

**Appropriate Assessment Screening Report and Determination
for the Installation of a new pontoon at Sherkin Island Pier**



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Comhairle Contae Chorcaí

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Date: 20/02/2024

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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed installation of a new pontoon attached to Sherkin Pier, Sherkin Island, County Cork. The assessment is based on project drawings and details prepared by Cork County Council, a visit to the site (29/01/2024) and referral to published sources.

Part XAB of the Planning and Development Act as amended, provides for the implementation of the EU Habitats Directive, and Section 177 of the Act, requires Planning Authorities to assess the impacts of land use plans and proposed developments on sites that are designated for the protection of Natura 2000 (European Sites¹) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements originate from Article 6(3) of the Habitats Directive which states:

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

EU and National Guidance set out two main stages to the assessment process which are as follows:

Stage One: Screening

The process which identifies what might be likely impacts arising from a project or a plan on a Natura 2000 site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified to be likely to arise, during the screening stage. The findings of the screening assessment are normally contained in a **Habitats Directive Screening Report**.

Stage Two: Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment, and is completed by the Competent Authority, (the authority designated to give consent to the project). It involves the compilation of a **Natura Impact Statement** by the project proponent, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used by the Competent Authority to identify and classify any implications of the project for these sites in view of their conservation objectives. The Appropriate Assessment must include a determination as to whether the project would adversely affect the integrity of any European site or sites. The project may only be consented if adverse effects on the integrity of European sites can be ruled out during the Appropriate Assessment process. The project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one

or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

The directive provides for a **derogation procedure** which can allow a plan or project to proceed despite a finding that the plan or project could / would give rise to adverse effects on the overall integrity of one or more Natura 2000 sites. Derogation procedures can only be progressed in very limited circumstances which are set out in Article 6(4) of the Directive (see below).

Habitats Directive Article 6(4)

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

EU and National Guidance identifies the procedures which must be followed in circumstances where a derogation from the Habitats Directive is sought to allow a project or a plan to proceed, despite a finding that it will give rise to adverse effects on the integrity of one or more Natura 2000 sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan/project which avoid adverse effects on the integrity of one or more European sites, where it has been demonstrated that there are imperative reasons of overriding public interest for which the plan/project must proceed and where measures have been developed and provided to compensate for any losses to be incurred. These further stages are described below.

Stage Three: Assessment of alternative solutions

In circumstances where the potential for a plan or project to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorisation where it is demonstrated that there are no alternative solutions and that there are Imperative Reasons of Overriding Public Interest (IROPI) which can allow the plan or project to proceed. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

The fourth stage of the Habitats Directive Assessment process involves demonstrating that Imperative Reasons of Overriding Public Interest exist and includes the assessment of the compensatory measures which are proposed to be implemented. In every case in which a local authority envisages approving or proceeding with a plan or project on grounds of IROPI, the Minister for Housing, Local Government and Heritage must be consulted.

The assessment may cease at any of the above stages if significant impacts on Natura 2000 sites can be ruled out.

Regulation 250 of the Planning and Development Regulations requires the Local Authority to complete Habitats Directive Screening in respect of development it proposes to progress.

Sherkin Island Pontoon Appropriate Assessment Screening and Determination

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed installation of a new berthing pontoon at Sherkin Island Pier. All European sites within or close to the proposed works site, or that might have an ecological linkage to the proposed development have been identified and screened to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

Map showing the Location of the Proposed Development Site and Natura 2000 Sites

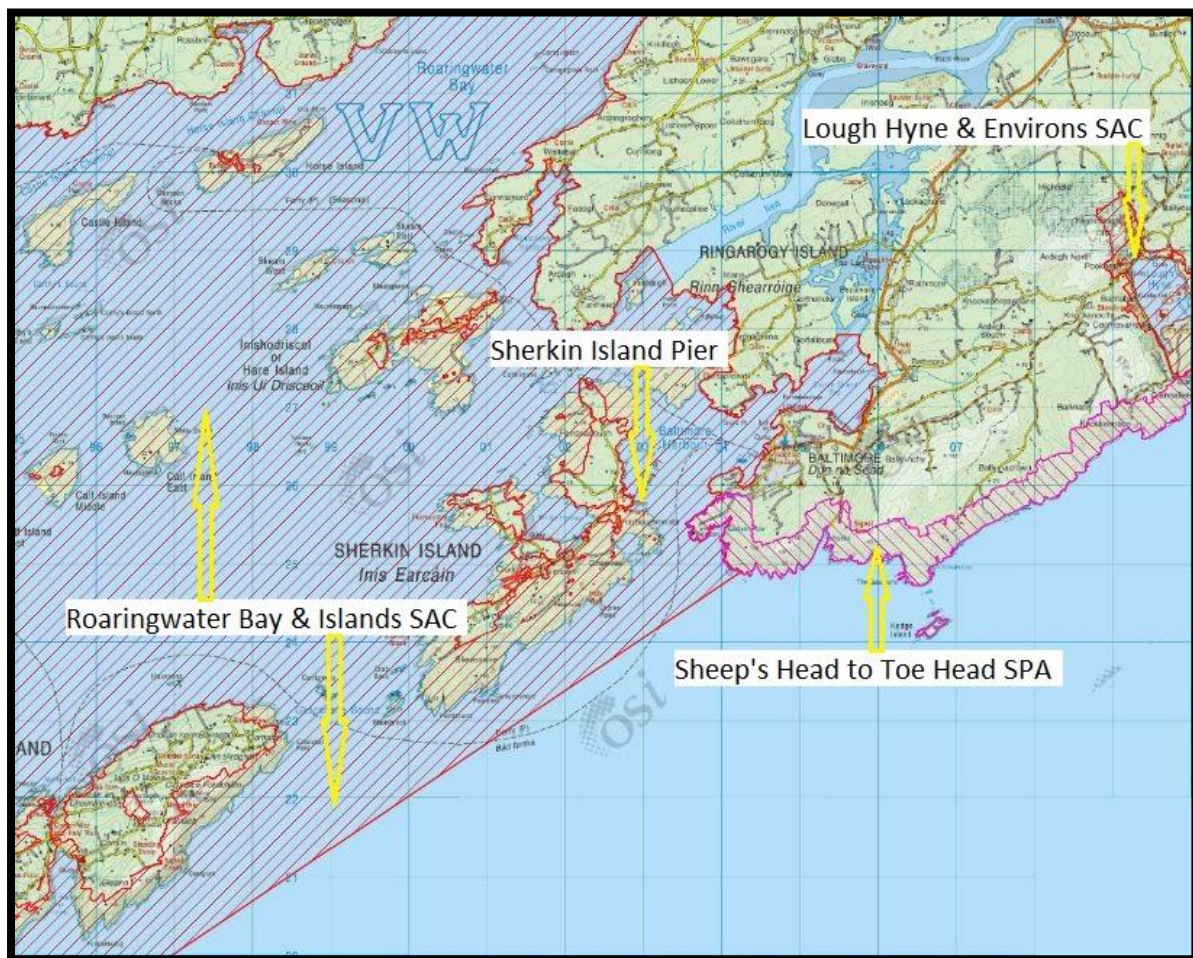


Figure 1. Map showing Sherkin Island Pier and nearby Natura 2000 sites.

