

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

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

AUTHOR:
OWNER:
REVIEWERS:

DIVISION: Foreshore
DECISION BY: 13/03/2022

Final comment

Approved by minister, 11/03/2022

Action required

Ministerial determination on Appropriate Assessment

Executive summary

Donegal County Council has made a Section 3 licence application under the Foreshore Act for Application for licence for the annual dredging and beach nourishment at Magheraroarty Pier, Gortahork, County Donegal.

As part of the assessment of this application the Minister was 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') which stated that a Stage 2 Appropriate Assessment was required as the project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site was signed by the Minister on the 30th of September, 2021. ([HLG 00301-21 Appropriate Assessment Screening Determination. Foreshore Licence Application by Donegal County Council](#)).

Having considered all relevant material a recommendation has been made that the Minister accepts and adopts the Appropriate Assessment Report and determines that the proposed project, either alone or in-combination with other projects, will not adversely affect the integrity of European sites, in view of the said sites' conservation objectives. AA Determination and Conclusion Statement **(Tab 1)**

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) 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 Independent Environment Consultants RPS were commissioned to conduct an Screening for Appropriate Assessment (AA) (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 Foreshore Licence.

The Independent Environment Consultants completed their Screening for AA Report August 2021, which concluded: In accordance with Regulation 42(6) of the European Communities (Bird and Natural Habitats) Regulations 2011 SI 477 as amended, a submission on Screening for Appropriate Assessment was made to the Minister of State for the Department of Housing, Local Government and Heritage, who made a determination following Screening that an Appropriate Assessment was required as the project individually or in combination with other plans or projects, was likely to have a significant effect on a European site.

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

- Application Form **(Tab 2)**
- Foreshore Licence Map **(Tab 3)**
- AA Screening Report
- NIS
- Public Consultation and Applicant's response **(Tab 4 and Tab 6)**
- Prescribed Bodies Observations and Applicant's Response **(Tab 5 and Tab 6)**

These documents and all documentation submitted by Donegal County Council can be found at the following link: [FS007084 Dredging at Magheraroarty Pier, Co Donegal](#)

Public Consultation under Section 42 of EC Birds and Natural Habitats Regulations 2011 as amended.

Following the determination that an Appropriate Assessment was required, a further Public Consultation was initiated and a Public Notice was issued that invited public submissions for the purpose of conducting the Appropriate Assessment, in accordance with Section 42 (1) of S.I. No. 477 of 2011, the European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

The 30 calendar day Public Consultation commenced on **25 November 2021** and ended close of business on 24 **December 2021**. All documents that informed the Screening for Appropriate Assessment Determination (links available above) were made publicly available at:

- Falcarragh Garda Station
- Donegal County Council Planning Office

and published on the Department's website. In addition to the documents listed above, the following documents were also on public display at the above locations and published on the Department's website:

[FS007084 Dredging at Magheraroarty Pier, Co Donegal](#)

- Appropriate Assessment Screening Submission
- Appropriate Assessment Screening Determination Approved
- Screening for Appropriate Assessment Determination (Prepared by MA-Environment)
- Screening for AA (Prepared by IEC)
- Screening for EIA (Prepared by IEC)

The Department received one submission from the public during the Public Consultation period, which is attached at **(Tab 4)**. The applicant's response to the submission is attached at **(Tab 6)**.

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:

- Marine Survey Office
- Marine Institute,
- Sea Fisheries Protection Authority,
- Department of Housing, Local Government and Heritage Water and Marine Advisor,
- Underwater Archaeology Unit and NPWS Development Applications Unit,
- Inland Fisheries Ireland,
- Department of Agriculture, Food and the Marine

- Environment Protection Agency.

Observations from the above (**Tab 5**) have been forwarded to the applicant and there were no objections in principle to the proposed works. The submitted observations and the applicant's response to such (**Tab 6**), have been considered as part of the Appropriate Assessment.

Recommended conditions will be considered as part of the assessment of this application.

Appropriate Assessment

The Appropriate Assessment Screening process determined that likely significant effects on four Annex I habitat in the Ballyness Bay SAC (IE001090) could not be ruled out as a result of the proposed project.

An Appropriate Assessment report was prepared by the Independent Environmental Consultant (RPS) in March 2022, which adopts the comments from the Public Consultation on Appropriate Assessment (**Tab 7**).

The IEC reviewed the Natura Impact Statement which included a comprehensive set of mitigation measures to avoid impacts to European sites. The IEC concluded that with these procedures in place the proposed development, 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 Departments Marine Ecologist considered the application by Donegal County Council, the submissions from the public, prescribed bodies' consultations, the IEC's Screening for Appropriate Assessment and Appropriate Assessment Reports. The Marine Ecologist agrees with and accepts the IEC's Appropriate Assessment Report. The Marine Ecologist recommends that the Minister accepts and adopts the Appropriate Assessment Report attached at Tab 1.

The Appropriate Assessment Determination and Conclusion Statement prepared by the Department's Recommending Officer, for Ministerial Determination, is attached at (**Tab 1**) for signing.

Submitted for decision.

Related submissions

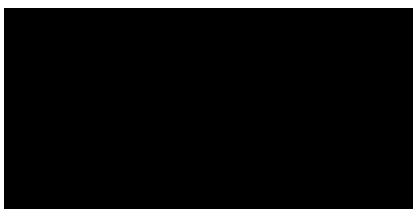
HLG 00301-21: Appropriate Assessment Screening Determination - Donegal County Council foreshore licence application for dredging at Magheraroarty, Co. Donegal FS007084

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

HLG 00288-22: FS007084 Donegal County Council Dredging and Beach Nourishment at Magheraroarty Pier, Co Donegal

User details

INVOLVED:



READ RECEIPT:

