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## Donegal County Council Piers & Harbours- Bunbeg Pier

**Preliminary Environmental Impact Assessment (EIA) Screening**

**Donegal County Council**

**Report No. E1193-BLP-R-ENV-011**

25 May 2022

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**Comhairle Contae  
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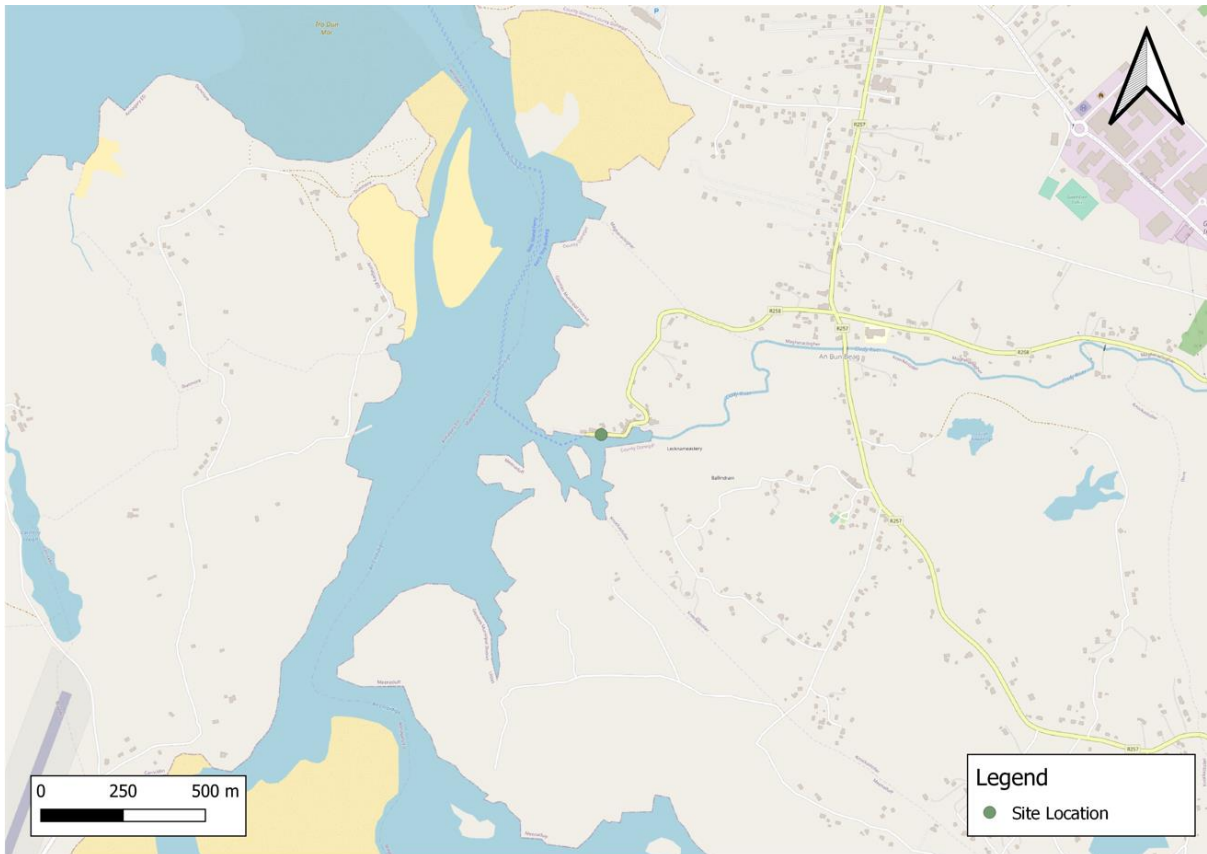
## Glossary of Terms and Abbreviations

AA	Appropriate Assessment
AASS	Appropriate Assessment Screening Statement
CEMP	Construction Environmental Management Plan
DCC	Donegal County Council
EEC	European Executive Committee
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
European Sites	Appropriate assessment tests whether a plan or a project is likely to have a significant negative impact on any Special Protection Areas, Special Areas of Conservation, and/or Ramsar sites. Jointly, these are called 'European sites'.
EU	European Union
EC	European Commission
IROPI	Imperative Reasons of Overriding Public Interest
km	Kilometre
mm	Millimetres
NPWS	National Parks and Wildlife Service
Natura 2000	Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right. It stretches across all 27 EU countries, both on land and at sea.
NIS	Natura Impact Statement
SAC	Special Area of Conservation
SCIs	Special Conservation Interests
SPA	Special Protected Area
QIs	Qualifying Interests
Zone of Influence ZOI	The area where potential environmental changes may potentially impact upon sensitive environmental receptors, considering the spatial scope of the proposed scheme.

