

**Environmental Impact Assessment  
Preliminary Examination**

**Proposed Maintenance Dredging and Dumping at Sea  
Buncrana Pier, Co. Donegal.**

By

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For

Ayesa

on behalf of

Donegal County Council  
Piers and Harbours Section

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## **1.0 Introduction**

This Preliminary Examination 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 maintenance dredging and dumping at sea at Buncrana Pier, 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 (NIS) 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 12 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**

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. There are three steps to the screening assessment: (1) Understanding the proposal: is it a project as defined by the EIA directive, is it listed in Schedule 5 (as detailed above), or has a schedule 7 report been supplied; (2) Preliminary examination and conclusion: is there is a likelihood of significant impacts and (3) Formal Screening determination: 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 (schedule 7 report / screening determination report).

#### **5.0 Project proposals**

Buncrana pier lies on the eastern shore of Lough Swilly. Sands/gravels that have accumulated due to shifting sand bars, storm driven sediment movement or infill from river flood events have caused a build up of sediment which requires maintenance dredging on an annual basis to keep the pier operational for the RNLI and local craft.

The proposed works at the site are planned to take place on an annual basis for a duration of 8 years, with the re-positioning/scattering of sediment in the region of 12,000m<sup>3</sup> on an annual basis (2026 – 2034) across two dredge campaigns.

This maintenance dredging has been carried out annually to ensure the RNLI access isn't impeded by siltation at the pier. A plough dredger is used, and the dredged material redistributed on the bottom of the sea bed.

The dump site extends approximately 180m north, 290m south and 370m seawards of the pier structure, as outlined in Figure 7.1 below. The total area encompassed within the dump site is approximately 274,500m<sup>2</sup>

The total area encompassed by the dredge site is approximately 18,900m<sup>2</sup>.

A plough-dredge, composed of a steel leveller, is dragged over the dredge area, thereby moving material along the bed to adjacent areas at a lower level. The result being local high points on the bed are levelled and design water depths are restored. As the sites will be plough dredged the dredge sites will also act as the dump-sites. In areas inaccessible to the plough dredger, an excavator will be deployed either from the pier deck or, at lower tides, from the seabed to remove material from the site. This material (1,250m<sup>3</sup> of the 12,000m<sup>3</sup> proposed) will be relocated a short distance away, across the beach, by tipper lorry to the golf course adjacent, under an existing Article 27 licence.



## 6.0 Screening considerations

According to the OPR guidelines, screening should be carried out following 3 steps: step 1 - understanding the proposal; step 2 (if required) - preliminary examination and conclusion; and step 3 (if required) - formal screening determination see figure 6.1.