Description of the project and local site characteristics

STEP 1. Description of the project/proposal and local site characteristics	
(a) Site Name/Reference Number:	Installation of a new berthing pontoon at Sherkin Island pier.
(b) Brief description of the project or plan:	Background This project is focussed on providing safer mooring access for islanders travelling to and from the island on a daily basis. The pontoon would also be available to visiting pleasure craft during the summer months (see Figure 1 above). Details • The project entails towing six prefabricated pontoons across the channel from Baltimore. The pontoons will be attached to the north quay wall of the pier. This will involve attaching several permanent galvanised steel H beams to the quay wall. A Loadall vehicle will be positioned on the pier to install the H beams to the pier. The pontoon will have guides attached to enable the structure to run up and down the beam. No works on the sea bed will be necessary for the installation of the pontoons. • The end section of the pontoon will involve placing 5t anchor blocks with 44/26mm chain from the block to the pontoon. These anchor blocks will be deployed from a barge. The anchor blocks will be 1.5m x 1.5m in area (covering a total area of 11.25m²). The blocks adjacent to the pier may be buried beneath the seabed, depending on final design and water depths. In any event, most or all of the anchor blocks are likely to be subsumed in the surrounding sediments over a relatively short time period. • The end section of the pontoon jutting out from the pier will be removed each year from October to April due to winter storms. The attaching chains will be held in position by the use of floating buoys. • The initial construction phase of the pontoon will take place between the months of June and October depending on procurement. Installation is anticipated to be completed within 2 weeks. • The end section of pontoon will be removed for the winter period and will be stored on an existing mooring in Church Strand.

	Benefits • The new pontoon would provide safer mooring facilities for islanders and visitors alike. • The installation of this pontoon would significantly reduce the habitat damaging practice of day-tripping visiting vessels randomly dropping anchors in the bay surrounding the pier (see Figure 3 below). • The anchor blocks are likely to sink in the sand/mud over a relatively short time, blending in with the <i>shallow sand/mud community complex</i> in the surrounding habitat: <i>large shallow inlets and bays</i> as has been observed with the anchor blocks for a similar pontoon in Kinsale.
(c) Brief description of site characteristics:	Sherkin Island Pier is the main pier on the Sherkin Island and is located on the north-eastern side of the island. Most of the pier and surrounding waters (and indeed much of Sherkin Island) is within Roaring Water Bay Special Area of Conservation (SAC). Sheep's Head Special Protection Area (SPA) is located 700m due east of the pier at its closest point on the mainland. Lough Hyne Nature Reserve and Environs SAC is located 7.5 km northeast of the pier (see Figure 1 above).
(d) Relevant prescribed bodies consulted:	National Parks and Wildlife Service (NPWS) staff were contacted and met with Cork County Council staff at Sherkin Pier to discuss the proposed developments.
(e) Response to consultation:	NPWS staff consulted had no objections to the proposed development subject to completion of Appropriate Assessment Screening.

