



Screening Report for Appropriate Assessment

Stage 1 Screening Report for Appropriate Assessment relating to the construction of a dwelling house, installation of a new wastewater treatment system and all other associated site development works at Largymore, Kilcar, County Donegal.

Greentrack Environmental Consultants

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1 INTRODUCTION

1.1 Background

Greentrack Consultants have been instructed by Siobhan Mc Cafferty, Donegal County Council, Lifford, Co. Donegal, to undertake this Screening Report for Appropriate Assessment under Article 6 of the EU Habitats Directive, examining their proposal for the construction of a dwelling house, installation of a new wastewater treatment system and all other associated site development works at Largymore, Kilcar, County 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

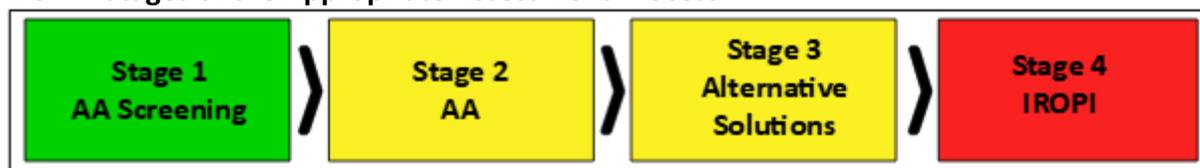


Figure 1.1: Stages of Screening

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, 2009.
- 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.

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

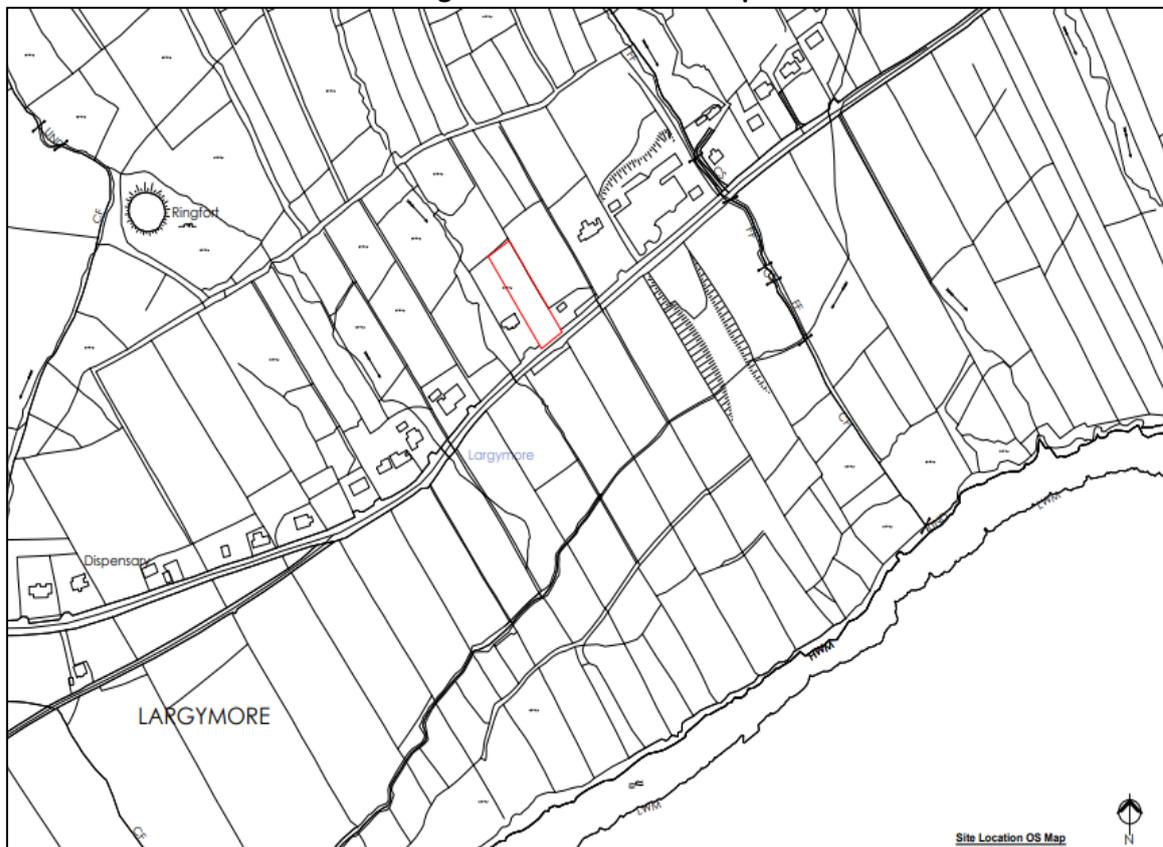
3.1 Project Description

The proposal is for the erection of a dwelling house, with a wastewater treatment system and all other associated site development works. The project can be considered in two distinct stages:

- **Construction Stage**
 - Site clearance to accommodate proposal.
 - Construction of the new dwelling house.
 - Installation of the new WWTS to serve the new dwelling.
 - Landscaping of the site with native trees and shrubs.
- **Operational Stage**
 - Standard day to day use of dwelling house.

The proposed site location is shown below in Figure 3.1.

Figure 3.1 Site location map

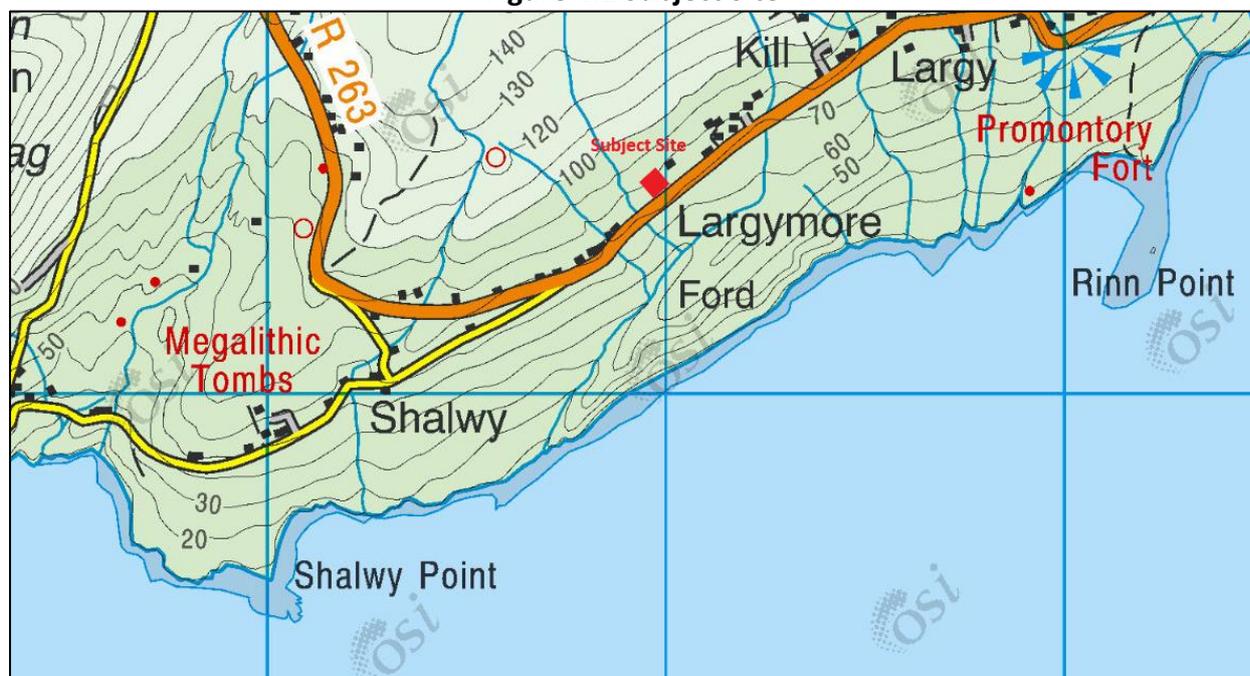


4 THE RECEIVING ENVIRONMENT

4.1 General Location

The proposed development is located in the townland of Largymore, Kilcar, Co. Donegal, (Figure 4.1). Access to the site is provided by the Regional Road R-263-5.

Figure 4.1 Subject Site



CYAL50244901 © Ordnance Survey Ireland/Government of Ireland.

4.2 Site Description and Biodiversity

Greentrack conducted a site walkover on 14/06/2022. A phase 1 habitat survey was conducted during the initial site walkover using guidelines produced by the JNCC in conjunction with Fossitt's Guide to Habitats in Ireland. The site is comprised of improved grassland (GA1). The site is dominated by Rye-grasses (*Lolium spp.*), Bents (*Agrotis spp.*), Timothy (*Phleum pratense*) along with rushes (*Juncaceae*), docks (*Rumex spp.*), plantains (*Plantago spp.*), gorse (*Ulex*), and meadow buttercup (*Ranunculus acris*). There are two areas at the top of the site that have small amounts of exposed rock (ER).

