

Submission HLG 00124-22: FS007526 – Application by Donegal County Council in respect of Emergency Maintenance Dredging and Beach Nourishment, at Magheraroarty Pier and Dooley Strand, Co Donegal.

TO: [REDACTED]
STATUS: Completed
PURPOSE: For Decision and Signature
DIVISION: Foreshore
DECISION BY: 21/03/2022

AUTHOR: [REDACTED]
OWNER: [REDACTED]
REVIEWERS: [REDACTED]

Final comment

Approved

Action required

Approval is sought to grant a licence to Donegal County Council, under Section 3(3) of the Foreshore Act 1933 (as amended) to carry out some emergency dredging and beach nourishment at Maheraroarty Pier.

Executive summary

Donegal County Council have applied for a 5 year Section 3 Licence to dredge at Maheraroarty Pier and re-use the dredge material on Dooley strand under consideration (Ref. FS007084). There is up to 5,000 tonnes of sand which has accumulated at Magheraroarty Pier and will reuse the dredged material for beach nourishment at Dooley Strand.

The upcoming equinoctial spring tides occur between 29th March and 5th April will impact the ferry service to Tory Island in that it will be unavailable for a 3-5 hour window coinciding with the low spring tides throughout these periods. The extent of this disruption will be extended, if conditions deteriorate further at the pier, and they are most likely to as this accretion is ongoing, being accelerated by storm conditions.

Dredging at the pier is now an urgent requirement to maintain the lifeline service to Tory Island and Donegal Co. Council are appealing to the Department of Housing, Local Government and Heritage for approval to carry out an emergency dredging campaign. **(Tab 1)**

It is considered that their safe navigation is a necessary and reasonable requirement. Therefore, in the interests of the health and safety of mariners and their vessels there is an overriding need to approve this emergency application for a period of three months.

Detailed information

Approval Sought:

Approval is sought to grant a licence to Donegal County Council, under section 3(3) of the Foreshore Act, 1933 to carry out emergency dredging works and beach nourishment at Maheraroarty Pier and Dooley Strand, Co. Donegal.

The low equinoctial spring tides detailed above are also required to effectively carry out dredging on the basis set out in the current foreshore licence application Ref: FS007084 and Donegal Co. Council request permission to carry out emergency dredging between **29th March and 3rd April 2022.**

The application was received on 11th March 2022 and Donegal County Council need consent to carry out the works ideally from 29th March to 3rd April 2022.

For further information please see the following link to the application and documentation submitted by Donegal County Council:

Public Consultation Under Section 19 of the Foreshore Act 1933 (as amended)

The Foreshore Section of the DHLGH conducted the public consultation from 12th March 2021 to 12th April 2021. All consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 (as amended) and the European Directive 2003/35/EC (known as the Public Participation Directive or "PPD").

There was one Public Submission received.

Public Consultation Under S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

The Foreshore Section of the DHLGH conducted the public consultation on Appropriate Assessment. All consultation was undertaken to conform to the requirements of the Section S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

Public Notice of the Appropriate Assessment was given on the 25th November 2021 in the Irish Independent and Donegal Democrat newspapers.

The Appropriate Assessment and application documents were available on the Departments website and at the Dungloe Public Services Centre, Gweedore Road, Dungloe, Co. Donegal F94 H4CF and Falcarragh Garda Station, Main Street, Falcarragh, Co. Donegal, F92 P212 for 30 calendar days.

There was one Public Submission received.

Prescribed Bodies Consultation Under Section 19 of the Foreshore Act 1933 (as amended)

Written submissions on the proposed works were sought and received from the Marine Institute and the Water Advisors of this Department. There were no objections to the proposed works and both agreed they were necessary, urgent and suitable for approval under Sect 3.3.

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under Regulation 3 that when considering a foreshore application, as set out under section 18A (1) of the Act of 1933, the Minister may seek observations from a number of prescribed bodies. For this application, observations were requested from:

- Department of Housing, Local Government and Heritage Heritage (Nature Conservation)
- Department of Housing, Planning and Local Government (Water & Marine Advisor),
- Marine Institute
- Marine Survey Office,
- Inland Fisheries Ireland,
- Environmental Protection Agency,
- Sea Fisheries Protection Authority,
- (Underwater Archaeology and Natural Parks and Wildlife Services,
- Department of Agriculture Food and Marine.

There were no objections in principle to the proposed works. A number of the submissions from the Prescribed Bodies raised particular observations and put forward suggested conditions to be included in any licence that may be issued. The submissions made have been noted and the suggested conditions will be considered.

Prescribed Bodies Consultation (PBC) Under S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

The Foreshore Section of the DHLGH conducted the Prescribed Body consultation on Appropriate Assessment. All consultation was undertaken to conform to the requirements of the Section S42 of EC Birds and Natural Habitats Regulations 2011(as amended).

For this PBC, observations were requested from the same nine PBC's listed above under S19.

There were no objections to the Appropriate Assessment.

Environmental Assessment

The Department has considered the potential ecological impacts of the proposed development which in view of its limited scale,

duration and nature does not require an EIAR either from mandatorily or from a sub threshold point of view.