# 1 Introduction

## 1.1 Overview

Donegal County Council (DCC) propose to carry out maintenance work at the Bunbeg Pier, located north of Bunbeg, County Donegal (see Figure 1-1).



**Figure 1-1: Bunbeg Pier-Co.Donegal**

The works are being undertaken as part of a package of works, including the maintenance/ upgrade/ construction of twelve various piers and harbours within County Donegal..

As part of the proposed project, this Preliminary Environmental Impact Assessment (EIA) Screening Report has been prepared to determine whether or not an EIA is likely to be required as a project listed in Annex II of the EIA Directive (Annex II Projects) and transposed into Irish Planning Law in Schedule 5 of the Planning and Development Regulations 2001-2020. Schedule 7 of the Planning and Development Regulations identify the criteria for determining if a subthreshold development (as identified in Schedule 5) will require an EIA.

## **1.2 Project Background and Need for the Scheme**

As mentioned, DCC propose to carry out minor construction works at Bunbeg Pier in County Donegal.

The construction work will include:

- The installation of prefabricated floating pontoons by crane.
- The pontoons will be of length 250m.
- Pontoons are to be secured by fixing to the pier wall.
- Pontoons will move on the tide on vertical rails
- Pontoons and rails will be manufactured offsite and delivered for installation.

### **1.2.1 Construction Programme**

The construction period will be from March 2023 to May 2023 (3 months).

### **1.2.2 Construction Method Statement**

It is proposed to install prefabricated floating pontoons that will be fixed to the pier wall and will move with the tide on vertical rails.

The pontoons and rails will be manufactured offsite and delivered for installation.

A crane will be used for the installation works.

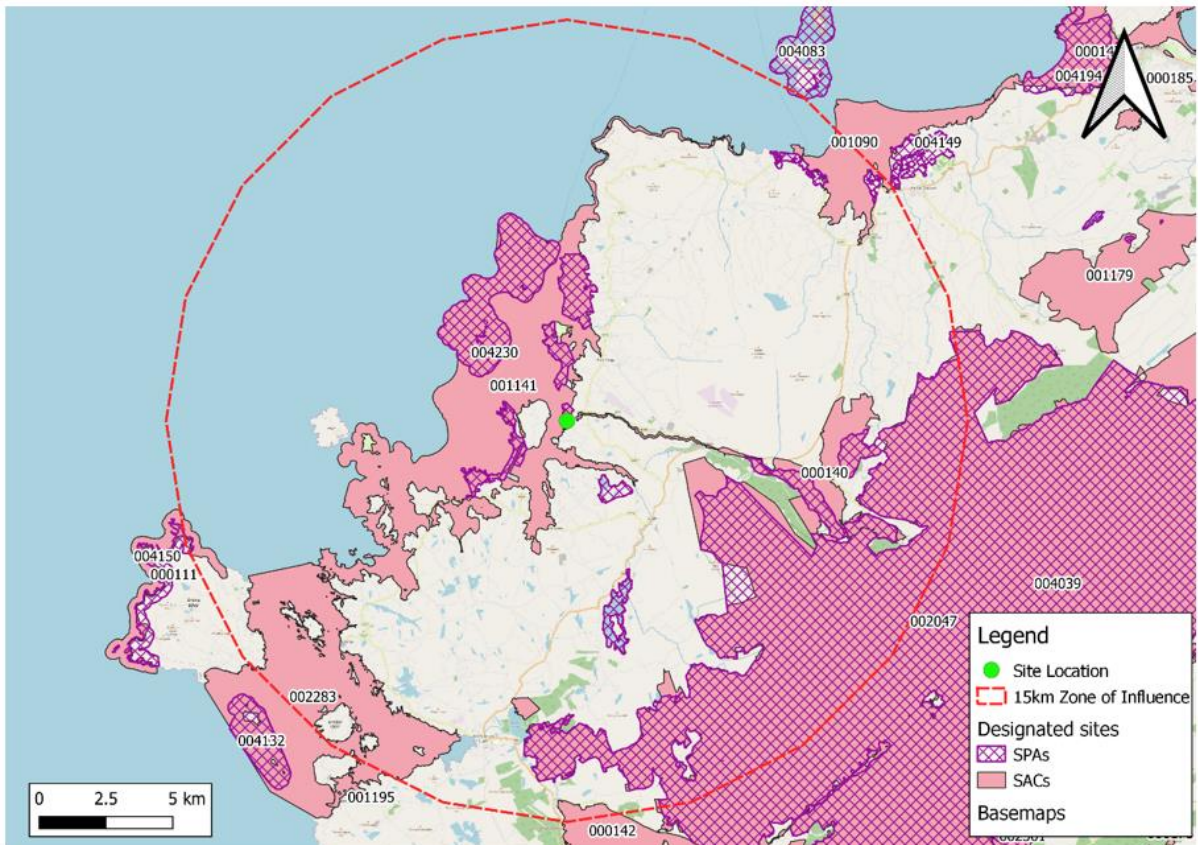
## 2 Description of Project Area and Baseline Conditions

