

**Environmental Impact Assessment  
Preliminary Examination Report**

**Proposed remedial works at Rathmullan Pier,  
Rathmullan, Co. Donegal.**

**Compiled by:**

JESSICA DEVLIN

**PROJECT MANAGEMENT & ENVIRONMENTAL SERVICES**

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**for:**

**Donegal County Council**

Piers and Harbours Section

County House

Lifford

Co. Donegal.



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Report produced by:

Jessica Devlin, BSc. Geology (Hons), MSc. Applied Environmental Science. Project Management & Environmental Services, 5 Pheasant Park, Donegal Town, Co. Donegal, Ireland.

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## **1.0 Introduction**

This Preliminary Environmental Impact Assessment Report has been prepared by Jessica Devlin BSc. MSc. Project Management and Environmental Services for Donegal County Council.

This report has been compiled to provide the competent authority with adequate information to determine whether or not there is a real likelihood of significant effects on the environment arising from the proposed remedial works at Rathmullan Pier, Rathmullan, Co. Donegal. The purpose of the report is to determine whether or not it is required to screen the proposed works to establish whether it requires Environmental Impact Assessment and as a result the preparation of an Environmental Impact Assessment Report.

The screening process includes an assessment of the details of the proposal with reference to the relevant EIA legislation including the Planning & Development Regulations as amended by the European Union (Planning and Development,) (Environmental Impact Assessment) Regulations 2018, the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) and relevant EU Guidance.

Appropriate Assessment Screening has also been undertaken and can be referred to in a separate document.

## **2.0 Statement of authority**

Jessica graduated from the National University of Ireland, Galway in 1997 with a BSc. honours degree in Geology and obtained a MSc. in Applied Environmental Science from Queens University Belfast in 2001. She attained a National Certificate in Eco-Tourism, from Sligo Institute of Technology in 2005 and in 2014 completed Geographical Information Systems for Environmental Investigations, University College Dublin.

Over the years, Jessica has gained a wide range of experience in research, consultancy and project management with particular emphasis on sustainable development in freshwater, marine and coastal environments.

As field scientist with the Queens University Marine Station in Portaferry, Jessica carried out habitat surveys with respect to the decline of salmonid populations in Northern Ireland Rivers. She progressed to research assistant with Queens University and the Department of Agriculture & Rural Development. As project manager for the Donegal County Council - Marine & Water Leisure Programme, she managed projects on sustainable development of the marine leisure product. Jessica also worked with the University College Cork Coastal and Marine Research Centre in partnership with Donegal County Council and the University of Ulster, as manager of the Donegal element of a North West Europe Interreg Project called IMCORE (Innovative Management of Europe's Changing Coastal Resource). For the past 9 years Jessica has been self-employed working as a project manager and environmental consultant, specialising in freshwater, marine, coastal and environmental projects. Her client base is wide reaching from state agencies to community groups, individuals, angling clubs and private developers.

## **3.0 Methodology**

- Liaison with: Cathal Sweeney and Ross Hannigan, Donegal County Council and Ken McGauran of Nicholas O'Dwyer.
- Site visit and walkover survey on 06 March 2021.
- Desk research

This report has been prepared using the following guidance. A full list of research sources and references can be seen in section 8.

- Interpretation of definitions of project categories of Annex I and II of the EIA Directive, EU, 2015
- Environmental Impact Assessment of Projects Guidance on Screening ,EU, 2017.
- OPR Practice Note PN02 Environmental Impact Assessment Screening June 2021

#### **4.0 Legislative context**

Environmental Impact Assessment comes from EU environmental policy. The initial Directive of 1985 and its three amendments have been codified by Directive 2011/92/EU of 13 December 2011. Directive 2011/92/EU has been amended in 2014 by Directive 2014/52/EU. Together these comprise the EIA Directive. The EIA Directive aims to ensure a high level of protection for the environment and human health. It requires that an assessment of the likely significant effects a project will have on the environment is carried out, where relevant, before development consent is given (OPR, 2021).

The EIA Directive is transposed into Irish legislation by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). Both the EIA Directive and Irish legislation set out in detail the entire EIA process (OPR, 2021).

EIA legislation as it relates to the planning process has been largely brought together in Part X of the Planning and Development Acts as amended, and Part 10 and Schedules 5, 6 and 7 of the Planning and Development Regulations as amended. Part 1 of Schedule 5 to the Planning and Development Regulations lists project types included in Annex I of the Directive which automatically require EIA. Part 2 of the same Schedule lists project types included in Annex II. Corresponding developments automatically require EIA if no threshold is given, or if they exceed a given threshold. Developments which correspond to Part 2 project types but are below the given threshold, i.e. '*sub-threshold*' projects, must be screened to determine whether they require EIA or not. This is done by consideration of criteria set out in Schedule 7. These criteria relate to the characteristics of the development, the location of the development, and the type and characteristics of potential impacts.

#### **5.0 Project proposals as supplied by Donegal County Council**

Rathmullan Pier, located at Rathmullan on the west of Lough Swilly, is the one of larger piers and harbours owned and maintained by Donegal County Council. In order to preserve and improve the amenity provided by the pier, Donegal County Council proposes to repair and improve the pier and access viaduct to allow the pier to be utilised to its full potential. A condition report was carried out by Nicholas O' Dwyer Ltd. on behalf of Donegal County Council in September 2021.

The works proposed are:

- Complete replacement of the Viaduct deck with a new deck of precast bridge beams.
- Repair of the Viaduct cross beams.
- Strengthening of the Pier deck by inserting a new beam between each pair of main beams.
- Repair of main beams in the Pier deck.
- Repair of the substructure of the Pier and Viaduct (columns and bracing).
- New fenders and ladders to the Pier.

Nicholas O'Dwyer Ltd. has been recently appointed by Donegal Co Co as the Engineers for the refurbishment of Rathmullan Pier. Further information was provided by DCC and Nicholas O'Dwyer describing how works will be implemented.

## **Methodology for Rathmullan Viaduct and Pier Head Repair**

### **Summary**

Pier Layout can be seen in figure 1. The repair and removal of the pier head and viaduct will most likely be over a period of up to 3 months as follows:

In order to protect the existing support structure high impact activities such as piling, breaking and blasting are not suitable. In-water works are also not proposed.

Working back from the pier head for each of the spans: The decking will be removed and the new bridge beams and concrete surface installed. This will be done for each span before moving to the next span. This will reduce the extent of protection platform and minimise possible damage to the new structure.

Main deck beams will be sawn using diamond wire sawing and craned off site. The main deck beams will be replaced, using precast concrete units placed on the repaired support structure.

Rathmullan Viaduct and Pier head Repair: Water Management

The works proposed at Rathmullan will include the following:

Site clearance and compound set up see site layout, see figure 2.

Scaffolding of the viaduct inclusive of full surround encapsulation to contain debris from demolition process. The scaffolding maybe utilized in phases along the length of the viaduct at the locations for the works.

Main deck beams will be sawn using diamond wire sawing and craned off site with recovery of water from cutting process being treated similarly to that for insitu repairs.

Installation of precast concrete tee beams spanning between the existing concrete piers which will be installed using a crane.

Pouring of concrete screed and upstand beams on top of the precast tee beams. Joints between tee beams will be sealed to prevent seepage of concrete at the joints.

Installation of handrails and barriers to the top of upstands.

Power washing the bridge with clean water prior to concrete repairs.

Water management provision in line with environmental requirements.

Hydro demolition services to identified repair areas.

Wet blast cleaning the steel to SA2 and applied Nitoprime Zincrich Plus (anti-corrosion primer) to exposed steel reinforcement.

Steel repairs to any defective reinforcement identified.

Application of hand applied concrete mortar to specific repair areas using a cementitious rapid setting concrete repair product such as Sika Monotop 630 or Renderoc rapid set mortar.

Rapid setting mortar repairs will be done by hand with a trowel to include patches of repairs to the supporting columns and then the whole of the support structure protected with a product which will also be applied by hand.

Rendering the entire bridge surface with anti-carbonation coating using Fosroc Renderoc ST05 which will be applied by hand.

Provision of pontoon and safety boat for site operations.

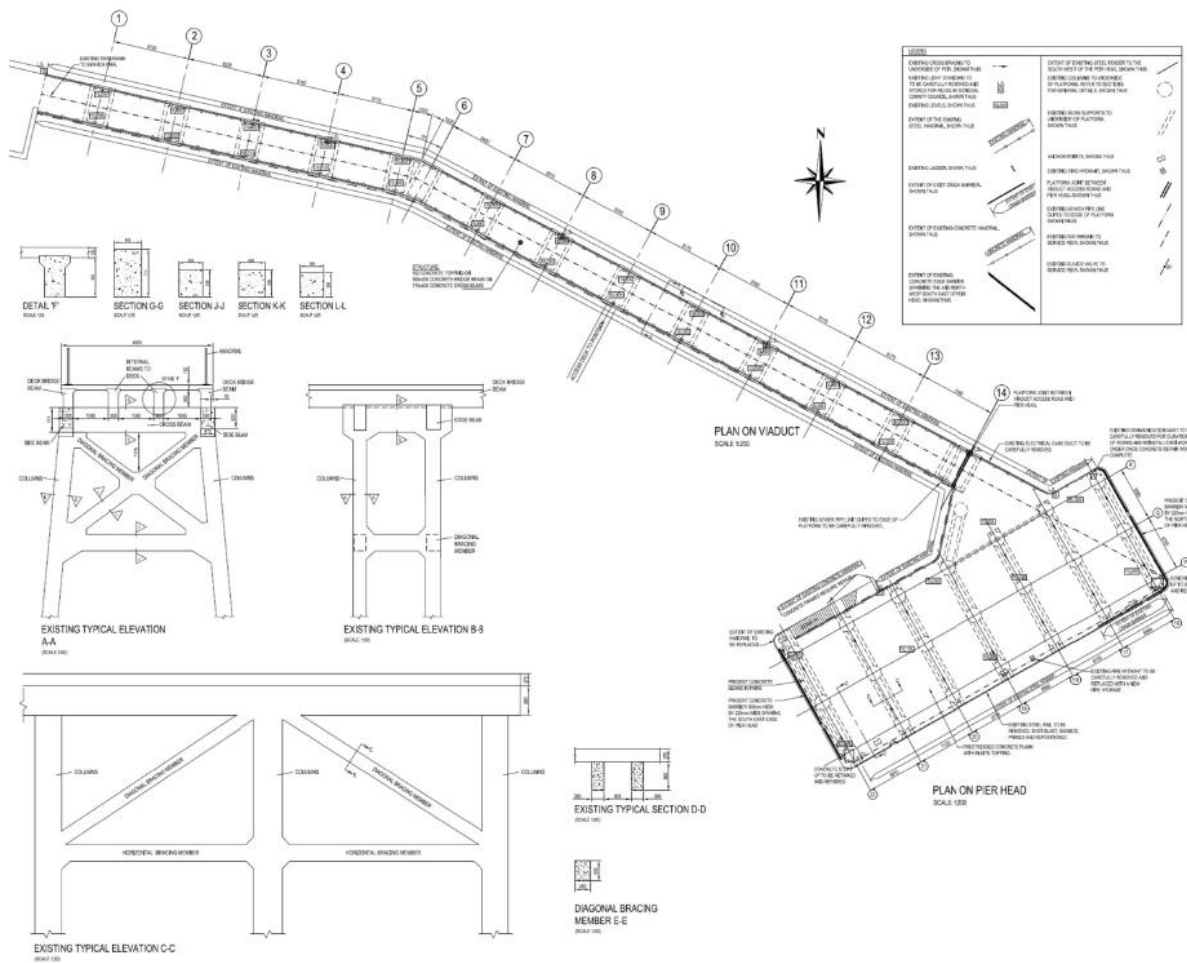


Figure 1. Pier Layout Extract from Rathmullan Pier Condition Report (Nicholas O' Dwyer Ltd. 2021)