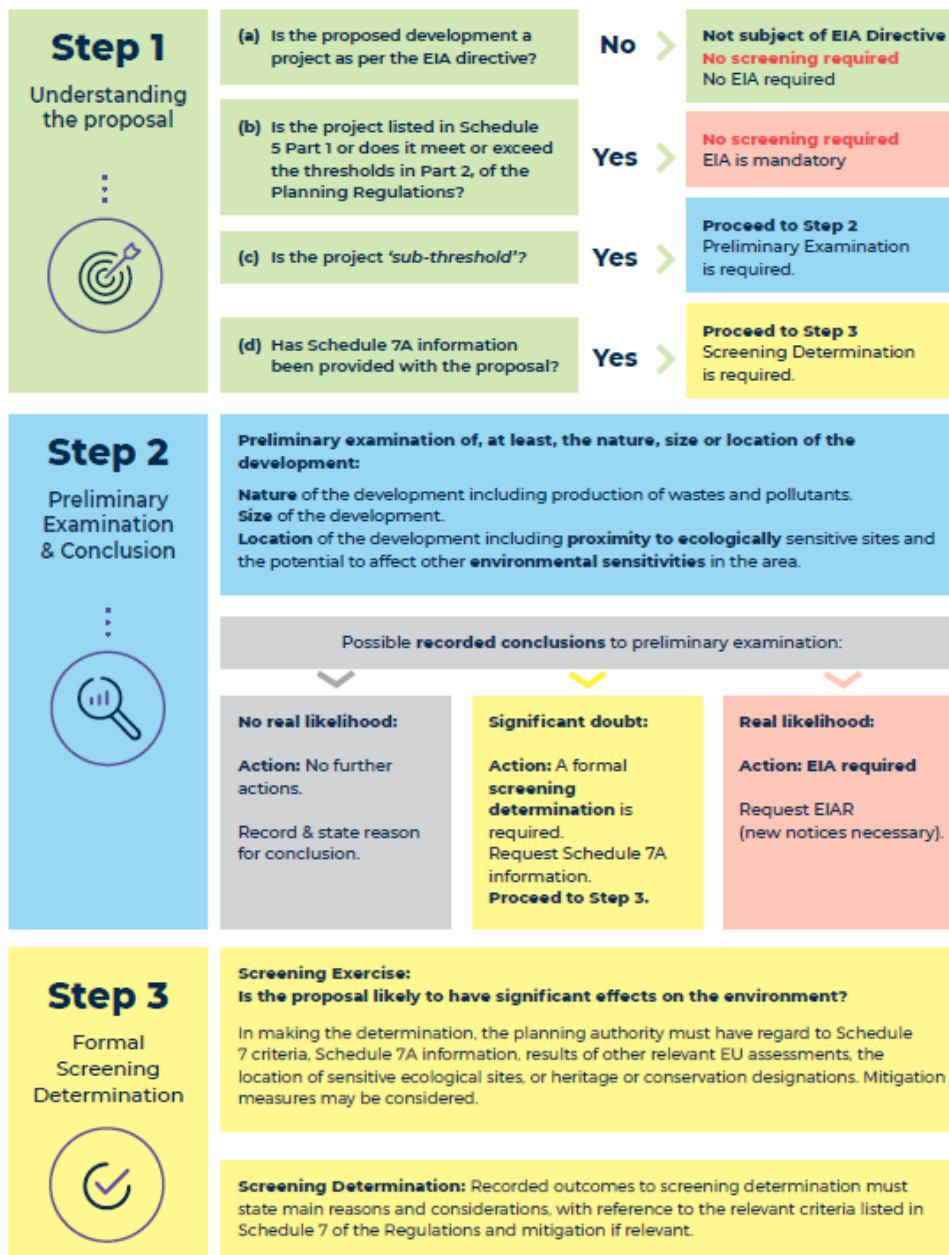


Figure 6.1 Step by step approach to EIA screening for development projects (extract from OPR, 2021)

## 6.1 Step 1 - Understanding the proposal

### 6.1.1 The concept of 'project' (non statutory)

Article 1(2) of the EIA Directive defines 'project' as: *'the execution of construction works or of other installations or schemes and other interventions in the natural surroundings and landscape including those involving extraction of mineral resources.* 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). 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 is for maintenance dredging, with reuse of some of the material at the adjacent golf course (under an article 27) which could be loosely interpreted as extraction of mineral resources and be considered a project in terms of the EIA Directive. Each member state has its own interpretation and transposition into law of the Annex I and Annex II projects listed in the EIA Directive. This is discussed in section 6.1.2.

### 6.1.2 Class of development (statutory)

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.

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 maintenance dredging at Buncrana Harbour does not correspond to any of the projects listed in Schedule 5, Part 1 of the Planning and Development Regulations.

**Schedule 5 Part 2:** The dredging works have been considered under **Schedule 5, Part 2, (2) (d) Extractive industry** as this would be the closest fit:

*Extraction of stone, gravel, sand or clay by marine dredging (other than maintenance dredging), where the area involved would be greater than 5 hectares or, in the case of fluvial dredging (other than maintenance dredging), where the length of river involved would be greater than 500metres.*

The project proposal is for maintenance dredging it is therefore not of a type or class that requires EIAR. It is not a sub threshold development.