The Project area is located close to the town of Bunbeg, in the townland of Ballindrait. The pier is located within a coastal community of low population density at the discharge point of the Clady River.

The project site lies within the Gweedore Bay and Islands SAC and within 90m of the West Donegal Coast SPA. Ten other Natura 2000 Sites lie within a 15km range, including (see Figure 2-1) (EPA Map Viewer, 2022):

1. Aran Island (Donegal) Cliffs SAC
2. Fawnboy Bog/Lough Nacung SAC
3. Gannivegil Bog SAC
4. Ballyness Bay SAC
5. Cloghernagore Bog and Glenveagh National Park SAC
6. Rutland Island and Sound SAC
7. Derryveagh and Glendowan Mountains SPA
8. Inishbofin, Inishdooley and Inishbeg SPA
9. Falcarragh to Meenlaragh SPA
10. West Donegal Islands SPA

The qualifying interests of the Gweedore Bay and Islands SAC include Marsh Fritillary (*Euphydryas aurinia*), Otter (*Lutra lutra*), Petalwort (*Petalophyllum ralfsii*) and Slender Naiad (*Najas flexilis*) as well as a number of coastal and reef habitats (NPWS, 2015a). The qualifying interests of the West Donegal Coast Special Protection Area SPA include Fulmar (*Fulmarus glacialis*), Cormorant (*Phalacrocorax carbo*), Shag (*Phalacrocorax aristotelis*), Herring Gull (*Larus argentatus*), Kittiwake (*Rissa tridactyla*), Razorbill (*Alca torda*), Chough (*Pyrrhocorax pyrrhocorax*) and Peregrine (*Falco peregrinus*) (NPWS, 2015b).



**Figure 2-1: Natura 2000 sites within the 15km Zone of Influence**

A review of the National Sites and Monuments Record Historic Environment viewer indicates there are no sites of Archaeological Heritage or Cultural Heritage interest within the Project area. There is a Cist located 1.5km north of the Project area (Historic Environment Viewer, 2022).

There is an unnamed wreck (W18536) located at the entrance to Bunbeg harbour which is visible at low tide in the intertidal zone. The Project area will be close to the quay and not adjacent to the wreck. Due to the minimal nature of vibrations likely from these works, this wreck is considered unlikely to be affected by the works. A second wreck Acceptor (W07095) described as lost in Bunbeg river is listed on the National Monuments Wreck Inventory. A location for this vessel is not listed. Location details are not available on the inventory, however impact to this feature is considered unlikely to occur given the nature of the works, the floating pontoon is to be anchored to the pier rather than the seabed (NMS, 2022) (NMS Wreck Inventory of Ireland: Donegal, 2022).

Immediately upstream of the project area is the Clady River monitoring station. The Clady River, at this location, has a Q Value score of 3-4 and a Q Value Status of Moderate. The Clady River has a Water Framework Directive Status of Good (EPA Map Viewer, 2022).

There are no other designated sites or features within the project area.



## 3 Environmental Impact Assessment Screening

### 3.1 Introduction

EIA Screening is the process of deciding whether a development requires an EIA. The EIA screening exercise initially assesses the development for Mandatory EIA using classifications defined in the appropriate legislation. Where no mandatory requirement is concluded, screening advances to Sub-Threshold Development Assessment, where the competent authority evaluates whether the project is likely to have a significant effect on the environment, with reference to its scale, nature, location and context.

### 3.2 Legislative Context

The requirement for an EIA derives from Council Directive 85/337/EEC (as amended by Council Directives 97/11/EC, 2003/35/EC and 2009/31/EC and as codified and replaced by Directive 2001/92/EU of the European Parliament and the Council on the assessment of the effects of certain public and private projects on the environment (and as amended in turn by Council Directive 2014/52/EU).