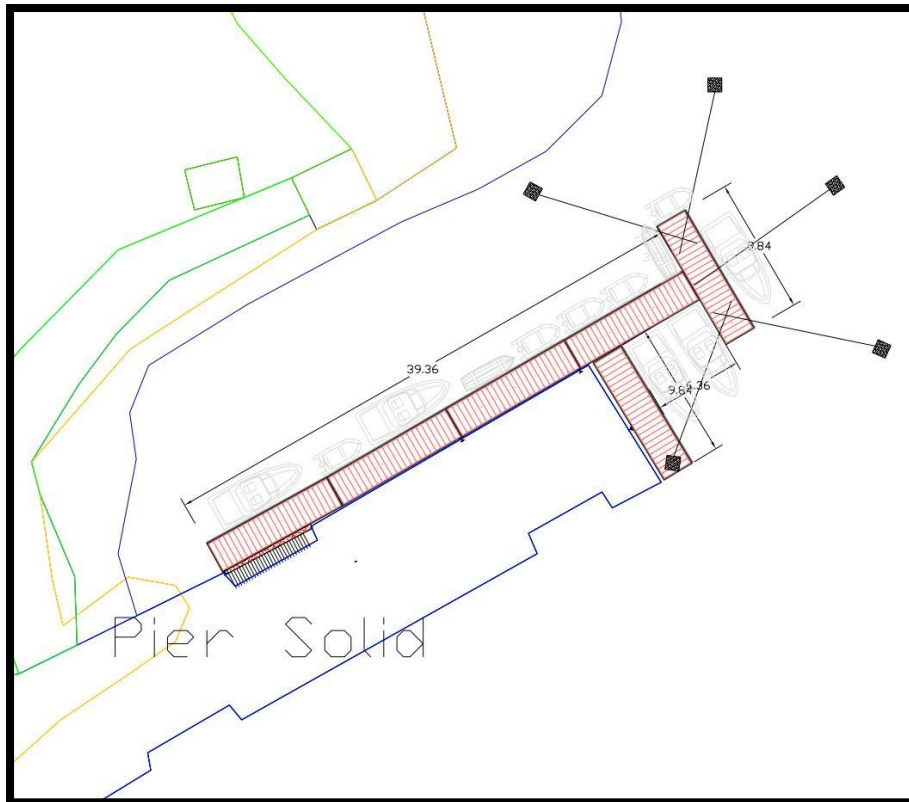


Fig. 2. Drawing showing the location and dimensions of the proposed pontoon and Sherkin Pier.



Fig. 3. Aerial photograph showing Sherkin Pier. The coloured overlay shows the boundary of Roaringwater Bay and Islands SAC. Vessels attached to moorings in the bay can be seen in the bottom right.

Identification of relevant Natura 2000 sites and Qualifying Interests

STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:				
European Site [code]	List of Qualifying Interest/Special Conservation Interest [species/habitat code]	Distance from proposed development via the sea (approximate)	Connections (Source- Pathway-Receptor)	Considered further in screening Y/N
Roaring water Bay and Islands SAC [0101]	Large shallow inlets and bays [1160]	Adjacent.	Yes, the close proximity of the proposed development to this habitat provides a direct pathway.	Yes
	Within this broad habitat there are a number more defined habitats:			
	Zostera dominated communities	6 km northwest	A weak pathway exists, but the combination of distance, tides and sea conditions render this pathway unviable.	No
	Maerl dominated communities	6 km northwest	A weak pathway exists, but the combination of distance, tides and sea conditions render this pathway unviable.	No
	Shallow sand/mud	Adjacent	Yes, the close proximity of the proposed development to this habitat provides a direct pathway.	Yes
	Mixed sediment community complex	0.6 km	Yes, the close proximity of the proposed development to this habitat provides a direct pathway.	Yes

	Muddy sand with bivalves and polychaetes community complex	6.3 km	A weak pathway exists, but the combination of distance, tides and sea conditions render this pathway unviable.	No
	Reefs [1170] Within this broad habitat there are a number more defined habitats:	200 m south east	Yes, the close proximity of the proposed development to this habitat provides a direct pathway.	Yes
	Exposed to moderately exposed intertidal reef community complex	1 km north	Yes, the relatively close proximity of this habitat means that a possible pathway exists.	Yes
	Laminaria dominated communities	700 m north	Yes, the relatively close proximity of this habitat means that a possible pathway exists.	Yes
	Exposed to moderately exposed subtidal reef below 20 m	1 km south	Yes, the relatively close proximity of this habitat means that a possible pathway exists.	Yes
	Sheltered reef community complex	9.5 km northwest	No, the distance between this habitat and the development means that no effective pathway exists.	No
	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	Within approximately 150m north and south of the proposed development.	This is a terrestrial habitat type so therefore no effective pathway exists.	No
	European dry heaths [4030]	This habitat occurs within approximately 150m of the proposed development.	This is a terrestrial habitat type so therefore no effective pathway exists.	No

