Environmental Consultants

Appropriate Assessment Screening Report

AAsr in relation to a proposal for social housing site in located in Ballyhasky, Newtowncunningham, Co. Donegal.

Greentrack Environmental Consultants

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1 Introduction

1.1 Background and Requirement for Report

Greentrack Consultants have been instructed by Donegal County Council to undertake this Appropriate Assessment Screening Report (AAsr). The aim of this screening report is to assess whether significant effects on European Sites are likely to arise from the proposed development individually or in-combination with other plans/projects.

1.1.2 EU Habitats Directive

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna) formed a basis for the designation of Special Areas of Conservation (SAC's). Similarly, Special Protection Areas are legislated for under the Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds). Collectively, SACs and SPAs are referred to as Natura 2000 sites. In general terms, they are considered to be of exceptional importance in terms of rare, endangered or vulnerable habitats and species within the European Community. Under Article 6(3) of the Habitats Directive an Appropriate Assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An Appropriate Assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negatives effects. The main aim of the EU Habitats Directive is to "contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies". The Directive was originally transposed into Irish law by the European Communities (Natural Habitat) Regulations, S1 94/1997. However, two judgments of the Court of Justice of the EU (CJEU) – notably cases C-418/04 and C-183/05 - found that Ireland had not adequately transposed the two Directives. Part 6 of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 is therefore relevant in dealing with the protection of flora and fauna since the revoke of the European habitats Regulations of 1997. This consolidates the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgments.

Article 6 (3) of the Habitats Directive states that:
"*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*".

As such any project likely to have a significant effect, either individually or in combination with other plans or projects, upon the conservation objectives of a Natura 2000 site must undergo an assessment of its implications on relevant Natura 2000 sites. In order to establish whether or not a likely significant effect will arise as a result of the implementation of a project a Screening Assessment should be undertaken. It is therefore deemed necessary to screen the project for the potential to result in significant negative effects to the published conservation objectives of Natura 2000 sites. The applicant is therefore submitting this NIS to allow the consent authority, Donegal County Council, to carry out an Appropriate Assessment on the planning application as submitted.

1.1.3 Stages of the Habitat Directive Assessment

Screening for Appropriate Assessment must be carried out to assess, in view of best scientific knowledge and in view of the conservation objectives of the relevant European site(s), if the proposed operation/activity on its own or in combination with other plans or projects is likely to have a significant effect on the European site(s) (Regulation 42(1) of the 2011 Regulations). The likely effects of all aspects of the operation must be considered and screened in combination with other operations and other management activities which are completed, commenced, permitted, or proposed and other developments that could act in combination. It must be determined that an Appropriate Assessment is required if it cannot be excluded on the basis of objective scientific information, following screening, that the project, alone or in combination with other plans or projects will have a significant effect on the European site(s) (Regulation 42(6)). The precautionary principle should be applied in reaching this determination, i.e. where there is uncertainty or a lack of data, it should not be assumed that significant effects will not result.

The Appropriate Assessment process consists of four stages as summarised below in sequential order. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required. Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4, which is the main derogation step to Article 6(4).

Appropriate Assessment Screening	**Natura Impact Statement**	**Alternative Solutions**	**Imperative Reasons of Overriding Public Interest**

Figure 1.1: Stages of Screening (Relevant Stages Highlighted)

Stage 1 – Appropriate Assessment Screening. Screening involves an initial assessment of the project or plan's effect on a Natura 2000 site(s). If it cannot be concluded that there will be no significant effect upon a Natura 2000 site, an Appropriate Assessment is required. The process addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

I. whether a plan or project is directly connected to or necessary for the management of the site, and
II. whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact. This report provides the information necessary to enable the appropriate authority to screen the proposed development for the requirement to prepare an Appropriate Assessment.

Stage 2 - Appropriate Assessment (Natura Impact Statement or NIS): The consideration of the impact on the integrity of the Natura 2000 site(s) from the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its

conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

Stage 3 – Assessment of alternative solutions: The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site. The process must return to Stage 2, as alternatives will require appropriate assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, is necessary to progress to Stage 4.

Stage 4 – Assessment where no alternative solutions exist and where adverse impacts remain: Stage 4 is the main derogation process of Article 6(4), which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists. Compensatory measures must be proposed and assessed. The Commission must be informed of the compensatory measures. Compensatory measures must be practical, implementable, likely to succeed, proportionate and enforceable, and they must be approved by the Minister. Each listed stage determines whether a further stage in the process is necessary. If, for example, the conclusions at the end of Stage One are that there will be no significant impacts on the Natura 2000 site(s), there is no requirement to proceed further.

Following on from Article 6(3) of the Habitats Directive the objective of this Natura Impact Statement is to screen for "Likely Significant Effects" and to conclude whether or not the proposed activity is likely to result in significant adverse effects to the integrity of any Natura 2000 sites within the zone of influence. The appraisal of adverse effects to the integrity of these sites will be established by assessing the potential impacts the proposal will have on the conservation objectives of said Natura 2000 sites. This report will also detail measures that will avoid, reduce, and mitigate any such adverse effects.

1.2 Guidance Documents

This AAsr was carried out in accordance with relevant National and European Guidance including but not limited to:

National Guidance:

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (Department of Environment, Heritage and Local Government 2010)
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10 (NPWS, 2010)
- Appropriate Assessment Screening for Development Management: OPR Practice Note PN01 (OPR, 2021)

European Guidance:

- Communication from the Commission on the precautionary principle (European Commission, 2000).
- European Commission, Nature and biodiversity cases – Ruling of the European Court of Justice, Publications Office, 2006,
- Article 6 of the Habitats Directive – Rulings of the European Court of Justice (European Commission Final Draft September 2014)
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (European Commission, 2019).
- Assessment of plans and projects in relation to Natura 2000 Sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC Brussels, 28.9.2021 C (European Commission, 2021)

1.3 Statement of Authority

This AAsr has been compiled by Daniel Faulkner (BSc Environmental Science, MSc Environmental Sustainability). Daniel has been involved in all aspects of Appropriate Assessments and Environmental Impact Assessments since 2020. He has experience conducting habitat surveys and invasive species surveys and is involved in all aspects of GIS application.

2 Approach and Methodology

2.1 Approach

The function of this AAsr is to identify whether the proposal will have a likely significant effect on the Natura 2000 sites as detailed. The nature of the likely interactions between the proposal and the integrity of the site will depend upon:

- sensitivity of the site's qualifying interests to potential impacts arising from the proposal
- current conservation status of the sites and
- the likely changes that will result from activities associated with the proposal, in combination with other plans and projects.

The general approach applied in appropriate assessment is as follows:

Stage 1 Screening:

- Define the project and determine whether it is necessary for the conservation management of Natura 2000 sites.
- Establish a Zone of Influence (ZOI) and identify Natura 2000 sites likely to be influenced by this development.
- Review the project to determine if it has the potential to affect the Natura 2000 sites and determine whether the Natura 2000 sites are vulnerable to the effect.

- Identify other plans or project that, in combination with this project, have the potential to affect Natura 2000 sites.
- If potential significant effects on Natura 2000 sites cannot be excluded at this stage, Stage 2 appropriate assessment is required.
- If potential significant effects on Natura 2000 sites can be excluded at this stage, Stage 2 appropriate assessment is not required.

Stage 2 Natura Impact Statement:

- Review the project to determine if it has the potential to affect the Natura 2000 sites identified in AA screening.
- Identify other plans or project that, in combination with this project, have the potential to affect Natura 2000 sites.
- Where adverse impacts are identified mitigation/compensatory measures will be proposed to offset/reduce/avoid the magnitude of the impact.
- Residual Impacts on the identified Natura 2000 sites will be assessed.

2.2 Methodology

The methodology used for this AAsr is as follows:

- The plan/project and the receiving environment were reviewed and described.
- A ZOI of the plan/project was defined based on the characteristics of the proposed plan/project and the receiving environment. This refers to the area over which the proposed plan/project can exert effect on designated sites. Sites were identified by using a source-pathway receptor approach. Here the European Site represents the receptor, with the source being an aspect of the proposed plan/project such as emissions, water discharge etc. and the pathway is a vector for transporting the source to the receptor such as air or a watercourse. A number of additional factors must be considered when defining the ZOI [1], including:
    - Any Natura 2000 sites within/adjacent the plan/project area
    - The distance over which effects can be received: A distance of 15km is commonly used and derives from UK guidance [2]. This must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Natura 2000 sites that are more than 15km from the plan or project area may be at risk of impact depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the

[1] Appropriate Assessment Screening for Development Management: OPR Practice Note PN01 (OPR, 2021)
[2] Treweek Environmental Consultants, Appropriate Assessment of plans, 2006

precautionary principle. In the case of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment. In the case of certain plans/projects relating to SPA's, the ZOI may be influenced by the core range of SCI's. Scottish Natural Heritage provides guidance on the core range of several SCI's and assessing the zone of influence [3]. Additional scientific literature can be used to established ranges of species that European Sites support.

- Sites within the ZOI and connected to the proposed plan/project area by a source – pathway – receptor chain were assessed within the context of the proposal to ascertain whether there is a likelihood of significant adverse effects in the absence of mitigation measures. Where any uncertainty exists, the precautionary principle was followed, and it is assumed that uncertainty implies that adverse effects cannot be excluded.

- Cumulative impact assessment was conducted to assess the impact of the proposed plan/project in combination with other plans/projects.

- Considering all characteristics of the plan/project, the receiving environment, and potential in- combination a final screening determination was made to determine whether potential adverse effects on European sites could be excluded.

- Where there was no likelihood of adverse effects the Natura 2000 site was excluded from assessment, where there was a finding of potential adverse effects in the absence of mitigation the Natura 2000 site was screened in for stage 2 appropriate assessment.

The methodology employed desk study and field survey work. These stages are not sequential and occur in tandem as the assessment requires.

2.2.1 Desk Study

A desk-based analysis was conducted to obtain information on Natura 2000 sites and establish the zone of influence of the proposed development and to identify potential source-pathway-receptor chains to the European Sites from the area proposed for development. Furthermore, available records of plans / projects were accessed to obtain information on potential cumulative impacts. The following data sources were used during desk-based analysis:

- Latest boundary data for Natura 2000 sites. (Last updated 2024 for both SAC & SPA datasets) Available from www.npws.ie/maps-and-data/designated-site-data/download-boundary-data
- Article 17 Data. Available from www.npws.ie/maps-and-data
- NPWS Site Synopsis and Conservation Objectives, available at www.npws.ie
- Hydrological data form the EPA available from www.gis.epa.ie/GetData/Download.
- The EIA portal at www.Housinggovie.maps.arcgis.com,
- Donegal County Council Planning Portal, available at www.donegal.maps.arcgis.com/apps/webappviewer, and www.eplanning.ie/DonegalCC/SearchTypes

[3] Scottish Natural Heritage Assessing Connectivity with Special Protection Areas (SPAs) Guidance, 2016

QGIS 3.28 was used to facilitate the analysis of spatial data from online sources and gathered during baseline surveys. Furthermore, this data was used to generate several figures contained within this report.

2.2.3 Baseline Surveys

A site visit took place on 28th June 2024. A site walkover was conducted noting general characteristics of the site.

Site drainage characteristics were investigated. This included noting areas of flowing water, standing water, surface water drains and direction of flow.

Habitats were classified according to 'A Guide to Habitats in Ireland' [4]. Guidance produced for phase 1 habitat surveys in the UK informed the habitat survey [5]. Habitats were classified to Fossitt's Level Three.

During the site walkover a search for Invasive Alien Species (IAS) listed under the Third Schedule of the European Communities Regulations 2011 (as amended) was conducted.

3 The Project

The project is not necessary for the conservation of any Natura 2000 site.

The proposal is for a housing project on a partially greenfield site in Ballyhasky, Newtowncunningham, Co. Donegal. The site is approximately 1.45 ha in size, broadly rectangular in shape and adjacent to the L-2051 road. There are proposals to construct 40 no. social housing units as part of the development. The development will consist of a mix of 1-bed and 2-bed apartments, 2-bed houses, 3-bed houses, 4-bed houses and 5-bed houses. This project can typically be divided into stages, including:

- Construction Stage
- Operational Stage

A proposed layout drawing is available and is presented below in Figure 3.1.

[4] J. Fossitt. (2000) A Guide to Habitats in Ireland. The Heritage Council, Dublin

[5] JNCC. (2010) Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. Joint Nature Conservation Committee, Peterborough.

Figure 3.1: Site Layout

(Supplied by Donegal County Council – not to scale)

3.1 Construction Stage

Site clearance and enabling works will occur first. This will be followed by construction works comprising the following:

(1) Excavation and laying of foundations
(2) Provision of service ducting/trenches
(3) Construction of new dwellings
(4) Connection to services
(5) Landscaping and all associated site development works

3.2 Operational Stage

The operational stage involves standard use of the housing development. The operation of the development will be facilitated by the following.

- ***Surface Water Drainage***
  A class 1 petrol interceptor is to be installed to the existing site drainage network as per Donegal County council best practice. Considering policy section 4.3 of the Strategic Flood Risk Assessment produced as part of the Donegal County Development Plan "*It is a policy of the Council to require the use of Sustainable Urban Drainage Systems (SUDs) including flood attenuation areas, wetlands, the controlled release of surface waters and use of open spaces and semi-permeable hard surfaces for urban development proposals, to support the removal of existing stormwater discharging to combined (foul and storm) sewers using nature-based solutions and not to support the discharge of additional surface water to combined sewers. A Management Train should be incorporated during the design stage whereby surface water should be managed locally in small sub-catchments rather than being conveyed to and managed in large systems further down the catchment. Management trains for new developments should facilitate the construction of future SuDS components – to mitigate the risk of flooding caused by more extreme rainfall events and risk of pollution due to lower baseflow in receiving waters*". The proposed interceptor is part of the surface water management train.

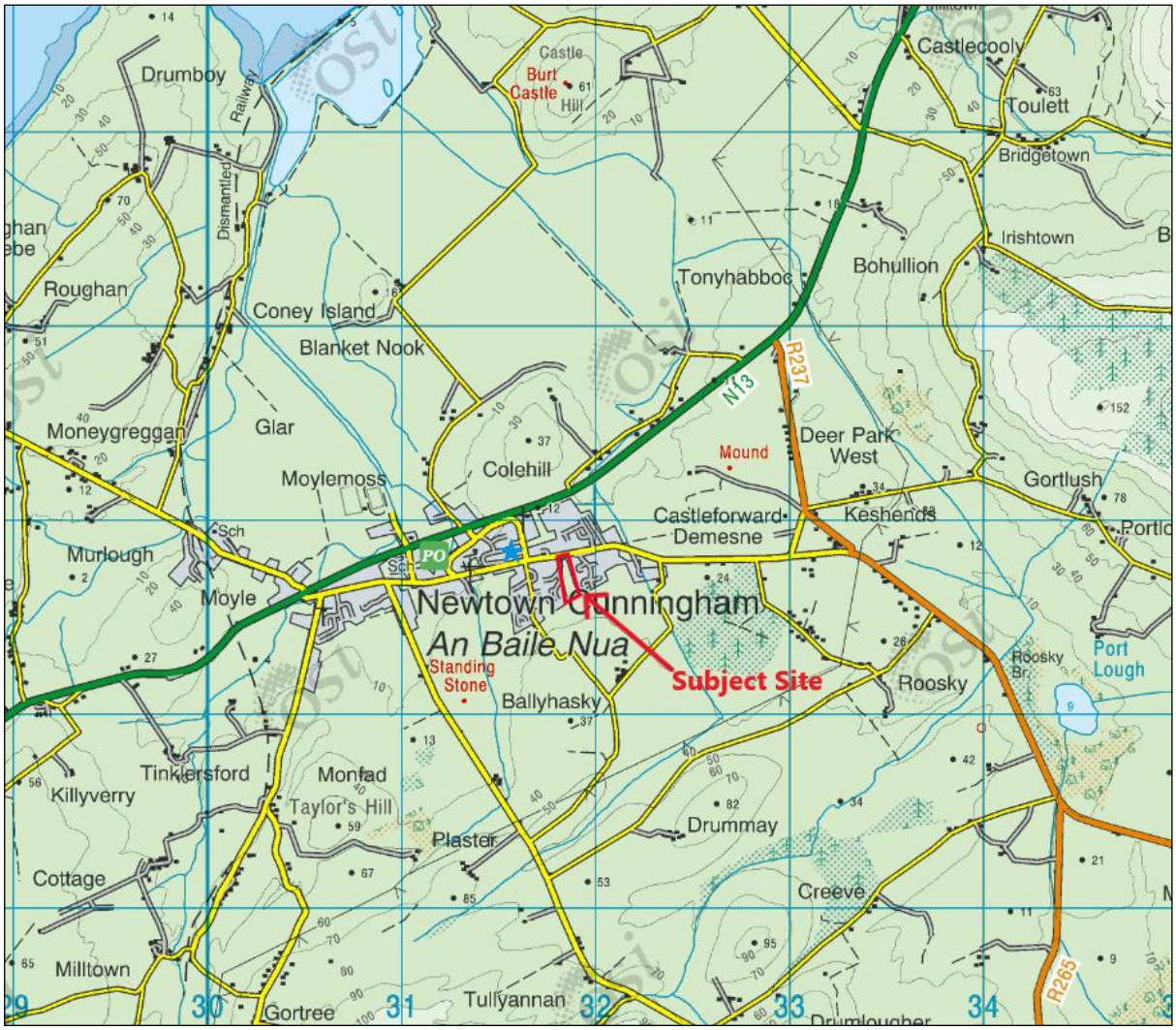
- ***Foul Water Management***
  The development is proposing to tie in with the existing public sewer system which is serviced by Newtowncunningham wastewater treatment plant (WWTP). The latest available annual environmental report (2022) for Newtowncunningham WWTP shows that it was at capacity. Uisce Eireann have included Newtowncunningham WWTP in a €1.4m investment in the upgrading of wastewater treatment throughout Donegal. The upgrade to the WWTP in Newtowncunningham will be complete before the proposed development connects to the public sewer system.

4 The Receiving Environment

4.1 General Location

The subject site is located adjacent to the local L-2051 road. Access to the site is directly off the L-2051. The site is surrounded by housing developments to the east and west, and by the L-2051 and further housing and commercial premises to the north. The site is bounded by agricultural field to the south. Figure 4.1 below shows the site location.

Figure 4.1: Site Location



CYAL50381113 © Ordnance Survey Ireland/Government of Ireland

4.2 Site Description

The site is rectangular in shape. The site has seven partially built houses on it from a previously incomplete housing project. The site is a mixture of partially built houses, scrub and agricultural field. There is a gentle slope south to north for most of the site, the southern edge of the site slopes gently south.

4.3 Hydrology

River Basin Management Plans (RBMPs) exist for each River Basin Districts in Ireland in accordance with the Water Framework Directive. The EPA map viewer provides access to water quality information at individual waterbody status for all the River Basin Districts in Ireland. The EPA map viewer was searched on 12/08/2024 for information on the water quality surrounding the subject site.

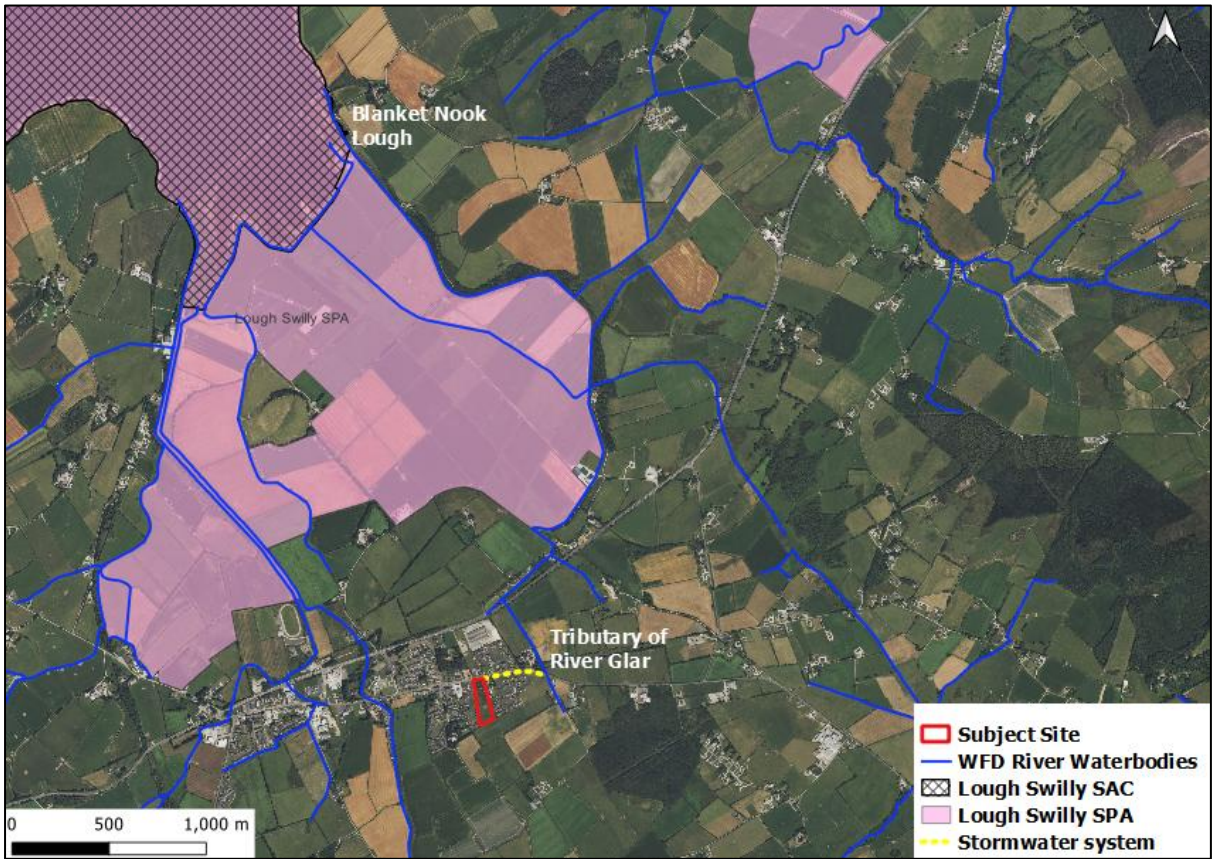
The site lies within the 39-Lough Swilly Water Framework Directive (WFD) catchment, the LeslieHill (Stream) WFD sub catchment and the Glar river sub basin (EPA code: IE_NW_39G380790). The Glar river rises on the northern slopes of Dooish Mountain approximately 5 km south of Newtowncunningham and flows north through the town to the empty into Lough Swilly c. 2 km north of Newtowncunningham.

The site is relatively flat with a gentle slope from south to north for most of the site. The very southern end of the site appears to slope gently south. There are no drains ditches or watercourse present on site. There was no lying water on the site. At present it appears that incident rainfall percolates to ground and, in the scenario where there is surface water runoff from the site, it will be picked up by the surrounding stormwater drainage network of the adjacent housing estates and road network. Flow from the surrounding stormwater drainage network is likely to discharge northeast to a tributary of the Glar River. The approximate hydrological distance from the site to the nearest tributary of the River Glar is 340 m, and then a further 1 km to the nearest SPA (Lough Swilly SPA) and a further 2.73 km to the nearest SAC (Lough Swilly SAC) at Blanket Nook Lough.

The WFD status of the river Glar as a river waterbody is assessed as 'poor' by the EPA for the period 2016 – 2021. At the point the River Glar discharges into Lough Swilly, the waterbody is classified as a transitional waterbody due to the tidal influence. The WFD status of Lough Swilly as a transitional waterbody is assessed as good by the EPA for the period 2016 - 2021. Lough Swilly is designated as a shellfish production area listed in the Irish Shellfish Regulations (S.I. 200/1994) as amended 2009 in accordance with the European Communities (Quality of Shellfish Waters) (Amendment) Regulations 2009. The River Glar is not designated a Salmonid water under SI No 293 of 1988 – EC (Quality of Salmonid waters) Regulations. The River Glar does not contain the annex 1 species, the freshwater pearl mussel (*Margaritifera*). The site does not form part of any Margaritifera catchment area.

The WFD status of the underlying groundwater body at the site (Lough Swilly groundwater body) is assessed by the EPA as good for the period 2016 – 2021.
The hydrological pathway to Lough Swilly SPA and Lough Swilly SAC from the site is shown in Figure 4.2 below.

Figure 4.2: Hydrological pathways to Lough Swilly SAC/SPA



(Created using QGIS, Bing satellite imagery and datasets from the NPWS)

4.4 Baseline Surveys

4.4.1 Habitats

The site is a mosaic of several habitats. The site is classified as a mixture of wet grassland (GS4), recolonising bare ground (ED3), buildings and artificial surfaces (BL3), scrub (WS1) with a hedgerow (WL1) along the southern boundary. The northern part of the site appeared to have been partially cleared several years ago and the ground had subsequently recolonised. Spoil heaps of the cleared topsoil are present in the centre east of the site and in the southeast corner of the site. There are 7 partially completed dwellings on site. These are built to the base of the windows on the ground floor, and most are obscured by the scrub (3-6 m height) that has grown up around them. Photograph 4.1 shows a typical building on site, and Photograph 4.2 shows the scrub which is located towards the north of the site. The scrub species present was predominantly willow (*Salix spp*.) with occasional birch (*Betula pendula*) and alder (*Alnus glutinosa*).

Species present in the wet grassland and recolonising bare ground were Timothy grass (*Phleum pratense*), Yorkshire fog (*Holcus lanatus*), Cock's-foot (*Dactylis glomerata*), bush vetch (*Vicia sepium*), rushes (*Juncus spp*.), docks (*Rumex spp*.), ribwort (*Plantain lanceolata*), cow parsley (*Anthriscus sylvestris*), creeping buttercup (*Ranunculus repens*), nettles (*Urtica urens*), Teasel (*Dipsacus fullonum*) and Rosebay Willowherb (*Chamerion angustifolium)* in varying amounts. Photograph 4.3 shows the wet grassland habitat in the southern half of the site.

There is a hawthorn (*Crataegus monogyna*) hedge along the southern boundary of the site. It is gappy in places and tree height averages 6 m.

Photograph 4.1: Partially constructed buildings on site.

Photograph 4.2: Scrub in the northern part of the site

Photograph 4.3: Overview of the southern part of the site

Figure 4.3 illustrates the habitats present on site.

Figure 4.3: Habitat map

(Created using QGIS and Bing satellite imagery)

4.4.2 Invasives

A walkover terrestrial invasive species survey of the subject site was carried out on 28th June 2024. The survey was carried out for species listed on part 1 (plants) of the third schedule of the European Communities (Bird and Natural Habitats) Regulations 2011 (SI No. 477 of 2011). The regulations prohibit the introduction and/or dispersal of these species, and if this is caused to occur, the party involved shall be guilty of committing an offence.

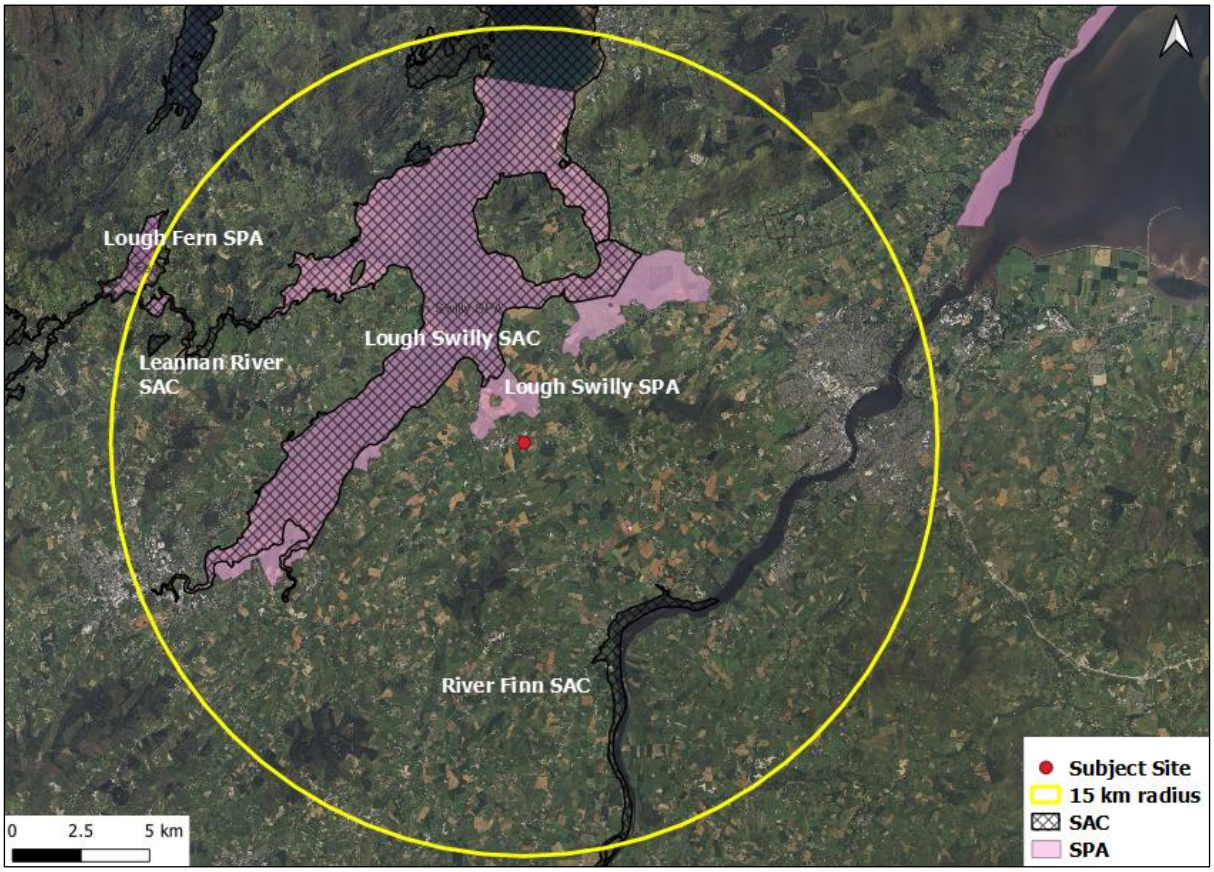
A small stand of Montbretia was encountered in the northern part of the site. This is described fully in the Invasive Species Survey and Management Plan produced for the site.

5 Natura 2000 Sites

5.1 Appropriate Assessment Screening

Figure 5.1 indicates the relative locations of Natura 2000 sites in relation to the subject site.

Figure 5.1: Proximal Natura 2000 sites



(Created using QGIS, Bing satellite imagery and NPWS datasets)

Considering the criteria outlined in Section 2, the following European Sites were assessed to ascertained whether:

i. there is a source – pathway -receptor chain to the designated site, and they are within the likely zone of influence of the proposed plan/project,

ii. there is potential for significant adverse effects in the absence of mitigation arising from the proposed plan/project and that further screening is required.

Relevant Natura 2000 sites occurring within the receiving environment of the proposed project are assessed in screening Table 5.1.

Table 5.1: Screening of Natura 2000 Sites and Zone of Influence of Project

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway-Receptor Chain	Considered in Further Screening (Y/N)
Special Areas of Conservation			
Lough Swilly SAC 002287 2.37 km Northwest	Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]	Potential hydrological link to the SAC through surface water drainage to the public stormwater system and the River Glar. Hydrological link is approximately 4.07 km.	**Y**

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway-Receptor Chain	Considered in Further Screening (Y/N)
	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] *Phocoena phocoena* (Harbour Porpoise) [1351] *Lutra lutra* (Otter) [1355]		
River Finn SAC 002301 6.96 km Southeast	Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110] Northern Atlantic wet heaths with *Erica tetralix* [4010] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140] *Salmo salar* (Salmon) [1106] *Lutra lutra* (Otter) [1355]	No SPR chain	N
Leannan River SAC 002176 10.46 km Northwest	Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110] Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or *Isoeto-Nanojuncetea* [3130] *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029] *Salmo salar* (Salmon) [1106] *Lutra lutra* (Otter) [1355] *Najas flexilis* (Slender Naiad) [1833]	No SPR chain	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway-Receptor Chain	Considered in Further Screening (Y/N)
Special Protection Areas			
Lough Swilly SPA 004075 850 m North	Great Crested Grebe (*Podiceps cristatus*) [A005] Grey Heron (*Ardea cinerea*) [A028] Whooper Swan (*Cygnus cygnus*) [A038] Greylag Goose (*Anser anser*) [A043] Shelduck (*Tadorna tadorna*) [A048] Wigeon (*Anas penelope*) [A050] Teal (*Anas crecca*) [A052] Mallard (*Anas platyrhynchos*) [A053] Shoveler (*Anas clypeata*) [A056] Scaup (*Aythya marila*) [A062] Goldeneye (*Bucephala clangula*) [A067] Red-breasted Merganser (*Mergus serrator*) [A069] Coot (Fulica atra) [A125] Oystercatcher (*Haematopus ostralegus*) [A130] Knot (*Calidris canutus*) [A143] Dunlin (*Calidris alpina*) [A149] Curlew (*Numenius arquata*) [A160] Redshank (*Tringa totanus*) [A162] Greenshank (*Tringa nebularia*) [A164]	Potential hydrological link to the SPA through surface water drainage to the public stormwater system and the River Glar. Hydrological link is approximately 1.34 km. Disturbance effects due to proximity could arise during the construction phase of development.	**Y**

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway-Receptor Chain	Considered in Further Screening (Y/N)
	Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Common Gull (*Larus canus*) [A182] Sandwich Tern (*Sterna sandvicensis*) [A191] Common Tern (*Sterna hirundo*) [A193] Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395] Wetland and Waterbirds [A999]		
Lough Fern SPA 004060 14.02 km Northwest	Pochard (*Aythya ferina*) [A059] Wetland and Waterbirds [A999	No SPR chain	N

Table 5.1 has identified potential source-pathway-receptor links to the following Natura 2000 sites:

- ***Lough Swilly SAC***
- ***Lough Swilly SPA***

Considering the identified source pathway receptor chains to European Sites, the proposal will now be considered with regard to the likelihood generating adverse impacts in the absence of mitigation on European Sites. Table 5.2 details a screening determination matrix of identified European Sites. Each site is examined in the context of the proposal and a screening determination is provided.