The mandatory requirement for an EIA is generally based on the nature or scale of a proposed development, as set out in EU Directive 85/337/EEC (as amended by Directive 97/11/EC).

The 2014 Directive defines the EIA as a process, the responsibility for which lies with the developer, to prepare an EIAR for examination by the Competent Authority to allow reasonable conclusions to be drawn on the proposed development.

These requirements are transposed into Irish Law and included in the Planning and Development Act 2000, as amended, and Planning and Development Regulations 2001-2020 as necessary. The Planning and Development Regulations 2001-2020 also identify certain types and scales of development, generally based on thresholds of scale, for which an EIA is mandatory.

In addition, there can be a requirement to undertake an EIA for 'sub-threshold' developments. In this respect, it is necessary to undertake a screening exercise to assess whether the proposed development requires an EIA (either mandatory or sub-threshold).

This EIA Screening Report references the Planning and Development Acts 2000 to 2020 when describing the EIA threshold criteria (Schedule 5 and 7).

### 3.3 Methodology

EIA Screening for the proposed scheme was undertaken with consideration of the following legislation and guidance:

- Planning and Development Acts, 2000 to 2020.

- Planning and Development Regulations, 2001 to 2020 (including Schedules 5 and 7).
- Environmental Impact Assessment of Projects Guidance on Screening (Directive 2011/92/EU as amended by 2014/52/EU), European Commission (EC), 2017.
- Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports (EPA, 2017).
- Draft Advice Notes on Preparing Environmental Impact Statements (EPA, 2015).
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, Department of Housing, Local Government and Heritage (DHPLG, 2018).
- Annex IIA of Council Directive 2014/52/EU.
- Annex III of Council Directive 2014/52/EU.
- EU Directive 85/337/EEC (as amended by Directive 97/11/EC).

### **3.3.1 Screening for Mandatory EIA**

Screening for Mandatory EIA requires a developer to provide the information listed in Annex IIA and to determine the need against the Criteria in Annex III to the 2014 Directive. The Planning and Development Regulations 2001 (as amended) also apply and must be considered as the legislation specifies projects in Schedule 5 of the Regulations that must undergo mandatory EIA.

If the project does not require a mandatory EIA under Schedule 5 of the Planning and Development Regulations 2001 (as amended), it may still be required under Article 103 of the Planning and Development Regulations 2001 (as amended) where the Competent Authority considers that the development would be likely to have a significant effect on the environment.

### **3.3.2 Screening for Sub-Threshold EIA**

Screening for a Sub-Threshold EIA addresses the possible need for EIA below the Annex II national thresholds. There is a requirement to carry out EIA where significant effects may arise due to the nature of the proposed development, its scale or extent and its location in relation to the characteristics of the receiving area, particularly sensitive environments.

Annex III of Council Directive 2014/52/EU sets out the criteria for assessing whether or not a project will have “likely” and “significant” effects on the environment, in which case an EIA is also required.

## 4 Screening for Mandatory EIA

### 4.1 Methodology

The methodology for screening for mandatory EIA involved:

- A desktop study of the baseline environmental conditions and environmental receptors within the vicinity of the proposed development. Identification of the potential impacts and effects.
- An examination of the proposed scheme against Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- An examination of the proposed scheme against Schedule 7 of the Planning and Development Regulations 2001 (as amended) (refer to Appendix A).

### 4.2 Schedule 5 of the Planning and Development Regulations 2001-2020 Review

The proposed scheme falls within the relevant categories listed overleaf as described within Schedule 5 of the Planning Development Regulations 2001-2020.

**Table 4-1: Relevant Extracts from Schedule 5 of the Planning and Development Regulations 2001**

Statutory Reference	Mandatory Threshold	Screening Conclusion
<b>Schedule 5, Part 1</b>		
<b>The Project is not listed.</b> It therefore is not subject to Mandatory EIA under this Schedule.		
<b>Schedule 5, Part 2</b>		
Schedule 5 Part 2 Section 10(e)	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 proposed project includes small-scale installation of floating pontoons, including anchoring to the pier wall. The floating pontoon proposed is 250m. The works will be completed within 2 months.  <b>Mandatory threshold is not reached.</b>
Schedule 5 Part 2 Section 12(b)	Sea water marinas where the number of berths would exceed 300 and freshwater marinas where the number of berths would exceed 100.	The project is installation works for a prefabricated floating pontoon with required anchoring.  <b>Mandatory threshold is not reached.</b>

Statutory Reference	Mandatory Threshold	Screening Conclusion
Schedule 5 Part 2 Section 14	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.	No demolition works to be carried out.  <b>Mandatory threshold is not reached.</b>
Schedule 5 Part 2 Section 15	Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	See the sub-threshold screening outlined in Chapter 5.