Photograph 4.1 is a view of the subject site.

Photograph 4.1:
View of subject site where the dwelling is to be located



Habitat classification data was used to produce the habitat map presented as Figure 4.2. Guidelines from the Heritage Council¹ 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 and should be considered as a broad representation of the study area.

¹ 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 (Created using QGIS software)

4.3 Hydrology

The subject site is located within the Water Framework Directive (WFD) Catchment 37 Glen-Oily-Bungosteen-Glenddragh and falls within Stragar_SC_010 WFD sub-catchment. The stream 37-1632 which is 35.5m from the subject site runs Southwest towards Donegal Bay.

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:

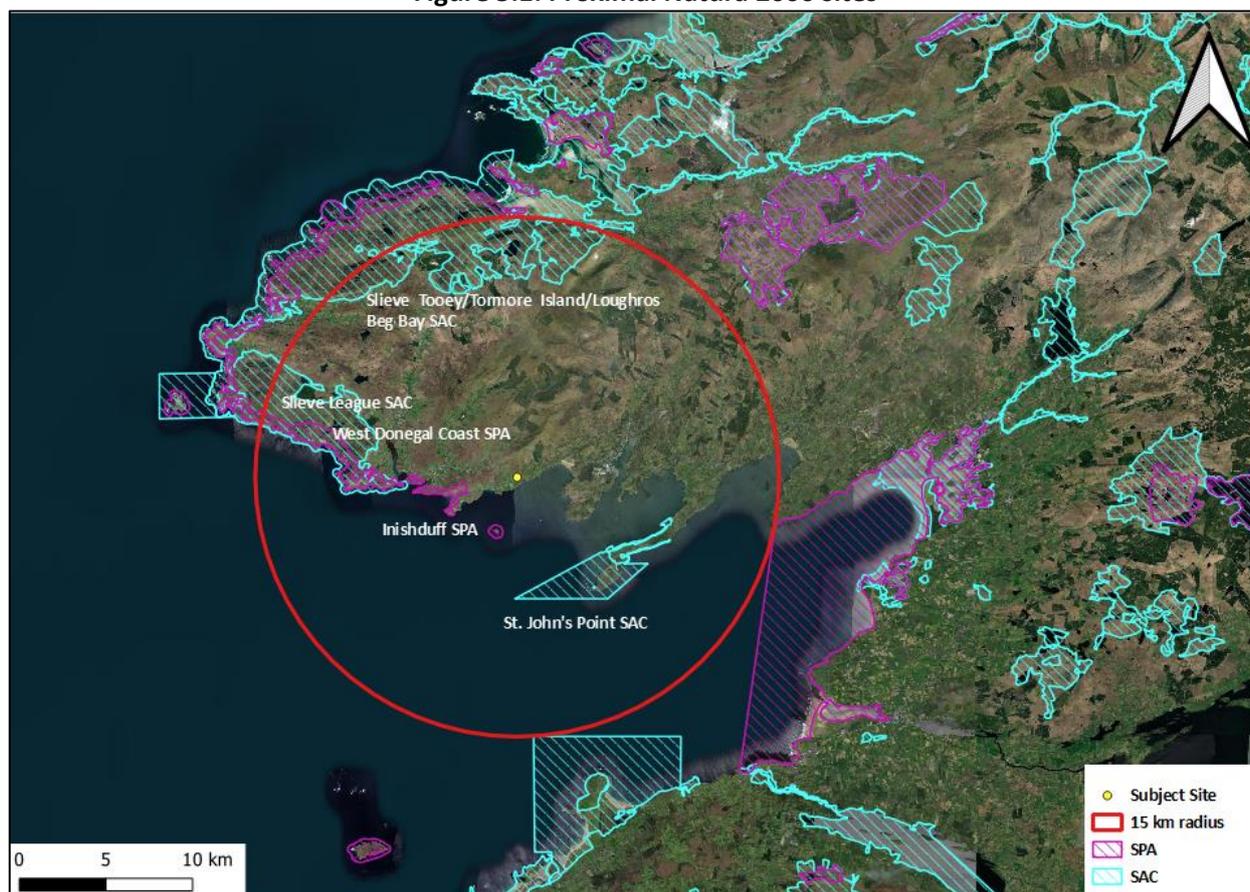
- Nature, scale, timing, and duration of works and possible impacts.
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads *etc.*); and
- Sensitivity and location of ecological features.

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 (km)	Avenue of Connectivity to Subject Site	Further Screening Required (Y/N)
West Donegal Coast SPA	004150	2.9km	Potential for indirect effects.	Y
Inishduff SPA	004115	3km	Potential for indirect effects.	Y
Slieve Tooley/Tormore Island/Loughros Beg Bay SAC	000190	11.4km	No direct effects or indirect effects.	N
St. John's Point SAC	000191	6.45km	No direct effects or indirect effects.	N
Slieve League SAC	000189	6.32km	No direct effects or indirect effects.	N

Figure 5.1: Proximal Natura 2000 sites



(Created using QGIS software)

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

- West Donegal Coast SPA
- Inishduff SPA

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 favorable conservation condition will contribute to the overall maintenance of favorable conservation status of those habitats and species at a national level.

The favorable 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 favorable 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 proposed 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 May 2022)	Impact determination
Special Areas of Conservation			
West Donegal Coast SPA	<ul style="list-style-type: none"> • [A009] Fulmar (<i>Fulmarus glacialis</i>) • [A017] Cormorant (<i>Phalacrocorax carbo</i>) • [A018] Shag (<i>Phalacrocorax aristotelis</i>) • [A103] Peregrine (<i>Falco peregrinus</i>) • [A184] Herring Gull (<i>Larus argentatus</i>) • [A188] Kittiwake (<i>Rissa tridactyla</i>) • [A200] Razorbill (<i>Alca torda</i>) • [A346] Chough (<i>Pyrrhocorax pyrrhocorax</i>) 	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	<p>The closest boundary of this SPA is located 2.9km West of the subject site. There is no direct hydrological connectivity between the subject site and the SPA.</p> <p>The construction associated with the new dwelling will be a temporary disturbance therefore noise from construction will be minimal and should not cause any significant disturbance to the protected species within the SPA.</p> <p>No negative effects on water resource quality in the SPA are envisaged. No impact to designated species, habitat loss or degradation in the SPA are likely to occur as a result of the proposed development and effects on this SPA can be excluded.</p>
Inishduff SPA	<ul style="list-style-type: none"> • [A018] Shag (<i>Phalacrocorax aristotelis</i>) 	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	<p>The closest boundary of this SAC is located 3km South of the subject site. There is no direct hydrological connectivity between the subject site and the SPA.</p> <p>The construction associated with the new dwelling will be a temporary disturbance therefore noise from construction will be minimal and should not cause any significant disturbance to the protected species within the SPA.</p> <p>No negative effects on water resource quality in the SPA are envisaged. No impact to designated species, habitat loss or degradation in the SPA are likely to occur as a result of the proposed development and effects on this SPA can be excluded.</p>

Having established the assessment criteria, the impacts associated with the proposed development and associated works on the identified Natura 2000 sites, 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 proposed development.

Planning ref. 21/51235 (221m W) was granted permission in August 2021 for the renovations and extension to existing dwelling to incorporate a new roof, first floor accommodation, alterations to all elevations, decommissioning of existing septic tanks located on third party land and installation of new septic tank system. The Planning Authority carried out a screening report for this development which found that the proposed development (21/51235) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.

Planning ref. 20/50137 (760m SW) was granted in December 2020 for the removal of dormer style pitched roof to the first floor of the existing dwelling house and construction of a remodelled first floor development incorporating a raised wall plate level with pitched roof over and an enclosed entrance porch. The Planning Authority carried out a screening report for this development which found that the proposed development (20/50137) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.

Planning ref. 17/50912 (294m W) was granted in October 2017 for the demolition of an existing derelict house and the construction of a two-storey detached dwelling, with a pitched roof and detached garage, upgrading of entrance to R236 road and construction of a sewerage treatment unit. The Planning Authority found that the proposed development (17/50912) 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 proposed development to culminate in a negative effect on any Natura 2000 site. No aspects of the Donegal County Development Plan 2018-2024 are likely to combine with the proposed 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 are not likely to occur. Therefore Stage 2 Appropriate Assessment is not required. This conclusion was reached based on objective information and in view of best scientific knowledge.

Date: 29/06/2022

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