future development within the harbour such as additional berthing;
- Proposal would alleviate pressures on the existing harbour by providing more sheltered conditions and allow more of the existing harbour be utilised;
- Allow for additional berthing at the west berth of the West Pier which is not currently possible.
- It is also reiterated that the proposal would allow potential future development of a small marina in Baltimore which is considered an ancillary benefit of the proposal as outlined above in relation to Planning Policy.
- As outlined in the Harbour Plan (Appendix 15), the proposal allows for commercial and water based tourist functions to be separated with fishing and commercial activities to the east of the harbour and waster based tourism to the west;
- At section 2.4 of the Addendum to the EIS it is stated in response to Item (d) that details of the number of days annually when the elements of the existing infrastructure within the Harbour are not accessible are not on record.

9.3. Coastal Processes

9.3.1. Request

The applicant was requested to address the impact of the proposed development in detail on the Cove in respect of marine hydrodynamics including wave conditions, tidal currents, erosion and sediment transport.

9.3.2. **Response**

The response incorporates a report prepared by LiR National Ocean Test Facility entitled Review of Coastal Processes in 'The Cove' area and attached as Appendix 16 of the Addendum. The EIS addendum summarises the report at Section 8 and the following is noted. The addendum submitted amends Table 8 and Sections 8.7.2 – 8.7.4. In relation to tidal currents it states that 'The Cove' is located away from the main flow channel and is an area of very low current magnitudes with mid flood and ebb values less than 0.05m/s. It is stated that the effect of the breakwater is to extend the area of low flow speeds as it moves the flow path away from the coastline with the resulting flow speeds stated to be marginally higher. It is concluded that the presence of the breakwater increases the area of very low current speeds in the vicinity of 'The Cove' but does not impact on the overall flow regime.

In terms of siltation and sediment transport it is stated that mud transport simulations were undertaken during the modelling process and it is likely that some siltation will take place between the breakwater and the West Pier which will require periodical maintenance dredging. The extra siltation is due to the reduction in the estimated current velocities. The sediment transport model indicated that 'The Cove' is in an area subject to deposition given that low flow velocities allow suspended solids to settle out. The Cove area shows a minor decrease in the amount of deposition which is most likely to relate to less sediment being available given the increased deposition in the harbour area (breakwater traps passing sediment). It is stated that the model shows very little change in terms of the sediment transport regime.

In relation to erosion, it is stated that the coastline will evolve in the same manner as previously dictated by the environmental conditions and not the new harbour layout and coastal erosion at 'The Cove' will not be influenced by the proposal.

9.4. **Archaeology**

9.4.1. **Request**

Reference was made to the response from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs received by the Board on 30 November 2016 which included the following:

A worked timber, possibly belonging to a wreck, was identified during the course of the UAIA. There is a record of over 110 wrecks for Baltimore Harbour and there is therefore a high potential for historic wrecks or fragments thereof or artefacts from these wrecks to be located within the footprint of the proposed works. All wrecks over 100-years old are protected under the National Monuments Acts 1930 to 2014 and the proposed works therefore have the potential to negatively impact on previously unknown wrecks. The timber identified might be an isolated artefact or could be part of a more substantial structure such as a shipwreck.

The applicant was requested to provide an archaeological assessment and investigation of the possible wreck as identified as follows:

- The services of a suitably qualified underwater archaeologist shall be engaged to carry out a more detailed assessment and investigation of the identified possible wreck timber.
- The assessment shall include diver inspection, hand held metal detection and archaeological testing.
- The archaeological testing shall seek to determine if the timber is an isolated object or part of a larger or more coherent structure such as a shipwreck.
- The dive survey and metal detection survey shall seek to assess a wider area around the timber to ensure there are no associated objects or structures visible that could indicate a site or structure that is buried.
- The dive assessment and investigation shall be carried out under consent or licence as appropriate (Dive, Detection Device consent and Excavation Licence) and detailed method statements shall accompany all applications.

The applicant was informed that they should be aware that the Department have advised that based on the results of the report, further archaeological investigation (excavation/preservation by record), preservation in situ (avoidance) or archaeological monitoring of works may be recommended.

9.4.2. **Response**

In response an Addendum to the Archaeological Impact Assessment was submitted (Appendix 17) with the following sections of Chapter 10 of the EIS (Archaeological and Cultural Heritage) amended to reflect the contents of the new assessment –

Section 10.8, 10.10 (10.10.1, 10.10.2) and Section 10.12. At section 10.8 reference is made to the geophysical survey undertaken in February 2013. Of the nine targets that required further investigation only one notable target was recorded which was described as a board or a ship's timber measured 1.8m in length, eroded and infested. A Dive Survey was undertaken in May 2017 under licence to further investigate the possible timber wreck which noted that the timber previously recorded was no longer visible. It was considered that the timber was an isolated item which did not form part of a ship wreck with no evidence of other timbers uncovered.

In relation to Construction Phase Impacts it is stated at Section 10.10.1 that there are at least 110 ship wrecks recorded for the Baltimore Harbour area with the precise location for the most part unknown. It is stated that as subsea sediment is removed by dredging during construction that potential archaeological remains, features and artefacts may be directly impacted and cultural material may be found within the development area. Section 10.12 then sets out mitigation measures which propose that all underwater dredging works associated with the dredging of the breakwater should be monitored by an experienced archaeologist with marine dredging/maritime archaeological experience. Measures are proposed should archaeological material/wreckage timbers or artefacts be recorded.

9.5. Natura Impact Statement

9.5.1. Request

Reference was also made to the response from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs received by the Board on 30 November 2016 which included the following:

The proposed development of the breakwater and associated dredging works at Baltimore, Co. Cork is within and adjacent to Roaringwater Bay and Islands Candidate Special Area of Conservation (cSAC) (Site Code: IE 000101). This cSAC is proposed for designation for inter alia the marine Annex I habitat: Large shallow inlets and bays, Reefs and Submerged or partly submerged sea caves and the Annex II species: harbour porpoise and grey seals.

The current documentation associated with the proposed development indicates a direct loss of 1.517 hectares of Large Shallow Inlet and Bay. This direct loss of

habitat is not compatible with the conservation objective for Roaringwater Bay and Islands cSAC. Specifically, the proposed development would not allow that “the permanent habitat area is stable or increasing” as it would result in a net permanent loss of this habitat should consent for development be given.

The applicant was requested to submit a revised Natura Impact Statement which considers the implications of the potential direct loss of habitat associated with the proposed development and ensures that there are no gaps in consideration of the likely significant effect on specifically Roaringwater Bay and Islands cSAC. The applicant is advised to pay particular attention to the conservation objectives framed around the Area, Range, Structure & Function and Future Prospects for each Qualifying Interest.

The Board also noted that the Lough Hyne Nature Reserve and SAC (Site Code 00097) is not included in the Stage 1 screening undertaken in the NIS and that the potential impact of the dumping-at-sea of unusable material at the proposed dumping-at-sea site on the Roaringwater Bay and Islands cSAC is addressed in the Stage 2 assessment. Having regard to the modelling undertaken and included within the NIS the Board requested that the revised NIS should address the potential impact of the proposed dumping-at-sea of material on Lough Hyne Nature Reserve and SAC (Site Code 00097).

9.5.2. **Response**

A revised NIS dated May 2017 was included as Appendix 5 of the Addendum to the EIS. It is noted that Section 2.1 of the revised NIS notes that the site of the breakwater is 1.57ha whereas the area is referenced as 1.517ha in the original NIS. The sites under consideration in the Stage 1 Screening included in the revised NIS has been amended to include the Lough Hyne Nature Reserve and Environs (Site Code 000097) with an assessment of the potential impact on the conservation interests of the site outlined at section 4.3.3 and Table 5 of the revised NIS. At section 4.3.1 of the Screening the percentage of the SAC under the footprint of the breakwater is 0.012% as opposed to 0.011% in the original NIS. Table 4 included in the revised NIS does not include potential cumulative impact as was included in Table 4 in the original NIS. The conclusion reached in terms of screening provides that in addition to the requirement to carry forward to Stage 2 in respect of the

Roaringwater Bay and Islands SAC, that the screening identifies an uncertainty with regard to the potential effects on the Lough Hyne Nature Reserve and Environs SAC as a result of sediment deposition arising from the dumping at sea of dredged spoil in particular on the *Zostera* community with the Large Shallow Inlet and Bay habitat and that this site is also carried forward to Stage 2. Amendments to the original NIS are made in the revised Statement throughout the screening stage report to reflect this including the screening conclusion.

The Stage 2 AA again refers to the loss of 1.57ha (rather than 1.41ha stated as the area in the original NIS). (I would note for the Board, in the interest of clarity, that the revised statement contains two Figure 6 diagrams). The Stage 2 statement addresses potential impacts at Section 5 and in particular at Section 5.3.1 where the potential effects of the proposal are addressed. Additional detail has been provided in respect of the loss of habitat at Roaringwater Bay and Islands SAC referring in particular to the prevalence of the habitat type, the limited extent of the area to be lost and the biotype within this footprint of the breakwater. The creation of an artificial reef in the form of the breakwater is also extrapolated to some degree. The revised Stage 2 AA, in addition to making a number of minor changes to the impacts on otters addresses the impacts on water quality and sedimentation of habitat within Lough Hyne Nature Reserve and Environs SAC. The amendments made to the Stage 2 report are also reflected in the conclusions and assessment of in-combination effects

9.6. Flora, Fauna and Marine Ecology

Changes have been made to Chapter 6 of the EIS. The changes would appear to reflect the changes made elsewhere in the EIS addendum and to the NIS. Therefore, for the benefit of the Board, the following sections of Chapter 6 of the original EIS have been amended: Sections 6.5.3, 6.5.6, 6.5.7, 6.5.8, 6.5.9, 6.6, 6.8.

9.7. Sediment and Dredging

9.7.1. Request

The Board noted the anticipated impacts to soil and geology including the dredging of the material from the sea bed. However, it was considered that the impacts

associated with the dredging of the proposed navigational channel associated with the proposed development in terms of the impacts on soils, geology and hydrogeology had not been clearly addressed in the study. Furthermore, the matter of the stability of the new navigational channel had not been adequately addressed. Cross sections of the proposed channel were requested.

9.7.2. **Response**

Amendments have been outlined to Chapter 7 of the EIS to address the matters outlined in the Further Information request above and include the following:

In respect of methodology (Section 7.2) additional sources are included such as NRA Guidelines and Guidelines from the Institute of Geologists of Ireland.

In relation to existing environment (Section 7.3) reference is made to the existing sea bed level in the proposed channel which varies from -4.0mOD and -5.0mOD and at the proposed breakwater location which varied from -2.0mOD and -5.0mOD.

Geology (Section 7.4) includes additional sections 7.4.5, 7.4.6 and 7.4.7 which states that the GSI identifies Baltimore Harbour as a geological heritage site with critical features of gravel beaches, mudflats, a peninsula of Old Red Sandstone and cliffs. It is stated that there are no known geohazards at the site of the proposal. In terms of geological importance, the soil and geology are stated to be of high importance due to the presence of the geological heritage site.

Hydrogeology (Section 7.5) includes additional sections 7.5.2, 7.5.3 and 7.5.4 which state that there is no known evidence of karstification at the site or surrounding area according to the GSI, Groundwater does not support the ecosystem of the SAC. The importance of hydrogeology attributes is medium importance due to the presence of a locally important aquifer.

Section 7.6.2 and 7.6.3 are deleted.

Sections 7.7 and 7.8 have been replaced in their entirety with new sections which are summarised as follows:

Section 7.7 includes reference to the location of the proposed navigation channel and states that the proposed channel will be dredged to -7.2m OD Malin, will be approx. 50m wide (excluding side slopes and have a length of approx. 443m along its centre line.

Section 7.7.1 outlines the Construction Stage Activities which notes that the maximum dredging depth will be approx. 3.2m from the existing bed level (varies between -4.0 and -5.0m OD) to -7.2m OD Malin. It also refers to the disposal of dredge material at sea outside Baltimore Harbour – which is to be confirmed following dumping at sea application, importation of rock material and reuse of dredge material. Section 7.7.2 refers to operational impacts with the activities compared to those existing in the Baltimore.

Potential Impacts (Section 7.8) relate to construction stage impacts (no operational impacts envisaged) and to the stability of the new navigational channel. Proposed cross sections are referenced and included at Appendix 15 of the Addendum. Reference is made to trial hole site investigation in Appendix 9 of the EIS. It is stated that the proposed dredge side slopes at approximately 20° (1 in 2.75) which is flatter than the typical angles of repose of the sea bed material and therefore considered stable.

It is stated at section 7.8.1.2 that the dredging works will require the permanent removal of sea bed which it is stated will be restricted to the navigational channel and breakwater location. It is states that the works will not negatively impact upon soils, subsoils, geology, landuses or geohazards and the works will not have a negative impact on gravel beaches, mudflats a peninsula of old red sandstone and cliffs so will not have any impact on geological heritage. The maritime nature of the works provides any accidental spillages of oils or fuels will not result in contamination of soils or groundwater.

Mitigation measures (section 7.9) are proposed by way of the carrying out of works in accordance with the Coastal and Marine Environmental Site Guide and conditions attached to the permission and foreshore lease/licence conditions. Residual Impacts (Section 7.10) are not envisaged.