Criteria	Options	Assessment of Buncrana Maintenance Dredging, Co. Donegal
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, though this is maintenance dredging the proposal could be loosely interpreted as extraction of mineral resources and be considered a project.
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 = <u>NO</u> Schedule 5, Part 2: <u>NO</u>
Is the project Sub-threshold	Yes: Proceed to step 2 Preliminary Examination	If the proposed project <b>is</b> of a class set out in Schedule 5, Part 2 but <b>does not</b> meet or exceed the relevant threshold, it is a ' <i>sub-threshold development</i> ' and must be screened for EIA. <u>= NO</u> EIA screening not required

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

### 6.1.3 Conclusion Step 1

The proposal is considered a *project* in terms of the EIA Directive, however the proposal is not listed in Schedule 5 of the Planning and Development regulations (as amended) and it is not a *sub threshold* development. No further assessment is required.

#### 6.2.4 Other considerations

A brief assessment of any additional potential impacts has been undertaken using the expected contents of an EIA. This approach provides a comprehensive description of the aspects likely to be affected by the proposed development, if not already identified.

Environmental factors	Comments and conclusion
Population, human health	Some noise and localised increase in traffic related to dredging on the beach. Short term, small scale. No significant impact likely.
Biodiversity	Dredging in the marine environment, marine mammals and fish present. NIS with mitigation to protect marine environment and biodiversity. No significant impact likely.
Land and soil	Small scale. Dredge sampling results suitable for dumping at sea (high criteria). No significant impact likely.
Water	AA Screening concluded no hydrological impacts likely. NIS with mitigation including with regard to noise in water. NIS concluded no residual effects after mitigation. No significant impact likely.
Air	No significant impact likely.
Climate	Small project, no discernible impact.
Material assets	Small Scale, short duration, no risk of contamination. No negative impact likely. Proposal will provide an important material asset for RNLI, local users and the local economy. Positive impact.
Cultural heritage including architectural and archaeological aspects, and landscape	Proposal supports strong fishing culture and heritage in the area. Positive impact. No archaeological or architectural records in the vicinity of works. No significant alteration of landscape. No negative impact likely.

Table 6.3 Assessment of proposal in terms of EIA contents

Operation of the pier will not change from current day use, no negative impacts expected. There will be a positive impact due to the improved facility.

Given the small scale and temporary nature of works and the mitigation included in the NIS, it is considered that any of the previously identified potential impacts would not in themselves be considered significant nor would they cumulatively result in a likely significant effect on the environment.

## **7.0 Overall conclusion**

This EIA preliminary examination report has been carried out in accordance with the Planning and Development Regulations as amended 2001- 2025 (which give effect to the provisions of EU Directive 2014/52/EU). 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 as amended).

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.

A Natura Impact Statement (including an Annex IV risk assessment and Marine Mammal Risk Assessment) concludes that, after mitigation, no significant effects are likely to arise (Devlin, 2025).

The development will not result in the production of any significant waste or result in emissions or pollutants over the long term. It is considered that the issues arising from the connectivity to Natura 2000 sites, other Annex species protected under Natura 2000 and marine megafauna protected under the Wildlife Act 1976-2022 (as amended) can be adequately dealt with in the Natura Impact Assessment (and associated supporting documents) under the Habitats Directive, as there is no likelihood of other significant effects on the environment.

Taking account of the nature, size, 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.

The need for environmental impact assessment can, therefore, be excluded, a screening determination is not required for the proposed maintenance dredging at Buncrana, Co. Donegal. 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. (2025) Natural Impact Statement. Proposed Maintenance Dredging Buncrana, Co. Donegal for Ayesa on behalf of Donegal County Council.

Donegal County Council (2024) Donegal County Development Plan 2024 - 2030.

DoHPLG (2018) Environmental Impact Assessment – Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

European Union (2018) Planning and Development, Environmental Impact Assessment Regulations 2018.

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.

Environmental Protection Agency (2022) Guidelines on the information to be contained in Environmental Impact Assessment Reports.

OPR (2021) OPR Practice Note PN02 Environmental Impact Assessment Screening June 2021.

Planning and Development Act 2000 (as amended).

Planning and Development Regulations 2018 (as amended).

### **Online Sources accessed Apr 2024**

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