	Submerged or partially submerged sea caves [8330]	This habitat occurs within 135m to the south and 200m to the north of the pier.	Yes, the close proximity of the proposed development to this habitat provides a direct pathway.	Yes
	Phocoena phocoena (Harbour Porpoise) [1351]	The Harbour Porpoise occurs widely throughout Roaringwater Bay and animals are occasionally seen in the waters south and southeast of Sherkin (O'Brien & Berrow 2015).	Noise emanating from the construction of the proposed development has the potential to cause disturbance to this species.	Yes
	Lutra lutra (Otter) [1355]	Otters occur widely around Roaringwater Bay and many of the islands. Sherkin pier is used regularly throughout the year and Otters are not likely to occur frequently in the vicinity of the pier during daylight hours.	Otters are likely to occur occasionally in the vicinity of the pier.	Yes
	Halichoerus grypus (Grey Seal) [1364]	Grey Seals occur widely throughout Roaringwater Bay. NPWS data shows no known breeding, resting or moulting areas around Sherkin Island.	Grey Seals are likely to occur occasionally in the vicinity of Sherkin Pier.	Yes
Sheep's Head to Toe Head SPA [4156]	Peregrine (Falco peregrinus) [A103]	700m to the closest point of the SPA. The nearest Peregrine eyrie is considerably farther distant	Peregrines are likely to hunt occasionally in the vicinity of Sherkin Pier but they do not breed in nearby. A pair of Peregrines occasionally nest	No

	Chough (Pyrrhocorax pyrrhocorax) [A346]	from the proposed development. Peregrines occur widely (but thinly) around the coastline of Roaringwater Bay and the islands. Chough occur widely along the coastline of Roaringwater Bay and some of the islands.	on Sherkin Island but not in the vicinity of Sherkin Pier. Chough nesting in the SPA will not be affected by the proposed development. A small number of Chough breed on Sherkin Island but not in the vicinity of the pier and the proposed work will have no negative impact on this species.	No
Lough Hyne Nature Reserve & Environs SAC [0097]	Large shallow inlets and bays [1160]	7.5 km northeast	Given the scale of the proposed work at Sherkin Island Pier and the substantial distance to the SAC via tidal and frequently turbulent waters, no effective pathway exists between the pier and the SAC.	No
	Reefs [1170]	A minimum of 7.3 km northeast.	Given the scale of the proposed work at Sherkin Island Pier and the substantial distance to the SAC via tidal and frequently turbulent waters, no effective pathway exists between the pier and the SAC.	No
	European dry heaths [4030]	A minimum of 7.3 km northeast.	Given the scale of the proposed work at Sherkin Island Pier, the substantial distance to the SAC and the terrestrial nature of this habitat, no effective pathway exists between the pier and the SAC.	No

Sherkin Island Pontoon Appropriate Assessment Screening and Determination

	Submerged or partially submerged sea caves [8330]	7.6 km northeast.	Given the scale of the proposed work at Sherkin Island Pier and the substantial distance to the SAC via tidal and frequently turbulent waters, no effective pathway exists between the pier and the SAC.	No
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]	7km northeast	Given the scale of the proposed work at Sherkin Island Pier, the substantial distance to the SAC and the terrestrial nature of this habitat, no effective pathway exists between the pier and the SAC.	No

