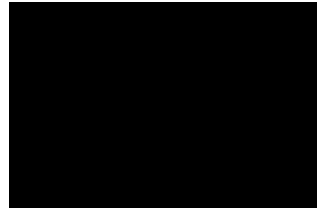


Submission HLG 00462-22: Foreshore Licence application by Irish for Site investigations to inform the design of the Roundstone Sewerage Scheme (FS007085)

TO: Minister of State Burke
STATUS: Completed
PURPOSE: For Decision and Signature

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY: 21/10/2022

Final comment

Approved by Minister Burke 08/11/2022

Action required

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

Executive summary

Irish Water, under section 3(3) of the Foreshore Act 1933, has submitted a foreshore licence application (March 2020) for the purposes of carrying out site investigation works, consisting of 3 No. rotary core boreholes and sampling, in Roundstone Bay, Co. Galway.

As part of the assessment of this application the Minister is required to make a Screening for Appropriate Assessment 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").

Having considered all relevant material, the following recommendation has been made in relation to Appropriate Assessment Screening for decision by the Minister.

Detailed information

Irish Water submitted a foreshore licence application to the Department of Housing, Local Government and Heritage for a foreshore licence under section 3(3) of the Foreshore Act 1933, as amended, for 1 year. The activity includes Site Investigation (SI) works, consisting of 3 No. rotary core boreholes and sampling, within the foreshore in Roundstone, County Galway.

Description of Works:

The SI works are planned in the vicinity of the existing northern combined sewer outfall into Roundstone Bay. The SI works form part of the preliminary investigations to help inform the detail design of the Roundstone Sewerage Scheme which is being advanced by Irish Water. The Roundstone Sewerage Scheme is required to bring the agglomeration of Roundstone into compliance with the EU Wastewater Directive.

A temporary coring rig will be mobilised to the foreshore to undertake the proposed 3 No. rotary core boreholes within the foreshore. The coring rig will be mobilised to site during low tide and will be removed from site prior to high tide. The coring will be required to a depth of approximately 3m.

Public Consultation

The public consultation took place from 29th May 2020 to 27th June 2020

Thirteen (13) submissions were received.

Prescribed Bodies Consultation

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 sought and received from the following

- Department of Housing, Local Government and Heritage (Marine Advisor)
- Department of Housing, Local Government and Heritage (NPWS)
- Department of Housing, Local Government and Heritage (Underwater Archaeology)
- Department of Agriculture Food and the Marine (DAFM)
- Marine Institute (MI)
- Inland Fisheries Ireland (IFI)
- Marine Survey Office (MSO)
- Sea Fisheries Protection Agency (SFPA)

Observations were forwarded to the applicant, there were no objections in principle to the proposed works. Recommended conditions will be considered as part of the assessment of this application

Environmental Assessment

As part of the assessment of the foreshore licence application Merc Consultants Ltd (MERC) were commissioned as Independent Environmental Consultants (IEC) to conduct a Screening for Appropriate Assessment (stage 1 screening) and, if required, an Appropriate Assessment (stage 2), of the likelihood of significant impact on European sites from the application for a site investigation Licence.

A number of application documents submitted by Irish Water informed the AA Screening Conclusion by MERC, including:

- Application Form (Tab 06)
- Foreshore Licence Map (Tab 07)
- Site Location Map (Tab 08)
- Site Selection Report (Tab 09)
- EIA Screening Report (Tab 10)
- SISA (Prepared by Applicant) (Tab 11)
- Public Submissions / Applicant responses to Public Submissions (Tab 12)
- Prescribed Bodies Observations / Applicant responses to Prescribed Bodies consultation (Tab 13)

These documents can also be found at:

<https://www.gov.ie/en/foreshore-notice/d5f68-irish-water-site-investigations-for-sewerage-scheme-roundstone-bay-galway>

Screening for Appropriate Assessment

The Independent Environmental Consultants (IECs), MERC, completed the Screening for Appropriate Assessment report (Tab 03) in April 2021, which concluded that likely significant effects **could be ruled out** for a number of SACs that lie within the Zone of Influence. Therefore, a stage 2 Appropriate Assessment **is not required**. They also submitted a Non-Statutory Environmental Analysis (Tab 05).

The Screening for Appropriate Assessment report, along with all relevant material, was considered by the Department's Marine Advisor (Environment). In their Screening Stage Environmental Report (Tab 02), a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment report and the MAs Screening Determination for AA (Tab 01) reaches the following conclusion:

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 Site investigations for Sewerage Scheme, Roundstone, Co. Galway, 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(7) 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 not required as the project, individually or in combination with other plans or projects, is not likely to have significant effects on any European sites. The risk of likely significant effects on European sites can 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.

Risk Assessment of Annex IV Species

A review of the applicant's environmental reports provided sufficient relevant information in order for a risk assessment of Annex IV species to be carried out by the IEC. The IEC concluded that it is very unlikely that any Annex IV species will be injured or disturbed as a result of the proposed works. The Department's MA_Environment has considered the application by Irish Water and the IEC's report and in their Screening Stage Report they determine that they agree with and accept this conclusion.

Environmental Impact Assessment Regulations

Having considered the application by Irish Water, the IEC's concluded in their Non-Statutory Environmental Analysis that the proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive (**Tab 05**). However the Consent Authority (DHLGH) must complete an Examination for EIA as part of their obligations under the EIA Directive, which is attached at **Tab 04**

The Screening for Appropriate Assessment Determination, prepared by the Department's Recommending Officer, for Ministerial determination and signature, is attached at **Tab 01**.

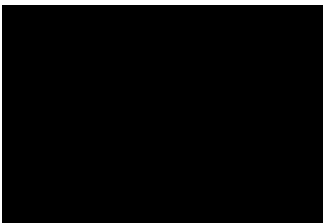
Submitted for decision and signature.

Related submissions

There are no related submissions.

User details

INVOLVED:



READ RECEIPT:

