



# Screening Report for Appropriate Assessment

Stage 1 Screening Report for Appropriate Assessment relating to the proposed demolition of 1no. existing single storey dwelling and domestic garage and the construction of three 2 Bedroom single storey Houses, including all related site works at Masiness, Creeslough, Co. Donegal.

Greentrack Environmental Consultants

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Greentrack Consultancy Limited  
4 Roe House,  
Dry Arch Business Park,  
Letterkenny,  
Co. Donegal  
F92 NHT0

074 9126483

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# 1 INTRODUCTION

## 1.1 Background

Greentrack Consultants have been instructed by Donegal County Council to undertake this Screening Report for Appropriate Assessment under Article 6 of the EU Habitats Directive, examining their proposal for the demolition of 1no. existing single storey dwelling and domestic garage and the construction of three 2-bedroom single storey houses on the subject site, including all related site works at Masiness, Creeslough, Co. Donegal.

This Screening Report has been prepared by Greentrack Consultants with all reasonable care, due diligence, professional application, and best scientific knowledge available to Greentrack at the time of writing. Information contained within this report is based on the interpretation of data collected and has been accepted by Greentrack in good faith. Greentrack accept no responsibility to any third party to whom this report is made known or available. Any such third parties rely on the findings of this report at their own risk. The aim of this screening report is to aid the Competent Authority in determining whether or not an "Appropriate Assessment" is required for the proposed works. This report will assess any likely significant effects or impacts (if any) caused by the proposed development on any Natura 2000 sites within the zone of influence of this proposed development, both independently and in conjunction with other plans and projects.

## 1.2 Legislative Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "*The Habitats Directive*", provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/ECC) as codified by Directive 2009/147/EC.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

*Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In 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.*

Article 6(4) states:

*If, in spite of a negative assessment of the implications for the [Natura 2000] 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, Member States 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.*

### 1.3 Stages of the Appropriate Assessment Process

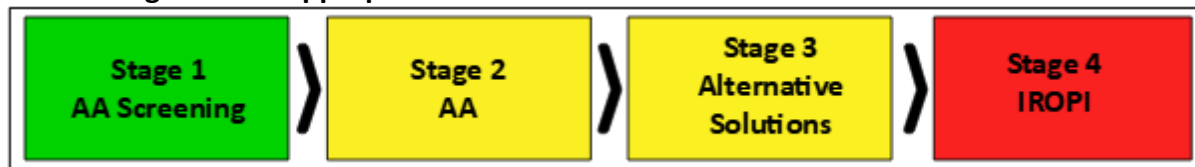


Figure 1.1: Stages of Screening

**Stage 1 - Screening for any likely significant impacts.** 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. 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 report is to screen for “*Any Likely Significant Effects*” and to conclude whether or not an Appropriate Assessment is necessary for the proposed development. This report will screen the proposed development against the qualifying interests of Natura 2000 sites within its zone of influence and will examine any likely significant effects that the proposed activity may have on these sites.

## 2 METHODOLOGY

### 2.1 Approach

The methodology used for this screening report is undertaken in the following stages:

- Define the project and determine whether it is necessary for the conservation management of Natura 2000 sites.
- 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.

### 2.2 Guidance Documents

This report was carried out in accordance with relevant guidance, in particular:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. Department of Environment, Heritage and Local Government, 2010.
- European Commission. Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg, 2018.
- 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. European Commission, 2002.
- Guidance Document on Article 6 (4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence. Opinion of the European Commission. European Commission, 2007 / 2012.
- Habitats Directive and environmental assessment of plans and projects. García Ureta, A. Journal for European Environmental and Planning Law 2, 8496, 2007.
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.
- Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. Circular letter PD 2/07, NPWS 1/07.
- Compliance of Existing Land Use Plans with the EU Habitats Directive. Department of Environment, Heritage and Local Government (2011) Circular Letter PSSP 5/2011.
- Communication from the Commission on the precautionary principle (European Commission, 2000).
- 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); and,
- Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March 2021.

### 2.3 Statement of Authority

This report has been prepared by Shannen McEwen, Ecologist with Greentrack. Shannen holds a B.Sc. (Hons) Environmental Science with a Diploma in Professional Practice from the University of Ulster. She has been involved in all aspects of Appropriate Assessment, Natura Impact Statement and Environmental Impact Assessment preparation since 2017. Shannen is an Associate Member of the Institution of Environmental Sciences.

## 3 DESCRIPTION OF THE PROJECT

### 3.1 Project Description

The proposal is a for the demolition of an existing single storey dwelling and domestic garage and the construction of three 2 bedroom single storey houses on the subject site, including all related site works at Masiness, Creeslough, Co. Donegal. The existing dwelling will be dismantled in a sequential manner by a qualified demolition contractor with all works undertaken pursuant to S.I. No. 481/2001 - Safety, Health and Welfare at Work (Construction) Regulations, 2001<sup>1</sup>, in line with best practice. Excavation of the site will then take place. The area for the new dwellings will be cleared with all construction and demolition removed off site to an approved facility. Suitable overburden from clearance works is planned to be recycled onsite for landscaping purposes. The new dwellings will be constructed using standard construction practices.

The project can be considered in two distinct stages:

- **Construction Stage**
  - Demolition/dismantling of the existing dwelling
  - Site clearance to accommodate proposal.
  - Construction of the new dwellings
  - Connection to ancillary services
  
- **Operational Stage**
  - Standard day to day operation of the new dwellings

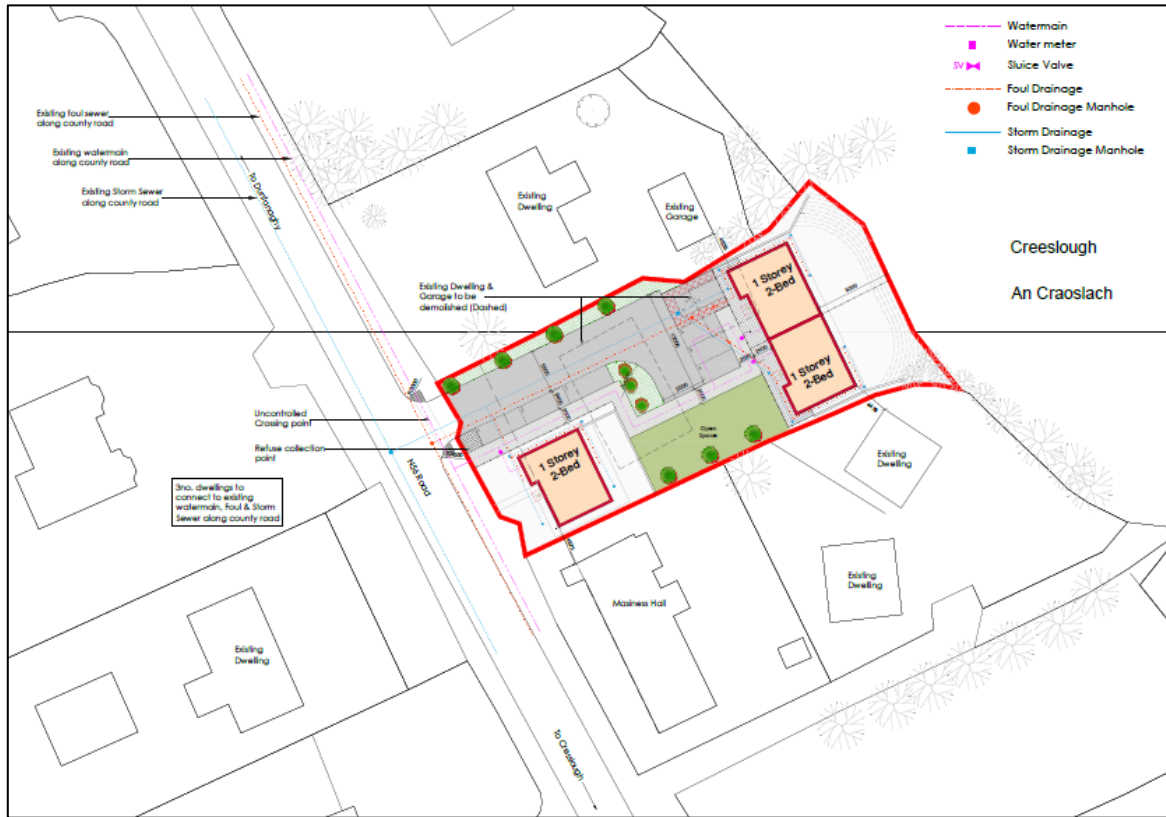
Figure 3.1 shows the proposed site layout.

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<sup>1</sup> <https://www.irishstatutebook.ie/eli/2001/si/481/made/en/print#part12>



**Figure 3.1: Proposed site layout**



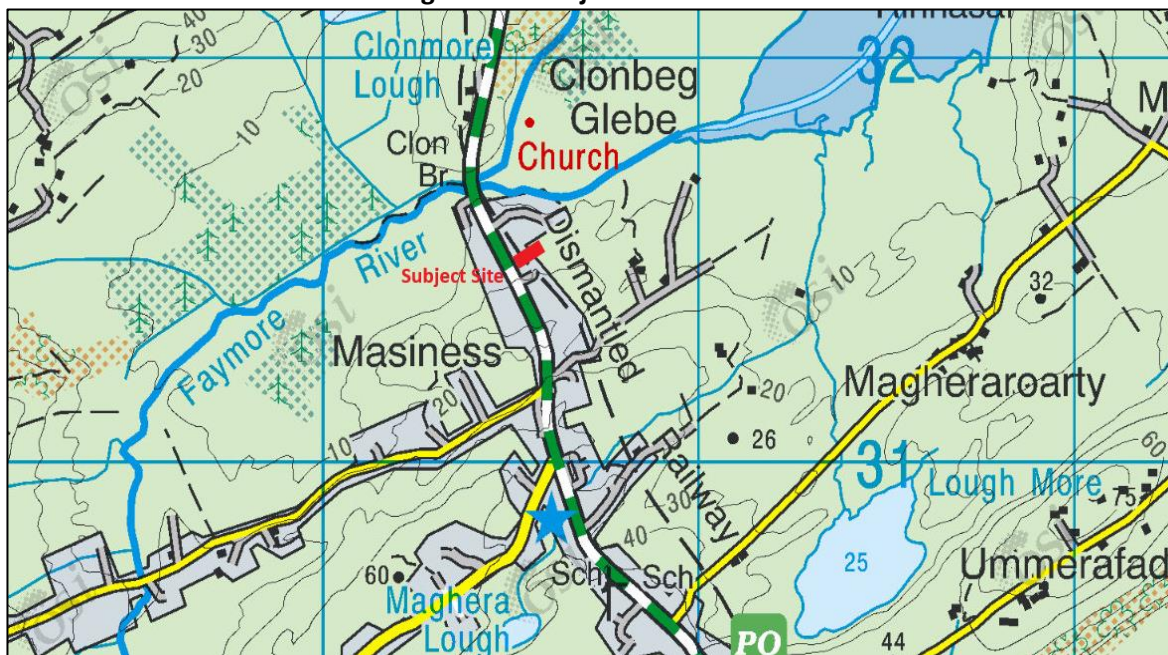
(Site layout provided by Donegal County Council)

## 4 THE RECEIVING ENVIRONMENT

### 4.1 General Location

The proposal area is located at Masiness, Creeslough, Co. Donegal, (Figure 4.1). Access is provided by a private site entrance, just off the national N56 road. The site is bordered by a neighbouring dwelling to the north, the old Masiness School to the south, the site access road to the west and an area of grassland to the east.

**Figure 4.1: Subject site location**



CYAL50244901 © Ordnance Survey Ireland/Government of Ireland.



## 4.2 Site Description

Greentrack conducted a site walkover on 03/11/2022. A phase 1 habitat survey was conducted during the initial site walkover using guidelines produced by the JNCC<sup>2</sup> in conjunction with Fossitt's Guide to Habitats in Ireland<sup>3</sup>. The site is a mosaic of buildings and artificial surfaces (BL3), recolonising bare ground (ED3) and scrub (WS1). Species noted within the site include Bents (*Agrostis* spp.), Yorkshire-fog (*Holcus lanatus*), Mat grass (*Nardus stricta*), Sorrell (*Rumex acetosa*), Gorse (*Ulex* spp.), Ragworts (*Senecio* spp.), Plantains (*Plantago* spp.), Bramble (*Rubus fruticosus* agg.), Willow (*Salix* spp.), Colt's Foot (*Tussilago farfara*), Nettle (*Urtica dioica*), Dandelion (*Taraxacum* spp.), Thistle (*Cirsium* spp.) Docks (*Rumex* spp.) and Rush (*Juncus* spp.). There was no sighting of any invasive species on site such as Rhododendron (*Rhododendron ponticum*) or Japanese Knotweed (*Fallopia japonica*) in or around the subject site.

See below Photographs 4.1-4.2 of the subject site.

**Photograph 4.1: Exsiting dwelling proposed for demolition**



<sup>2</sup> JNCC. (2010) Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit. Joint Nature Conservation Committee, Peterborough.

<sup>3</sup> J. Fossitt. (2000) A Guide to Habitats in Ireland. The Heritage Council, Dublin

**Photograph 4.2: View of the subject site facing W**

Habitat classification data was used to produce the habitat map presented as Figure 4.2. Guidelines from the Heritage Council<sup>4</sup> were used to form the basis of the mapping exercise. A survey area was delineated in the immediate vicinity of the subject site with a view to representing adjacent or proximal habitats. Data gathered was used to produce a thematic habitat map (Figure 4.2) illustrating the relative position and scale of habitats in the study area. However, position and scale of habitats shown are approximate only and should be considered only as a broad representation of the study area. No invasive species were observed during site investigations.

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<sup>4</sup> Smith, G. F., O'Donoghue, P., O'Hara, K., Delaney, E (2011) Best Practice and Guidance for Habitat Surveying and Mapping. Heritage Council



**Figure 4.2: Habitat Map**

(Created using QGIS software)

### 4.3 Hydrology

The subject site is located within the Water Framework Directive (WFD) Catchment 38 Gweebarra-Sheephaven and falls within Lackagh SC\_010 WFD sub-catchment. Post construction, all storm/surface runoff will flow to the public storm sewer along the main road which discharges into Sheephaven Bay via the Faymore River (EPA code: IENW\_38F010200). The Faymore River is c.207m North of the subject. The Faymore River flows for c. 625m before discharging into Sheephaven Bay which is designated under the SAC.

## 5 NATURA 2000 SITES

### 5.1 Identification of Natura 2000 Sites

In terms of the identification of relevant Natura 2000 sites, the zone of impact (also known as the area of influence) is determined based on their potential connectivity (*source-pathway-receptor* model) to the proposed project in terms of, for example:

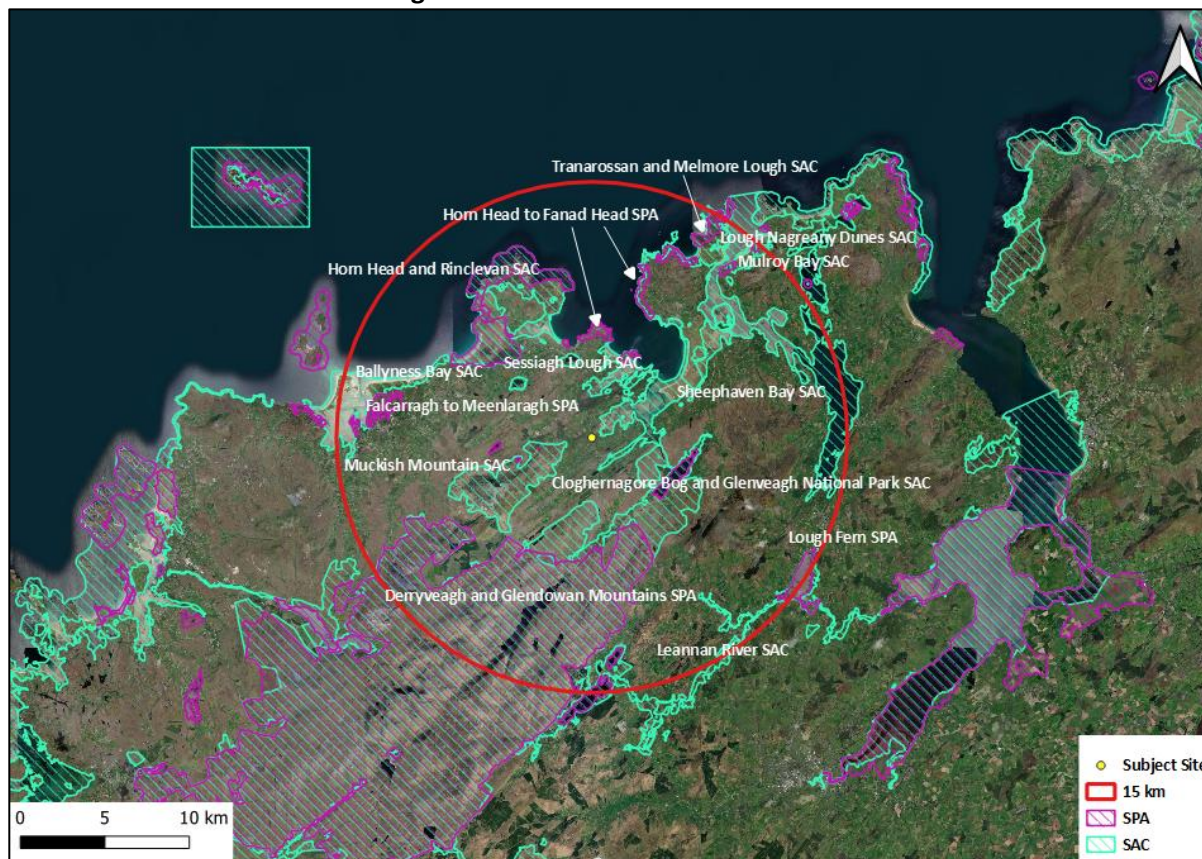
- Nature, scale, timing, and duration of works and possible impacts.
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

The 'zone of influence' (ZoI) is essentially the effect area over which alterations may have potential ecological impact. The ZoI over which the proposed development may impact upon Natura 2000 Sites and their Qualifying Interests will vary for different ecological receptors, depending on the pathway for potential impacts, as well as the specific nature of the habitats/species (e.g., some species have ability to move/disperse, and some habitats have better ability than others to absorb impacts). Having considered the potential ecological impacts through source-receptor-pathway connectivity (e.g., hydrological link) and given the nature of the proposed project, it was deemed that the zone of

influence for such projects would be limited to a radius of 15 km as recommended by NPWS. The Natura 2000 sites occurring within 15 Km of the subject site are listed in Table 5.1 and are screened for possible threats from the proposed development. Figure 5.1 indicates the relative locations of all listed Natura 2000 sites in relation to the subject site.

**Table 5.1: Screening of Natura 2000 Sites within Zone of Influence**

Site Name	Site Code	Distance from Subject Site	Avenue of Connectivity to Subject Site	Further Screening Required (Y/N)
<b><i>Sheephaven Bay SAC</i></b>	001190	497m E	Through surface water run-off during the construction and operational phase, potential for indirect effects.	Y
<b><i>Horn Head to Fanad Head SPA</i></b>	004194	4.73km NE	No avenue for direct effects or indirect effects.	N
<b><i>Tranarossan and Melmore Lough SAC</i></b>	000194	7.73km NE	No avenue for direct effects or indirect effects.	N
<b><i>Lough Nagreany Dunes SAC</i></b>	000164	12.16km NE	No avenue for direct effects or indirect effects.	N
<b><i>Mulroy Bay SAC</i></b>	002159	9.69km NE	No avenue for direct effects or indirect effects.	N
<b><i>Horn Head to Rinclevan SAC</i></b>	000147	4.95km NW	No avenue for direct effects or indirect effects.	N
<b><i>Ballyness Bay SAC</i></b>	001090	10.21km NW	No avenue for direct effects or indirect effects.	N
<b><i>Falcarragh to Meenlaragh SPA</i></b>	004149	11.06km NW	No avenue for direct effects or indirect effects.	N
<b><i>Sessiagh Lough SAC</i></b>	000185	4.23km N	No avenue for direct effects or indirect effects.	N
<b><i>Cloghernagore Bog and Glenveagh National Park SAC</i></b>	002047	2.96km SE	No avenue for direct effects or indirect effects.	N
<b><i>Lough Fern SPA</i></b>	004060	14.43km SE	No avenue for direct effects or indirect effects.	N
<b><i>Derryveagh and Glendowan Mountains SPA</i></b>	004039	4.83km SE	No avenue for direct effects or indirect effects.	N
<b><i>Muckish Mountain SAC</i></b>	001179	1.5km W	No avenue for direct effects or indirect effects.	N
<b><i>Leannan River SAC</i></b>	002176	11.21km SE	No avenue for direct effects or indirect effects.	N

**Figure 5.1: Proximal Natura 2000 sites**

(This map was created using QGIS software)

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

- Sheephaven Bay SAC

## 5.2 Conservation Status

The overall aim of the Habitats Directive is to maintain or restore the favorable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, is stable or increasing,
- and the ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future,
- and the conservation status of its typical species is favorable.

The favourable conservation status of a species is achieved when:

- population data on the species concerned indicate that it is maintaining itself,
- and the natural range of the species is neither being reduced or likely to be reduced for the foreseeable future,

- and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

## 6 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

The criteria adopted for this assessment are based on a detailed field and desk assessment of the influence the development may have on the Natura 2000 sites within the zone of influence and what, if any, impact this development will have on the Natura 2000 network. Table 6.1 further examines possible impacts to the Natura 2000 sites identified in Table 5.1. The impact determination is informed by the characteristics of the development and the likelihood of deleterious effects on the Natura 2000 network through identified pathways for pollution/ habitat degradation / habitat removal/ species disruption/ species loss.



**Table 6.1: Impact Determination of Proposed Development on Natura 2000 sites.**

Natura 2000 site	Qualifying Interests for which the site was selected/ Special Conservation Interest	Conservation Objectives (Accessed via NPWS website November 2022)	Impact determination
<b>Special Areas of Conservation</b>			
<b>Sheephaven Bay SAC</b>	<ul style="list-style-type: none"> <li>• [1140] Mudflats and sandflats not covered by seawater at low tide</li> <li>• [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• [1395] Petalophyllum ralfsii (Petalwort)</li> <li>• [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</li> <li>• [2110] Embryonic shifting dunes</li> <li>• [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</li> <li>• [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</li> <li>• [21A0] Machairs (* in Ireland)</li> <li>• [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</li> </ul>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected for.	<p>The source-pathway link to the SAC is defined by surface water runoff which flows offsite to Sheephaven Bay via the public storm sewer. Sheephaven SAC is c. 830m hydrologically from the subject site. All foul water from the subject site will discharge offsite to the public foul sewer for treatment. Surface runoff will also discharge to the public storm sewer during construction and operational phase. No negative effects on water resource quality in the SAC are envisaged from foul water and storm/surface water from the proposed development.</p> <p>Potential disturbance from demolition/construction will be short term and temporary in nature and will not cause any long term significant negative effects on the qualifying interests of the SAC. All associated works will be undertaken in line with S.I. No. 481/2001 - Safety, Health and Welfare at Work (Construction) Regulations, 2001 in line with best practice.</p> <p>There is no potential for direct effects on this SAC such as fragmentation, habitat loss or ex situ habitat loss. No noise or dust emissions are predicted to impact species within the SAC. No negative effects on water resource quality in the SAC are envisaged. No direct or indirect effects to the SAC are predicted. The potential to achieve the sites conservation objectives is not predicted to be impacted by the proposed development. Therefore, it can be screened out of any further studies.</p>

Having established the assessment criteria, the impacts associated with the development and associated works on the identified Natura 2000 site, the development has been assessed with regard to all the qualifying interests/Special Conservation Interest. The impact determination table found significant effects can be excluded at this stage.

## 6.1 Cumulative Effects

Recent planning applications within the vicinity of the subject site (available on Donegal County Council GIS map viewer) and The Donegal County Development Plan 2018 -2024 were reviewed to cumulatively assess any impact on European Sites in combination with the development.

- Planning ref. 21/52084 (1.06 km SE) was granted in January 2021 for the erection of a dwelling house with septic tank and domestic garage and all associated site development works. The Planning Authority found that the proposed development (21/52084) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 20/50877 (650m S) was granted in September 2020 for (1) Removal of existing temporary library building, ASD unit and store, (2) Installation of 2No. 80M2 temporary classrooms, (3) connection to existing storm and foul drainage and all associated site works. The Planning found that the proposed development (20/50877) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 19/50428 (650m S) was granted in May 2019 for erection of a detached single storey classroom and link canopy at the south boundary of the school and construction of an attached accessible toilet/shower room and storeroom at the southeast of the existing building and all associated site works. The Planning found that the proposed development (19/50428) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 21/51616 (1.05 km N) was granted in December 2021 for the erection of a domestic garage. The Planning Authority found that the proposed development (21/51616) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 17/51499 (920m SE) was granted in December 2017 for the (1) demolition of parts of an existing dwelling house and attached shed (2) erection of an extension (3) renovation of the remaining parts of the existing dwelling house and (4) construction of a new approved effluent treatment system and percolation area in accordance with current EPA guidelines and all ancillary works. The Planning Authority found that the proposed development (17/51499) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site

It can therefore be concluded that no recent or historical planning approvals are predicted to combine with the development to culminate in a negative effect on the Sheephaven SAC. No aspects of the Donegal County Development Plan 2018-2024 are likely to combine with the development to culminate in a negative effect on any European Site.

## 7 CONCLUSION AND SCREENING STATEMENT

Following the assessment as detailed in this AA Screening Report, it is concluded that significant effects on the Natura 2000 network arising from the proposed development, either individually or in combination with other plans or projects have not occurred and are not likely to occur in the future. Therefore Stage 2 Appropriate Assessment is not required. This conclusion was reached based on objective information and in view of best scientific knowledge.

Date: 07/11/2022

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