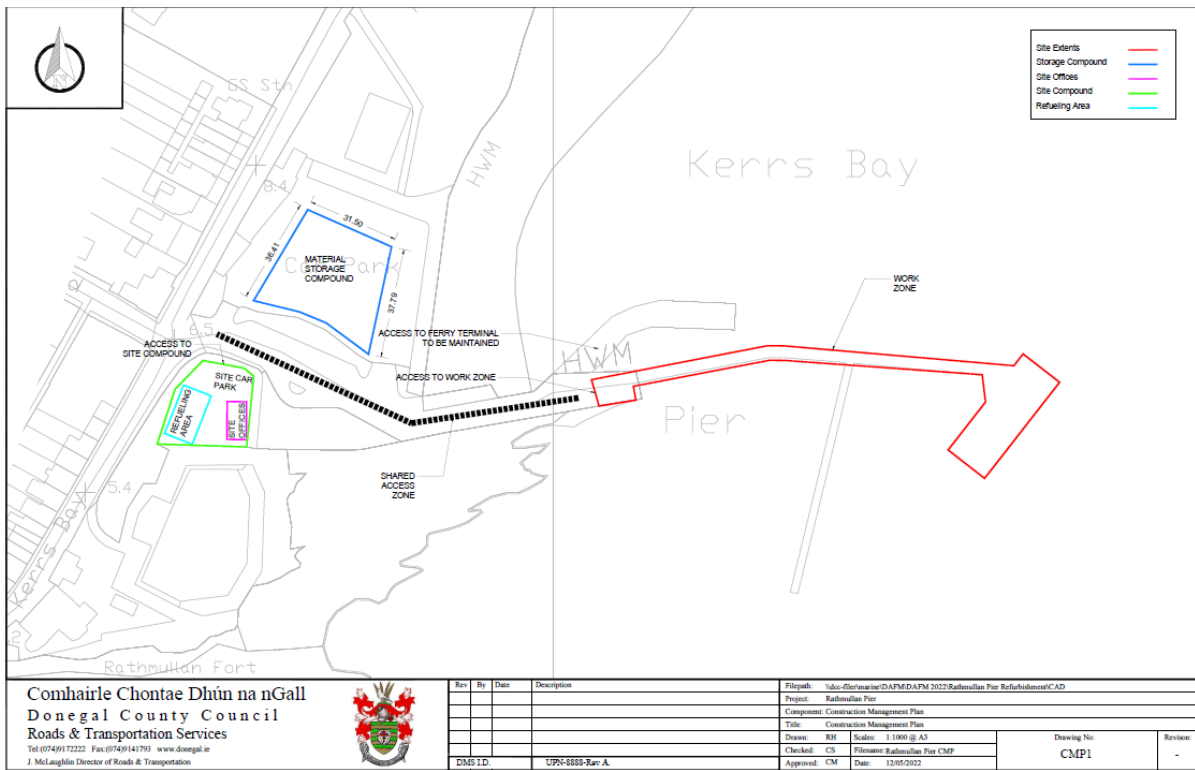


Figure 2. Site layout – construction management as supplied by Donegal County Council.

**Scaffolding setup**

The scaffold will be erected to suspend under the bridge itself to gain access to all the areas for concrete repair works, see figure3. The scaffold will be designed to ensure no release of defective concrete or cementitious material from the hydro-demolition process, either directly or indirectly through untreated surface water run-off, during the construction phase into Lough Swilly.

The working platform will be double boarded using plastic boards. Plastic sheeting (polythene 1000 gauge) will be installed between the plastic boards with the working platform falling towards mortar tubs located at the centre of each span of scaffold. This will ensure all runoff from the hydro demolition process will enter the mortar tubs. The entire scaffold will be sheeted with monoplex to prevent any debris arising from entering the lough.

The water will be captured in the mortar tubs and pumped to a silt buster. The water will be put through our silt buster unit where it will be treated to remove all silt particles. The water will then be discharged out of the unit onto a tanker located at the entrance to the pier for removal to a licensed facility.

After every shift the scaffold will be cleaned to remove all concrete new and old. This will be disposed into shoots located on the scaffold into the site skip. The skip will be disposed of appropriately by a licensed skip company.



Figure 3. Example of working platform (image courtesy of Donegal County Council).

