

# Submission HLG 00483-23: Screening for Appropriate Assessment Determination on Foreshore Applications: UCD Soil and Vegetation Sampling: FS007192 – Baldoyle, FS007207 – Fota Island, FS007274 – Ballyteige FS007278 – Derrymore Island

TO: Minister of State O'Donnell  
STATUS: Completed  
PURPOSE: For Decision and Signature

AUTHOR: Ian Hartnett (Housing)  
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DIVISION: Foreshore  
DECISION BY:

## Final comment

Read and signed by Minister O'Donnell 20/09/2023

## Action required

Ministerial determination on the Screening for Appropriate Assessment, and signing of the Screening for Appropriate Assessment Determination statement, if approved.

## Executive summary

Dr Grace Cott and Shannon Burke (PhD Student) of University College Dublin require four 1 year Foreshore Licences under section 3.3 of the Foreshore Act 1933 (as amended) to facilitate the analysis of Irish coastal wetland carbon stocks.

As part of the assessment the Minister is 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').

Having considered all relevant material a recommendation has been made that the Minister adopts the Screening for AA reports and reaches the following Screening for AA 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 these projects**, individually or in combination with other plans or projects, are not likely to have a significant effect on European sites. 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 developments and has not taken account of measures intended to avoid or reduce significant effects on European sites.

## Detailed information

### Overview

University College Dublin have applied for four Foreshore Licences under section 3.3 of the Foreshore Act 1933 (as amended) as part of a project which aims to facilitate the analysis of Irish coastal wetland carbon stocks. The applicant has requested each licence has a duration of one year.

The four referenced licences in this submission are as follows:

FS007192 UCD Soil and Vegetation Sampling – **Baldoyle, Co. Dublin**

FS007207 UCD Soil and Vegetation Sampling – **Fota Island, Co. Cork**

FS007274 UCD Soil and Vegetation Sampling – **Ballyteige, Co. Wexford**

FS007278 UCD Soil and Vegetation Sampling – **Derrymore Island, Co. Kerry**

The content within each application are almost identical due to the uniform assessment of each site; each application contains two maps that are relevant to the site in question.

The following application documentation was supplied:

- FS007192 Application Form. **Tab 13.**
- FS007192 Foreshore Licence Map. **Tab 14.**
- FS007192 Site Layout. **Tab 15.**
- FS007192 Combined Schedule of Works and Method Statement. **Tab 16.**
- FS007207 Application Form. **Tab 17.**
- FS007207 Foreshore Licence Map. **Tab 18.**
- FS007207 Site Layout. **Tab 19.**
- FS007207 Combined Schedule of Works and Method Statement. **Tab 20.**
- FS007274 Application Form. **Tab 21.**
- FS007274 Foreshore Licence Map. **Tab 22.**
- FS007274 Site Layout. **Tab 23.**
- FS007274 Combined Schedule of Works and Method Statement. **Tab 24.**
- FS007278 Application Form. **Tab 25.**
- FS007278 Foreshore Licence Map. **Tab 26.**
- FS007278 Site Layout. **Tab 27.**
- FS007278 Combined Schedule of Works and Method Statement. **Tab 28.**

## **Brief Description of Works**

The proposed works and activities include the removal of soil samples and small quadrats of vegetation. Sixteen soil cores (28cm<sup>3</sup> each) will be taken at the site using a gauge auger (6cm diameter, 1m length) with the intention of removing up to 280cm<sup>3</sup> of soil which will be brought back to UCD for analysis. In addition to the removal of soil, eight plots of vegetation (30cm x 30cm) will be removed from the site and examined in UCD.

Access to the sampling locations will be on foot and precautions will be taken to not disturb wildlife and birds on site. Precautions will be taken not to remove any rare plant species in the area. In the case of invasive species (e.g. *Spartina anglica*) all vegetation will be disposed of safely in the laboratory post-analysis. All equipment will also be cleaned and disinfected between sites to inhibit the spread of this invasive species.

The proposed works and activities have an indicative timeframe of approximately 3 months. Full details of the works involved are set out in the application forms.

## **Public Consultation under Section 19 of the Foreshore Act 1933 (as amended)**

A Public consultation was undertaken to conform to the requirements of the Section 19 of the Foreshore Act 1933 (as amended).

The public consultation period ran from 3<sup>rd</sup> May 2021 to the 2<sup>nd</sup> June 2021 and a copy of the applications for each site, and the relevant documents and maps, were available on the Department's website and displayed at the following locations for the duration:

[FS007192 Baldoyle, Co. Dublin](#)

Planning Department, Fingal County Council, County Hall, Main Street, Swords, Co. Dublin

Fingal County Council, Grove Road, Blanchardstown, Dublin 15

Malahide Garda Station, 1-2, St. James Terrace, Malahide, Co. Dublin

FS007207 Fota Island, Co. Cork

Planning Department, County Hall, Carrigrohane Rd., Cork.

Cobh Garda Station, Lower Road, Cobh, Co. Cork.

FS007274 Ballyteige, Co. Wexford

Planning Department, County Hall, Carricklawn, Co. Wexford.

Wexford Garda Station, Mulgannon, Wexford, Y35 DH60.

FS007278 Derrymore Island, Co. Kerry

Planning Department, Rathass, Tralee, Co. Kerry.