In summary, the proposed development does not fall under any of the thresholds in Schedule 5 Part 1 for mandatory EIA and it does not meet/exceed the thresholds for which it falls under in Schedule 5 Part 2. Therefore, it is considered that a mandatory EIA is not required and that it is a sub-threshold project.

## 5 Sub-Threshold EIA Screening

Sub-threshold development is defined in the Planning and Development Regulations 2001-2018 Part 10 Section 92 as “development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development”. This is the case for this Project.

The Planning and Development Regulations 2001-2018 Part 10 Section 120 outline the requirements for proposed sub-threshold developments in relation to EIA, and state:

*(1) (a) Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.*

*(b) Where the local authority concludes, based on such preliminary examination, that—*

*(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,*

*(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or*

*(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall*

*(I) conclude that the development would be likely to have such effects, and*

*(II) prepare, or cause to be prepared, an EIAR in respect of the development.*

On this basis, a preliminary screening examination of the proposed project was undertaken using the criteria outlined in Schedule 7 of the Planning Development Regulations 2001-2020. This is outlined in Table 5-1.

**Table 5-1: Sub-Threshold Screening in Accordance with Schedule 7**

Criteria in Schedule 7 of the Planning Development Regulations 2001-2020.	Review
<p>Characteristics of the proposed development, in particular:</p> <ul style="list-style-type: none"> <li>(a) the size and design of the whole of the proposed development.</li> <li>(b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment.</li> <li>(c) The nature of any associated demolition works.</li> <li>(d) the use of natural resources, in particular land, soil, water and biodiversity.</li> <li>(e) the production of waste.</li> <li>(f) pollution and nuisances.</li> <li>(g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge.</li> <li>(h) the risks to human health (for example, due to water contamination or air pollution).</li> </ul>	<p>The proposed project consists of installation of a 250m of prefabricated floating pontoon, with mooring capacity for small vessels. The works include the anchoring of the pontoon to the pier wall.</p> <p>The project is in an area of low population density, with no existing development anticipated to cause cumulative impact. With regards to planned developments/those developments with ongoing planning consent, there are no records of such developments within the vicinity of the project, as identified on the DCC Planning Applications Search.</p> <p>The use of natural resources such as aggregates, concrete materials and energy will be limited for the proposed scheme as the pontoon is prefabricated (limited to works for a 250m floating pontoon) and the resources to be used are common construction materials and hydrocarbons for the operation of the crane.</p> <p>Small amounts of waste will be generated during the installation works, comprising of common construction wastes (i.e., facilities waste for contractors working onsite (i.e., food waste). As the floating pontoon will be pre-fabricated- concrete and steel wastes are not anticipated. Volumes of waste will be minimal and appropriately managed.</p> <p>The generation of air pollution is considered minimal, limited to the operation of various construction plant (i.e., machinery/generators). The works will generate noise and given the proximity of residential receptors to the harbour some impact is likely. However, these nuisances are deemed manageable through best practise construction mitigation. Further, the construction timeline is short (maximum 3 months), so all impacts are considered temporary.</p> <p>As works are ongoing adjacent to the marine environment, there is the potential for accidental release of waste and hazardous substances from accidental spillage of fuels</p>