### Management of boat traffic

Signage will be installed around the pier and scaffolded area in order to direct boat traffic away from the works.

In order to mitigate against boat users missing these signs while navigating in poor light (fog/mist) and possibly also at night, additional lighting will be installed on the scaffold and below the deck of the viaduct.

### Refuelling and storage of machinery

To comply with environmental requirements, all refuelling of plant and equipment will be carried out in the site compound near the entrance to the viaduct. Two spill kits will be available on site and to hand during all refuelling. A detailed construction and environmental plan will be developed on appointment of the contractor.

Plant machinery will not be permitted to enter the water of Lough Swilly at any time during the works. Appropriate biosecurity measures will be employed for any scaffolding poles protruding into the sea below the works area. An emergency boat will also be available and accessible from the scaffold at all times for the duration of the works.

### Timing of works

Works will be carried out in late Spring and Summer months (end March – September) when conditions are optimal (estimated duration of works up to 3 months).

## **6.0 Screening Considerations**

### **6.1 The concept of 'project'**

Article 1(2) of the EIA Directive defines 'project' as: *'the execution of construction works or of other installations or schemes*. The definition of 'project' has been complemented by the Court, which concluded that *'demolition works come within the scope of Directive 85/337 and, in that respect, may constitute a 'project' within the meaning of Article 1(2) thereof'* (C-50/09, paragraphs 86-107). The Court concluded that demolition works cannot be excluded from the scope of national legislation enacting the EIA Directive. Based on case law, and in order to ensure a high level of protection of the environment, the amended EIA Directive provides that the screening procedures and environmental impact assessments should take account of the

impact of the whole project in question and, where relevant, demolition phases (Annex II A, point 1 (a), and Annex IV, point 1 (b) and 5(a)). In rulings related to the EIA Directive, the Court has consistently emphasised the fundamental purpose of the Directive as expressed in Article 2(1), i.e. that those projects '*likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects*'.

The proposal meets the criteria and is considered a project in terms of the EIA Directive.

## **6.2 Class of Development**

The objective of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment, or EIA, Directive) is to ensure that projects that are likely to have a significant effect on the environment are adequately assessed before they are approved. Annex I and II to the Directive list the projects that fall under its scope (EU, 2015). The projects referred in Annex I and II must be interpreted in the light of the concept of 'project' (Article 1(2) and the general objective of the EIA Directive (Article 2(1)). The wording of the EIA Directive indicates that it has a wide scope and broad purpose (EU, 2015).

In terms of Irish Regulation Part 1 of Schedule 5 to the Planning and Development Regulations lists project types included in Annex I of the Directive which automatically require EIA. Part 2 of the same Schedule lists project types included in Annex II. Corresponding developments automatically require EIA if no threshold is given or if they exceed a given threshold. Developments which correspond to Part 2 project types but are below the given threshold i.e. a 'sub threshold' development, must be screened to determine whether they require EIA or not. This is done by consideration of criteria set out in Schedule 7.

It must first be determined whether the project is of a type or class that requires EIAR, see table 1.

### **Schedule 5 Part 1: The remedial works proposed do not correspond to any of the projects listed in Schedule 5, Part 1 of the Planning and Development Regulations.**

**Schedule 5 Part 2:** The remedial works have been be considered under *Schedule 5, Part 2, 10. (e)* Infrastructure projects as this would be the closest fit:

*Infrastructure project: New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.*

The project proposal is a repair of an existing structure, there will be no extension or increase in facilities at the pier, the project does not therefore meet this criteria under *Schedule 5, Part 2, 10. (e)* Infrastructure projects, and is not a sub threshold development.

As discussed previously a project must be considered in its entirety, therefore the demolition phase of the project must also be considered.

The remedial works have also been considered under Schedule 5, Part 2, 14. *Works of Demolition:*

*Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.*

The demolition works do not facilitate the development of a Part 1 or Part 2 project, and it has been demonstrated that the project is not a sub threshold development because the project does not meet Part 1 or Part 2 of Schedule 5 criteria. Therefore a further assessment of whether a sub threshold project is likely to

have a significant impact on the environment (having regard to the criteria set out in Schedule 7) is not required.