9.8. Visual and Landscape

9.8.1. Request

The following matters were raised in respect of visual and landscape:

- A profoundly negative impact is predicted for Receptor Group 9 which is described as Baltimore Harbour Cottages/Baltimore House which is directly south of

the proposed development. While Chapter 9 of the EIS includes an existing view from the receptor, no photomontage is provided. The magnitude of visual effect on this view is predicted as high adverse and the significance of the effect on the visual receptor predicted as profound adverse. You are therefore requested to submit a photomontage from the same viewpoint as included in RG9.

- A significantly negative impact is predicted for Receptor Group 4 from Fishery Point. While Chapter 9 of the EIS includes an existing view from the receptor, no photomontage is provided. The magnitude of visual effect on this view is predicted as medium adverse and the significance of the effect on the visual receptor predicted as significant adverse. You are therefore requested to submit a photomontage from the same viewpoint as included in RG4.
- Receptor Group 6 comprises part of the Cove with properties located in the vicinity of same. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. Photomontage No. 6 is taken from the same point which is provided as the viewpoint for this receptor group. However, it is noted that both the magnitude and significance of the effect attributed to the same view in Receptor Group 5 is medium and significant respectively. You are therefore requested to review the levels of magnitude and significance attributed to Receptor Group 6 having regard to the existing view from the receptor and the impacts addressed in Receptor Group 5 and Photomontage No. 6 in particular.
- Receptor Group 18 comprises the area in the vicinity of Dun na Sead Castle which is a Protected Structure (RPS No. 00809) and comprises the highest building in Baltimore with views of The Cove, Fishery Point and Sherkin. It is stated that the receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. Having regard to the elevation and protection of this structure, you are requested to submit a photomontage from the same viewpoint as included in RG4.

The applicant was requested to review and revise the annotations in Figure 9.4 which include a number of incorrectly annotated receptor groups.

9.8.2. Response

Figure 9.4 has been amended to show the significance of impact on receptor RG6 (The Cove) as significant negative rather than moderate negative as originally included. Section 9.8.2 relating to RG6 is also amended to reflect the significance of effect on the visual receptor as significant adverse. The statement in the original EIS that 'it is anticipated that the impact on the visual resources will be low has been omitted.

Three additional photomontages have been provided as follows:

No. 14 is included showing the existing and proposed views from Fishery Point/The Cove (Receptor Group 4).

No. 15 is included showing the existing and proposed views from Baltimore Harbour Cottages/Baltimore House (Receptor Group 9).

No. 16 is included showing the existing and proposed views from Dun na Sead Castle (Receptor Group 18).

9.9. **Marine Traffic**

9.9.1. **Request**

The EIS contends that the most significant negative impact is the creation of a more restricted navigation channel around the head of the breakwater leading to congestion in peak periods as all of the vessels accessing the harbour will be required to travel around the head of the breakwater. The mitigation proposed relies on the use of navigational charts which it is proposed to update. However, it was noted that many smaller craft using the harbour would not have recourse to such charts on their craft with the potential for collision heightened. The applicant was required to provide clarification as to how such potential collisions would be avoided.

9.9.2. **Response**

In response the applicant amended Section 5.9 of the EIS to include the provision of new navigation lighting to be sanctioned by the Commissioner of Lights which they suggest will negate the risk of collision with the new breakwater or other obstacles. Temporary lighting during construction is also proposed as well as the appropriate updating of navigation charts and the publishing of marine notices to create mariner awareness of the new development. Reference is also made to a suite of mitigation

measures which are currently in place in Baltimore Harbour which it is stated will reduce risk of collision including the 6knot vessel speed limit between Connor Point and Bull Point and the rules set out in the International Regulations for Preventing Collisions at Sea, 1972.

10.0 Submissions from Prescribed Bodies and Observers on Response

Following the receipt of the response to the further information, submissions were invited from prescribed bodies and those who made submissions, in respect of the information received on 14 July 2017. Six submissions were received in response to the Further Information Response received by the Board.

10.1. Prescribed Bodies

10.1.1. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

Archaeology

In relation to Archaeology the Department recommended the following conditions:

Archaeological Monitoring:

- The services of a suitably qualified underwater archaeologist who is very experienced in the monitoring of marine dredgings shall be engaged to carry out archaeological monitoring of all works for the proposed breakwater, associated works and main dredging works (including the dumping of any spoil).
- The archaeological monitoring shall be licenced to this Department and the application shall be accompanied by a detailed method statement.
- Sufficient archaeological personnel, suitably qualified and experienced, shall be on hand to cover all aspects of the monitoring works, including being accommodated on board all plant and machinery (i.e. dredgers) to allow full vantage and monitoring capability.
- The method statement accompanying the licence application shall address the proposed nature and extent of proposed works, archaeological team involved, schedule, communications set up, finds retrieval strategy, temporary storage

facilities for any prospective finds and a post-excavation and conservation strategy for all finds.

- The applicant/contractor shall be prepared to accommodate the archaeologist(s) in the undertaking of their duties during the course of all works.
- The monitoring archaeologist(s) shall have the power to have works suspended in areas where potential archaeology is identified and such work/dredgings shall remain in suspension until the potential archaeology has been assessed and fully resolved.
- The archaeologist engaged shall be a suitably qualified underwater archaeologist who can hold a dive survey licence to ensure the capacity to archaeologically dive inspect any potential archaeology. The dive survey licence shall be in place in advance of works commencing to ensure there is no delay to works thereafter, as it can take 3-4 weeks to process such a licence.
- In tandem with this, the archaeologist shall also hold a metal detection licence to facilitate the metal detection of dredged spoil. As part of the Finds Retrieval Strategy, the metal detection of spoil removed and dumped on land shall be assessed by way of hand held metal detection survey, following the spreading of the spoil. The method statement accompanying the licence application shall detail the archaeologist/archaeological team to do this work depending on the scale of the operations.
- Upon completion of all works, an archaeological monitoring report shall issue to the Underwater Archaeology.
- Should potential archaeology be identified during the course of the works, further archaeological investigation (excavation/preservation by record) or preservation in situ (avoidance) may be recommended. The applicant/contractor shall be prepared to be advised by the National Monuments Service in this regard.

In relation to the dumping of dredge spoil at sea: the Department referenced the intention to dump some or all of the dredge spoil at sea and that the proposed dump location will need to be the subject of a separate Underwater Archaeological Impact Assessment (UAIA) to ensure there is no known or previously unknown historic

wreck located within the dumpsite area and that could be negatively impacted by the dumping of the spoil.

Nature Conservation

In relation to Nature Conservation the response is similar to that originally provided by the Department. It outlines the designation of the Roaringwater Bay and Islands candidate Special Area of Conservation (cSAC) (Site Code: IE000101), the requirements of Article 6(3) of Council Directive 92/43/EC (the Habitats Directive) and Guidance on the process. They also refer to the ruling of the Court of Justice of the European Union in relation to case C-258/11 – Sweetman and others vs An Bord Pleanála, and other relevant jurisprudence. It states that the current documentation associated with the proposed development indicates a direct loss of 1.517 hectares of Large Shallow Inlet and Bay. The document presented does not robustly consider this habitat loss against one of the key attributes of the conservation objective of the site which is that “the permanent habitat area is stable or increasing”. This direct loss of habitat is not compatible with the conservation objective for Roaringwater Bay and Islands cSAC. Specifically, the proposed development would not allow that “the permanent habitat area is stable or increasing” as it would result in a net permanent loss of this habitat should consent for development be given.

The recommendation is that the Natura Impact Statement should be revised to consider the implications of the potential direct loss of habitat associated with the proposed development and ensure that there are no gaps in consideration of the likely significant effect on specifically Roaringwater Bay and Islands cSAC. It is concluded that notwithstanding any further revision to the NIS, it is recommended that this matter be given full consideration in the Board’s appropriate assessment.

10.1.2. Inland Fisheries Ireland

The IFI notes that a backhoe dredger is proposed during the construction phase and in the context of recognised shellfish waters in the vicinity of the site IFI suggest that sedimentation impacts may be reduced by the application of an alternative dredging methodology. A monitoring programme for potential water contamination during the construction phase is recommended.

10.2. Observers

Four Submissions were received from the following observers: Baltimore Sailing School, Maria Coleman, Brian Marten and Thomas Hannigan. They are summarised for the benefit of the Board as follows:

Need/Justification/Planning Policy

- Plan for Harbour does not lessen conflicts in terms of space or function resulting in more congestion and conflict and does not comply with LAP objective;
- Plan for Harbour area could restrict effective growth of marine tourism sector negatively impacting on sustainable development of tourism;
- Proposal does not separate commercial and pleasure craft which was a key objective of the LAP and designers of the breakwater;
- Apparent pressure in harbour between domestic and commercial boats minimal;
- Reduction in traffic managed by construction of a pier or breakwater to north of existing North Pier which would provide shelter to boats and separate vessels;
- Alternative breakwater extending from north pier and bull point could address issues including separation of activities and creates marina.
- No consideration of many marine operators including Sailing Club & School;
- Any potential marina would contradict plan for marina at Church Strand with policy remaining unchanged in recent plan;
- Response does not provide an adequate justification in respect of Church Strand;
- Baltimore not comparable to Kinsale or Howth in terms of scale or proximity to large urban areas;
- Two marinas in a village of Baltimore's size not viable, recently opened Marina in Bantry has 20 berths;
- No consideration of parking for proposed marina within Breakwater;
- Absence of response to days Harbour infrastructure not accessible contrary to assertion project ongoing since 2008 with adequate time to collect data, this

information is essential to justify a project which will have such profound negative effects;

- Occasions when current pier not usable by commercial vehicles remain rare with no factual data provided;
- Ferry sailing logs submitted to Department and available;
- During extreme weather no vessels would go to sea even with a breakwater and ferries cannot land or depart from the piers on the islands in such events;
- Reference to berthing for emergency events not reasonable as Lifeboat and Coast guard use sheltered lifeboat dock at Church Strand with reference to access to swing moorings at odds with proposals to remove these to facilitate proposal;

Visual Impact

- Dramatic impact on current view to the sea from the village and its approach roads with scenic routes/views in Cork CDP impacted;
- Revised view for RG9 does not show the visual impact at Baltimore Harbour Cottages and Baltimore House;
- Viewpoint for RG7 shows a restricted view between the back of two houses with the impact rated as negligible with impact from front of houses entirely different;
- Viewpoints selected from vantage points not actually reflecting the views from houses or from public roads;
- RG 6 query from the Board partly answered with no existing view of photomontage from RG6;
- Other receptors mislabelled;

Marine Traffic

- Concern remains about ability of smaller sailed crafts to maintain steerage around the proposed elbow of the breakwater with traffic management required;
- All traffic entering and existing concentrated at the end of the breakwater;
- Unrealistic to suggest those not professional sailors can be depended upon to adhere to the international regulations preventing collisions at sea;

- Many of the small craft using the Harbour could not be categorised as seagoing vessels in the sense of the regulations;
- Need for a vessel traffic management system;

Coastal Processes – The Cove

- Local experience provides that large waves sweep into the Cove during winter storms causing significant damage casting doubt on modelling submitted;
- Wave model does not include effect of low atmospheric pressure storm surges with mean high water springs used for all simulations;
- Tidal current modelling did not extend to cover all of the Cove and stated not to be as accurate as the wave modelling with concerns regarding its accuracy;
- Sediment modelling invalid given particle size used with consequences for conclusions reached on sediment dispersion and deposition;
- No reference to till and soil at the Cove protected by the wall with potential for erosion on the Cove from waves refracting off the breakwater;

Archaeology

- Difference in western end of dredged channel shown in Figure 2 of Appendix 17 and CM541/p/11A with dredge envelope not the same in many of the other drawings with archaeological dive survey and geophysical testing does not appear to cover western end of proposed dredged channel;

Natura Impact Statement

- Argument that loss of habitat is a small percentage of total area not valid as the SAC is under constant threat from a range of activities;
- Admiralty Chart 5623-2 provided with DAS site plotted with direction of flood and ebb tides indicated with text in NIS incorrect and dispersion of sediment when dumped on a flood tide not addressed in the NIS or CMCE report and appears not to have been modelled;
- Risk of sediment from the DAS negatively impacting on qualifying interests of Lough Hyne SAC cannot be ruled out on basis of CMCE modelling;

- Ecotoxic effects on qualifying interests of the SAC's due to disturbance and disposal of potentially contaminated sediments has not been addressed in revised NIS;
- Silt samples referenced in NIS not representative of material that would be dredged as all samples were of surface material on the sea bed with no samples taken at depth of up to 3m below the seabed to which dredging would extend;
- Sediment samples were compromised and didn't comply with protocols and resampling required;
- Issues with sediment modelling report (Appendix 6 of NIS) including particle size analysis, location of samples, settling rate and limited dispersion of sediment to northeast (direction of flow tide) with potential for sediment plume to extend to Lough Hyne SAC;
- Dispersion model includes bathymetric survey which is a fraction of the area of the disposal site with no consideration of sensitives at the dumpsite;
- Real baseline data could be found in the dredging of the existing channel;

Dredging/ Soils

- Revised chapter on Soils etc, inadequate according to Guidelines for EIS;
- Breakwater not shown on cross sections submitted (D-D, E-E, F-F);
- Concern regarding impact of breakwater on proposed dredged channel during construction and potential for collapse given proximity which amended EIS does not address;
- Report references two differing locations for the proposed dredged channel in figures and plans with implications for marine navigation and volume of dredged material;
- Lack of information on foundation conditions for breakwater with serious cost implications;
- Concern regarding designed of channel side slopes with sources not referenced in terms of angles of repose and not stated if angles are for dry, wet or saturated material;

11.0 Project Assessment

11.1. Introduction

11.1.1. The assessment of this project is divided into three parts. Firstly, the Project Assessment which specifically addresses the need and justification for the proposal with reference in particular to planning policy and potential alternatives. Matters related to impacts on the environment are addressed in the Environmental Impact Assessment at Section 13 and the issues relating to the Natura 2000 sites are addressed in the Appropriate Assessment at Section 14 below:

11.2. Need and Justification for Proposal

Need

11.2.1. One of the critical factors in respect of the proposed development is the need for the proposal, particularly given the environmental impacts likely to arise, which are addressed in the following sections. In this regard, it is incumbent on the applicant to put forward a credible and rational justification for the proposal. In this regard, Section 2.4 of Chapter 2 of the EIS has been amended to address the queries in respect of need issued by the Board in the further information request. The information sought was set out in two particular points which are addressed in turn.