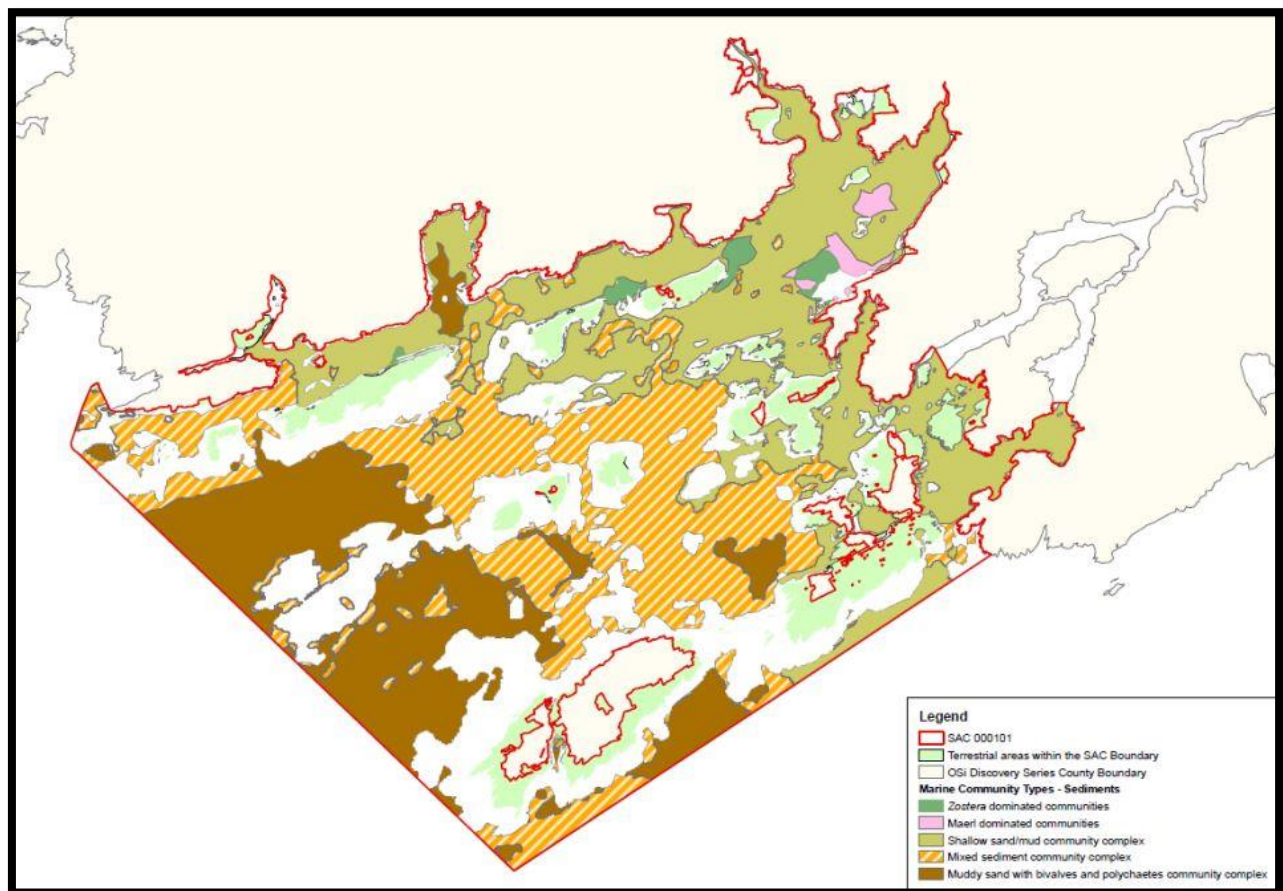


Figure 5. Map showing the distribution of sediment habitats and communities in Roaringwater Bay (NPWS 2011).

Assessment of Likely Significant Effects

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of Roaringwater Bay Special Area of Conservation (SAC), taking into consideration the size and scale of the project under the following headings:	
Construction phase:	
Impacts	Significance of Impacts (duration/magnitude etc.)
1. Vegetation clearance 2. Demolition 3. Surface water runoff from soil excavation/infill/landscaping 4. Contaminants or pollution 5. Dust, noise, vibration 6. Lighting disturbance 7. Impact on groundwater/dewatering 8. Storage of excavated construction materials 9. Access to site 10. Invasive species	1. No vegetation clearance (terrestrial or maritime) will be undertaken as part of the proposed development. 2. No demolition will be undertaken as part of the proposed development. 3. There will be no soil excavation and consequently no soil runoff from soil or surface water. There will be no infilling or landscaping. 4. Some machinery will be required during the construction phase of the project (a Loadall and drilling equipment will be necessary to secure the steel H beams to the pier and a barge will be required to deploy the mooring blocks). Some of this machinery will be powered by hydrocarbon fuels and will also require the use of lubrication oils. There may be some slight dripping of lubricants during the drilling process but quantities will be very low and of no threat to the Conservation Objectives of the SAC. In any event, the normal working near water restrictions used in construction (such as re-fuelling at a safe distance from the water and checking all equipment prior to deployment) will be employed during the construction phase. 5. There will be a small but insignificant amount of dust from drilling bolts and attachments for the pontoon on to the main pier. The anticipated quantities of dust will not pose a significant threat to any of the marine habitats or species of the SAC and most of the resulting dust is likely to settle widely in the sediments surrounding the pier. Harbour Porpoises are sensitive to noise. Drilling will be required to facilitate the attachment of steel beams to the pier wall but this work will be of short duration and is not likely to cause significant disturbance to the Harbour Porpoise population. Previous surveys indicate that Harbour Porpoises show a preference for the sea to the south and west of Sherkin Island and they don't