Table 5.2: Stage 1 Screening Determination

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
Special Areas of Conservation			
Lough Swilly SAC (Site Code: 002287)	Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] *Phocoena phocoena* (Harbour Porpoise) [1351] *Lutra lutra* (Otter) [1355]	To maintain or restore the favourable conservation condition of the qualifying interests of the SAC [6]	Potential effects on the SAC could arise from construction/operation stage water discharge entering the hydrological pathway to the SAC. For the construction stage, earth works may cause a temporary disturbance of silt which could become suspended in waters which follow identified pathways to the SAC. The pathway is considerable (c. 4.07 km) and any potential contaminants would be subject to a large dilution factor. It is Donegal County Council best practice policy that all contractors adhere to 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to waters' (2016). The guidelines ensure the protection of watercourses and is not implemented specifically to protect European sites but as a matter of best practice. Considering the short-term nature of the construction, best practice employed and the significant distance of the hydrological pathway and associated dilution factor, it is not likely that construction stage water emissions will give rise to significant negative effects on the European Site. In the operational phase, SuDs strategies are to be implemented, and surface water will be collected in a dedicated network and discharged to the public stormwater system via a hydrocarbon interceptor. The interceptor is installed as best practice and not specifically to mitigate effects on European sites. This will ensure that surface water emissions contain low levels of suspended sediment and hydrocarbons are removed. Considering this and the implementation of SUDs strategies, operational surface water is not likely to give rise to significant negative effects on the SAC.

[6] NPWS (2011) 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.

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
			Foul water is to be treated in the public sewer leading to the upgraded Newtowncunningham WWTP. Discharge from the upgraded system will not have any negative effect on the SAC. Considering the nature of the SPR chain to this SAC and the nature, scale and location of the development, it is not envisaged that any water quality impacts will be received by the European Site arising from the proposed development. This finding is made without the reliance on mitigation measures designed to avoid or reduce potential impacts.
Lough Swilly SPA (Site Code: 004075)	Great Crested Grebe (*Podiceps cristatus)* [A005] Grey Heron (*Ardea cinerea*) [A028] Whooper Swan (*Cygnus cygnus*) [A038] Greylag Goose (*Anser anser*) [A043] Shelduck (*Tadorna tadorna*) [A048] Wigeon (*Anas penelope*) [A050] Teal (*Anas crecca*) [A052] Mallard (*Anas platyrhynchos*) [A053] Shoveler (*Anas clypeata*) [A056] Scaup (*Aythya marila*) [A062]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA[7]	Potential effects on the SPA could arise from construction/operation stage water discharge entering the hydrological pathway to the SPA. For the construction stage, earth works may cause a temporary disturbance of silt which could become suspended in waters which follow identified pathways to the SPA. The pathway is considerable (c. 1.34 km) and any potential contaminants would be subject to a large dilution factor. It is Donegal County Council best practice policy that all contractors adhere to 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to waters' (2016). The guidelines ensure the protection of watercourses and is not implemented specifically to protect European sites but as a matter of best practice. Considering the short-term nature of the construction, best practice employed and the significant distance of the hydrological pathway and associated dilution factor, it is not likely that construction stage water emissions will give rise to significant negative effects on the European Site. Disturbance effects from construction noise have potential to cause effects on the SCIs of the SPA.

[7] NPWS (2011) 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.

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
	Goldeneye (*Bucephala clangula*) [A067] Red-breasted Merganser (*Mergus serrator*) [A069] Coot (*Fulica atra*) [A125] Oystercatcher (*Haematopus ostralegus*) [A130] Knot (*Calidris canutus*) [A143] Dunlin (*Calidris alpina*) [A149] Curlew (*Numenius arquata*) [A160] Redshank (*Tringa totanus*) [A162] Greenshank (*Tringa nebularia*) [A164] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Common Gull (*Larus canus*) [A182] Sandwich Tern (*Sterna sandvicensis*) [A191] Common Tern (*Sterna hirundo*) [A193] Greenland White-fronted Goose (*Anser albifrons flavirostris*) [A395] Wetland and Waterbirds [A999]		Due to the separation distance of 850 m and the intervening lands containing the national N13 route and urban and commercial development, disturbance effects at the SPA from construction are not expected. In the operational phase, SuDs strategies are to be implemented, and surface water will be collected in a dedicated network and discharged to the public stormwater system via a hydrocarbon interceptor. The interceptor is installed as best practice and not specifically to mitigate effects on European sites. This will ensure that surface water emissions contain low levels of suspended sediment and hydrocarbons are removed. Considering this and the implementation of SUDs strategies, operational surface water is not likely to give rise to significant negative effects on the SPA. Foul water is to be treated in the public sewer leading to the upgraded Newtowncunningham WWTP. Discharge from the upgraded system will not have any negative effect on the SPA. Considering the nature of the SPR chain to this SPA, the nature of the intervening lands and the nature, scale and location of the development, it is not envisaged that any water quality impacts or disturbance impacts will be received by the European Site arising from the proposed development. This finding is made without the reliance on mitigation measures designed to avoid or reduce potential impacts.

5.2 Cumulative Impact Assessment

5.2.1 Review of Plans

The Donegal County Development Plan 2018 - 2024 & Draft Donegal County Development Plan 2024 – 2030 were reviewed to cumulatively assess any impact on European Sites in combination with the proposed development. Table 5.3 contains this assessment.

Table 5.3: Review of Plans

Key Policy/Objective	Assessment for Cumulative Effect on Natura 2000 sites
Draft County Donegal Development Plan 2024 - 2030	
BIO-O-1: To preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation.	The draft Development plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative impacts on EU designated sites or Annex listed protected species were identified when considered in conjunction with the current proposal. The proposed project will not adversely affect any nationally designated site or protected species. No adverse water quality impacts are predicted to occur as a result of the proposed development. No policies or objectives of the county development plan were identified that could potentially combine with the proposed development to culminate in significant effect on European Sites.
BIO-P-1: To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals: **a)** Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI) **b)** Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive. **c)** Manage features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.	
BIO-P-2: Ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), and any species protected under the Wildlife Act save to the extent necessary to provide for strategic infrastructure projects including the TEN-T Priority Route Improvement Project, Donegal.	
BIO-P-3: Save to the extent necessary to provide for strategic infrastructure projects including the TEN-T Priority Route Improvement Project, Donegal, it is the policy of the Council to: **a)** Protect, where justified, features of local biodiversity value (e.g. hedgerows/field boundaries, trees, woodlands, wetlands, water bodies, riverbanks and peatlands) which make a significant contribution to the biodiversity, ecological connectivity, and associated visual amenity and/or rural character of the area. **b)** Require, where justified, that developments otherwise maximise the retention of and suitably integrate such features. In this regard proposals for the removal of	

Key Policy/Objective	Assessment for Cumulative Effect on Natura 2000 sites
existing roadside hedgerows/field boundaries for new developments in rural areas will only be permitted in so far as is necessary to safeguard public safety and any remaining portion of those features identified above not so required shall be retained. **c)** Require that development proposals provide biodiversity enhancement measures (e.g. native tree and hedgerow planting, and nature-based water management solutions). **d)** Require that large-scale developments result in no net biodiversity loss.	
BIO-P-4: Ensure that any development proposals do not lead to the introduction or spread of invasive species. Where invasive species are present, development proposals may be required to be submit an appropriate control and management programme.	
BIO-P-5: **a)** Ensure that new developments do not have a significant adverse impact on pollinator habitat and species, including protecting rare pollinators listed under the Wildlife Act and maximizing the retention of pollinator friendly habitats within development proposal where feasible. **b)** Require pollinator friendly planting and management regimes as part of planting/landscaping schemes for new public development including green infrastructure, large scale residential and transport development.	
WES–P–8: It is the policy of the Council to protect all waters, including any sites on the Water Framework Directive Register of Protected Areas, through supporting and facilitating Irish Water with its environmental protection programme (including the Programme of Measures contained within the relevant River Basin Management Plan; and through the land use planning system.	

5.2.2 Review of Other Projects

A search for projects that have been already completed, approved but uncompleted, or proposed (i.e., for which an application for approval or consent has been submitted) has been conducted. A time period of 5 years was chosen. Projects in the immediate vicinity of the proposed development were considered.

The EIA Portal was searched for any projects/plans that could combine with the proposed development and cumulatively affect Natura 2000 sites. Local authority planning databases were examined to cumulatively assess any impact on European Sites in combination with the proposal.

Table 5.4 contains cumulative impact assessment of relevant Plans/projects found through searches of the EIA portal / Local Authority Databases.

Table 5.4: Cumulative impact with other projects

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
2460685 c.10 m North	Demolition of existing mica defective dwelling house and construction of a new replacement dwelling house with connection to existing services and all associated site works	Granted June 2024	Planning Authority consideration has been given to the site's proximity to the nearest Natura 2000 site (being 950m from Lough Swilly SPA). Having regard to the scale and nature of the proposed development alongside the physical distances from the nearest Natura 2000 site (0.95km), and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is not considered that Screening for Appropriate Assessment is not required in this instance. In arriving at this conclusion, consideration has been given to the physical distance between the subject site and the aforementioned SPA, with no known direct hydrological links, the presence of several local and county roads separating the subject site from the SPA and dilutions factor.	N
2152353 c.10 m Northwest	(1) Demolition of existing derelict dwelling and detached garage (2) erection of 2no. Detached two storey dwellings with connection to mains foul sewer and all existing public services (3) access road from main street to existing farmyard and buildings.	Granted May 2022	The planning authority did not request Appropriate Assessment, and it is assumed that they did not deem appropriate assessment required due to the nature scale and location of the project.	N

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
2151327 c. 75 m West	Construction of a new dwelling, with connections to existing public sewer system and all ancillary site works	Granted August 2021	The planning authority concluded that the site is neither within, nor proximal to, nor directly linked with any Natura 2000 site and thus it is considered that there is no need to screen the proposed development for the need for Appropriate Assessment as it can be excluded beyond reasonable scientific doubt that the proposed development would have a significant effect on any Natura 2000 site.	
2351069 c. 70 m West	Construction of a warehouse storage unit associated with the existing business and all site development works	Granted October 2023	Planning Authority consideration has been given to the site's proximity to the nearest Natura 2000 site being the Lough Swilly SPA located 950m away. Having regard to the scale and nature of the proposed development on an existing brownfield site, alongside the physical distances from the nearest Natura 2000 site, and no known direct hydrological links, it is not considered that the proposed development would be likely to have any significant effect, individually or in combination with any other plan or project, and it is considered that Screening for Appropriate Assessment is not required in this instance.	

5.2.3 Cumulative Impact Conclusion

The cumulative impact assessment found that project considered in combination with other plans/projects will not culminate in effect on European Sites.

5.3 Screening Statement

Considering the location, nature and extent of the proposal, source pathway receptor chains and the likely zone of influence for adverse effect, and in the absence of mitigation, significant effects can be excluded on identified European Sites. Therefore, Stage 2 Appropriate Assessment is not required.

6 Conclusion

The proposed project as detailed, either individually or in combination with other plans or projects, will have no significant adverse effects on the integrity of any European. The proposed development as described will not alter the structure or function of any Natura 2000 site or negatively impact the conservation of any qualifying interest/ special conservation interest therein.

This Appropriate Assessment Screening Report has been prepared by Greentrack Consultants with all reasonable care, due diligence, and professional application. Greentrack have also sought to implement the best current scientific knowledge on the potential effects this proposal will have on the Natura 2000 network.

References:

1. Appropriate Assessment Screening for Development Management: OPR Practice Note PN01 (OPR, 2021)
2. Treweek Environmental Consultants, Appropriate Assessment of plans, 2006
3. Scottish Natural Heritage Assessing Connectivity with Special Protection Areas (SPAs) Guidance, 2016
4. J. Fossitt. (2000) A Guide to Habitats in Ireland. The Heritage Council, Dublin
5. JNCC. (2010) Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. Joint Nature Conservation Committee, Peterborough.
6. Smith, G. F., O'Donoghue, P., O'Hara, K., Delaney, E (2011) Best Practice and Guidance for Habitat Surveying and Mapping. Heritage Council
7. NPWS Conservation Objectives: Leannan River SAC 002176. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.