11.2.2. Firstly, the applicant was required to outline in detail the need for the proposed development in respect of the existing infrastructure within the harbour and the potential future development of a marina within the breakwater as outlined in Figure 5.1 and 5.2 of the Baltimore Harbour Study (Appendix 10) and reference within this study to the proposed marina area. There are two related elements in this request firstly, the need for the proposal in respect of the existing infrastructure within the harbour and secondly the potential future development of a marina within the breakwater. The second matter requested by the Board in respect of need is the critical query I would suggest and was the request to outline the number of days annually that the elements of existing infrastructure within the Harbour cannot be safely used/accessed. I will address this first as it creates the context, I would suggest, within which the other elements of need are considered.

11.2.3. The matter of how often on an annual basis that the harbour is inaccessible is, I consider, the critical factor in respect of justifying the proposal. At Section 2.4 of the

Addendum at the bottom of page 4 it is stated that *'details of the number of days annually when the elements of the existing infrastructure within the Harbour are not accessible are not on record'*. I would concur with the observers that given that the project has been in consideration and preparation since 2008 that data such as the number of days when the Harbour was effectively unusable would be relatively easy to acquire, particularly as it would appear to be the most important justification for the project. Further, as pointed out by Mr. Marten, Ferry operators are required to provide their logs to the Department responsible and this would be a source of some relevant information. The absence of information on the file to address this concern and the complete failure of the applicant to seek to provide any detail, supports my contention, as I have outlined in the following sections that the need for the proposal does not outweigh the significant environmental impacts which, in my opinion, it would create.

- 11.2.4. The EIS, Chapter 2, Section 2.4 was updated in the revised Addendum to address the matter of need. I will address each of the matters in turn. In relation to the need for the proposal in respect of the existing infrastructure within the harbour, the first matter is the safer berthing for fishing vessels. While I acknowledge the significant support in observations submitted from the fishing community and the constraints placed on the fishing industry in respect of berthing vessels and landing catches I also note the options available in respect of mooring both in the vicinity of the Harbour and elsewhere on the coast. I would also note, as I outline above, the failure to provide any response to the Boards request for information in relation to the number of days annually when the Harbour is inaccessible. I would also note, for the Board's information, that Baltimore is not a port of national or regional significance in the National Ports Policy nor it is a fisheries centre of regional significance.
- 11.2.5. The next matters raised in the revised EIS to support the need for the proposal is the need for safer berthing for ferry boats and leisure craft and ancillary marine leisure companies, the conditions for which are considered to be the same. In relation to ferry boats while I again acknowledge the support for the proposal in the observations received and to the desire to create a calmer Harbour environment for embarking and disembarking, as pointed out by a number of observers, during storm events access to the islands is not possible given the nature of the existing harbour facilities on the islands. Again despite the requirement for ferries to submit logs to

the Department no evidence has been provided of the number of days that the Harbour is inaccessible. In relation to leisure craft, as pointed out in a number of submissions, leisure activities are discouraged during storm events. In relation to safer berthing for the RoRo Ferry and safer boat launching facilities reference is made to the inability to land goods or vehicles during bad weather and the inability to use the slipway during poor weather causing the need to use the other slipways and creating congestion.

- 11.2.6. Section 2.4.7 refers to sailing school activities and to such activities being severely hampered during extreme weather conditions. I note from the submissions received that such sailing school activities would not be undertaken during extreme weather conditions with or without a breakwater and would suggest that this is a moot argument. Access to the swing moorings is addressed at section 2.4.8 which it states is extremely dangerous during bad weather. Reference is also made to the need to remove the Inner Harbour Pontoon (Section 2.4.9) for the winter months as the waves can damage it with the removal and reinstallation of same an annual cost.
- 11.2.7. I would also note the use of language within Section 2.4 to describe the weather events, none of which are defined or provided with any reference to particular events. For instance, reference is made under Section 2.4.2 to large waves and storm events. Reference is made in sections 2.4.5 and 2.4.8 to bad weather, section 2.4.6 to poor weather conditions, section 2.4.7 to severe weather conditions. I would also note that a number of photographs have been included within the documentation. However, they are not dated so it is not clear whether they relate to a specific recorded storm event. Notwithstanding, I would suggest to the Board that what is apparent particularly from the observations received that during extreme weather few to no vessels would go to sea even with a breakwater.
- 11.2.8. Other matters of significance to the need and justification for the proposal relate to congestion, the separation of commercial and leisure based functions and the potential future development of a marina which were also specifically addressed by the Board in the request for further information. While I address these matters in relation to planning policy below, it is noted that at Section 2.4.10 that the breakwater is stated to provide additional berthing at the west of the West Pier and in the lee of the breakwater. It is also stated that it would release pressures on the existing harbour allowing for additional berthing at the West Pier. Reference is made at

Section 2.4.12 to a Harbour Plan included as Appendix 15 which indicated how commercial and water based tourist functions would be separated. While I discuss the Harbour Plan below I would note that there is no evidence of any consultation on this Plan or how it would be proposed to lie within the statutory national or local planning framework.

- 11.2.9. The other matter addressed by the Board in the request for further information relates to the potential future development of a marina within the breakwater. This matter, while addressed in terms of planning policy below, is considered in Section 2.4.13 as an ancillary benefit of the proposal, which would be small in nature (c. 50 berths) and used as a safer alternative to the unlicensed swing moorings found in the area. Reference is also made to the proposed marina development in Church Strand Bay which I will address in the following section. In conclusion in this regard, it is my opinion that the documentation submitted to the Board in the first instance and in response to the further information request fails to provide basic, not to mind satisfactory documentary evidence to support and justify the need for the proposed development.

Planning Policy

Planning Policy - Harbour Area

- 11.2.10. I would note that the West Cork Municipal District Local Area Plan (MDLAP) 2017 was adopted on 24th July 2017. The Draft Plan was subject to public consultation between 16th November 2016 and 16th January 2017 and amendments were published in May 2017 with further public consultation with the Plan adopted in July 2017. I would also note for the Board's information that at the time of the request for further information the relevant local planning policy document was the Skibbereen Electoral Area Plan 2015 which included a plan for Baltimore which is designated as a key village within the Electoral area. In respect of the current West Cork Municipal District Local Area Plan (MDLAP) 2017, Baltimore is designated as a key village in the settlement strategy and is specifically addressed at Section 4.3 of the MDLAP.
- 11.2.11. There are three distinct considerations in respect of planning policy which require consideration. The first is the LAP objectives relating to the Harbour and the need for a Harbour Plan, the second is the specific designation of a site in the

Baltimore LAP for a marina and the third is visual amenity which is addressed in relation to EIA at section 13.8 below. I will address the first two matters in turn.

- 11.2.12. The Plan states at Section 4.3.14 that the town is heavily reliant on tourism, especially marine leisure, both of which are identified as in need of strengthening. Section 4.3.19 refers to the pressure on the existing port to manage all of the different activities that operate from it with conflict arising not only in terms of space but also in function (my emphasis). It states that there is a need to separate the commercial and water based tourist functions and a need to finalise the proposals for the development of the harbour so that the uses are sufficiently segregated to allow for effective growth of each. Therefore, the Plan clearly establishes the need to separate the functions within the Harbour. I would note that there are specific policies in the LAP which support the sustainable provision and expansion of harbour facilities in a manner that is compatible with the protection of the Roaringwater Bay and Islands SAC and the habitats and species for which it is designated. (Policy DB-05) and also a policy which states that development only permitted where it is shown that it is compatible with the requirements of the Habitats Directive and protection of the Roaringwater Bay and Islands SAC (DB-03). While I address the matter of the SAC in the appropriate assessment at Section 14, the matter of the sustainable provision and expansion of harbour facilities is a key consideration.
- 11.2.13. The Plan also includes Specific Development Objectives for Baltimore which include three Special Policy Areas (map in pouch), one of which relates to the Harbour -
- 11.2.14. Special Policy Area X-01 includes the harbour area with a specified area of 1.7ha and refers to marine related activity including selected new pier, mixed commercial, marine related industry, community, tourism and leisure activities, excluding residential. Therefore, there is a clear need to provide a specific plan for the Harbour which would, as stated in the LAP, '*separate the commercial and water based tourist functions*'... and '*finalise the proposals for the development of the harbour so that the uses are sufficiently segregated to allow for effective growth of each*'. These considerations are critical in my opinion, in light of the proposal before the Board.

- 11.2.15. In this regard, the first point raised in the further information request refers to the aforementioned sections of the LAP and requested that the applicant outline details of a plan for the harbour area particularly in light of the changes to the harbour proposed by the proposed breakwater and new navigational channel.
- 11.2.16. The Harbour Plan submitted (Appendix 15) and references at Section 2.4.12 of the EIS addendum states that the Plan provides that the fishing industry and commercial industries will be located to the east of the Harbour and the water based tourism activities to the west. However, I would suggest that while the functions are separated into two different sides of a much larger Harbour, the breakwater forces all marine traffic, commercial and leisure, using the Harbour into the same narrow channel in order to access and leave the Harbour area. Arguably the potential marina development within the lee of the breakwater becomes the focus of the realigned Harbour area. Furthermore, there is no information available to suggest that the Harbour Plan provided by the applicant in response to the Board has been subject to any public consultation with stakeholders in the Harbour or the public in general. It is quite clear from the Plan submitted that the proposed development of the breakwater would have a significant impact on the operation and function of the Harbour area. I am concerned that given its prominence and significance within the Harbour area that it was not included or referenced in the recently adopted LAP as it would quite clearly have an overarching impact on the operation of the Harbour area. Therefore, I consider that the proposed development would be prejudicial to the development of a Harbour Plan for the area which has specific regard to the objectives outlined in the Local Area Plan for Baltimore and which is subject to consultation with stakeholders and the local community.

Planning Policy - Church Strand Bay

- 11.2.17. Section 4.3.22 of the Local Area Plan refers to the land from Bull Point along the coastline of Church Strand Bay and the inclusion of previous development plans for land zoned for agriculture, tourism with an option for hotel/marina. Reference is also made to the previous permissions granted for the development of a marina and associated on-shore service buildings but that there are no extant permissions although development did commence with the erection of a steel frame structure which it is considered is an eyesore in the area and which should be addressed. It states that the current Plan takes the opportunity to provide a more practical mixed

tourism zoning for the area to allow for mixed development proposals within this sensitive landscape setting. In this regard one of the three Special Policy Areas included in the Local Area Plan for Baltimore refers to the Church Strand Bay area and is referenced as site X-03. The Plan states that it includes sensitive lands on a distinctive promontory making a significant contribution to the visual setting of Baltimore. The Plan states that it has the potential to enhance the employment, economic and community base of the village through –

- *A marina and its associated land based facilities,*
- *A comprehensive high quality tourism related development which has regard to the scenic and visual sensitivities of the location,*
- *Provision of appropriate recreational facilities.*

11.2.18. The applicant was requested by the Board in the further information request to *outline in detail how the development of the proposed breakwater would impact, positively and/or negatively, on the successful delivery of this policy particularly having regard to the marina proposal outlined in various documents accompanying the proposal.*

11.2.19. The potential future development of a Marina at Church Strand Bay is addressed at Section 2.4.13 of the Addendum of the EIS and largely restated in Section 4.6.1 of same. It is considered that the proposed breakwater will facilitate the potential future development of a small c.50 berths local authority run marina, in Baltimore which is considered an ancillary benefit. It is stated that any marina development in Church Strand bay would be of a far greater scale than that envisaged for the breakwater and would most likely be privately run with users from Ireland and Europe. It is also stated that it is not uncommon for several marina developments to be interspersed with examples provides of Kinsale, Howth and Dun Laoghaire. It is contented that the proposed development would not have a negative impact on a marina development in Church Strand Bay as there will be no net increase in vessels located within the breakwater given the existing swing mooring field would be accommodated within the breakwater. It is considered that any potential marina development within the breakwater would have a neutral impact.

