Submission: Foreshore Licence Ref: MS51/8/972

Submitted By: Geraldine Hayes Date 3rd June 2008

Clearance Requested From Clearance Given Date & Signature

Pat Corcoran

John Quinlan

Cecil Beamish 6/30/0
Secretary General
Department of Agriculture, Fisheries & Food
Agriculture House
Kildare St
Dublin 2

30th June 2008

FAO Jackie O Reilly

Dear Jackie

I enclose submission for approval as follows

MS51/8/972 Cork County Council
Bantry Sewerage Scheme

MS51/12/598 Irish Tag Rugby Association
Tag rugby at Omey Beach

Yours Faithfully

Geraldine Hayes
023 59 513
Application for Permission under Section 10 of the Foreshore Act 1933 as amended for two rising mains and two outfalls and a licence under Section 3 of the Foreshore Act 1933 as amended for 4 outfall pipes, and a rising mains in connection with Bantry Sewerage Scheme

The Minister’s approval is sought to grant consents under Sections 3 & 10 of the Foreshore Act 1933 to Cork County Council for a development on the foreshore in connection with Bantry Sewerage Scheme. As the works will traverse both private and state foreshore, two separate foreshore consents are required.

Consent under Section 10

A Ministerial consent under Section 10 is required in respect of that part of the works which will take place on private foreshore.

The private foreshore in question (delineated in blue on the enclosed drawing number A8763-N306-D) was formerly owned by the Bantry Estate Company and has been transferred into the ownership of Bantry Harbour Commissioners.

The Harbour Commissioners have agreed to allow the council a way leave across the private foreshore in question for the purposes of construction of the sewerage scheme. Written confirmation of this agreement has been supplied by the applicant.

Licence under Section 3

The Section 3 permission is required in respect of the State owned foreshore, delineated in red on drawing number A8763-N306-D (enclosed)

Rental Valuation

A standard charge of plus £1 if demanded is being applied in this case. This is the appropriate standard charge in respect of a waste water treatment plant, providing secondary treatment serving a population equivalent (p/e) of 6000.

Consideration of the Application

Copies of the draft Licence (to be issued under Section 3) and draft consent (to be issued under Section 10) are attached. The Department’s consultees examined the application. Conditions were suggested by the Archaeological division of the Department of Environment, Heritage and Local Government, and the Marine Survey Office of the Department of Transport, all of which are incorporated in the attached draft of the proposed licence and section 10 consent. The Marine Licence Vetting Committee has also approved the application.
Public Consultation/Objections
The application was published in the Irish Examiner newspaper on 22nd June 2007 and plans and drawings were displayed at Bantry Garda Station for the required 28 days, in accordance with the Foreshore Acts.

No objections were received.

Basis for Recommendation
It is recommended that the Section 3 and Section 10 permissions be approved as the proposed development will improve the water quality in Bantry Bay and will have a beneficial impact on public health

Geraldine Hayes
Coastal Zone Management Division
SPECIFIC CONDITIONS (Section 10 Permission)

1. The Grantee:

(i) shall use that part of the foreshore, the subject matter of this permission, for the purpose of constructing and maintaining (a) a 400mm diameter Emergency Outfall at Old Quay Pump House, (b) a 200mm diameter Scour Valve Chamber and (c) a 250mm diameter Rising Main and for expanding the capacity and maintaining a 250mm diameter outfall at Black Rock as part of Cork County Councils Sewage Treatment Plant development for the town of Bantry, Co Cork (hereinafter referred to as the works), in accordance with the plan and location drawings*, as submitted to, and approved by, the Minister for Agriculture Fisheries and Food; (hereinafter referred to as the Minister) and for no other purpose whatsoever;

* Drawing No’s. A8763-N306-D & A8763-N307-D (delineated in blue)

(ii) may also use adjacent foreshore but only to the extent necessary for the purpose of constructing and maintaining the said works and shall restore the said foreshore to its proper condition immediately after such use.

2. The Grantee shall, prior to commencement of works:

(i) provide certification by a Chartered Engineer stating that the works have been designed in accordance with relevant Irish or British Standard Specifications or Codes of Practice for strength, stability and durability, taking into account current building regulations and safety legislation;

(ii) provide for the approval of the Minister, a detailed Construction and Method Statement for carrying out the works and for the disposal of excavated material;

(iii) give the Minister for Agriculture, Fisheries & Food 14 days notice;

(iv) apply to the Commissioners of Irish Lights for sanction of new navigational aids/buoyage and/or alteration of existing navigational aids/buoyage;

(v) notify the British Admiralty Hydrographic Office, of the location, nature and timing of the works;

(vi) arrange for the publication of a local marine notice. This local marine notice should give a general description of operations and approximate dates of commencement and completion. A notice in a locally read newspaper at least two weeks prior to commencement of operations will suffice;

(vii) notify the local Harbour Master with respect to the safety of navigation of marine traffic in the river.
3. The Grantee shall, during the construction phase:

(i) ensure that floating plant or machinery used in connection with the works is adequately lit if in place at night or during times of poor visibility;
(ii) ensure that all vessels engaged in the works comply fully with the relevant certification requirements;
(iii) ensure that work is carried out in an environmentally friendly manner so as to minimise the impact on the foreshore and the surrounding environs;
(iv) ensure that proper environmental controls and monitoring are carried out during the construction phase of the various elements, as there are major aquaculture farming activities in the harbour. It is essential that construction/excavation/dredging sediments are not released into the water column;
(v) comply with all lawful instructions given by the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government in relation to work on the foreshore area the subject of this Permission or the surrounding area;
(vi) ensure that all impacts into the foreshore and sub-tidal zone are subject to archaeological monitoring. This should be undertaken by a suitably qualified archaeologist with marine/underwater experience and should be licensed to the Department of Environment, Heritage and Local Government;
(vii) ensure that the monitoring licence application is accompanied by a detailed method statement and this should include details of plant/dredger type, duration of works and extent of works. The methodology should also include a find’s retrieval strategy and details of the proposed archaeological monitoring team;
(viii) ensure that if significant archaeological remains are found during the archaeological monitoring, the monitoring archaeologist will have the power to have the works stopped. The works operator shall be prepared to move away from the area until the potential archaeology has been properly inspected and fully resolved. The developer shall be prepared to be advised by the Underwater Archaeology Unit of the Department of Environment, Heritage and Local Government in this regard;
(ix) ensure the diffusers are marked by a high visibility coloured float or similar to indicate position of same and hence discourage vessels anchoring in close proximity.

4. The Grantee shall ensure, that, in the event of any spillage or accident occurring below the high water mark of ordinary or medium tides, or above the high water mark, which may impact on the foreshore during the carrying out of the works the subject of this Permission, or during operations following the completion of the works, the Irish Coast Guard is notified immediately by telephone.
5. (a) The effluent discharged from the treatment plant outfall pipe shall have a maximum 5-day B.O.D. concentration of 25 mg/l and a maximum suspended solids concentration of 35 mg/l, on a 95% basis. The maximum total daily B.O.D. load discharged from the treatment plant outfall shall not exceed 40 kgs;

(b) The effluent from the Waste Water Treatment Plant shall be sampled twice monthly immediately downstream from the plant and immediately prior to discharge. These samples shall be tested for 5-day B.O.D. and for suspended solids concentration;

(c) A report on the operation of the treatment plant and compliance with these discharge conditions, including the results of the sample analyses above, shall be submitted to the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, annually;

(d) Should sample analysis indicate that the plant is not operating to design specifications the Grantee shall inform the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, as soon as possible;

(e) The analyses should be carried out in an accredited laboratory;

(f) The cost of all the aforementioned sampling and monitoring shall be borne by the Grantee.

6. The Grantee shall ensure that any malfunction or stoppage breakdown of the effluent treatment system shall be notified immediately to the local Sea Fishery Officers of the Sea Fisheries Protection Authority,(Udaras um Chosaínt Iascaigh Mhara) so that any health problems posed for shellfish downstream can be contained.

7. The Grantee shall, on completion of the works:

   (i) provide detailed location coordinates for the completed work;

   (ii) within two months, provide certification by a Chartered Engineer that the works have been completed in accordance with the plans/drawings approved of by the Minister and with the said Specifications or Codes of Practice;

   (iii) agree a sampling programme to monitor water quality with the Department of Agriculture, Fisheries & Food before the scheme comes into operation in order to ensure compliance with SI No, 268 of 2006.

8. The Grantee shall ensure that the engineering detail of the emergency stormwater outfall (400mm diameter) at Old Quay Pump House will be amended as part of the proposed marina development when the layout for same is finalised.

9. The conditions of this permission are subject to review in the light of any legislative changes or improved standards in the interest of public health.
SPECIFIC CONDITIONS (Licence)

1. The Licensee:

(i) shall use that part of the foreshore, the subject matter of this Licence, for the purpose of constructing and maintaining (a) a 250mm diameter rising main, (b) a 400mm diameter outfall at Blue Hill and for expanding the capacity and maintaining (a) two 450mm diameter outfalls at Wolfe Tone Square, (b) a 250mm diameter outfall at Blackrock, as part of Cork County Councils Sewerage Treatment Plant development for the town of Bantry, Co Cork (hereinafter referred to as the works), in accordance with the plan and location drawings*, as submitted to, and approved by, the Minister for Agriculture Fisheries and Food; (hereinafter referred to as the Minister) and for no other purpose whatsoever;

* Drawing No’s. A8763-N306-D & A8763-N307-D (delineated in red)

(ii) may also use adjacent foreshore but only to the extent necessary for the purpose of constructing and maintaining the said works and shall restore the said foreshore to its proper condition immediately after such use.

