



AA Screening Report & Determination in respect of the Rathmullan (Community & Heritage) Regeneration Project

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	Rathmullan (Community & Heritage) Regeneration Project/Part 8/2022
(b) Brief description of the project or plan:	<p>The proposal consists of five different key work areas. The proposed works include the refurbishment of the Napoleonic Gun Battery, Abbey and Glacis, creation of a community hub, public amenity space near the Abbey and upgrading the existing carriageway as part of the Rathmullan (Community & Heritage) Regeneration Project. The 5 project areas and the specific development proposals are further described as follows:</p> <ul style="list-style-type: none"> ▪ The renewal, extension and repurposing of a Proposed Protected Structure - Rathmullan Battery Fort (Ref. NIAH 40819002) and its attendant lands as a key heritage asset providing flexible indoor and outdoor space with multi-functional capacities for: (i) interpretation, exhibitions, conferences, education & learning, and for (ii) civic, cultural, recreation and social gatherings and events. The extension will consist of a single storey contemporary intervention within the Battery Fort walls with a floor area of 287 sq.m and terrace over; ▪ The renewal of the Glacis as an integral historical element of the Battery Fort inclusive of: de-cluttering, re-profiling and the development of boundary treatment, universal access and permeability interventions including an elevated bridge link across the defensive moat from the Glacis to the Battery Fort; ▪ Construction of a new Community hub type building on a brownfield site at the junction of Kerrs Bay and Pier Road with flexible multi-user spaces and accommodation solutions including: (i) at Ground Floor: a community hall, office & reception; 2no. retail spaces;

changing places facility & 2no. accommodation rooms including accessible accommodation; storage; (ii) at First Floor: a meeting room and 12no. twin accommodation rooms and 2no. triple accommodation rooms and communal space; (iii) at Second Floor: an office and flexible workspace, and (iv) at Third Floor: a flexible community hub space with a roof terrace over; and having a total floor area of approx. 1,582sq.m (17029sq.ft);

- The construction of access management, public interest controls and interpretation facilities at a Protected Structure - Rathmullan Abbey (Ref. RPS 40819027) consisting of: a universally accessible access pathway to the site & structure and installation of a pedestal supported floor plate with a floor area of 292sq.m incorporating seating options, historical interpretation features and a bespoke lighting scheme, utilities and services (discreetly concealed in the sub-structure) and within the Zone of Archaeological Notification of recorded monument RMP DG037-007003;
- Material improvement of the existing road and pedestrian infrastructure at the junctions between Main Street and Wesleyan Street and Kerrs Bay and Pier Road including: modified junction and road kerb alignments, improved pedestrian infrastructure and level grade crossing points, and new high quality surface material finishes and street furniture;
- The formation of a small public amenity space bounded by the sea wall on a site to the south of Rathmullan Abbey;
- All associated ancillary works to include site drainage, connection to public water supply and other services, enhancements to public lighting, landscaping, development related signage & public art, connection & discharge to the public sewerage network.
- A schedule of proposed uses for the Battery Fort, Community Hub and Abbey will be provided with the required particulars per Article 81(2)(d)(i) of the Regulations.

(c) Brief description of site characteristics:

The proposed development is located at lands located in the townland of Rathmullan and Ballyboe, Rathmullan, Co. Donegal.

Independent Consultants 'Greentrack' conducted a site walkover survey on 07/06/2022. Using Fossitt's 'A Guide to Habitats in Ireland (2000)'¹ they describe the subject site as mainly comprised of buildings and artificial surfaces (BL3) with small areas of amenity grassland

(GA2) and scrub (WS1) noted around some of the structures. Estuary habitat (MW4) along with rocky shores (LR2), muddy sand shores (LS3) and Stone walls (BL1) are noted within the vicinity of the project areas. 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.

The subject site is located within the Water Framework Directive (WFD) Catchment 39 Lough Swilly and falls within Cashelpreaghan_Sc_010 WFD sub-catchment. Post construction, the majority of storm/surface runoff from the various project areas will percolate naturally to groundwater with only runoff from the new community hub proposed to be piped out to sea at Lough Swilly.

(d) Relevant prescribed bodies consulted:
e.g. DHLGH (NPWS), EPA, OPW

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(e) Response to consultation:

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STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Mulroy Bay SAC [002159]	<ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide [1140] ▪ Large shallow inlets and bays [1160] ▪ Reefs [1170] ▪ Lutra lutra (Otter) [1355] 	9.79 km (W)	No. No direct hydrological link to subject site, no avenue of connectivity.	No.
Horn Head to Fanad Head SPA [004194]	<ul style="list-style-type: none"> ▪ Fulmar (<i>Fulmarus glacialis</i>) [A009] ▪ Cormorant (<i>Phalacrocorax carbo</i>) [A017] ▪ Shag (<i>Phalacrocorax aristotelis</i>) [A018] ▪ Barnacle Goose (<i>Branta leucopsis</i>) [A045] ▪ Peregrine (<i>Falco peregrinus</i>) [A103] ▪ Kittiwake (<i>Rissa tridactyla</i>) [A188] ▪ Guillemot (<i>Uria aalge</i>) [A199] ▪ Razorbill (<i>Alca torda</i>) [A200] ▪ Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346] ▪ Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] 	9.83 km (N)	No No direct hydrological link to subject site, no avenue of connectivity.	No
Ballyhooriskey Point to Fanad Head SAC [001975]	<ul style="list-style-type: none"> ▪ Perennial vegetation of stony banks [1220] ▪ Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] ▪ Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] 	13.54 km (N)	No. No direct hydrological link to subject site, no avenue of connectivity	No

	<ul style="list-style-type: none"> ▪ Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] ▪ <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] ▪ <i>Najas flexilis</i> (Slender Naiad) [1833] 			
Lough Swilly SAC [002287]	<ul style="list-style-type: none"> ▪ [1130] Estuaries ▪ [1150] Coastal lagoons ▪ [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) ▪ [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) ▪ [91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles ▪ [1355] <i>Lutra lutra</i> (Otter) 	10m (E)	Yes.	Yes – See Step 3.
Leannan River SAC [002176]	<ul style="list-style-type: none"> ▪ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] ▪ Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] ▪ <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] ▪ <i>Salmo salar</i> (Salmon) [1106] ▪ <i>Lutra lutra</i> (Otter) [1355] ▪ <i>Najas flexilis</i> (Slender Naiad) [1833] 	9.49 km (SW)	No	No
Lough Fern SPA [004060]	<ul style="list-style-type: none"> ▪ [A059] Pochard (<i>Aythya ferina</i>) ▪ [A999] Wetland and Waterbirds <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004060.pdf</p>	11.71 km (SW)	No	No
Ballyarr Woods SAC [00116]	<ul style="list-style-type: none"> ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] 	13.03 km (SW)	No	No
North Inishowen Coast SAC [002012]	<ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide [1140] ▪ Perennial vegetation of stony banks [1220] ▪ Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] ▪ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] ▪ Machairs (* in Ireland) [21A0] ▪ European dry heaths [4030] ▪ <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] ▪ <i>Lutra lutra</i> (Otter) [1355] 	11.42km (N)	No.	No.
Lough Swilly SPA [004075]	<ul style="list-style-type: none"> ▪ [A005] Great Crested Grebe (<i>Podiceps cristatus</i>) ▪ [A028] Grey Heron (<i>Ardea cinerea</i>) ▪ [A038] Whooper Swan (<i>Cygnus cygnus</i>) ▪ [A043] Greylag Goose (<i>Anser anser</i>) 	10m (E)	Yes.	Yes – see Step 3
			Screened in under the precautionary principle due to proximity.	
			No direct hydrological link to subject site, no avenue of connectivity	
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			Screened in under the precautionary principle due to proximity.	

- [A048] Shelduck (*Tadorna tadorna*)
- [A050] Wigeon (*Anas penelope*)
- [A052] Teal (*Anas crecca*)
- [A053] Mallard (*Anas platyrhynchos*)
- [A056] Shoveler (*Anas clypeata*)
- [A062] Scaup (*Aythya marila*)
- [A067] Goldeneye (*Bucephala clangula*)
- [A069] Red-breasted Merganser (*Mergus serrator*)
- [A125] Coot (*Fulica atra*)
- [A130] Oystercatcher (*Haematopus ostralegus*)
- [A143] Knot (*Calidris canutus*)
- [A149] Dunlin (*Calidris alpina*)
- [A160] Curlew (*Numenius arquata*)
- [A162] Redshank (*Tringa totanus*)
- [A164] Greenshank (*Tringa nebularia*)
- [A179] Black-headed Gull (*Chroicocephalus ridibundus*)
- [A182] Common Gull (*Larus canus*)
- [A191] Sandwich Tern (*Sterna sandvicensis*)
- [A193] Common Tern (*Sterna hirundo*)
- [A395] Greenland White-fronted Goose (*Anser albifrons flavirostris*)
- [A999] Wetland and Waterbirds

- ¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
- ² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>Having regard to the location of the proposed works within an urban environment and outside the boundary of the Lough Swilly SAC and SPA and served by urban drainage systems it is concluded that the construction phase will not result in significant environmental impacts that could affect the Lough Swilly SAC or SPA or European Sites within the wider catchment area.</p> <p>The work areas also do not contain any supporting habitat for the qualifying interests of the SAC or SPA nor any Annex I Habitat. The majority of species within the SPA nest or forage in habitat that does not occur within the areas of the proposed works.</p> <p>The sea wall and pier wall create a physical barrier between the project areas and the SAC/SPA, thus minimising any danger of uncontrolled discharges during construction entering a Natura 2000 site and causing damage or harm to supporting habitat or water quality.</p> <p>In addition, the construction phase will be carried out in accordance with detailed design methodologies to ensure that any potential impacts on water by any construction activities are either eliminated, or, if such an event were to occur are reduced to low levels. As a</p>

	<p>consequence, potential impacts on water quality are imperceptible. While detailed design methodologies will be engaged during the construction phase, these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site during the construction phase.</p> <p>The construction phase associated with the development will be a temporary disturbance, however, due to the built nature of the surrounding environs, potential disturbance from construction of the development will not be significant. Based on this scientific observation, the entire proposal can be screened out of any further studies.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>All foul and surface water runoff once the development is occupied and operational will be contained on site and discharged to urban drainage systems.</p> <p>The wastewater will discharge to a new municipal wastewater treatment plant which ultimately discharges under license. Only clean runoff from the community hub will flow into the SAC/SPA and this is not significant as rainwater is considered to be clean run off. Surface runoff from other project areas will percolate to the ground, thus reducing the danger of contaminated runoff entering the SAC/SPA, or subsequently causing damage to the supporting estuary habitat.</p> <p>Based on this scientific observation, the entire proposal can be screened out of any further studies.</p>
<p>In-combination/Other</p>	<p>An NIR was prepared for the County Donegal Development Plan 2018-2024 (as varied) which included the settlement framework designation context for the subject site. No likely significant effects on any European site were identified.</p> <p>A number of other proposed and permitted developments were considered in the supporting AA Screening Report by Independent Consultants Greentrack which concluded that no recent or historical planning approvals are predicted to combine with the proposed development to culminate in a negative effect on the SAC/SPA.</p> <p>The Irish Water Sewerage Scheme for Milford, Ramelton and Rathmullan is also now consented and proceeding to site. That project was subject to AA and EIA with an NIS and EIAR being prepared. Given the nature and location of this scheme, there are no characteristics of the proposed development that would give rise to cumulative significant environmental effects.</p> <p>No likely significant in-combination effects are identified.</p>

<p>(b) Describe any likely changes to the European site:</p>	
<p>Examples of the type of changes to give consideration to include:</p>	<p>None.</p>

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

The work areas do not contain any qualifying interests of the SAC nor any Annex I habitat.

No direct effects such as habitat loss or fragmentation are likely to occur, no indirect effects such as habitat degradation are likely to occur as a result of the proposed works.

The work areas do not contain any supporting habitat for the qualifying interests of the SPA. The majority of species within the SPA nest/forage in estuary/lagoon habitat with others grazing in open agricultural fields. Neither habitat occurs within the areas for the proposed works.

No direct effects such as loss or fragmentation of supporting habitat and no indirect effects such as habitat degradation are likely to occur as a result of the proposed works.

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

No

While detailed design methodologies will be engaged during the construction phase, these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site during the construction phase.

Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:


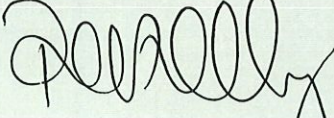
- the nature and scale of the proposed development comprising the renewal of existing structures and regeneration of a brownfield site on serviced lands within a village centre environment,
- the location of all proposed work areas outside of a Natura 2000 site and the existence of a physical barrier between same,
- the absence of Annex I habitat or qualifying interests within the work areas and the significant remove at which SPA species forage or nest from the proposed work areas, and
- the discharge only of insignificant clean rainwater run off to the SAC/SPA from the community hub, the natural percolation of other run-off waters and the lack of other direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.

Conclusion:

Tick as Appropriate:

Recommendation:

(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 22/11/22	
Signature and Date of the Decision Maker:	 22/11/2022	

Regeneration and Development Team
 Directorate of Community Development
 & Planning Services
 November 2022



Screening Report for Appropriate Assessment

Screening Report for Appropriate Assessment in relation to planning application by Donegal County Council for the five project areas associated with the Rathmullan (Community & Heritage) Regeneration Project located in Rathmullan & Ballyboe, Rathmullan, Co. Donegal.

