

Submission HLG 00165-22: Screening for Appropriate Assessment Determination on FS007223 Dundalk Port Maintenance Dredging

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

AUTHOR:
OWNER:
REVIEWERS:



DIVISION: Foreshore
DECISION BY: 08/04/2022

Final comment

Approved by minister, 13/04/2022

Action required

Ministerial determination on the Screening for Appropriate Assessment.

Executive summary

O'Hanlon and Sons have applied for a 10 year Foreshore Licence to carry out maintenance dredging in the areas of Soldiers Point and Buoy 15 in the navigation channel to/from Dundalk Port, County 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 has undertaken Screening for Appropriate Assessment (AA).

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment report and reaches the following Screening for Appropriate Assessment determination:

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.

Detailed information

O'Hanlon and Sons have applied to the Department of Housing, Local Government and Heritage for a Foreshore Licence under Section 3 of the Foreshore Act 1933, as amended, for a 10 year period from 2022 to 2031 inclusive, to carry out maintenance dredging in the areas of Soldiers Point and Buoy 15 to restore depth in the navigation channel for safe vessel access to/from Dundalk Port, County Louth.

Dundalk Port is owned by Dublin Port Company (DPC) and leased to O'Hanlon and Sons. Due to ongoing sediment accretion in the approaches to Dundalk Port, vessel access has become limited. This is having a negative impact on the Port's trade and therefore maintenance dredging is required in the areas of Soldiers Point, and Buoy 15 to restore depth in the channel and safe vessel access. The remaining commercial ports are categorised as Ports of Regional Significance. Dundalk Port is a commercial port categorised as a Port of Regional Significance in the National Ports Policy, the policy is to facilitate a competitive and effective market for maritime transport services in Ireland.

Brief description of works

It is proposed to carry out maintenance dredging in the areas of Soldiers Point, and Buoy 15 in the navigation channel to/from

Dundalk Port. A hydrographic survey was completed in the navigation channel in September 2020 and the depths over the area to be dredged ranges up to 0.8m above Chart Datum, severely restricting tidal access to the Port. It is planned to dredge the sea-bed to at least 0mCD and if possible restore the historical navigation levels of 0.75m below CD during the maintenance dredging operations. The estimated volume of material to be removed is 5,000m³ per year. It is proposed that the Foreshore Licence will run for a 10 year period from 2022 to 2031 inclusive. The applicant proposes to use Trailer Suction Hopper Dredger (TSHD) "Argus" (or similar) to carry out the dredging operations.

The works will be undertaken by industry best practice including the following measures:

- Dredging will be undertaken as efficiently as possible so that the number of dredger movements is minimized;
- There would be no ancillary waste deposited into the sea from the dredger at any time;
- Maintaining a low speed during dredging;
- Bilge water and waste water from the dredger would be brought onshore for proper removal and disposal by a licensed waste contractor;
- Contractors working on site during the operation would be responsible for the collection, control and disposal of all wastes generated by the works;
- Refuelling of the dredging vessel would take place at the quayside using suitable hoses etc. to avoid any spillages; and
- Dredging would be carried out over a period outside of the months of March to May, which is the migratory period of juvenile salmon (smolts).

The material (primarily clean fine to medium sand with an average grain size of 0.21mm) to be dredged is good quality sediment and will be landed ashore at Dundalk Port for beneficial reuse. No marine disposal permit is required for this activity so a Dumping at Sea permit is not being required/sought from the Environmental Protection Agency (EPA).

The proposed area of foreshore associated with the works is 8.72Ha.

Environmental Assessment

As part of the assessment of the foreshore application Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited 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 impacts on European sites from the proposed works in the application for a Foreshore Licence.

A number of documents have informed the Screening for Appropriate Assessment and are linked below and can also be found on the Departments website at <https://www.gov.ie/en/foreshore-notice/6387a-dundalk-port-maintenance-dredging/>

- [FS007223 Application Form](#)
- [FS007223 Dundalk Harbour Navigational Channel Stability Study](#)
- [FS007223 Foreshore Licence Map \(Admiralty\)](#)
- [FS007223 Foreshore Licence Map \(OS\)](#)
- [FS007223 Natura Impact Statement](#)
- [FS007223 Sediment Sampling EPA Threshold Comparison](#)
- [FS007223 Supporting Documentation](#)
- [Prescribed Bodies Observations](#)
- [Applicant's Response to Prescribed Bodies Observations](#)

Screening for Appropriate Assessment

The *Independent Environmental Consultants* completed the Screening for Appropriate Assessment report in January 2022 (**Tab 1**) 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 any European sites.

In addition to the Screening for Appropriate Assessment, and with respect to the Habitats Directive 92/43/EEC, a risk assessment of the effects to species listed in Annex IV which occurs within the project site was undertaken by the *Independent Environmental Consultants* (**Tab 2**). It 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. This risk assessment of effects to species listed in annex IV is separate to and does not form part of the Appropriate Assessment Screening Report which has examined the Natura 2000 sites and their qualifying interests.

This Screening for Appropriate Assessment report along with all relevant material was considered by the Departments Marine Advisor (environment) who agreed with and accepted the IEC's report and its conclusions and a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment Report and reaches the following Screening for 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'), 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.

A copy of all the material which informed the Screening for Appropriate Assessment prepared by the *Independent Environmental Consultants* is linked above. The Screening for Appropriate Assessment report prepared by the *Independent Environmental Consultants*, Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited is attached at **Tab 1**. The Risk Assessment for Annex IV Species prepared by *Independent Environmental Consultants*, Ove Arup & Partners Ireland Ltd (Arup) with Hartley Anderson Limited is attached at **Tab 2** and the adoption of these reports is recommended. The Marine Advisor Screening Stage Environmental Report prepared by the Departments Marine Advisor (environment) is attached at **Tab 3** recommending the adoption of the above reports. The Screening for Appropriate Assessment Determination prepared by the Departments Marine Advisor (environment), for Ministerial Determination, is attached at **Tab 4** for signing.

Related submissions

There are no related submissions.

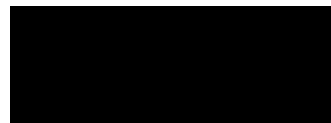
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INVOLVED:



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