Criteria in Schedule 7 of the Planning Development Regulations 2001-2020.	Review
	and breakdown of equipment/machinery. The quantities to be present on site are however anticipated to be minimal and best practise construction mitigation will provide appropriate management of these impacts.
<p>The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to:</p> <p>(a) the existing and approved land use</p> <p>(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground</p> <p>(c) the absorption capacity of the natural environment, paying particular attention to the following areas:</p> <ul style="list-style-type: none"> <li>- wetlands, riparian areas, river mouths.</li> <li>- coastal zones and the marine environment.</li> <li>- mountain and forest areas.</li> <li>- nature reserves and parks.</li> <li>- areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive.</li> <li>- areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure.</li> <li>- densely populated areas.</li> </ul> <p>(d) landscapes and sites of historical, cultural or archaeological significance.</p>	<p>The proposed project is located in an area of low population density, near the village of Bunbeg, surrounded by agricultural land, coastal land and small villages and residences.</p> <p>As identified in the AA Screening, the qualifying interests of the Gweedore Bay and Island SAC and five SPAs are considered to have high sensitivity given the location and nature of the works. Sensitivities were established as a result of potential risks from hydrocarbon contamination. Further, the five SPA sites located within 15km also required a more detailed screening assessment on the basis that noise impacts from construction could disturb breeding or foraging avifauna.</p> <p>There is one heritage site recorded on the National Monuments Service (NMS) located 1.5 km north of the site, (Monument DG032-013) (Historic Environment Viewer, 2022). Minimal vibration is anticipated from the works. Furthermore, it is not anticipated this structure will be affected given its distance from the site.</p> <p>There is an unnamed wreck (W18536) located at the entrance to Bunbeg harbour which is visible at low tide in the intertidal zone. The Project area will be close to the quay and not adjacent to the wreck. Due to the minimal nature of vibrations likely from these works, this wreck is considered unlikely to be affected by the works. A second wreck Acceptor (W07095) described as lost in Bunbeg river is listed on the National Monuments Wreck Inventory. A location for this vessel is not listed. Location details are not available on the inventory, however impact to this feature is considered unlikely to occur given the nature of the works, the floating pontoon is to be anchored to the pier rather than the seabed. Notwithstanding this, consultation with the National Monuments Service (NMS) is recommended (NMS, 2022) (NMS Wreck Inventory of Ireland: Donegal, 2022).</p>

Criteria in Schedule 7 of the Planning Development Regulations 2001-2020.	Review
<p>The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—</p> <ul style="list-style-type: none"> <li>(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected).</li> <li>(b) the nature of the impact,</li> <li>(c) the transboundary nature of the impact</li> <li>(d) the intensity and complexity of the impact</li> <li>(e) the probability of the impact,</li> <li>(f) the expected onset, duration, frequency and reversibility of the impact,</li> <li>(g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and</li> <li>(h) the possibility of effectively reducing the impact.</li> </ul>	<p>The magnitude and spatial extent of the works is minimal, limited to the immediate vicinity of the existing harbour infrastructure (quay wall and slip way).</p> <p>Following a screening assessment and review of potential risks without mitigation, the AA Screening determined beyond reasonable scientific doubt that significant effects to the Gweedore Bay and Islands SAC were highly unlikely, alone or in combination with other plans or projects. Effects of hydrocarbon spill were considered negligible given the planned location of the refuelling area &gt;100m from the working area, and through standard maintenance of vehicle and plant. Further, noise impacts to the SPAs were deemed to have negligible effect on the avifauna’s capacity to forage given the small size of the Zone of Influence. Therefore, it was determined that Appropriate Assessment is not required for this Project.</p> <p>As well as the ecological interests, there are commercial facilities and residential areas located within a 100m buffer of the planned works area, however the construction timeline is short (3 months) so impacts will be temporary. Further, best practise construction mitigation will be implemented in line with a site-specific Construction Environmental Management Plan (CEMP) to eliminate or minimise nuisance and contamination impacts during this period.</p> <p>All pontoons to be installed are pre-fabricated therefore, there is a low probability of impact to coastal waters from construction sediment.</p>



## 6 Screening Conclusion

The proposed project has been assessed in terms of the mandatory requirement for an EIA based on the nature or scale of the development, as addressed in the EU Directive 2014/52/EU. It is considered that the proposed project does not fall within the scope of mandatory EIA and is a sub-threshold EIA.

In consideration of the nature, scale and location of the development Project according to the criteria outlined in Schedule 7 of the Planning Development Regulations 2001-2020, it is concluded that there is no significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development.

In this instance it is not considered that an EIA is required.

Reasons for conclusion:

- The proposal is substantially below relevant mandatory EIA thresholds.
- There are no potential cumulative or in combination effects likely to arise.
- There is no real likelihood of significant effects on the environment arising from the proposed development.
- The implementation of appropriate pre-construction planning and preparation of a CEMP with appropriate measures are considered sufficient to avoid or prevent what might otherwise have been significant adverse effects on the environment.

Therefore, it is anticipated that an EIA will not be required.

With regards to the recorded wrecks in the area, it is recommended that the National Monuments Service (NMS) is consulted with as a due diligence exercise ahead of the works commencing.

## 7 References

Department of Housing, Local Government and Heritage (DHPLG). (2018). *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*.

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NPWS. (2015b). *Protected Sites, West Donegal Coast SPA*. Retrieved from Site Synopsis.

Appendix A – Project Location Plan





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