Tralee Garda Station, New Road, Tralee, Co. Kerry

During the Public Consultation period there were no submissions received from members of the public.

## Prescribed Bodies Consultation

Foreshore Regulations 2011 (S.I. No. 353 of 2011) provides under Regulation 3 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 requested from:

- Department of Agriculture Food and the Marine
- Department of Housing, Local Government and Heritage (Underwater Archaeology)
- Department of Housing, Local Government and Heritage (National Parks and Wildlife Service)
- Marine Institute
- Sea Fisheries Protection Agency
- Inland Fisheries Ireland
- Marine Survey Office
- Department of Housing, Local Government and Heritage Marine Advisors (Engineering)

The Prescribed Bodies Consultations for all four applications were undertaken simultaneously. All the above listed bodies responded and there were no objections in principle to the proposed works.

These observations were forwarded to the applicant.

FS007192 Prescribed Bodies Observations **(Tab 29)**

FS007207 Prescribed Bodies Observations **(Tab 30)**

FS007274 Prescribed Bodies Observations **(Tab 31)**

FS007278 Prescribed Bodies Observations **(Tab 32)**

The applicant's response to these Prescribed Body observations are at:

FS007192 Applicant Responses to Prescribed Bodies Observations **(Tab 33)**

FS007207 Applicant Responses to Prescribed Bodies Observations **(Tab 34)**

FS007274 Applicant Responses to Prescribed Bodies Observations **(Tab 35)**

FS007278 Applicant Responses to Prescribed Bodies Observations **(Tab 36)**

The submitted Prescribed Bodies Observations were reviewed by the Department's Marine Advisor (Environment) and it was noted that the only stipulations were from Inland Fisheries Ireland regarding biosecurity measures and that the applicant has already addressed these in their application documentation.

## Environmental Assessment

As part of the assessment of the Foreshore Licence applications, the Department's Marine Advisor (Environment) undertook a Screening for Appropriate Assessment (stage 1 screening), and if required, will undertake an Appropriate Assessment (stage 2) of the likelihood of significant impact on European Sites from the proposed works in the applications for these four Foreshore Licences.

Application documents submitted by University College Dublin, **Tab 13 to Tab 28** as listed in the above Overview, informed the Screening for Appropriate Assessment.

The Department's Foreshore Notice website, currently containing the application forms for each site, and the relevant documents and maps, and documents relating to the Public and Prescribed Bodies Consultation previously held are at:

<https://www.gov.ie/en/foreshore-notice/7f32f-ucd-soil-and-vegetation-sampling-baldoyle/>

<https://www.gov.ie/en/foreshore-notice/b5cc8-ucd-soil-and-vegetation-sampling-fota-island/>

<https://www.gov.ie/en/foreshore-notice/8fb0e-ucd-soil-and-vegetation-sampling-ballyteige/>

<https://www.gov.ie/en/foreshore-notice/2501a-ucd-soil-and-vegetation-sampling-derrymore-island/>

## Screening for Appropriate Assessment

The Screening for Appropriate Assessment Reports (technical review) were completed by the Department's Marine Advisor (Environment) (**Tab 05 to Tab 08**). They concluded that likely significant effects as a result of proposed projects, alone or in combination with other plans and projects, on the conservation objectives of European sites can be excluded and therefore an Appropriate Assessment is not required for each application.

## Risk Assessment for Annex IV Species

As the proposed works are localised sampling events, and access to the shore is on foot and will involve a very small number of people, the Department's Marine Advisor (Environment) therefore concluded in the Marine Advisor Environmental Screening Stage Reports (**Tab 09 to Tab 12**) that there will be no disturbance to Annex IV species or to their habitats.

## Environmental Impact Assessment (EIA) Regulations

The proposed projects do not fall within the classes defined under Annex I or Annex II of the EIA Directive and therefore Environmental Impact Assessment Reports (EIAR) are not required. A Preliminary Examination for EIA document for each application has been completed by the Department's Marine Advisor as part of their obligations under the EIA Directive and it is concluded, having considered the information, that an EIAR is not required:

FS007192 EIA Questionnaire (Pre-Screening) (**Tab 37**)

FS007207 EIA Questionnaire (Pre-Screening) (**Tab 38**)

FS007274 EIA Questionnaire (Pre-Screening) (**Tab 39**)

FS007278 EIA Questionnaire (Pre-Screening) (**Tab 40**)

Following the Screening for Appropriate Assessment for each application, and its conclusions reached therein, along with all relevant material considered, a recommendation has been made that the Minister adopts the Screening for Appropriate Assessment Reports 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 projects, individually or in combination with other plans or projects, are not likely to have a significant effect on European sites. 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 developments and has not taken account of measures intended to avoid or reduce significant effects on European sites.

**Tab 01 to Tab 04** contains the **Screening Determination for Appropriate Assessment** statements for each application, prepared by the Department's Marine Advisor (Environment), for **Ministerial Determination and signing**.

**Tab 05 to Tab 08** contain the **Screening for Appropriate Assessment Reports** for each application prepared by the Department's Marine Advisor (Environment).

**Tab 09 to Tab 12** contain the **Marine Advisor Environmental Screening Stage Reports** for each application prepared by the Marine Advisor (Environment).

## Related submissions

There are no related submissions.

## User details

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