11.2.20. While the development of a marina within the breakwater is not part of the proposal before the Board, it is clearly outlined as a potential development which

benefits from the proposed breakwater. I would also note that neither the breakwater nor a potential future marina are incorporated in any policy in the LAP relating to the Harbour. Notwithstanding, there is an existing policy objective in the Local Area Plan to develop a marina at Church Strand Bay. I would agree with the observers that trying to equate Baltimore to Kinsale or Howth is not reasonable given the proximity of both these areas to large urban centres. I would also note that Kinsale is a port of regional significance in the National Ports Policy. I consider that the potential development of a marina within the lee of the breakwater might influence the potential realisation of a policy of the Local Area Plan to develop a Marina in Church Strand Bay.

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

12.1.1. The Environmental Impact Assessment (EIA) Directive (2014/52/EU) entered into force on 15 May 2014, with a requirement that it be transposed into national legislation by 16 May 2017. The Directive has not to date been transposed into Irish legislation. This application was submitted to the Board prior to 16 May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish legislation will apply to the application.

12.1.2. The EIS is laid out as follows:

- Environmental Impact Statement within one Volume including Non-Technical Summary and Appendices
- Addendum to Environmental Impact Statement submitted on 14 July 2017 in response to the Further Information request issued by An Bord Pleanála on 13th December 2016.

12.1.3. As per the requirements of the EIA Directive, the EIS is required to:

- Describe the project and provides information on the site, the design of the proposed development and size of the project,
- Describe the measures envisaged to avoid, reduce, and if possible, remedy significant adverse effects,
- Provide sufficient data to identify and assess the main effects which the project is likely to have on the environment,
- Provide a description of the main alternatives studied by the developer an indication of the main reasons for the choice of alternative put forward, taking into account environmental effects, and
- Include a non-technical summary of the above information.

12.1.4. I am satisfied that the information contained in the EIS complies with Article 94 of the Planning and Development Regulations 2001, as amended.

12.1.5. This EIA has had regard to the application documentation, including the EIS, Addendum to the EIS, the NIS, the observations received and the Project Assessment completed in Section 12 above.

12.2. Alternatives

12.2.1. While not expressed specifically as an examination of alternatives, details of options received from the public submission process are outlined at Chapter 3 of the EIS. Eight options received during the public consultation process are referenced however I note only seven options are included in the EIS. The two preferred options from the process as decided upon by the Baltimore Skibbereen Harbour Board (BSHB) are set out in Section 3.3.2. Option 1 is similar to the proposal herein. Option 2 is a 235m headland breakwater and a 240m detached or island breakwater running west to east parallel to the coast. Many of the submissions received by the Board refer to an alternative proposal to that in the subject application which provides for an arm off the North Pier. The availability of alternatives, is in my opinion a key consideration in respect of the justification of any project which by itself would lead to significant impacts on the environment. This alternative, it is considered, would be less intrusive on the visual amenity of the area and the leisure use of the Harbour. While such an alternative may be possible and may have such attributes, the application before the Board is for the proposed breakwater as set out in the application, EIS and NIS. The Board must therefore consider the proposal before it on its merits. I consider that the EIS adequately examines the alternatives in respect of the requirements of the Directive.

12.3. Human Beings

12.3.1. Planning Context – in respect of the original EIS it was noted that while there were extracts from the Cork County Development Plan 2014 and the Skibbereen Electoral Area Plan 2015 included there is an absence of any consideration of the Baltimore Local Area Plan included in the Skibbereen Electoral Area Plan 2015 which contains specific policies related to marine leisure amongst others. This matter was addressed in the Addendum to the EIS at Section 4.6, in response to the Further Information request. As outlined above, the relevant policy document is now the West Cork

Municipal District Local Area Plan 2017. This matter is considered in detail at Section 12 above.

- 12.3.2. The potential impacts identified in respect of human beings include construction stage employment, tourism impacts, impacts on aquaculture and shellfish waters, creation of a new navigation channel, removal of swing moorings and impact on health and safety which I will address in turn. While I consider the impacts associated with the construction phase of the proposal in the following sections, I would agree that the creation of construction employment is a positive impact of the proposal on local economic activity. In terms of tourism, while construction activity has the potential to impact negatively on the activity in terms of the creation of a construction site in the harbour, this is a temporary impact and I note the proposal to suspend construction during the 12 weeks of summer. In terms of the operational phase of the proposal, the EIS argues that the tourism sector will be positively impacted by the proposal given that the proposal will help preserve existing jobs in the marine tourism sector with more convenient berthing facilities for vessels involved in marine tourism, ferries etc. The same positive impacts are set out in respect of the fishing industry.
- 12.3.3. Notwithstanding, my opinion set out in Section 12 above regarding need and justification, I would agree, in principle, that making it safer for vessels whether those included in tourism or fishing, to berth is a positive impact, however, I would also note that the tourism sector also relies on the visual amenity of the area as part of the tourism product. I will therefore address tourism and impacts on same in section 13.8 below as it relates to visual and landscape issues. In terms of moorings, there is considerable concern expressed at the loss of moorings within the harbour. The EIS states that private swing moorings will be removed to accommodate construction works. In terms of mitigation, it is stated that owners of swing mooring will be consulted about the removal of same and that they will be repositioned to the preferred location of the owner subject to a nominal fee and the appropriate consent of the Department. It would appear from the response to the further information, that it is proposed to locate these moorings within the breakwater. With any reorganisation of a harbour such as is proposed, changes will be required and subject to the swing mooring owners being accommodated, I do not consider that the proposal to change the location in principle creates an adverse impact on same.

12.4. Traffic

12.4.1. Onshore Traffic

The EIS states that the breakwater will generate 'zero' traffic once constructed with the main traffic element during construction. It is estimated that the main impact will be from the 6,370 trucks required to transport materials to the site for the proposed breakwater. This is expressed in Table 5.5 as 18 vehicles per day arriving and departing. There is concern expressed in a number of submissions that the existing road network within Baltimore and between Skibbereen and Baltimore is inadequate to cater for the truck movements proposed. The haulage route within the village is outlined in Figure 5.9. I would suggest that the haul route is proposed in a one-way loop through the village which I consider is a suitable mitigating measure. In addition, the construction period is of a temporary duration and avoids the villages busiest summer period.

It is stated that parking spaces within the village will be reduced by 11% during the construction period given the location of the site compound within the car park. I would note that it is intended to close the site and reinstate the car parking spaces within the compound for the summer months, which I would note is a suitable mitigation measure.

12.4.2. Marine Traffic

Marine traffic is set out in a separate report included as Appendix 4 of the EIS. I note that a number of observers have raised concerns related to marine traffic. These include the potential for collisions at the head of the breakwater and particularly the potential impact on dinghy's and smaller craft who may not be visible because of the breakwater. There is also concern expressed at the need for a sharp turn by larger vehicles due to the new channel and the breakwater. A number of observations also consider that there is a need to separate commercial and pleasure crafts with a number of concerns expressed about the impact on sailing activities and the loss of visibility of the outer harbour. The EIS contends that the most significant negative impact is the creation of a more restricted navigation channel around the head of the breakwater leading to congestion in peak periods as all of the vessels accessing the harbour will be required to travel around the head of the breakwater. A reduced line

of sight as vessels approach the head of the breakwater is also considered a potential impact. It is stated that adherence with navigation rules and harbour restriction will result in a negligible impact with new navigation lighting proposed to negate the risk of collision. Updating navigation charts and publishing of notices is outlined as mitigation. I would suggest that the mitigation proposed relies heavily on the navigation charts which it is intended to update. However, it is likely that such charts would not be relevant to many of the smaller craft especially dinghies and the potential for collision with larger vehicles is a significant concern. I consider that this matter requires some additional consideration.

The Board requested by way for further information that the applicant provide clarification as to how such potential collisions would be avoided. In response the applicant amended Section 5.9 of the EIS to include the provision of new navigation lighting to be sanctioned by the Commissioner of Lights which they suggest will negate the risk of collision with the new breakwater or other obstacles. Temporary lighting during construction is also proposed as well as the appropriate updating of navigation charts and the publishing of marine notices to create mariner awareness of the new development. Reference is also made to a suite of mitigation measures which are currently in place in Baltimore Harbour which it is stated will reduce risk of collision including the 6 knot vessel speed limit between Connor Point and Bull Point and the rules set out in the International Regulations for Preventing Collisions at Sea, 1972. While many of the mitigation measures proposed would be expected given the nature of the proposal, I would share the concerns expressed by a number of observers regarding the reliance on the rules set out in the International Regulations for Preventing Collisions at Sea, 1972 for younger and inexperienced persons using craft within the vicinity of the breakwater. I do not consider that the potential impacts likely to arise, particularly given the variety of crafts and users, have been adequately mitigated with significant residual impacts remaining, in my opinion, in respect of collision of marine vessels and craft.

12.5. Flora, Fauna and Marine Ecology

- 12.5.1. The EIS addresses the marine and terrestrial environment in the vicinity of the site, marine mammals and birds. The potential impacts are outlined with the loss of habitat under the footprint of the breakwater outlined and noted that this will not

result in any effect on the structure and function of the remaining habitat with the breakwater providing an artificial reef habitat partially compensating for such a loss. I would suggest to the Board that this matter is specifically addressed in the appropriate assessment in the next section as is the potential impact on reefs which are also a qualifying interest. Equally the impact on Peregrine Falcon & Chough is considered in the Stage 1 screening contained in the NIS. The potential impact on marine mammals such as the Harbour Porpoise, Otter and Grey Seal are included and I note that the mitigation measure proposed is the provision of a marine mammal observer.

12.5.2. The impact on Fisheries and Aquaculture relates principally to the protection of the aquatic habitat of bivalve and gastropod molluscs including oysters and mussels. The relevant designated shellfish water areas within the vicinity are north of the proposed site with the proposal not considered to negatively impact with the hydrological model in Section 6.6.3 indicating sediments will not enter the production areas during the construction phase of the proposal. While no evidence has been provided to the contrary I note that the dispersion model referred to in Section 6.3.3 (Figure 6.3) relates to the dispersion modelling of the dredged spoil at the dumping at sea location. I would suggest that there is no evidence that the impact on these designated shellfish water areas during the dredging of the footprint of the breakwater or the new navigation channel has been satisfactorily investigated.

12.5.3. Amendments were made to the Chapter, in response to the further information request, particularly in respect of the consideration of impacts on the Roaringwater Bay and Island SAC and Lough Hyne Nature Reserve and Environs which was requested in respect of the NIS which is addressed below in Section 14. Amendments are also made to Section 6.8 which addresses Fisheries and Aquaculture.

12.6. **Soils, Geology and Hydrogeology**

12.6.1. Chapter 7 addresses Soils, Geology and Hydrogeology. The existing environment is outlined with the site investigations undertaken in 2007 at the West Pier, 2010 at the North Pier and the trial holes undertaken in September 2012 outlined. The potential impacts are considered to occur at construction stage with the operational stage not anticipated to have a negative impact. The anticipated impacts to soil and geology

including the dredging of the material from the sea bed. The removal of the overburden increases vulnerability of the underlying aquifer. Appendix 8 includes a seabed sediments analytical report and Appendix 9 includes the Trial Hole Site Investigation Report. An Observer submission on the original documentation from Mr. Brian Marten included a number of concerns regarding the consideration of soils and geology. One of the concerns raised related to the location of the trial holes with only one located within the site of the breakwater (TH02). The remainder are in the vicinity of the proposed breakwater. I note from the report that it is not anticipated that bedrock would be excavated as the trial holes investigated indicated overburden material to a depth of at least 4m below the sea bed. What I note in particular from this Chapter is the absence of consideration of the potential impacts associated with the dredging of the new navigational channel. I note one trial hole (TH05) is located within the site of the proposed new navigational channel however, the report does not address the potential impact of the proposed dredging of the channel.

12.6.2. In response to the Request for Further Information a number of amendments were made to Chapter 7 of the EIS to address the matters outlined in the Further Information request outlined above. A number of additional matters are included such as in respect of methodology (Section 7.2) additional sources are included such as NRA Guidelines and Guidelines from the Institute of Geologists of Ireland. In relation to existing environment (Section 7.3) reference is made to the existing sea bed level in the proposed channel which varies from -4.0mOD and -5.0mOD and at the proposed breakwater location which varies from -2.0mOD and -5.0mOD. in relation to geology (Section 7.4) includes additional sections 7.4.5, 7.4.6 and 7.4.7 which states that the GSI identifies Baltimore Harbour as a geological heritage site with critical features of gravel beaches, mudflats, a peninsula of Old Red Sandstone and cliffs. It is stated that there are no known geohazards at the site of the proposal. In terms of geological importance, the soil and geology are stated to be of high importance due to the presence of the geological heritage site. In relation to hydrogeology (Section 7.5) includes additional sections 7.5.2, 7.5.3 and 7.5.4 which state that there is no known evidence of karstification at the site or surrounding area according to the GSI, Groundwater does not support the ecosystem of the SAC. The importance of hydrogeology attributes is medium importance due to the presence of a locally important aquifer.