**The project does not meet the criteria for a Schedule 5, Part 2 project of the the Planning and Development Regulations, and is not considered to be a sub threshold development.**

Criteria	Options	Assessment of Rathmullan Pier Remedial Works
Is it a project in the context of the EIA Directive	No: Not subject of EIA Directive, No screening required, No EIA required.  Yes: Subject of EIA Directive, follow next steps	Yes
Is the project listed in Schedule 5 Part 1 or does it meet or exceed the thresholds in Part 2, of the Planning Regulations?	Yes: No screening required, EIA is mandatory.	Schedule 5, Part 1 =NO Schedule 5, Part 2, 10. (e) Infrastructure project: New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length. <u>= NO</u>  Schedule 5, Part 2, 14. Works of Demolition Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. = Project does not meet Part 1 or Part 2 criteria demolition does not facilitate part 1 or part 2 project= <u>NO</u>
Is the project Sub-threshold	Yes: Proceed to step 2 Preliminary Examination	If the project <b>is not</b> of a class of development in Schedule 5, Parts 1 and 2, it is not 'sub-threshold development', and no EIA or EIA screening is required. The conclusion should be documented and no further action is required. <u>The project is not a sub threshold development= NO</u> No EIA or EIA screening required

Table 1. Project Assessment using guidance from OPR Practice note PN02 Environmental Impact Assessment.

## **7.0 Conclusion**

This EIA prescreening assessment has been carried out in accordance with the Planning and Development Regulations as amended 2001- 2021 (which give effect to the provisions of EU Directive 2014/52/EU). Based on all available information, and taking account of the scale, nature and location of the proposed development, it is the opinion of the author that the preparation of an EIAR is not a mandatory requirement (under Part 1 or Part 2 of Schedule 5 of the Planning and Development Acts 2001).

The project does not fall under projects listed in Schedule 5, Part 1 or Schedule 5, Part 2. The development is not a sub-threshold development. Therefore a further assessment of whether a sub threshold project is likely to have a significant impact on the environment (having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations as amended 2001-2021) is not required.

Taking account of the scale, nature and location of the proposed project and based on the above information, the overall probability of impacts on the receiving environment arising from the proposed project is considered to be low. An Appropriate Assessment Screening has been completed and has concluded that no significant effects are likely to arise (Devlin, 2022).

It is concluded that there is no requirement for an Environmental Impact Assessment to be carried out for the proposed Remedial works at Rathmullan Pier and there is no requirement for an Environmental Impact Assessment Report to be prepared.

## 8.0 References and sources

The following research documents/ sources were used in the preparation of this report:

- Dept. of Environment Heritage and Local Government (2009) *Appropriate Assessment of plans and projects, Guidance for planning authorities.*
- Devlin, J. (2022) Appropriate Assessment Screening, Proposed Remedial Works at Rathmullan Pier, Rathmullan, Co. Donegal.
- Donegal County Council (2018) Donegal County Development Plan 2018 – 2024.
- European Union (2015) Interpretation of definitions of project categories of Annex I and II of the EIA Directive.
- European Union (2017) Environmental Impact Assessment of Projects Guidance on Screening.
- European Commission Environment DG (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* November 2001.
- Nicholas O'Dwyer Ltd. (2021) Rathmullan Pier Condition Report for Donegal County Council Sept, 2021.
- NPWS (2011a) Conservation Objectives: Lough Swilly SAC 002287 and Lough Swilly SPA 004075. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
- NPWS (2011b) Lough Swilly Special Protection Area (Site Code 4075)VERSION 1, Conservation Objectives Supporting Document, National Parks & Wildlife Service April 2011
- Norfolk Marine (2021), Commercial Diving & Marine Contractors Underwater Inspection Report Pier Condition Surveys – County Donegal Rathmullan Pier
- Law Reform Commission (2021). FORESHORE ACT 1933 REVISED Updated to 25 March 2021

### Online Sources accessed Aug 2021 - Jun 2022

- [www.opr.ie](http://www.opr.ie)
- [www.NPWS.ie](http://www.NPWS.ie)
- [www.lawreform.ie](http://www.lawreform.ie)