In considering the potential effects, independent environmental advice was taken this was considered by the Environmental marine adviser. The proposed development was screened in for Appropriate Assessment and following consideration of same it was concluded that subject to the proposed mitigation measures that the proposed activity would not either individually or in combination with other plans or projects, will not adversely affect the integrity of European sites, in view of the said sites conservation objectives.

The Appropriate Assessment determination was approved by the Minister 11/03/2022 under FS007084. ([HLG 00108-22](#) see related submission below).

Marine Licence Vetting Committee (MLVC) Assessment Conclusions: (Tab 2)

The following documents were considered and can be found at the following link: [Link to Website FS007084](#)

- Application form, dated 05/01/2021
- Letter of Request for Temporary Licence **(Tab 1)**
- Foreshore Licence Map Drawing No. 004 dated 09/12/2019 **(Tab 3)**
- Dredging Location Map Drawing No. 001 dated 14/01/2020
- Magheraorty Harbour Dredging Drawing no. 002a Rev. 1 dated 27/11/19
- Magheraorty Admiralty Map Drawing no. 003 Rev. 1 dated 14/01/2020
- Screening for Appropriate Assessment (Prepared by IEC)
- Screening for Appropriate Assessment Determination
- EIA Screening and appraisal (Prepared by IEC)
- Appropriate Assessment Determination
- Prescribed Bodies Consultation observations and recommendations Under S19 and S42
- The applicant's responses to the Prescribed Bodies submissions
- Public Submission received Under S42
- The applicant's responses to the Public submission

The submitted documentation, reports and assessments have been considered. Submissions by the prescribed bodies have been considered and responded to by way of attached conditions. Appropriate consideration has been given to environmental matters by the MLVC.

Magheraroarty Harbour is an active harbour with regular and ongoing shipping movements. Due to the marine conditions at the approaches to the port, it is in need of regular dredging in order to allow for safe navigation of shipping. This activity will also allow for beach nourishment which will further protect this exposed coastline.

There is a clear health and safety requirement to allow for the continued safe navigation to the harbour. It will have the consequential effect of promoting beach nourishment which will have positive environmental and coastal protection benefits.

The possible environmental effects of dredging at this location have been extensively considered and concluded that there will be no adverse effects on European sites.

In conclusion, it is considered prudent and reasonable to approve a foreshore licence for the period applied for subject to compliance with the specific conditions set out below, to allow for the continued necessary dredging and beach nourishment at Magheraroarty Harbour, as outlined in their application in the interests of safe shipping navigation.

Proposed Specific Conditions:

- The licence is solely for those activities/ works as outlined in the submitted application form.
- This particular licence S3.3 FS007526 applies for three months from the date of issue.
- All mitigation measures as stated in the submitted Appropriate Assessment shall be fully complied with.
- The Department of Housing shall be notified 2 weeks in advance of commencement of activities.
- Measures shall be taken by the applicant to give notification both on site and in local media of dredging works at Magheraroarty pier & beach with details of restrictions to access.
- Pier users including fishermen and ferry operators shall be advised of restrictions to access.
- Notice shall be given to the Irish Coast Guard of proposed works and duration of same.

- Notice shall be given to NPWS prior to commencement of works.
- Plant operators shall be fully briefed prior to commencement of works on the health and safety and environmental protection measures in place for the proposed activities including, location of excavation, haul route, dump area, impact on beach, sand dunes, public, pier users, pedestrians, dredging procedure, communication, health & safety, working near water, soft sand, etc.

Financial Considerations:

The standard licence fee of [REDACTED] applies in this case.

Agreement of the Applicant:

Donegal County Council have agreed to the site specific licence conditions and the licence fee of €950.

Basis for Recommendation:

Having regard to:

- the application for a Foreshore Licence;
- the submissions received from Public and Prescribed Bodies Consultation under S19 and S42;
- the appropriate assessment of the proposed development;
- the screening for environmental impact assessment;
- the consent conditions to be attached to the Foreshore Licence, if granted; and
- the nature of the proposal and its objective of protecting public health and safety,

It is considered that the proposed development on the foreshore would not have a significant negative impact on the marine environment and would not adversely affect the integrity of European sites, and the proposal is in the public interest.

The proposed dredging at Magheraroarty Pier and the beneficial reuse of the material for beach nourishment at Dooley Strand has previously been carried out under Foreshore Licence FS005988 and FS006279.

It is recommended that a foreshore licence be granted subject to the conditions recommended.

Notification of Determination

If approval is granted, Donegal County Council will be informed accordingly; an appropriate licence will issue for execution; and a Notice of Determination regarding the decision (including the reasons for the decision) will be published on the Department's website.

The Notice of Determination addresses:

- The outcome of the determination of the application
- The main reasons and considerations for the determination
- A statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office
- Confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the determination may be challenged, together with practical information on the review procedure.

Submitted, please, for **approval to grant a foreshore licence to Donegal County Council to carry out emergency dredging and beach nourishment at Maheraroarty Pier.**

Related submissions

HLG 00108 -22: Appropriate Assessment Determination FS007084 Dredging at Magheraroarty Pier, County Donegal

User details

INVOLVED: [REDACTED]

READ RECEIPT: [REDACTED]