- 12.6.3. It is stated in the EIS that the dredged channel will include side slopes thus minimising risk of collapsing of the adjacent sea bed. This matter was specifically addressed in the request for further information whereby it was stated that the stability of the new navigational channel had not be adequately addressed and cross sections of the proposed channel were requested. Section 7.7 of the Addendum includes reference to the location of the proposed navigation channel and states that the proposed channel will be dredged to -7.2m OD Malin, will be approx. 50m wide (excluding side slopes and have a length of approx. 443m along its centre line. In response at Section 7.8 of the Addendum to the EIS in respect of construction stage impacts (no operational impacts envisaged) reference was made to the stability of the new navigational channel. Proposed cross sections were referenced and included at Appendix 15 of the Addendum. Reference was also made to trial hole site investigations in Appendix 9 of the EIS. It is stated that the proposed dredge side slopes at approximately 20° (1 in 2.75) which is flatter than the typical angles of repose of the sea bed material and therefore considered stable.
- 12.6.4. I would note that in terms of operational stage impacts there is no reference to the potential requirement for dredging of the navigational channel. In the original EIS at Section 7.7.1.3 it states that maintenance dredging is not currently envisaged but may occur in the future. I would suggest to the Board that this reference is insufficient in the context of the proposed development particularly given its location. While periodic dredging between the West Pier and the breakwater is anticipated in Section 8 of the EIS in respect of coastal processes, the statement that 'maintenance dredging is not currently envisaged but may occur in the future' is not considered sufficient to facilitate a satisfactory assessment by the Board.
- 12.6.5. A number of observations have noted that the sections submitted do not include the breakwater which is located in close proximity to the navigation channel particularly at the location of sections D-D, E-E and F-F (see drawing No. CM541/P/11/A where the cross sections are shown on the Harbour Plan with breakwater location shown adjacent). I would note that it is proposed to dredge the navigational channel prior to the works to facilitate the breakwater. In this regard, it is not clear whether the stability of the navigational channel addresses the load of the proposed breakwater located in close proximity to the channel. I consider that there is a lacuna in the information presented in this regard. Section 7.7.1 outlines the Construction Stage

Activities which notes that the maximum dredging depth will be approx. 3.2m from the existing bed level (varies between -4.0 and -5.0m OD) to -7.2m OD Malin. It also refers to the disposal of dredge material at sea outside Baltimore Harbour – which is to be confirmed following dumping at sea licence application, importation of rock material and reuse of dredge material. Section 7.7.2 refers to operational impacts with the activities compared to those existing in the Baltimore. It is stated at section 7.8.1.2 that the dredging works will require the permanent removal of sea bed which it is stated will be restricted to the navigational channel and breakwater location. It is stated that the works will not negatively impact upon soils, subsoils, geology, landuses or geohazards and the works will not have a negative impact on gravel beaches, mudflats, a peninsula of old red sandstone and cliffs so will not have any impact on geological heritage. The potential impacts of this dredging on the Natura 2000 sites is addressed separately in Section 14 below.

12.6.6. I would note that the concerns raised in respect of both the locations of the trial holes, the depth from which the material was taken, the consideration of particle size and the testing phase has not been addressed in the Addendum presented and while not specifically addressed in the further information request the concerns expressed in terms of impacts on soils, geology and hydrogeology addressed in the original EIS were outlined. I would suggest to the Board that given the significant amount of area proposed for dredging and the location of the dredging within a longstanding harbour with historical activities associated with same that the testing of soils to be dredged is a fundamental consideration in respect of the potential impacts. I will address this matter further in respect of the Appropriate Assessment below but in terms of EIA, I believe that sufficient evidence has not been provided in respect of soils that the potential for significant environmental impacts would not arise. The information provided is therefore not considered to be satisfactory.

12.7. Coastal Processes

12.7.1. Chapter 8 deals with coastal processes. It is stated that while the Harbour mouth provides some element of protection from wave energy to the inner harbour that substantial waves still propagate through the inner harbour area. It is stated that while the wave parameters may not be excessive in terms of structural design, they pose health and safety issues and create difficulty for berthing. However, I would

note that there is no indication of how many days annually that issues related to health and safety and difficulty berthing occur. As I have outlined in Section 12 above, the response to the further information request in this regard was that no data was available. I would also note as outlined by some observers that there is no indication of how ferries operating between Baltimore and the islands would be able to dock safely on the islands during incidents such as those predicted to currently cause health and safety issues and create difficulty for berthing in Baltimore. This was not addressed in the response to further information but as I note above, during events where the Harbour is inaccessible the development of a breakwater at Baltimore would not facilitate travel to the islands if the islands themselves cannot be safely accessed.

12.7.2. Wave heights are outlined as are the design simulations undertaken. The two options modelled to determine the most appropriate are outlined with the option as proposed in the current proposal considered to provide greater wave protection. Table 8.3 provides an analysis of wave attenuation at 8 areas of interest in the inner harbour pre and post development under the 6 test conditions. I would note that Test condition 1 would increase waves at the RoRo slipway by over 50% but other areas within the Harbour are either neutral or reduced. It is stated that the model simulation found that currents in the harbour would not generally be affected. In terms of siltation it is noted that some siltation is likely between the proposed breakwater and the West Pier which may require periodic dredging. I note that in the response to further information that it is anticipated that such dredging would be required every 34 years. Maintenance dredging of the navigational channel is addressed in Section 12.6 above.

12.7.3. The applicant was requested at further information to address the impact of the proposed development in detail on the Cove in respect of marine hydrodynamics including wave conditions, tidal currents, erosion and sediment transport. The response incorporates a report prepared by LiR National Ocean Test Facility entitled Review of Coastal Processes in 'The Cove' area and is attached as Appendix 16 of the EIS Addendum. The EIS addendum summarises the report at Section 8 and the following is noted. Table 8 of Chapter 8 and Sections 8.7.2 – 8.7.4 are amended. In relation to tidal currents it states that 'The Cove' is located away from the main flow channel and is an area of very low current magnitudes with mid flood and ebb values

less than 0.05m/s. It is stated that the effect of the breakwater is to extend the area of low flow speeds as it moves the flow path away from the coastline with the resulting flow speeds stated to be marginally higher. It is concluded that the presence of the breakwater increases the area of very low current speeds in the vicinity of 'The Cove' but does not impact on the overall flow regime.

12.7.4. In terms of siltation and sediment transport it is stated that mud transport simulations were undertaken during the modelling process and it is likely that some siltation will take place between the breakwater and the West Pier which will require periodical maintenance dredging. The extra siltation is due to the reduction in the estimated current velocities. The sediment transport model indicated the 'The Cove' is in an area subject to deposition given that low flow velocities allow suspended solids to settle out. The Cove area shows a minor decrease in the amount of deposition which is most likely to relate to less sediment being available given the increased deposition in the harbour area (breakwater traps passing sediment). It is stated that the model shows very little change in terms of the sediment transport regime. In relation to erosion, it is stated that the coastline will evolve in the same manner as previously dictated by the environmental conditions and not the new harbour layout and coastal erosion at 'The Cove' will not be influenced by the proposal.

12.7.5. I note the comments in the observations particularly from Mr. Brian Marten which states that local experience provides that large waves sweep into the Cove during winter storms causing significant damage casting doubt on the modelling submitted. It is also stated that the wave model does not include the effect of low atmospheric pressure storm surges with mean high water springs used for all simulations. Concerns are also expressed regarding the accuracy of the wave modelling and the sediment modelling given particle size used. It is also stated that there is no reference to till and soil at the Cove protected by the wall with potential for erosion on the Cove from waves refracting off the breakwater. I would suggest that some doubt remains as to the impact of the proposal on the Cove.

12.8. **Landscape and Visual**

12.8.1. It is stated that Baltimore is situated within a Landscape Type 4 'Rugged Ridge Peninsulas' bordering on Type a 'Indented Estuarine Coast'. Type 4 landscapes are stated to have a very high landscape value, a very high landscape sensitivity and are

of national importance as determined by the Cork County Draft Landscape Strategy. This landscape character area is also noted to have a very high sensitivity to change. Section 4.3.25 of the LAP notes that Baltimore is located in an area designated as a High Value Landscape (HVL) in the Cork County Development Plan 2014. There are 4 designated scenic routes S85, S86 & S87 & S88 which traverse the vicinity of the village. Within the village there are three buildings or other structures on the Record of Protected Structures as follows: Ruins of Dunashed Castle – (RPS No. 00809), Baltimore Church of Ireland (RPS No. 01250) and the Former Baltimore Fishery School (RPS No. 01468). Furthermore, Development Boundary Objective No. 2 as included in the Local Area Plan seeks to protect and enhance the attractive coastal setting and landscape character of the village (DB-02).

12.8.2. The zone of theoretical visibility incorporates 24 separate receptor groups each of which is named and assessed with a significance of impact, from profound to imperceptible given to each group and which I will address in turn under significance of impact starting with the receptor area where it is considered there will be a profound impact. 13 photomontages are also included which are from within a number of these receptor groups. A number of additional photomontages were submitted in response to the further information request.

Profound

12.8.3. A profoundly negative impact is predicted for Receptor Group 9 which is described as Baltimore Harbour Cottages/Baltimore House which is directly south of the proposed development. I would note that while there is an existing view from the receptor that no photomontage is provided. The magnitude of visual effect on this view is high adverse and the significance of the effect on the visual receptor is profound adverse. While I would agree that this is most likely the case, I would suggest that a photomontage would have been useful from this viewpoint. In response to the further information request a photomontage from the same viewpoint as included in RG9 was submitted. Photomontage No. 15 is included showing the existing and proposed views from Baltimore Harbour Cottages/Baltimore House (Receptor Group 9). A number of observers point out that the view and photomontage rather than taking the view in from of the cottages and house shows the view from the road behind same. While I agree with this, the applicant has

acknowledged that the significance of the visual effect is profoundly negative which is the most significant negative impact on the scale. While it is clear that a photomontage taken in front of the cottages would illustrate the impact more accurately, I consider that the acknowledgement of the profound negative impact is sufficient to facilitate an appropriate consideration of same.

Significant Negative

- 12.8.4. Receptor Group 2 comprises the island of Ringaroige located to the northeast of Baltimore Harbour on the other side of Church Strand Bay. This island is accessed via a bridge from the mainland and the southern area of the island is approximately 1.5km from the proposed development. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. It is considered that due to the distance of the proposal and the low level of the development that the view will not be significantly altered. Photomontage No. 3 is taken from a viewpoint to the south of the island with the proposal visible but not I would suggest adverse reading as a horseshoe shaped low lying structure adjacent to the harbour.
- 12.8.5. Receptor Group 4 is an area located at Fishery Point adjacent to the Cove west of the proposal. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. While no photomontage has been provided from this location it is clear from the location of this viewpoint and Photomontage No. 6 in particular that there will be a significant negative impact on views from this location. At further information the applicant was requested to submit a photomontage from the same viewpoint as included in RG4. In response photomontage No. 14 is included showing the existing and proposed views from Fishery Point/The Cove (Receptor Group 4). The proposal will be a very visible feature within the view significantly altering same.
- 12.8.6. Receptor Group 5 comprises the Beacon Road and part of the Cove which is part of a Scenic Route. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. Photomontages 5 is taken from an elevated point on the Beacon Road whilst No. 6 is closer to the Cove. I would agree

that the impact of the proposal lessens somewhat the more elevated you go as the new development becomes part of the harbour infrastructure with some relief provided by the view of water beyond. However, there is a significant impact on the Cove with the proposal effectively enclosing the view and the perception of a Cove.

12.8.7. Receptor Group 11 comprises an area in the vicinity of St Matthews Church of Ireland with the existing viewpoint shown from the public road uphill to the south of the Church which is a protected structure. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. It is stated that the proposal is unlikely to have a significant impact as it will integrate with the harbour infrastructure. Photomontage No. 7 is taken from a viewpoint on the public road above the Church and the proximity of the breakwater to the development provides that the view of the sea beyond provides some limited relief. However, the view from the Church is significantly altered I would suggest from the presence of the proposed structure.

12.8.8. Receptor Group 14 comprises the view from the Square overlooking the harbour which is occupied by pubs, restaurants, tourist accommodation and private dwellings. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. Views from the Square will be significantly impacted upon. Photomontage No. 9 is taken from this area and the majority of the proposal can be seen. While it could be argued that it reads as part of the harbour infrastructure, the view of the sea is significantly interrupted by the proposal. Therefore, I would suggest that the impact is significant.

12.8.9. Receptor Group 18 comprises the area in the vicinity of Dun na Sead Castle which is a protected Structure and comprises the highest building in Baltimore with views of The Cove, Fishery Point and Sherkin. It is stated that the receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. It is considered that the proposal will integrate into the existing infrastructure and that the impact on the visual receptor will be low. An existing view is provided however there is no photomontage provided from this location which I consider is merited given the elevation of protection of this structure. The request for further information

requested that a photomontage be submitted of this view. Photomontage No. 16 was submitted and shows the potential impact of the proposal on the view of the Harbour from Dun na Sead Castle. As acknowledged above, the original visual assessment presented in the EIS, states that the magnitude of visual effects is considered to be medium adverse and the significance of the effect on the visual receptor is significant adverse.

12.8.10. Receptor Group 19 refers to a group of terraced houses known as Castle End estate located close to the North Pier. It is stated that the receptor sensitivity is determined to be high with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor significant adverse. Obstructed views are noted to be available with the proposal reading as part of the Harbour Infrastructure. Notwithstanding the obstruction of some views, the proposal will be a very visible feature within the view significantly altering same.