	tend to frequent the sea between the mainland and Sherkin Island Pier. Given the normally wary and retiring behaviour of Otters towards human activity, the proposed development is not likely to pose a significant disturbance threat to this species as they tend to avoid areas frequented by humans during daylight hours. Grey Seals are widespread in Roaring water Bay but there are no haul-out moulting or breeding sites in the immediate vicinity and this species is not likely to experience significant disturbance during the construction period. 6. All work will take place during daylight hours so there will be no need for lighting. 7. There will be no impact on groundwater and there will be no dewatering. 8. No excavation is required so there will be no requirement for storage. Any waste accruing from the construction phase will be carefully removed and taken to a licensed waste facility. 9. Access for Qualifying Interests to the site will not be restricted. There may be some slight, localised disturbance to Harbour Porpoise, Otter and Grey Seal during drilling operations for the steel beams that will be attached to the north quay of the pier but this operation is anticipated to be completed within two days. 10. No invasive species were observed on or close to the pier during the site visit on January 21st, 2024.
Operational phase:	
Impacts	Significance of Impacts (duration/magnitude etc.)
1. Direct emission to air and water 2. Surface water runoff containing contaminant or sediment 3. Lighting disturbance 4. Noise/vibration 5. Changes to water/groundwater due to drainage or abstraction 6. Presence of people, vehicles and activities 7. Physical presence of structures (e.g. collision risks) 8. Potential for accidents or incidents 9. Habitat loss	1. There will be no direct emission to air or water during the operational phase of the development. 2. No surface water runoff or other contamination emanating from the pontoon is anticipated during the operational phase. 3. No additional lighting will be installed for the operation of the proposed pontoon. 4. No additional noise or vibration will arise as a consequence of the operation of the proposed pontoon. 5. There will be no changes to water quality as a consequence of the operation of the proposed pontoon. 6. The new pontoon is not expected to result in any significant increase in the number of people

	visiting Sherkin Island and Roaringwater Bay and Islands SAC. The new pontoon has been designed to attract visitors already intent in visiting the island and will provide safer access and significantly less damage to the <i>shallow sand/mud community complex</i> of the SAC. 7. The installation of the new pontoon will introduce a new physical structure to the SAC but given, the dimensions and location of the pontoon, it will not create a collision risk for any of the Qualifying Interests of the SAC (notably Harbour Porpoise, Otter and Grey Seal). 8. The proposed pontoon will reduce the potential for accidents and incidents likely to threaten the Conservation Objectives of the SAC by providing a safer berthing location for vessels traveling to and from the island. 9. There will be some slight loss of shallow sand/mud habitat initially. This habitat is very widespread in Roaringwater Bay (see Figure 5 above). It is envisaged that most if not all of this habitat will reform once the anchor blocks are subsumed by the surrounding sediments and this can happen in a relatively short period of time. The installation of the pontoon is likely to significantly reduce the amount of habitat-damage caused by the random anchoring of vessels that currently takes place around the pier (see Figure 3 above), especially during the summer months.
(b) Describe any likely changes to the Roaringwater Bay SAC:	
In combination/other: Examination of Cork County Council's online Planning Enquiry System over the past two years (February 15th 2022 to February 15th 2024) revealed that the only planning permissions granted on Sherkin Island in this period are the construction of a new silage slab and the extension of a slatted house shed on one farm and the construction of a calf house on a second farm.	
Impacts	Significance of Impacts (duration/magnitude etc.)
Types of changes to consider include: 1. Reduction or fragmentation of habitat area. 2. Disturbance to QI species 3. Habitat or species fragmentation 4. Reduction or fragmentation in species density 5. Changes in key indicators of conservation status value (water quality etc.) 6. Changes to areas of sensitivity or threats to QI 7. Interference with the key relationships that define the	1. No habitat within the SAC will be permanently lost as a result of the proposed development as the proposed pontoon structure as the design involves the use of mobile and temporary structures (5 ton anchor blocks). It is likely that these anchor blocks will be totally or partially subsumed by the surrounding sediments in a relatively short time period resulting in little or no habitat loss. 2. There will be no significant disturbance to Qualifying Interest species. There may be some temporary and localised disturbance to Harbour Porpoises, Grey Seals and possibly Otters in the