Greentrack Environmental Consultants

September 2022

DOCUMENT DETAILS

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1 INTRODUCTION

1.1 Background

Greentrack Consultants have been instructed by Donegal County Council, c/o Robin Lee Architecture, 71 Queensway, London W2 4QH, to undertake this Stage 1 Screening Report for Appropriate Assessment under Article 6 of the EU Habitats Directive, examining their proposal associated with the five project areas as part of the Rathmullan (Community & Heritage) Regeneration Project located within the townland of Rathmullan & Ballyboe, Rathmullan, Co. Donegal. The works include the refurbishment of the Rathmullan Battery Fort and Abbey, creation of a community hub, public amenity space near the Abbey and the upgrade of the existing carriageway (see section 3 for full detail on the proposed works).

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

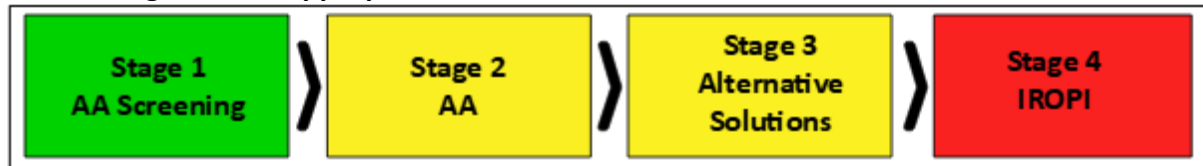


Figure 1.1: Stages of Screening

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.

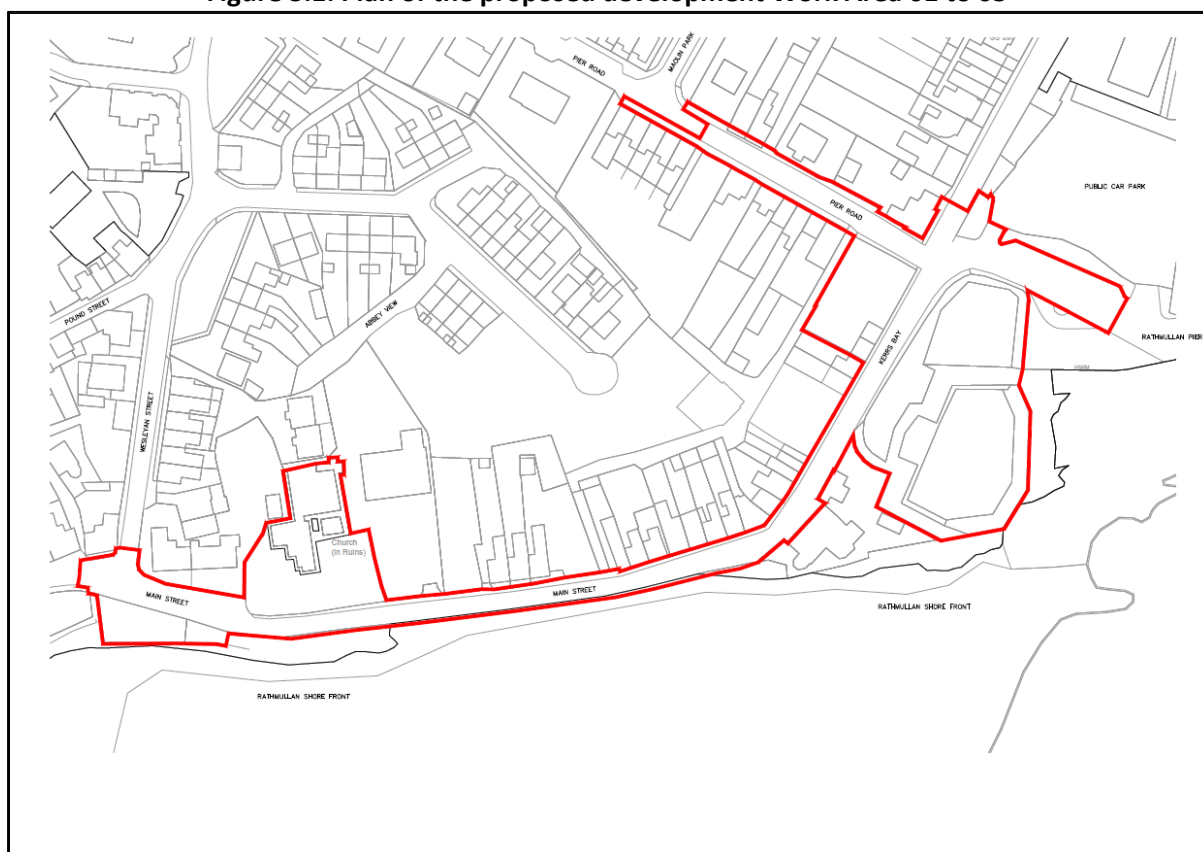
3 DESCRIPTION OF THE PROJECT

The proposal consists of five different work areas. The proposed works include the refurbishment of the Rathmullan Battery Fort and Abbey, creation of a community hub, public amenity space near the Abbey and upgrading the existing carriageway as part of the Rathmullan (Community & Heritage) Regeneration Project. The 5 project areas are as follows:

- 1) Rathmullan Battery Fort
- 2) Community Hub
- 3) Abbey
- 4) Public Realm
- 5) Public Amenity

Figure 3.1 highlights the plan of the proposed development Work Area 01 to 05

Figure 3.1: Plan of the proposed development Work Area 01 to 05



Work area 01 - Rathmullan Battery Fort

The proposal is for the renewal and repurposing of Rathmullan Battery Fort and attendant lands. The repurposing of the Battery is intended to create a series of places and spaces in which to learn about and celebrate the rich history and identity of Rathmullan along with its current and historic relationship to the sea. The design approach is to make all new interventions within the zone of the

Battery that was historically occupied with structures and within the zone most subject to change in the 200 years since its original construction. The proposal is for a new building within the walls of the historic Battery with an internal area of 287m², a roof terrace / viewing platform of 388m² and a 50m² canopied area along the edge of the new building.

Between the new building and the enclosing walls of the Battery to the south an open area of 770m² will be available which can also be used as an event space during high and low seasons. The historic Blockhouse will be repurposed as an interpretation space as part of the visitor and educational experience of the Battery will 47m² of display and interpretation space on the ground floor and the same amount on the first floor. A new stair and lift installation will occupy 20m² of space on each floor. Surface Water falling on the roof will be collected and directed to a perforated pipe in the courtyard to percolate to ground with all foul water discharging to the public sewer.

Work Area 01 includes the development of historic Glacis to improve use and community interaction. The repurposing of the Glacis is intended to restore the status of this important historic feature as an essential component in the reading and understanding of Rathmullan Battery Fort, as outlined above. To enable a direct route from the car park direction to the Battery, a stepped ramp is proposed along the eastern edge of the Glacis. This will involve a minimal loss of green space but with tangible benefits in creating a new public route to the eastern edge of the Battery with elevated views across Lough Swilly with improved accessibility. A 1:21 slope directly linking the proposed Community Hub entrance to the Battery would allow these assets and facilities to be used in conjunction with one another and supporting the universal access objectives of the project for the benefit of all in the community. A level access route from the car park direction could be created to provide a direct public route to the Battery moat. This would allow a direct link between the car park and the extent of beach immediately south of the pier while also allowing access to the existing gated entrance to the Battery courtyard thereby further improving area-wide connectivity.

Work area 02 - Community Hub

The Community Hub is intended as unique & flexible space with digital capacities, community office/meeting space and opportunities for start-ups, collaborative, and remote working. The Community Hub will support increased dwell-time within the village by offering a range of facilities, encouraging activity, and helping to support the local economy. The building is proposed on a brownfield site at the heart of Rathmullan creating a valuable focal point at the junction between Kerrs Bay and Pier Road. The Community Hall has an internal area of 285m², subdivisible into two smaller halls with an upper-level Community Hub of 150m². Meeting rooms and workspaces range between 30m and 60m².

Work area 03 – Rathmullan Abbey

The proposed enhancement of the Abbey is intended to improve accessibility to and within the historic monument thereby enabling and encouraging its public use. The principle intervention will consist of a new level floor plane which will occupy and give access to the key spaces within the Abbey, namely the Nave, Transept, Chancel and Cloister. The works to the Abbey involve providing access and walkways. All the works will be minimal and will involve techniques and materials that can be easily removed without leaving a trace.

The proposal is for a floor surface within the walls of the Abbey with an internal area of 292m². The proposed new floor will be lightweight and is designed to be non-intrusive by erecting a stone floor on plastic pedestals which will involve no groundworks and minimum impact on the subsurface archaeological remains whilst providing the desired accessibility to the historic building. It is proposed to clear as much of the existing undergrowth to create an easily navigable ground plane. The new floor will consist of a base of 150mm of crushed stone will be laid on top of a geotextile membrane. A proprietary support pedestal will be laid directly on top of the crushed stone to support the stone

slabs which will comprise the new floor. The proposed pedestal (Ryno-Pave) is self-levelling and will take out imperfections in levels of the crushed stone supporting it. Open joints will be maintained between stone slabs to allow rainwater to continue to drain to the surface below through the crushed stone.