2. The Licensee shall, prior to commencement of works:

(i) provide certification by a Chartered Engineer stating that the works have been designed in accordance with relevant Irish or British Standard Specifications or Codes of Practice for strength, stability and durability, taking into account current building regulations and safety legislation;

(ii) provide for the approval of the Minister, a detailed Construction and Method Statement for carrying out the works and for the disposal of excavated material;

(iii) give the Minister for Agriculture Fisheries & Food 14 days notice;

(iv) apply to the Commissioners of Irish Lights for sanction of new navigational aids/buoyage and/or alteration of existing navigational aids/buoyage;

(v) notify the British Admiralty Hydrographic Office, of the location, nature and timing of the works;

(vi) arrange for the publication of a local marine notice. This local marine notice should give a general description of operations and approximate dates of commencement and completion. A notice in a locally read newspaper at least two weeks prior to commencement of operations will suffice;

(vii) notify the local Harbour Master with respect to the safety of navigation of marine traffic in the river.
3. The Licensee shall, during the construction phase:

   (i) ensure that floating plant or machinery used in connection with the works is adequately lit if in place at night or during times of poor visibility;

   (ii) ensure that all vessels engaged in the works comply fully with the relevant certification requirements;

   (iii) ensure that work is carried out in an environmentally friendly manner so as to minimise the impact on the foreshore and the surrounding environs;

   (iv) ensure that proper environmental controls and monitoring are carried out during the construction phase of the various elements, as there are major aquaculture farming activities in the harbour. It is essential that construction/excavation/dredging sediments are not released into the water column;

   (v) comply with all lawful instructions given by the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government in relation to work on the foreshore area the subject of this Licence or the surrounding area;

   (vi) ensure that all impacts into the foreshore and sub-tidal zone are subject to archaeological monitoring. This should be undertaken by a suitably qualified archaeologist with marine/underwater experience and should be licensed to the Department of Environment, Heritage and Local Government;

   (vii) ensure that the archaeological monitoring licence application is accompanied by a detailed method statement and this should include details of plant/dredger type, duration of works and extent of works. The methodology should also include a find's retrieval strategy and details of the proposed archaeological monitoring team;

   (viii) ensure that if significant archaeological remains are found during the archaeological monitoring, the monitoring archaeologist will have the power to have the works stopped. The works operator shall be prepared to move away from the area until the potential archaeology has been properly inspected and fully resolved. The developer shall be prepared to be advised by the Underwater Archaeology Unit of the Department of Environment, Heritage and Local Government in this regard;

   (ix) ensure the diffusers are marked by a high visibility coloured float or similar to indicate position of same and hence discourage vessels anchoring in close proximity.

4. The Licensee shall ensure, that in the event of any spillage or accident occurring below the high water mark of ordinary or medium tides, or above the high water mark, which may impact on the foreshore during the carrying out of the works the subject of this Licence, or during operations following the completion of the works, the Irish Coast Guard is notified immediately by telephone.
5. (a) The effluent discharged from the treatment plant outfall pipe shall have a maximum 5-day B.O.D. concentration of 25 mg/l and a maximum suspended solids concentration of 35 mg/l, on a 95% basis. The maximum total daily B.O.D. load discharged from the treatment plant outfall shall not exceed 40 kgs;

(b) The effluent from the Waste Water Treatment Plant shall be sampled twice monthly immediately downstream from the plant and immediately prior to discharge. These samples shall be tested for 5-day B.O.D. and for suspended solids concentration;

(c) A report on the operation of the treatment plant and compliance with these discharge conditions, including the results of the sample analyses above, shall be submitted to the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, annually;

(d) Should sample analysis indicate that the plant is not operating to design specifications the Licensee shall inform the Department of Agriculture, Fisheries & Food, Coastal Zone Management Division, as soon as possible;

(e) The analyses should be carried out in an accredited laboratory;

(f) The cost of all the aforementioned sampling and monitoring shall be borne by the Licensee.

6. The Licensee shall ensure that any malfunction or stoppage breakdown of the effluent treatment system shall be notified immediately to the local Sea Fishery Officers of the Sea Fisheries Protection Authority,(Udaries um Chosaist Iascaigh Mhara) so that any health problems posed for shellfish downstream can be contained.

7. The Licensee shall, on completion of the works:

(i) provide detailed location coordinates for the completed work;
(ii) within two months, provide certification by a Chartered Engineer that the works have been completed in accordance with the plans/drawings approved of by the Minister and with the said Specifications or Codes of Practice;
(iii) ensure that no material or debris remains at the site;
(iv) make good, to the satisfaction of the Minister, any damage caused to the foreshore;
(v) agree a sampling programme to monitor water quality with the Department of Agriculture, Fisheries & Food before the scheme comes into operation in order to ensure compliance with SI No, 268 of 2006.

8. The conditions of this licence are subject to review in the light of any legislative changes or improved standards in the interest of public health.