

REPORT OF THE MARINE LICENCE VETTING COMMITTEE (MLVC)
ON
MS51/09/606 FORESHORE LEASE APPLICATION - INSTALLATION OF
PONTOON, GANGWAY AND ASSOCIATED ANCHORAGES AT
PORTMAGEE, CO. KERRY
BY
KERRY COUNTY COUNCIL

Marine Licence Vetting Committee
22 October 2013

Foreshore Lease Application - Installation of Pontoon, Gangway and Associated Anchorages At Portmagee, Co. Kerry (MS51/09/606)

Background

Kerry County Council proposes to provide a pontoon facility at the Portmagee Co. Kerry. The facility will consist of a 26m gangway to access a 40m long by 3.0m wide pontoon (2 no. 20m pontoons). The facility will have 3 no. finger pontoons on its east and west faces and a single 20m by 3.0 m pontoon placed centrally perpendicular to the 40m section at its seaward end. The pontoons will be held in place with concrete anchor blocks and sea-flex hawsers. The pontoons is proposed to provided berthing facilities for visiting leisure craft and to provide a safe embarkation for the boats providing sight seeing trips to the Blaskets and the Skelligs and also Sea Angling boats. It is intended that the pontoon will be removed and stored onshore during the winter months.

The area under application is situated within the Valencia Harbour/Portmagee Channel Special Area of Conservation (Site Code 002262).

The proposed works are not of a class that would require the submission of an Environmental Impact Statement.

The location of the facility and the facility are fully described in following maps and drawings;

1. Drawing Titled: Site Location Map, Date: undated
2. Foreshore Lease Map titled "Rural PLACE Map" Plot Date: 01-Oct-2013, Prepared and Signed by Kevin Boyle, Kerry County Council, Oct 2013.
3. Drawing Titled as "Foreshore Licence Map", Drawing No. KCC 10/13, showing layout of Pontoon and mooring blocks.
4. Drawing Number "Pontoon Layout and Sections", Dated: May 2009, Revision March 2013.

Public Consultation

The application was advertised in The Kerryman newspaper on May 01st 2013 and the public display documents were made available at Cahirciveen Garda Station from May 01st to June 5th. 1 submission was received dated the 25/05/2013.

The Public Submission received raised an objection which stated that the proposed facility would have negative impact on the objectors existing moorings and fishing grounds and that facility would create a backwash effecting the safe berthing at the existing pier. A review of the objection by the Engineering Inspectorate found that it was without foundation.

MLVC Considerations

The following documents were considered:

- Foreshore Lease Application, accompanying Documents and Drawings received the 6th of April 2009, submitted by Kerry County Council.
- Written submissions from the Marine Survey Office, DECLG Water Services Engineering Inspectorate, Department of Arts, Heritage and the Gaeltacht (Nature Conservation, Marine Scientific Unit and Underwater Archaeology Unit), The Sea Fisheries Protection Authority, Inland Fisheries Ireland and the Marine Institute.
- Kerry County Council Submission of the 21st March 2013.

No objections were raised by the consultees.

MLVC Conclusions

Considering the nature, scale and location of the proposed works the MLVC concludes that, subject to compliance with the specific conditions set out below, the proposed works would not have a significant negative impact on the marine environment, would not have a significant adverse effect on other legitimate uses / users of the area, would not have a significant impact on the Conservation Objectives of the Valencia Harbour/Portmagee Channel SAC and therefore recommends that a lease be issued.

Proposed Conditions

1. The Lessee shall use that part of the Foreshore the subject matter of this licence, as shown on Foreshore Lease Map titled "Rural PLACE Map" Plot Date: 01-Oct-2013, Prepared and Signed by Kevin Boyle, Kerry County Council, Oct 2013, for the purposes as outlined in the application and for no other purposes whatsoever.
2. The Lessee shall use the adjacent foreshore but only to the extent necessary for the purpose of construction of the works and shall restore the said foreshore to its proper condition immediately after such use to the satisfaction of the Department of the Environment, Community and Local Government.
3. The Lessee shall notify the Department of the Environment, Community and Local Government at least 14 days in advance of the commencement of works on the foreshore.
4. Within 2 months of completion of the works the Lessee shall provide, to the Department of the Environment, Community and Local Government, a statement by a Chartered Engineer certifying that the works have been completed in

accordance with Drawing Titled as “Foreshore Licence Map”, Drawing No. KCC 10/13, showing layout of Pontoon and mooring blocks and Drawing Numbered “Pontoon Layout and Sections”, Dated: May 2009, Revision March 2013.

5. The pontoon shall be removed from the foreshore by the 31st of October or the Friday immediately following the October Bank Holiday Weekend, whichever is later. The pontoon shall be reinstated no earlier than the 17th March, each year.
6. The pontoon and gangway is a public facility provided and managed by the Lessee. The pontoon is for temporary and short term berthing of boats and leisure craft. No long term berthing of craft is allowed.
7. The Lessee shall ensure that appropriate methods of operation are adopted in order to ensure that no spillages of fuel, hydrocarbons, cement or other hazardous substance occur to the foreshore or surface waters during the Construction Phase.
8. All works to be carried out in accordance with CIRIA publication C584 “Coastal and Marine Environmental Site Guide” and the method statements submitted.
9. In order for charts and nautical publications to be updated the Lessee shall inform the British Admiralty Hydrographic Office at Taunton, UK of the location and nature of the works.
10. The Lessee shall arrange the publication of a local marine notice. This local marine notice shall give a general description of operations and the approximate dates of commencement and completion. An advertisement in a locally read newspaper shall suffice.
11. The Lessee shall apply to the Commissioners of Irish Lights for sanction of new aids to navigation and/or alteration to existing aids to navigation.
12. The lessee shall consult with the local office of Inland Fisheries Ireland in advance of the works to minimise adverse impacts on migratory fish species movement.
13. The Lessee shall ensure that during the installation and operation of the pontoon all necessary precautions are taken to protect the public in accordance with relevant Health and Safety legislation.