Work area 04 – Public Realm

The proposal is for the material improvement and enhancement of the existing road and pedestrian infrastructure between the junction at Main Street / Wesleyan Street and Kerrs Bay / Pier Road to create a new shared public realm, streetscape environment and synergy of heritage language connecting the abbey and the battery.

The exterior ground plane from Kerrs Bay to Pier Road is largely defined by tarmacadam with segments of intermittent footways where the width permits. Through the application of the Design Manual for Urban Roads and Streets (DMURS) the carriageway will be reduced to the minimum permitted width for two-way traffic (5.5m). In key locations, the tarmac surface will be substituted for high quality paving to signal pedestrian priority. Overall, the aim is to create more designated pedestrian space within and throughout the village, making pedestrian movement easier and improving connectivity between assets and facilities.

Work area 05 – Public Amenity Space

The proposal is to install a terrace on a small greenfield space for use as a small public amenity space.

4 THE RECEIVING ENVIRONMENT

4.1 General Location

The proposed development is located at lands located in the townland of Rathmullan and Ballyboe, Rathmullan, Co. Donegal.

4.2 Site Description and Biodiversity

Greentrack conducted a site walkover survey on 07/06/2022. Using Fossitt's 'A Guide to Habitats in Ireland (2000)¹ the subject site is mainly comprised of buildings and artificial surfaces (BL3) with small areas of amenity grassland (GA2) and scrub (WS1) noted around some of the structures. Estuary habitat (MW4) along with rocky shores (LR2), muddy sand shores (LS3) and Stone walls (BL1) are noted within the vicinity of the project areas. 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.

4.3 Hydrology

The subject site is located within the Water Framework Directive (WFD) Catchment 39 Lough Swilly and falls within Cashelpreaghan_Sc_010 WFD sub-catchment. Post construction, the majority of storm/surface runoff from the various project areas will percolate naturally to groundwater with only runoff from the new community hub proposed to be piped out to sea at Lough Swilly.

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:

¹ Fossitt, J.A. (2000). A Guide to Habitats in Ireland. The Heritage Council, Kilkenny.

- 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.

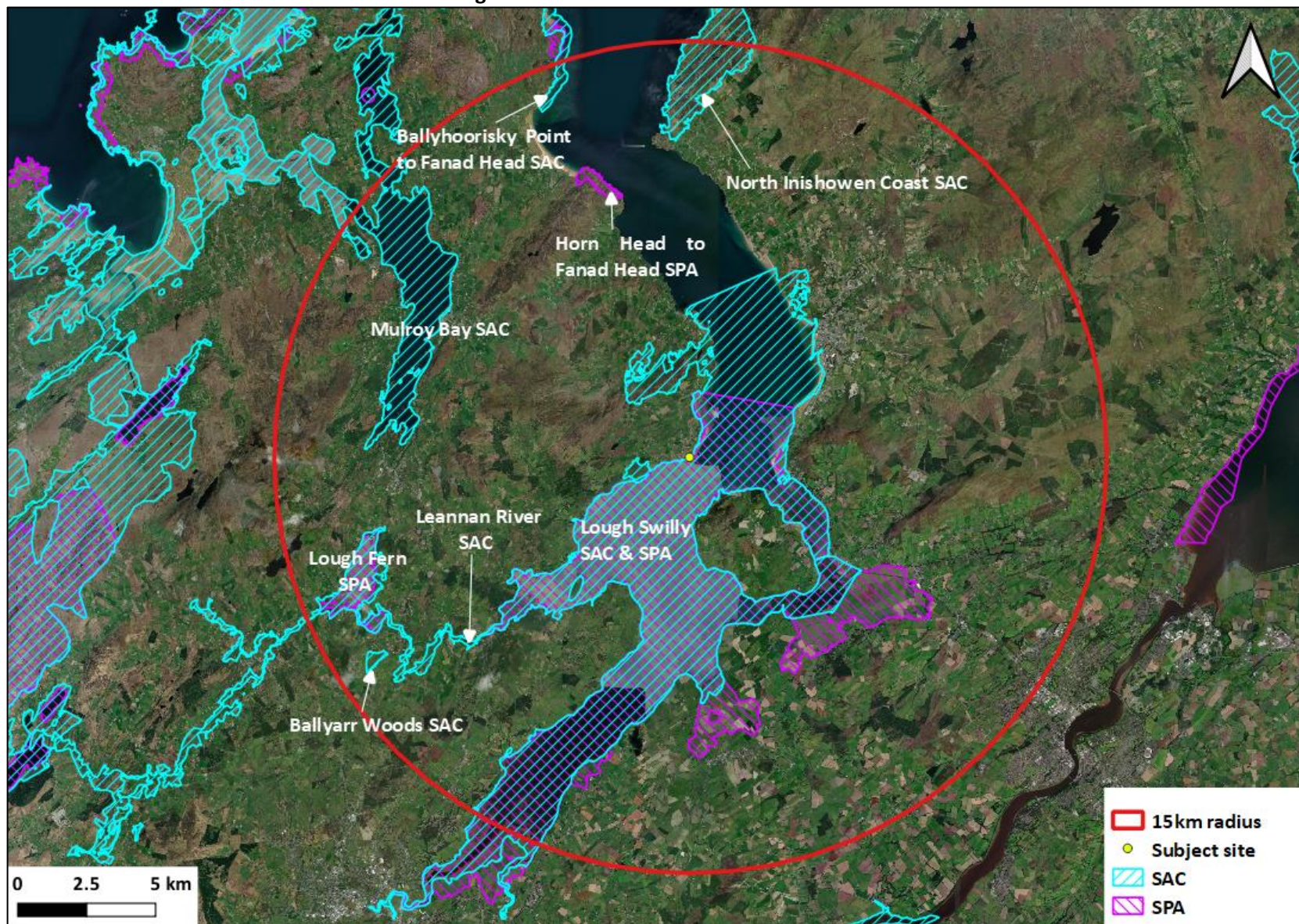
The 'zone of influence' (Zol) is essentially the effect area over which alterations may have potential ecological impact. The Zol over which the proposed development may impact upon Natura 2000 Sites and their Qualifying Interests will vary for different ecological receptors, depending on the pathway 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)
<i>Mulroy Bay SAC</i>	002159	9.79km W	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Horn Head to Fanad Head SPA</i>	004194	9.83km N	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Ballyhoorisky Point to Fanad Head SAC</i>	001975	13.54km N	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Lough Swilly SAC</i>	002287	10m E	Screened in under the precautionary principle due to proximity	Y
<i>Leannan River SAC</i>	002176	9.49km SW	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Lough Fern SPA</i>	004060	11.71km SW	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Ballyarr Woods SAC</i>	000116	13.03km SW	No direct hydrological link to subject site, no avenue of connectivity	N
<i>North Inishowen Coast SAC</i>	002012	11.42km N	No direct hydrological link to subject site, no avenue of connectivity	N
<i>Lough Swilly SPA</i>	004075	10m E	Screened in under the precautionary principle due to proximity	Y