structure or ecological function of the site 8. Climate change	immediate vicinity as a result of noise but this will be of short duration and will occur only during the construction phase of the proposed development which is anticipated to be completed within two weeks. Drilling will create a moderate amount of noise that may possibly cause slight disturbance to Harbour Porpoises in the vicinity of the pier but this noise will be of short duration and is anticipated to cause only minimal disturbance comparable to the noise and vibrations of a passing trawler. 3. No habitat or species fragmentation (other than possible temporary displacement of some marine mammals from the immediate area) will occur as a result of the proposed development. 4. There will be no reduction or fragmentation of species density (other than possible temporary displacement of some marine mammals from the immediate area) given the scale and short timeframe of the construction phase. 5. There will be no significant adverse change to water quality as a result of the proposed development. 6. There will be no changes to areas of sensitivity within the SAC nor significant threats to Qualifying Interests. 7. This development will not result in any significant interference in the key relationships (e.g. predator-prey dynamics) that define the ecology and the Conservation Objectives of the SAC. 8. The proposed development will not contribute significantly to the impacts of climate change on the functioning of the SAC.
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
Yes ☐ No ☒	While best practice methods are referenced, these are not required to avoid or reduce any effects on a European site. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.

Screening Determination Statement

STEP 4. Screening Determination Statement		
Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on European site(s) in view of its conservation objectives.		
On the basis of the ecological information on file, which is considered adequate to undertake a screening determination, a site visit (29/01/2024) and having regard to: - The nature and scale of the proposed development (attachment of a prefabricated structure to Sherkin Island Pier and anchoring of the structure to five anchor blocks in the bay), - The intervening distance from some European sites (Sheep's SPA is located 700m due east of the pier at its closest point on the mainland and Lough Hyne Nature Reserve and Environs SAC, located 7.5 km northeast of the pier), - The lack of direct connections with regard to the Source-Pathway-Receptor model for many of the Qualifying Interests of Roaringwater Bay and Islands SAC, - The very low threat level of any significant contamination, - The loss of sand/mud habitat if any, will be insignificant and the proposed structure will serve to significantly reduce the current level of habitat damage in the area, it is therefore concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the Conservation Objectives of Roaringwater Bay and Islands SAC or any other European site. An Appropriate Assessment is therefore not required.		
Conclusion:		
	Tick as appropriate	Recommendation
(1) It is clear that no likelihood of significant effects arises.	☒	The proposal can be screened out: Appropriate Assessment is not required.
(2) It is uncertain if the proposed development will have a significant effect on a European site.	☐	Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission ☐
(3) Significant effects are likely.	☐	Request NIS ☐ Refuse planning permission ☒
Signature and date of Recommending Officer:		 Tony Nagle Cork County Council Ecologist 20/02/2024

References

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species in Ireland (2019), individual site synopses, Natura 2000 data forms, and information relating to the Qualifying Interests and the Conservation Objectives of nearby Natura 2000 sites was sourced from the NPWS database (www.NPWS.ie).

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