  
Foreshore Unit,  
Department of Housing, Local Government and Heritage,  
Newtown Road,  
Co. Wexford  
22<sup>nd</sup> of March 2022

**Marine Adviser Environment Screening Stage Report**

**Re:** FS007223 Foreshore application to dredge the navigation channel at Soldier's Point and near Buoy 15, Dundalk, Co. Louth.

**Applicant:** O'Hanlon & Sons

I have reviewed the Foreshore Application FS007223 and the environmental documents associated with it. My comments on and recommendations for this application are as follows:

**Independent Environmental Consultant (IEC):** The Department engaged **Arup** as an IEC to provide assistance with regard to the statutory and non-statutory environmental assessments of this Foreshore Application. The IEC has conducted independent assessments of the information provided by the Applicant, having regard to the Habitats Directive, EIA Directive, and the public and prescribed bodies' consultations.

**Environmental Impact Assessment Regulations:** The proposed project does not fall within the classes defined under Annex I or Annex II of the EIA Directive. As the Consent Authority (DHLGH) the Department must complete an **Examination for EIA** as part of their obligations under the EIA Directive [Appendix 1].

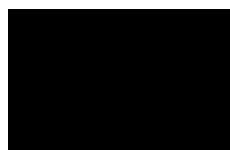
**Risk Assessment of Annex IV Species of Directive (92/43/EEC) (as amended) (Habitats Directive):** The IEC carried Risk Assessment of Annex IV species and concluded that the proposed dredging works will not give rise to the capture, killing or disturbance to species listed in Annex IV of the Habitats Directive. I agree with and accept the IEC's Risk Assessment of Annex IV species.

**Article 6(3) of Directive (92/43/EEC) (as amended) (Habitats Directive):** Following a review of the proposed project, the IEC completed a **Screening for Appropriate Assessment** which concluded that a Stage 2 Appropriate Assessment was not required as the project, individually or in combination with other plans or projects, is not likely to have a significant effect on European sites.

Having considered the application by O'Hanlon & Sons and the IEC's Screening for Appropriate Assessment Report I agree with and accept the Screening for Appropriate Assessment and its conclusions.

My signed Recommending Officer's **Screening for Appropriate Assessment Determination** which requires the signature of the Minister as part of the decision-makers obligations under the Habitats Directive is contained in Appendix 2.

**Signature of Marine Advisor:**



**22<sup>nd</sup> March 2022**



## **Appendices**

## Appendix 1 Examination for EIA

### EIA Screening Examination

EIA legislation sets down the types of projects that may require an EIA. Annex I of Directive 2011/92/EU, as amended by Directive 2014/52/EU, defines mandatory projects that require an EIAR and Annex II lists projects which can be subject to case by case analysis or thresholds to be determined by member states.

In the case of development which is under the relevant threshold, the consent authority is required to request an EIAR where it considers that the proposed development is likely to have significant environmental effects. The decision as to whether a development is likely to have such effects must be taken with reference to the criteria set out in Annex III (Schedule 7) inserted by (the Planning and Development Regulations 2001, as amended, (S.I. No. 600 of 2001)) the above Directive and the national guidance developed to assist.

**Name of Proposed Development:** Foreshore licence application for dredging of the navigation channel at Soldier's Point and near Buoy 15, Dundalk, Co. Louth.

**Foreshore Reference, where applicable:** FS007223

**Question 1: Is the proposed development included in Annex I and II of the Directive (Schedule 5 to the P & D Regs)?**

- If Yes: EIA is required.
- If No, proceed to Q2.

**Answer: No**

**Question 2: Is the proposed development of a type/class included in Annex I and II of the Directive (Schedule 5 to the P&D Regs) but below the threshold specified?**

- If Yes, but the development is below the quantity/area/other threshold, proceed to Q3.
- If No, no EIA or Screening for EIA is required.

**Answer: No**

**Question 3: Are significant effects likely?**

To decide whether significant effects are likely, use the Annex III of the Directive (Schedule 7 of the P&D Regs)

- If Yes, significant effects are likely; an EIA is required.
- If No, no significant effects are likely; no EIA is required.

**Answer: N/A**

**Access to Information:**

- The Consent Authority's process must be documented.
- A record of the decision and the decision-making process must be made public.

## Appendix 2 Screening for AA determination

### Screening Determination for Appropriate Assessment

**Project reference:** FS007223 Foreshore application to dredge the navigation channel at Soldier's Point and near Buoy 15, Dundalk, Co. Louth.

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 to dredge the navigation channel at Soldier's Point and near Buoy 15, 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 a significant effect on any European site. 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.

**Signature and Date of Recommending Officer:**  22<sup>nd</sup> March 2022

**Signature and Date of the Decision Maker:**