Figure 5.1: Proximal Natura 2000 sites



NPWS.ie

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

- Lough Swilly SAC
- Lough Swilly 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 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 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	Conservation Objectives (Accessed via NPWS website September 2022)	Impact determination
Special Areas of Conservation			
<p>Lough Swilly SAC</p>	<ul style="list-style-type: none"> • [1130] Estuaries • [1150] Coastal lagoons • [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • [6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) • [91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles • [1355] <i>Lutra lutra</i> (Otter) 	<p>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>	<p>All proposed work areas are outside the SAC boundary. Due to the proximity of the Natura 2000 site, consideration has been given under the precautionary principle, and it is deemed that no significant potential threat is likely to arise due to the following reasons:</p> <ul style="list-style-type: none"> • The work areas do not contain any qualifying interests of the SAC nor any Annex I habitat. • No direct effects such as habitat loss or fragmentation are likely to occur, no indirect effects such as habitat degradation are likely to occur as a result of the proposed works. • The seawall/pier wall creates a physical barrier between the project areas and the SAC, thus minimising the danger of sediment entering the SAC from construction works. • Due to space constraints within the proposed community hub site, all clean surface water falling on the roof will be collected and directed out to sea. This is not significant as rainwater is considered clean runoff which will not cause any significant negative effects on water quality within the SAC. • The construction associated with the developments will be a temporary disturbance, however, due to the built nature of the surrounding environs, potential disturbance from construction of the developments will not be significant. <p>Based on this scientific observation, the entire proposal can be screened out of any further studies</p>
Special Protection Area			
<p>Lough Swilly SPA</p>	<ul style="list-style-type: none"> • [A005] Great Crested Grebe (<i>Podiceps cristatus</i>) • [A028] Grey Heron (<i>Ardea cinerea</i>) 	<p>To maintain or restore the favourable conservation condition habitat(s)</p>	<p>All proposed work areas are outside the SPA boundary. Due to the proximity of the Natura 2000 site, consideration has been given under the precautionary</p>