12.8.11. Receptor Group 21 comprises the car park adjacent to the west pier. The proposal is located immediately adjacent to this car park which has wide ranging views around the Harbour and Bay. It is stated that the receptor sensitivity is determined to be medium with the magnitude of visual effects considered to be high adverse and the significance of the effect on the visual receptor significant adverse. Photomontage 11 illustrates the proposed impact which significantly changes the view particularly towards the Cove and Fisheries Point. The proposal visually separates the Pier and Harbour from the Cove. The impact is significantly negative.

12.8.12. Receptor Group 22 is the West Pier. The West Pier is used by ferries to the islands and marine tourism activities amongst others and therefore is used by a significant number of locals and tourists. It is stated that the receptor sensitivity is determined to be medium with the magnitude of visual effects considered to be high adverse and the significance of the effect on the visual receptor significant adverse. Photomontage 10 illustrates the proposed impact which significantly changes the view particularly towards Ringaroe and Sherkin. The proposal will be a very visible feature within the view significantly altering same.

12.8.13. Receptor Group 23 is the North Pier. While annotated as RG21 on Figure 9.4, RG23 comprises the North Pier. This has been corrected in the amended Figure 9.4 in the EIS Addendum. It is stated that the receptor sensitivity is determined to be

medium with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor moderate adverse.

Photomontages 8 and 13 illustrate the proposed impact which significantly changes the view particularly towards The Cove and Sherkin. The proposal will be a very visible feature within the view and I would suggest that rather than medium adverse that the magnitude of the visual effect would be significant.

12.8.14. Receptor Group 6 comprises part of the Cove with properties located in vicinity of same. In the original EIS the receptor sensitivity is determined to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. However, it was considered that Photomontage No. 6 is taken from the same point which is provided as the viewpoint for this receptor group. However, both the magnitude and significance of the effect attributed to the view in Receptor Group 5 is medium and significant respectively. I would therefore disagree with the predicted impacts on Receptor Group 6 particularly as Photomontage No. 6 clearly shows a significant impact on the Cove with the proposal effectively enclosing the view and the perception of a Cove notwithstanding that as you move further east in this area the view will lessen. Therefore, I would suggest that RG6 should be defined as an area where there will be a significant negative impact as per Figure 9.4 in the EIS. In response to the further information request, Figure 9.4 has been amended to show the significance of impact on receptor RG6 (The Cove) as significant negative rather than moderate negative as originally included. Section 9.8.2 relating to RG6 is also amended to reflect the significance of effect on the visual receptor as significant adverse. The statement in the original EIS that 'it is anticipated that the impact on the visual resources will be low has been omitted. I would contend that the significance of the visual effect is quite rightly now considered significant.

Moderate Negative

12.8.15. Receptor Group 1 comprises east coast of Sherkin Island which is approximately 1.7km to 2km from the proposed development. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. The distance from the receptor to the proposal provides that the view will not be prominent. Photomontages 1 & 2 are both from Sherkin. No. 1 from the hill

leading up from the Pier looking over towards Baltimore with the breakwater reading as a continuous dark line in the water but I would agree with the magnitude and significance of visual effects. Photomontage No. 2 is taken from the Islanders Rest at night with the proposal again reading as a dark line in the water below the village.

- 12.8.16. Receptor Group 3 focuses on views across Church Strand Bay from an area north east of Baltimore called Rathmore. The receptor sensitivity is noted as high with the magnitude considered low adverse and significance of effect moderate adverse. Photomontage No. 4 is taken from a viewpoint in this area. I would agree that given the distance this view will not be adversely impacted by the proposal and that the predicted visual effects are reasonable.
- 12.8.17. Receptor Group 7 comprises an area further south and more elevated above the Cove. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. Given the elevation the proposal will be part of the view rather than comprising a significant element of same as is considered to be the case closer to the Cove itself.
- 12.8.18. Receptor Group 10 is described as comprises a number of properties at Salisbury Terrace where views are partially obstructed. The receptor sensitivity is considered to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. I would note that no existing view is provided from the receptor with a note that there is no view from the public road.
- 12.8.19. Receptor Group 15 is located in an area known as Cliff Estate with views ranging from limited to unlimited across the receptor with the elevation of the area providing that the proposal will form part of the infrastructure. The receptor sensitivity is considered to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. I would note that no existing view is provided from the receptor with a note that there is no view from the public road.
- 12.8.20. Receptor Group 16 is an area known as New Road with view of the proposal considered to be obstructed due to dwellings to the north with glimpses available in places. The receptor sensitivity is considered to be high with the magnitude of visual

effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. I would note that no existing view is provided from the receptor with a note that there is no view from the public road.

12.8.21. Receptor Group 17 comprises an area of Baltimore located along the R595 as you enter the village with views limited due to the narrow views along the street. The receptor sensitivity is considered to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor moderate adverse. I would note that the existing view provided from the receptor would corroborate the assertions made in respect of the likely views and impacts, however this is a scenic view as designated in the Cork County Development Plan 2014 and therefore while only glimpses are achievable those glimpses will be negatively impacted.

12.8.22. Receptor Group 24 is from the area in the vicinity of the Sailing Club. I note that it is not included in the list in Figure 9.4 and is noted as RG22 on the map. I would note that this has been rectified in the amended Figure 9.4 submitted in response to the further information. Notwithstanding, the receptor sensitivity is considered to be medium with the magnitude of visual effects considered to be medium adverse and the significance of the effect on the visual receptor moderate adverse. It is stated that a portion of the centre of the breakwater will be visible and that the breakwater will integrate with the existing harbour infrastructure. However, from photomontage No. 12 it is clear that the proposal significantly changes the view with the existing view of the sea between the Pier walls obstructed by the proposal. Having considered the matter further, I would suggest that the significance of the effect rather than moderate adverse is significant adverse.

Slight Negative

12.8.23. Receptor Group 8 comprises an area south of and elevated above Pier Road. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be negligible adverse and the significance of the effect on the visual receptor slight adverse. The impacts likely are similar I would suggest to those predicted given the vegetation in the area and the obstructions which make views limited to glimpses.

12.8.24. Receptor Group 12 is the most southerly of the receptor areas located to the south east of the site and comprises more elevated areas overlooking the village and Harbour. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be negligible adverse and the significance of the effect on the visual receptor slight adverse. It is considered that views would be limited to glimpses with no existing view given from the receptor area as it is stated there is no view from the public road.

12.8.25. Receptor Group 13, similar to 12 above, this is an area leading up to the Hill addressed in RG12. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be negligible adverse and the significance of the effect on the visual receptor slight adverse. It is considered that views would be limited to glimpses with no clear views. There is existing view given from the receptor area as it is stated there is now view from the public road.

12.8.26. Receptor Group 20 is stated to comprise the Station House north east of the North Pier. The receptor sensitivity is determined to be high with the magnitude of visual effects considered to be low adverse and the significance of the effect on the visual receptor slight adverse. It is considered that as the buildings in the area are generally orientated away from the proposals that no clear views are available with a low impact arising.

Conclusion

12.8.27. The EIS submitted states, in relation to mitigation that that proposal will have a landscape and visual effect on the existing coastal landscape but notes that the length of the breakwater is of such a scale that screening of the proposal would not be possible. Localised screening of residential properties would reduce the adverse impacts, it is suggested. The use of locally sourced rock is suggested as a mitigating factor in terms of blending into the existing environment and appearing like a natural headland. It is stated that the crest level of the breakwater will be of a similar level to the existing pier infrastructure. It is noted that over time seaweed will naturally grow on the intertidal areas blending the structure in. It is stated at section 9.10 that some residual effects will remain but that it will become accepted into the surroundings. I would disagree, of the 24 receptor groups around the village and its surroundings, profound negative visual effects are predicted for one receptor and significant

adverse effects for 11. This comprises half of the receptor groups assessed. Furthermore, I consider that receptor group 24 could be considered significant rather than moderate in terms of its significance of effect.

12.8.28. It is clear from the drawings, sections and photomontages submitted with the application for approval that the proposed development would create a prominent structure of significant scale, mass and bulk within the Harbour area. It would become a highly prominent feature within the setting of the Harbour both from and of the village of Baltimore. It would significantly and detrimentally alter views of the sea from the village centre, the Cove, Fishery Point, the three protected structures and the Scenic Routes designated in the Cork County Development Plan 2014 all of which include views from vantage points above the village out over the Harbour. It would also in my opinion, significantly alter the views of the village approaching on the water from Sherkin Island and Cape Clear. I consider that the proposed development would conflict with development objective No. 2 in that having regard to its prominence and height within the Harbour and location between the village centre and outer Harbour that it would fail to protect and enhance the attractive coastal setting and landscape character of the village. I would therefore conclude that the structure would, in my opinion, give rise to detrimental visual and landscape impacts from the village and of the village and its environs approaching from the islands. I do not consider that the proposal has been adequately justified such that the benefits of the proposal would outweigh the significant adverse residual visual effects.

12.9. Archaeological and Cultural Heritage

12.9.1. Chapter 10 deals with matters related to Archaeological and Cultural Heritage. It is noted that the geophysical survey indicated 9 potential archaeological artefacts. The dive survey recorded 1 of the 9 and 'targets' which is described as a boat or a ship's timber. It is stated that the construction phase will cause a profound, permanent and irreversible impact. This is considered to be a reasonable classification given the proposed development. The mitigation proposed provides for further investigation of the timber identified and if the timber is found to be an isolated object that it should be retrieved. However, if further investigation indicates a coherent archaeological remains then further investigation and possibly excavation or avoidance may be required. In this regard the comments of the Development Application Units are

noted which require further investigation given the possible significance of the artefact. Therefore, there is a requirement for further investigation and further information is recommended as per the Departments requirements.

In response to the request for further information, Chapter 10 of the EIS was revised and provides for details in respect of the Diver Survey undertaken in May 2017 of the possible timber wreck. The dive team noted that the timber previously recorded was no longer visible and was considered to comprise an isolated item rather than part of a shipwreck. The Chapter also amended the sections regarding potential impacts referring to the potential archaeological remains from shipwrecks within the area of the proposed development and the mitigation proposed for same is outlined in Section 10.12 which incorporates archaeological monitoring of all underwater dredging works. I note the response from the Department to the response and the proposed conditions outlined (see section 11.1.1 above) which they consider should be included in any approval. I note the concerns raised by observers regarding the discrepancy in the mapping of the navigational channel in a number of drawings. However, I would note that in terms of the potential for archaeological impacts that the archaeological monitoring of all dredging works proposed would address the concerns, should they Board grant approval.

12.10. Air Quality

- 12.10.1. The principle impacts envisaged relate to construction phase dust and particulate matter emissions principally from the delivery and storage of material required for the proposal. Mitigation by way of construction management and traffic management plans. Odours arising from dredging and disposal of dredge material is also outlined as a potential impact. It is states that the prevailing wind is not likely to transport the odours to sensitive receptors such as the village with no mitigation considered necessary. No mitigation is considered necessary for the operational stage. In respect of the construction phase I consider that the impacts outlined are reasonable and the mitigation proposed satisfactory. A detailed construction management plan would be required and a specific condition should be attached requiring same if the Board are minded to grant permission. Given the nature of the proposal I consider that the operational phase of the proposal would not impact on air quality on its own accord.

12.11. Noise and Vibration

12.11.1. It is noted that while the majority of works are expected to occur during normal working hours that the reliance of marine construction works on total conditions may require works being undertaken outside normal working hours. I would suggest to the Board that if they are minded to permit the proposal that a condition is attached which defines the requirements for works outside of normal works hours. The principle impacts are predicted to be noise and vibration from the construction phase from moving and unloading rock with various machines. Mitigation is proposed by way of noise control measures. It is appropriate that the provision of such measures should be included in any construction management plan. Noise and Vibration from the operational phase is not addressed in any detail, however, I would suggest that the breakwater as a development in its own right would not give rise to any noise or vibration.

12.12. Material Assets

The first material asset with the potential to be impacted is the sea bed from the proposed excavation within the dredge channel. It is stated in the EIS that the dredged channel will include side slopes thus minimising risk of collapsing of the adjacent sea bed. This matter was specifically addressed in the request for further information whereby it was stated that the stability of the new navigational channel had not be adequately addressed and cross sections of the proposed channel were requested. This matter is specifically addressed under soils and geology at section 13.7 above. The potential of the site to harness wind energy is addressed however it is not envisaged that location of the proposed breakwater would be considered suitable as a site for wind energy given proximity to the village and availability of resources elsewhere in the area. I consider that this is reasonable and that the proposal would not adversely impact on renewable resources. Deep water berthage is included in the EIS however the harbour is not suitable for same so the proposal would not impact on this. I am not clear as to why this was included. Equally the inclusion of the potential impact on undeveloped land resources is not directly apparent given the location of the site adjacent to a village.

12.12.1. The future development of the harbour is also noted as a material asset which it is considered will be protected by the proposal. I would concur with this as the justification for the project relates to the protection of the existing harbour and its users and therefore future uses and users would be equally protected. Impact on utilities are outlined in the EIS with no impact anticipated. I would note that the proposal would not impact on water supply, the wastewater network or other services. In terms of navigation, it is stated in the EIS that navigation will be impacted upon with a new navigational channel. Marine Traffic is specifically addressed in Section 13.5.2 above. Notwithstanding, the concerns outlined in that regard, I would note that the mitigation proposed in terms of meeting the requirements of the relevant authorities and amending admiralty charts appears satisfactory.

12.13. Interaction of the Foregoing

12.13.1. Chapter 14 considers the interaction of the foregoing. Approximately 45 interactions are identified which are presented in tabular format at Table 14.1. I consider that the interactions identified are reasonable and explained appropriately.

12.14. Conclusion

As outlined within the previous sections there are a number of significant concerns arising in respect of environmental impacts where there has been an inability to mitigate impacts relating to landscape and marine traffic. Furthermore, concerns remain regarding the extent of testing undertaken in order to outline the potential impacts from the dredging of soils within the site of the proposed breakwater and navigational channel likely to arise and the potential impact on the Cove. Therefore, the question arises as to whether the significant environmental impacts identified are justified on the basis of the need for and benefits arising from the proposed development. Having regard, to my assessment of the project in section 12 above, it is my opinion that the need outlined for the proposed development would not justify the significant residual adverse environmental impacts.

13.0 Appropriate Assessment

13.1. Introduction

- 13.1.1. This section of the report considered the likely significant effects of the proposal on the relevant European sites in view of the conservation objectives.
- 13.1.2. A Natura Impact Statement accompanied the application. The NPWS responded on 30 November 2016 to the proposed development. Their comments are outlined at Section 8.1 above. Further information was requested in relation to a number of matters including AA. In response to the request for further information, a revised Natura Impact Statement was submitted to the Board. The NPWS comments in respect of the revised Natura Impact Statement are outlined in Section 11.1.1 above.
- 13.1.3. The lands of the proposed development and the proposed project description are outlined in Sections 2 and 3 above.
- 13.1.4. For the purposes of this assessment where reference is made to the NIS submitted it is referring to the revised NIS, dated May 2017 and submitted to the Board on 14 July 2017, unless stated otherwise.

13.2. Stage 1 Screening

- 13.2.1. The following Natura 2000 sites are located within 15km of the proposed breakwater site.
- Roaringwater Bay and Islands SAC (site code 000101) – Distance – Within;
 - Sheep's Head to Toe Head SPA (site code 004156) – Distance – c.0.5km;
 - Lough Hyne Nature Reserve and SAC (site code 000097) – c. 9km east;
- 13.2.2. The location of the dumping at sea site is referenced at a number of locations in the documentation including s.5.3.1 of the NIS and Figure 6. The site is within Baltimore Bay, south of the mouth of Baltimore Harbour and east of Sherkin and Cape Clear Islands occupying a stated area of 23.8ha. It is stated in the NIS that the proposal to dump the dredged material at sea will be subject to approval of a licence from the EPA the process for which will be subject to its own AA. I would suggest to the Board that if they are minded to permit the proposal that the EPA comments on the

proposal should be requested. For the purposes of this AA, it is noted that the 3 sites above are also within 15km of the Dumping at sea location.

- Roaringwater Bay and Islands SAC (site code 000101) – Distance – c.4.4km;
- Sheep's Head to Toe Head SPA (site code 004156) – Distance – c.3.4km;
- Lough Hyne Nature Reserve and SAC (site code 000097) – c. 7.5km;

13.2.3. For the purposes of this assessment I am satisfied that the sites outlined above located within 15km of the site are relevant for the purposes of screening.

13.2.4. As I note in section 6 above, Lough Hyne Nature Reserve and SAC (site code 000097) was not included in the screening assessment undertaken in the original NIS. This I would note is particularly relevant given the inclusion in the NIS (Stage 2 assessment) of the potential impact from sediment from the dumping-at-sea site on the Roaringwater Bay and Islands SAC. I would note that following the request for further information that the Lough Hyne Nature Reserve and SAC (site code 000097) is now included within in the Stage One Screening Report.

13.2.5. I would also note that it would appear that the proposal seeks to facilitate safe berthage for existing marine traffic rather than facilitating significant additional marine traffic.

13.2.6. The following are the European sites identified which could potentially be affected by the proposal with the qualifying interests for the sites and conservation objectives summarised (see map in pouch):

Roaringwater Bay and Islands SAC

The site of the proposed Breakwater is located within the boundary of the Roaringwater Bay and Islands SAC (side code 000101). The dumping at sea site is located c.4.4km from the SAC. The conservation objectives for this site outline the qualifying interests for the SAC as large shallow inlets and bays, reefs, vegetated sea cliffs of the Atlantic and Baltic coasts, harbour porpoise, otter, grey seal, European dry heaths, submerged or partly submerged sea caves. The conservation objectives seek to maintain or restore the favourable conservation condition of these interests. The NIS calculates habitat loss on the basis of the area of the footprint of the proposed breakwater which is 1.57ha. In terms of the qualifying species, the Conservation Objectives supporting document – marine habitats (April 2011) notes

in relation to Grey Seal the known and suitable habitats none of which are located in the vicinity of Baltimore Harbour. I note the NIS screening comments in relation to the grey seal and to the human activity within the harbour not lending itself to grey seal activity and I consider this reasonable. In relation to Harbour Porpoise it is noted that all suitable aquatic habitat is considered relevant to the species range and ecological requirements at the site and is therefore of potential use by harbour porpoise. This site is considered an important site for this species. However as noted in the NIS screening, the high level of human activity would mean they would shun the area. I consider this is reasonable. The entire coastal fringe is identified as otter habitat with the potential for impacts on water quality indirectly affecting the otter. Therefore, significant direct and indirect effects arising from habitat loss, potential silt accumulation from dredging and dumping at sea of dredged spoil and indirect impacts on otter from impacts on water quality cannot be ruled out.

Sheep's Head to Toe Head SPA

The site is c. 0.5 km from the Sheep's Head to Toe Head SPA (side code 004156) with the dumping at sea site located c.3.4 km from the SPA. The site has generic conservation objectives to maintain or restore the favourable consideration condition of the bird species listed as Special Conservation interests for this site which are Chough and Peregrine Falcon. Given the distance of the proposed breakwater site to the SPA and the activity already associated with the Harbour, the proposal will not result in any significant effects on either of these species.

Lough Hyne Nature Reserve and SAC

The site of the proposed breakwater is c. 5 km west of the Lough Hyne Nature Reserve and SAC (side code 000097) and the dumping at sea site is located 7.5km from Lough Hyne Nature Reserve and SAC (side code 00097). The conservation objectives for the Lough Hyne SAC set out the qualifying interests for this SAC as large shallow inlets and bays, reefs and submerged or partly submerged sea caves. The conservation objectives seek to maintain the favourable conservation condition of these interests. Having regard to the location of the dumping of sea site identified for the purposes of this application, significant direct and indirect effects arising from potential silt accumulation from dredging and dumping at sea of dredged spoil cannot be ruled out.

In respect of the potential impacts which may affect the integrity of the Natura 2000 sites, I note that the NIS identifies the following: loss/reduction of habitat area; direct or indirect damage to the physical quality of the environment; causing serious or ongoing disturbance to species or habitat for which the site is selected; causing direct or indirect damage to the size, characteristic or reproductive ability of populations of the sites; and fragmentation of habitats or populations of species due to location of development. I would suggest to the Board that the following potential impacts may arise: potential silt accumulation from the dumping at sea of dredged spoil.

Stage 1 – Screening Conclusion

13.2.7. It is reasonable to conclude, on the basis of the information on the file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site Sheeps Head to Toe Head SPA (site code 004156). Potential for significant direct and indirect effects on the features of interest of the Roaringwater Bay and Islands SAC (site code 000101) and Lough Hyne Nature Reserve and Environs SAC (site code 000097) as detailed above cannot be screened out on the basis of objective scientific information. Accordingly, a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of the Roaringwater Bay and Islands SAC and Lough Hyne Nature Reserve and Environs SAC in view of their conservation objectives.

13.3. Stage 2 Appropriate Assessment

13.3.1. The Appropriate Assessment concerns both the Roaringwater Bay and Islands SAC (site code 000101) and the Lough Hyne Nature Reserve and Environs SAC (site code 000097). I will address each of the sites in turn.

Roaringwater Bay and Islands SAC (site code 000101)

13.3.2. The qualifying interests for this designated site are as follows:

- 1160 Large shallow inlets and bays

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

13.3.3. A copy of the detailed conservation objectives for the site is in the pouch. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

Potential Effects

13.3.4. As the proposed development site is located within the SAC there is the potential for both direct and indirect effects. The key elements are as detailed in the screening assessment above and are similar to those which have been identified in the NIS, namely:

- Habitat loss (calculated habitat loss on the basis of the area of the footprint of the proposed breakwater is 1.57ha);
- Water Quality - Potential silt accumulation from dredging and dumping at sea of dredged spoil on reefs and impact on qualifying species.

13.3.5. Based on this the key sensitive receptors are considered to be as follows:

- Large shallow inlets and bays
- Reefs
- Otter

Loss of Habitat – Impact on shallow inlets and bays

13.3.6. The construction of the proposed breakwater within the SAC boundary will result in the loss of 1.57 hectares (15,700 sq.m) of the large shallow inlet and bay habitat. The argument put forward by the applicant is that given that the area to be lost

comprises only 0.012% of the entire habitat (estimated at 12,809ha) that the loss of such a small fraction of the habitat will not interfere with the structure and functioning of the site or give rise to any significant alteration in the distribution of the associated infauna. It is also stated that the habitat type is also widely distributed in sheltered waters throughout the country. Reference is also made to the biotype found in the footprint of the proposed site which are characterised by stress tolerant, opportunistic taxa subject to frequent natural disturbance displaying inherent high recoverability from disturbance. No sensitive species of conservation concern associated with the habitat is stated to occur within the proposed site. It is stated that the loss of habitat associated within the proposed breakwater will not affect the overall ecological integrity or functioning of the SAC.

13.3.7. While not expressly referenced as mitigation, the applicant notes that the loss of the habitat will to some extent be compensated for by the value the proposed breakwater will provide as an artificial reef habitat (both subtidal and intertidal). The construction, it states will provide a complex three dimensional structure providing a variety of niches from exposed bare rock to sheltered cave like conditions which will become colonised by a variety of alga, sessile and mobile organisms. It is considered that the loss of habitat and associated biota from the area occupied by the footprint of the breakwater will be partially compensated for by the gain in artificial reef habitat. It is concluded that while acknowledging the loss of 0.012% of the qualifying interest it is considered that given the widespread occurrence of the habitat, the very small area involved and the absence of any sensitive species within the habitat that the impact does not constitute a significant effect on the integrity of the Roaringwater Bay and Islands SAC.

13.3.8. The response from the NPWS to the revised NIS submitted is similar to that originally provided in response to the original NIS. It outlines the designation of the Roaringwater Bay and Islands candidate Special Area of Conservation (cSAC) (Site Code: IE000101), the requirements of Article 6(3) of Council Directive 92/43/EC (the Habitats Directive) and Guidance on the process. They also refer to the ruling of the Court of Justice of the European Union in relation to case C-258/11 – Sweetman and others vs An Bord Pleanála, and other relevant jurisprudence. It states that the current documentation associated with the proposed development indicates a direct loss of 1.517 hectares of Large Shallow Inlet and Bay. It is stated that the document

presented does not robustly consider this habitat loss against one of the key attributes of the conservation objective of the site which is that “the permanent habitat area is stable or increasing”. This direct loss of habitat is not compatible with the conservation objective for Roaringwater Bay and Islands cSAC. Specifically, the proposed development would not allow that “the permanent habitat area is stable or increasing” as it would result in a net permanent loss of this habitat should consent for development be given.

13.3.9. The recommendation from the NPWS is that the Natura Impact Statement should be revised to consider the implications of the potential direct loss of habitat associated with the proposed development and ensure that there are no gaps in consideration of the likely significant effect on specifically Roaringwater Bay and Islands cSAC. It is concluded that notwithstanding any further revision to the NIS, it is recommended that this matter be given full consideration in the Board’s appropriate assessment.

13.3.10. I note the comments of the NPWS in respect of the revised NIS and while I note the recommendation that the NIS should be revised, the NIS most recently submitted is a revised document on the basis of the NPWS comments. The revised document provides additional detail in respect of the habitat loss most noticeably in respect of the absence of any sensitive species within the habitat. I would suggest to the Board that what is clear from the documentation submitted and the comments from the NPWS is that the direct loss of habitat is not compatible with the conservation objective for the Roaringwater Bay and Islands cSAC.

13.3.11. It is specifically stated by the NPWS that the document presented does not robustly consider this habitat loss against one of the key attributes of the conservation objective of the site which is that “the permanent habitat area is stable or increasing”. I would also note reference within the Conservation Objectives supporting document – marine habitats (April 2011) to the targets for this habitat (pg. 20). Target 1 refers to the permanent habitat area being stable or increasing subject to natural process and notes that this target refers to activities or operations that propose to permanently remove habitat from the site, thereby reducing the amount of habitat area. It further states that it does not refer to long or short term disturbance of the biology of the site.

- 13.3.12. Therefore, there is a direct conflict between the conservation objective for this qualifying interest which is to maintain the favourable conservation condition where the permanent habitat area is stable or increasing, subject to natural processes and the proposal to permanently remove 1.57 hectares of same albeit only reflecting 0.012% of the overall habitat.
- 13.3.13. The applicant suggests that the proposed breakwater would become an artificial reef habitat which they suggest would to some extent compensate for the loss of habitat. However, the habitat proposed to be removed to facilitate the proposal is the large shallow inlet and bay habitat rather than reef. In relation to the NPWS recommendation, I would suggest that it is probable that the applicants cannot provide a more robust consideration of this habitat loss against one of the key attributes of the conservation objective of the site which is that “the permanent habitat area is stable or increasing. Their principle argument is that the habitat loss is of very small scale in the context of the overall area of the qualifying interest. The loss cannot be mitigated and there is an absence of conclusive scientific data that the breakwater would be recolonized to the extent of the proposed loss. This is the key consideration I consider.
- 13.3.14. It may be arguable that any such habitat within the inner harbour may be degraded to such an extent that the removal of same would not create an adverse effect. I note the comments in the NIS in this respect regarding the absence of sensitive species within the area of the proposed breakwater. However, the site of the breakwater extends out beyond the inner harbour effectively surrounding same in a location within the Harbour beyond the immediate working harbour and therefore the arguments which may arise in respect of development within the inner harbour would not appear to be directly applicable to this proposal, in my opinion. The qualifying interest is stable and increasing and the conservation objective it to maintain or restore its favourable conservation condition. The proposal seeks the removal of 1.57 hectares of this habitat. Therefore the proposal would adversely affect the integrity of the Roaringwater Bay and Islands SAC in view of the site's conservation objectives.
- 13.3.15. I would also make reference to the area of the proposed navigational channel which as noted at section 7.8.1.2 of the Addendum to the EIS that the dredging works will require the permanent removal of sea bed which it is stated will be

restricted to the navigational channel and breakwater location. The breakwater as noted above is 1.57 hectares. The navigation channel is a further 3.01 hectares, a total area to be dredged of 4.57 hectares. While the navigational channel will remain undeveloped it is proposed to dredge the channel to a considerable depth. This area has not been addressed in the NIS nor has it been raised by the NPWS.

Notwithstanding, the principle of the concerns outlined above remain whether the loss of habitat is 1.57ha or 4.58ha, the effect on the integrity of the SAC in view of its conservation objectives is adverse.

Water Quality - Sedimentation of Reefs

13.3.16. Map 3 attached to the Conservation Objectives for this site outlines the location of reefs within the site. The Conservation Objectives supporting document – marine habitats (April 2011) notes at page 5 the four distinct groups of reefs and outlines the location of same within the site. The proposed development requires the dredging of a significant area of the sea bed to facilitate both the development of the breakwater and the development of the proposed new navigational channel. The volume of dredging associated with the breakwater is stated in Table 1 of the NIS as 4,320 m³ with the volume of dredging associated with the navigational channel (dredge depth of 3m) estimated at 83,948m³, a total of 87,948m³. Unusable dredge material requires disposal and reference is made within the documentation to the dumping of same at sea in a location outlined in Figure 6 of the NIS which would require a dumping-at-sea licence with reference to the requirement to undertake an Appropriate Assessment for same.

13.3.17. There are therefore two related potential risks associated with the dredging of material. Firstly, the impact on water quality and sedimentation on reefs during the dredging of the proposed site. The second is the impact on the reefs from the dumping at sea of the unusable material. In terms of the first impact, reference is made in the NIS to the Inspectors Report (JN0009) where the potential impacts identified included the spreading of contaminants within the sediment in the surrounding area. In response it is stated that samples were taken from the proposed dredged area and submitted for analysis where it was found that the sediments do not contain any contaminants likely to give rise to any ecotoxicological effects. While I note the analysis presented I would also note the concerns raised in

a number of observations regarding the location and extent of the samples taken. It is stated that the samples are not representative of material that would be dredged as all samples were of surface material on the sea bed with no samples taken at depth of up to 3m below the seabed to which dredging would extend. I have addressed these concerns above in the EIA and I share the concerns expressed as to the validity of the test results as representative of materials below the seabed surface. (Drawing No. C/541/TH/1/A dated 17/09/2012 included as Appendix 4 of the report entitled Trial Hole Site Investigation Report included as Appendix 9 of EIS shows the location of the trial holes).

13.3.18. While I note the NIS refers to the impacts from the dredging and the dumping at sea without distinction making the NIS somewhat difficult to follow, the NIS does provide some reference, principally at Figure 7 to the dispersal of sediment relative to the SAC highlighting the distribution of reef habitat. It is estimated that the sediment arising from the dredging has the potential to settle over a total area of 50.5ha with maximum concentration of suspended sediment in the order of 1.55mg/l with dredging estimated to take place over approximately 87 days. While I note that the NPWS did not raise the impact of dredging on reefs within their submission I would note that the NIS relies on the absence of any contaminants within the samples taken to justify the absence of effects on reefs. The NIS continues in this regard with reference to need for periodic dredging within the lee of the breakwater which is estimated to be required every 34 years.

13.3.19. In terms of the impact on reefs from the dumping at sea proposed, it is estimated that dispersion modelling undertaken in relation to the dumping at sea indicates that it will take up to 24 hours for material to disperse and settle due to water depth of 62m. there is, it is stated the potential for settlement to settle in 344ha of the SAC to an average thickness of 1.6mm of which an estimated 146ha would be reef habitat. It is concluded that any settlement of sediment would be temporary as sediments would be resuspended by wave action and tidal currents.

13.3.20. The applicant relies on the results of the trial hole investigations in respect of the impacts on water quality as it relates to the reef habitat and to wave action and tidal currents in particular in respect of the dumping at sea site. I would note the concerns expressed about the dispersion modelling undertaken as outlined in a

number of observations. The impacts on the reefs within the Harbour as a result of the dredging undertaken cannot be easily mitigated. In this regard I consider that concern remains as to the adequacy of the samples submitted for testing.

13.3.21. As I outline in Section 12.6 above, the documentation does not address the potential impact of periodic dredging of the navigational channel once operational, stating at Section 7.7.1.3 of the EIS that maintenance dredging is not currently envisaged but may occur in the future. This I would suggest is not sufficiently detailed in my opinion.

Qualifying Species

13.3.22. The Conservation Objectives supporting document – marine habitats (April 2011) does not refer to Otter but I note the comments in the NIS screening stage that the habitats in the vicinity of the Harbour provide ideal foraging and that otter are regularly spotted. No potential holt sites were identified and I note that in the stage 2 NIS it is noted that otter holt and couch locations are likely to be in areas outside of the harbour and urban environs which is reasonable. The NIS argues that the habitat proposed for dredging is not likely to form a critical part of the foraging area for otter given its formation. I would agree with this and I consider that given the extensive alternative areas available for the otter to forage or disturb their holt or couch sites. In conclusion I do not consider that the proposal would adversely affect this qualifying interest.

In combination effects

13.3.23. I note that the NIS assesses the potential cumulative impacts which could possibly arise with regard to long terms plans to develop a marina at Baltimore. Figure 8 included in the EIS outlines the potential for a marina within the lee of the breakwater. Reference is also made to the long term plan to open the western (outer) berth of the West Pier to be used by ferries serving the islands and easing congesting on the inner berth of the Pier.

Lough Hyne Nature Reserve and Environs SAC (site code 000097)

13.3.24. The qualifying interests for this designated site are as follows:

- 1160 Large shallow inlets and bays

- 1170 Reefs
- 8330 Submerged or partly submerged sea caves

13.3.25. A copy of the detailed conservation objectives for the site is in the pouch. The overall aim of the objectives is to maintain or restore the favourable conservation status of habitats and species of community interest.

Potential Effects

13.3.26. This site is located c. 7.5km from the proposed dumping at sea site. Based on same the key sensitive receptors are considered to be as follows:

- Large shallow inlets and bays
- Reefs
- Submerged or partly submerged sea caves

Silt Accumulation

As noted above, concern has been raised at the sampling undertaken and the samples relied upon in respect of the dredged material. It is stated that the material is not representative of material that would be dredged as all samples were of surface material on the sea bed with no samples taken at depth of up to 3m below the seabed to which dredging would extend. I have outlined my concerns in this regard above in relation to the Roaringwater Bay and islands SAC. Reference is also made to the CMCE dispersion modelling of the sediments discharged at dumping at sea site and which is relied upon in order to address the potential effects on the Lough Hyne site. An observer has submitted Admiralty Chart 5623-2 with DAS site plotted with direction of flood and ebb tides indicated.

Appropriate Assessment – Conclusion

13.3.27. On the basis of the information provided with the application for approval and the response received to the further information, including the Natura Impact Statement and the revised Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of European site Roaringwater Bay and Islands SAC (side code 000101), in view of the

site's Conservation Objectives. In such circumstances the Board is precluded from granting approval.

14.0 Recommendation

14.1. Having regard to the foregoing I recommend that approval for the development as proposed is refused for the reasons and considerations outlined below.

15.0 Reasons and Considerations

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended,
- (b) the provisions of the Cork County Development Plan, 2014 and the West Cork Municipal District Local Area Plan 2017
- (c) the Environmental Impact Statement submitted with the application and the Addendum to the Environmental Impact Statement submitted with the further information response;
- (d) the Natura Impact Statement submitted with the application and the revised Natura Impact Statement submitted with further information response;
- (e) the report of the Board's Inspector, including in relation to potential significant impacts on the environment,
- (f) the nature and scale of the development the subject of this application, and

1. The West Cork Municipal District Local Area Plan 2017 refers at Section 4.3.19 to the pressure on the existing port to manage all the different activities that operate from it with conflict arising not only in terms of space but also in function. It states that there is a need to separate the commercial and water based tourist functions and a need to finalise the proposals for the development of the harbour so that the uses are sufficiently segregated to allow for effective growth of each. It is considered that the Harbour Plan submitted to the Board on 14th July 2017 in the Addendum to the EIS does not satisfactorily demonstrate in itself that it would facilitate the separation of activities given the requirement that all marine traffic would appear to be channelled around the head of the proposed breakwater thereby having the effect of negating the benefits derived from separating the uses within the

inner harbour. It is considered that the proposed development would be prejudicial to the achievement of this objective. Furthermore, the Board is not satisfied on the basis of the information submitted that the justification provided in respect of the need for the proposed development is sufficiently robust and supported by recorded data such as would justify the considerable significant environmental impacts which would arise from the proposed development. Therefore, it is considered that the proposed development would not be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

2. The Board considered that the environmental impact statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file and concluded that the applicant's submissions were inadequate in identifying and describing the direct and indirect effects of the proposed breakwater development and navigational channel. The Board completed an environmental impact assessment on the basis of the submissions available and agreed with the Inspector's assessment of the likely significant effects of the proposed development, and generally agreed with the Inspector's conclusions on the mitigation measures proposed and the residual effects and concluded that the proposed breakwater development and navigational channel would be likely to have significant adverse effects on the environment. The Board generally adopted the report of the Inspector.

In the absence of substantive evidence to the contrary, it is considered that, the proposed breakwater would have significant negative effects on the landscape and views from and to the village of Baltimore. In the absence of substantial evidence to the contrary, it is considered that the proposed development would give rise to unacceptable risks of collision in terms of marine safety given the variety of uses that would operate from the Harbour. Furthermore, it is considered that the information presented in the EIS and addendum to the EIS in respect of soils is inadequate in terms of the location and extent of testing undertaken within the site of the proposed breakwater

and navigational channel. In addition, there is no evidence that the impact on the designated shellfish water areas in the vicinity of the site during the dredging of the footprint of the breakwater or the new navigation channel or implications for any necessary maintenance dredging has been satisfactorily investigated. It is also considered that the documentation submitted does not satisfactorily address the potential impacts of the proposal on The Cove.

It is therefore considered that the adverse environment effects arising could not be justified having regard to the need for the proposed breakwater development and would not, therefore, be in accordance with the protection of the environment or the proper planning and sustainable development of the area.

Appropriate Assessment

3. The Board agreed with the screening assessment carried out and conclusion reached in the Inspector's report that the European sites for which there is a likelihood of significant effects are the Roaringwater Bay and Islands SAC and Lough Hyne Nature Reserve and Environs SAC (site codes 000101 and 000097). The Board considered the Natura impact statement and revised Natura Impact Statement and all other relevant submissions, including the Response to Further Information and the documentation submitted by the appellants and observer, and carried out an appropriate assessment of the implications of the proposed development for these European sites in view of the sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects in the area;
- ii. the mitigation measures which are included as part of the current proposal;
- iii. the conservation objectives for the European site set out above;

iv) view of the Department of Arts, Heritage, Regional, Rural Gaeltacht Affairs, and

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites.

The Board identified that the main likely impact arising from the proposed development would be on the large shallow inlets and bays. It is a conservation objective of the Roaringwater Bay and Islands SAC (side code 000101) to maintain the favourable conservation condition of this habitat, the permanent habitat area of which is stable or increasing, subject to natural processes.

Having regard to:

- i) the permanent loss of this habitat, and
- ii) the absence of sufficient scientific evidence to support the contention that the breakwater itself, by way of colonisation, would mitigate the loss of this habitat to ensure the integrity of the cSAC.

the Board concluded that the proposed development would adversely affect the favourable conservation status of the large shallow inlets and bays because of the permanent loss of 1.57 hectares of same.

In the overall conclusion, the Board was satisfied that the proposed development would adversely affect the integrity of European sites in view of the site's conservation objectives.

Una Crosse

Senior Planning Inspector

December 2017