

Appropriate Assessment Screening Determination - Donegal County Council foreshore licence application for dredging at Magheraroarty, Co. Donegal FS007084

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| REF #: | HLG 00301-21 | AUTHOR: |
| TO: | Minister of State Burke | OWNER: |
| STATUS: | Completed | REVIEWERS: |
| PURPOSE: | For Decision and Signature | DECISION BY: |
| DIVISION/OFFICE: | Foreshore | |

Final comment

Signed by minister, 30/09/2021

Action required

For determination on Appropriate Assessment screening and signing of the Appropriate Assessment Screening Determination Statement. (Appendix 1)

Executive summary

Donegal County Council submitted a foreshore licence application to carry out dredging at Magheraroarty, Co. Donegal for a further five years.

As part of the assessment of this application the Minister is required to make an Appropriate Assessment screening determination in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations')

Detailed information

Detailed Information

Donegal County Council submitted an application for a foreshore licence to the Department of Housing, Local Government and Heritage to conduct dredging and beach nourishment at Magheraroarty, Co. Donegal.

Magheraroarty harbour is located South West of the 3km beach known as Dooley Strand.

Over the winter months sand continues to be transported along Dooley Strand and deposited along the berthing face of the pier. This sand is removed annually during the equinoctial Spring Tides in March/April and deposited back on Dooley Strand as beach nourishment.

The amount of material to be removed from the berthing face of the pier annually and deposited back on Dooley Strand is in the region 10,000 up to a maximum of 20,000 tonnes. This work is carried out during low tide over a 5 – 6 day period coinciding with the Spring tide in March/April each year to give best access to the entire berthing area.

The ongoing maintenance dredging is required to maintain navigable depths of -2.5m Chart Datum within the harbour particularly for the Tory Island Ferry service. The area to be dredged is indicated on Drawing No.002a (Harbour Dredge Location in **App. 2**) and covers an area of approximately 6,200m² (0.62ha)

The continued beach nourishment scheme will replace material eroding from Dooley Strand which is being transported along the shoreline by natural currents and longshore drift and deposited within the confines of the harbour.

The sand will be excavated by 360° tracked excavators working at low tide and loaded on articulated dumpers to be brought to the inter tidal beach nourishment site where it will be spread evenly also using a 360° low bearing tracked excavator.

As part of the assessment of the foreshore licence application RPS consultants were commissioned to conduct an Appropriate Assessment (AA) Screening (stage 1 screening) and, if required, an AA (stage 2) of the likelihood of significant impact on Natura 2000 sites from the application for a Foreshore site investigation Licence.

A number of application documents submitted by Donegal County Council informed the AA Screening Conclusion by RPS included:

Application Form / Site Location Map Drawing / Foreshore Licence Map

Foreshore Location Map / Harbour Dredge Location Map (**App. 3**) / Traffic and Nourishment Area

AA Screening Report / NIS

Prescribed Bodies Observations / Applicant's Response to PBC

Public Consultation

The dredging and beach nourishment of Magheraroarty Pier application was open for public consultation from 12th March 2021 to 12th April 2021

Prescribed Bodies Consultation

Observations were sought and received from the Marine Survey Office, the Marine Institute, the Sea Fisheries Protection Authority, the Department of Housing, Local Government and Heritage Water and Marine Advisor, Underwater Archaeology Unit and NPWS Development Applications Unit, Inland Fisheries Ireland, the Department of Agriculture, Food and Marine and the Environment Protection Agency.

The applicant provided a response to the Prescribed Bodies Observations.

Independent Environmental Report

RPS were engaged as consultants and completed the appropriate Assessment Screening report on 30 August 2021 and concluded that the proposed annual dredging and beach nourishment of Magheraroarty Pier (Dooey Strand), Gortahork, co. Donegal, individually or in combination with other plans or projects is likely to have a significant effect on Ballyness Bay SAC in view of the sites conservation objectives. An AA of the project is therefore required to determine if adverse effects on site integrity can be excluded in view of the conservation objectives of the site. **(App.2)**

This Appropriate Assessment Screening report along with all relevant material was considered by a Marine Biologist in the Department and the following recommendation has been made in relation to Appropriate Assessment Screening for decision by the Minister: **(App. 1)**

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), the Department of Housing, Local Government and Heritage has undertaken Screening for Appropriate Assessment (AA) to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the proposed project for the dredging at the pier at Magheraroarty and the use of this material for beach nourishment at Dooey Strand, individually or in combination with other plans or projects, would be likely to have a significant effect (s) on a European site(s).

In accordance with Regulation 42(6) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, the Department of Housing, Local Government and Heritage has made a determination following

screening that an Appropriate Assessment is required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European sites. The risk of likely significant effects on European sites cannot be excluded on the basis of objective evidence. This determination is based on the location, scale, extent and duration of the proposed development, including temporary works, and has not taken account of measures intended to avoid or reduce significant effects on European sites.

Submitted for decision.