Natura 2000 site	Qualifying Interests for which the site was selected	Conservation Objectives (Accessed via NPWS website September 2022)	Impact determination
	<ul style="list-style-type: none"> • [A038] Whooper Swan (<i>Cygnus cygnus</i>) • [A043] Greylag Goose (<i>Anser anser</i>) • [A048] Shelduck (<i>Tadorna tadorna</i>) • [A050] Wigeon (<i>Anas penelope</i>) • [A052] Teal (<i>Anas crecca</i>) • [A053] Mallard (<i>Anas platyrhynchos</i>) • [A056] Shoveler (<i>Anas clypeata</i>) • [A062] Scaup (<i>Aythya marila</i>) • [A067] Goldeneye (<i>Bucephala clangula</i>) • [A069] Red-breasted Merganser (<i>Mergus serrator</i>) • [A125] Coot (<i>Fulica atra</i>) • [A130] Oystercatcher (<i>Haematopus ostralegus</i>) • [A143] Knot (<i>Calidris canutus</i>) • [A149] Dunlin (<i>Calidris alpina</i>) • [A160] Curlew (<i>Numenius arquata</i>) • [A162] Redshank (<i>Tringa totanus</i>) • [A164] Greenshank (<i>Tringa nebularia</i>) • [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • [A182] Common Gull (<i>Larus canus</i>) • [A191] Sandwich Tern (<i>Sterna sandvicensis</i>) 	<p>and/or species for which the SPA has been selected for</p>	<p>principle, and it is deemed that no significant potential threat is likely to arise due to the following reasons:</p> <ul style="list-style-type: none"> • The work areas do not contain any supporting habitat for the qualifying interests of the SPA. The majority of species within the SPA nest/forage in estuary/lagoon habitat with others grazing in open agricultural fields. Neither habitat occurs within the areas for the proposed works. • No direct effects such as loss or fragmentation of supporting habitat and no indirect effects such as habitat degradation are likely to occur as a result of the proposed works. • The seawall/pier wall creates a physical barrier between the project areas and the SPA, thus minimising the danger of sediment from construction works entering the SPA, causing damage to supporting habitat. • Only clean runoff from the community hub will flow into the SPA. Surface runoff from other project areas will percolate to the ground, thus reducing the danger of contaminated runoff entering the SPA, subsequently causing damage to the supporting estuary habitat. • The construction associated with the developments will be a temporary disturbance, however, due to the built nature of the surrounding environs, potential disturbance from construction of the developments will not be significant. <p>Based on this scientific observation, the entire proposal can be screened out of any further studies</p>

Natura 2000 site	Qualifying Interests for which the site was selected	Conservation Objectives (Accessed via NPWS website September 2022)	Impact determination
	<ul style="list-style-type: none">[A193] Common Tern (<i>Sterna hirundo</i>)[A395] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)[A999] Wetland and Waterbirds		

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. 20/51157 is for the construction of a wastewater treatment plant in the townland of Tirroddy with associated and ancillary development works. This project is the proposed new WWTP including 1590m of outfall pipeline, 1no. main wastewater pumping station at Ramelton and Rathmullan and 1no. network wastewater pumping station at Rathmullan which was granted by An Bord Pleanála in April 2022. An AA Screening Report, EIA, NIS and EIAR have been prepared for the proposed development. As a result, a range of mitigation measures to protect water quality, protect species from disturbance and to protect the QI's and SCI's of the Natura 2000 sites have been employed. Given these factors and the findings of no residual effects it is not anticipated that there will be a significant effect on Lough Swilly SAC, SPA or the River Leannan SAC as a result of in-combination effects.
- Planning ref. 17/50639 is for the construction of a 2-storey dwelling house provision of onsite car parking, connection to public sewer and surface water drainage with all associated site works and was granted in August 2017. No AA screening is noted on the Donegal County Council planning portal therefore it can be concluded that the consent authority found that this proposed development (17/50639) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 18/51157 is for the demolition of a single storey rear extension and construction of a new two storey replacement extension to rear of existing dwelling house and was granted in September 2018. The Planning Authority carried out a screening report for this development which found that the proposed development (18/51157) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 18/50007 is for the demolition of existing external stores and construction of a single storey kitchen extension to the rear of salt 'n' batter takeaway/belle's kitchen cafe-bistro, connection to existing public sewer and all associated site works and was granted in March 2018. No AA screening is noted on the Donegal County Council planning portal therefore it can be concluded that the consent authority found that this proposed development (18/50007) individually or in combination with other plans/projects was not likely to have a significant effect on any Natura 2000 site.
- Planning ref. 16/50707 is for the demolition of a fire damaged two storey five bedroom dwelling and provision of a replacement two storey four bedroom dwelling with a car parking space and was granted in August 2016. The Planning Authority carried out a screening report for this development which found that the proposed development (16/50707) 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 the SAC/SPA. 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: 16/09/2022

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