

From: [planning mailbox](#)
To: ["office@mfrielarchitects.ie"](mailto:office@mfrielarchitects.ie)
Subject: RE: Section 5 Application
Date: 20 May 2025 13:49:00

A Chara

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 19th May 2025 - Ref.No: S525/50 refers.

Regards
Teresa

From: office@mfrielarchitects.ie <office@mfrielarchitects.ie>
Sent: 19 May 2025 15:44
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Section 5 Application

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

Hi,

Please find enclosed:

- Section 5 Application
- Location Map
- Layout Plan
- General Arrangement Drawings
- Ecological Screening Report

Receipt Number for €80 payment: 665163

Pre-planning telephone call with Ms Lorna Ramsey Area Planner on 07 March 2025.

Should you have any queries or require anything further please let me know.

Kind Regards

Michael Friel Architects & Surveyors Ltd
Creelough,
Co. Donegal
F92 TF60
T: 074 913 8814



RIAI

Registered
Architect

2025

Architect
Accredited in
Conservation

G3

PSDP
Accreditation

P



SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT


Completed application form & supporting documentation to be returned to the Planning Authority by email to planning@donegalcoco.ie

Name of Applicant(s):	
Agent Name: (if applicable)	
Location of Proposed Development / Works: (Townland or postal address as appropriate and Eircode if available)	
Description of Proposed Development including details of works (where applicable): (Only works listed below will be assessed under <u>this</u> section 5 application)	



**Comhairle Contae
Dhún na nGall**
Donegal County Council

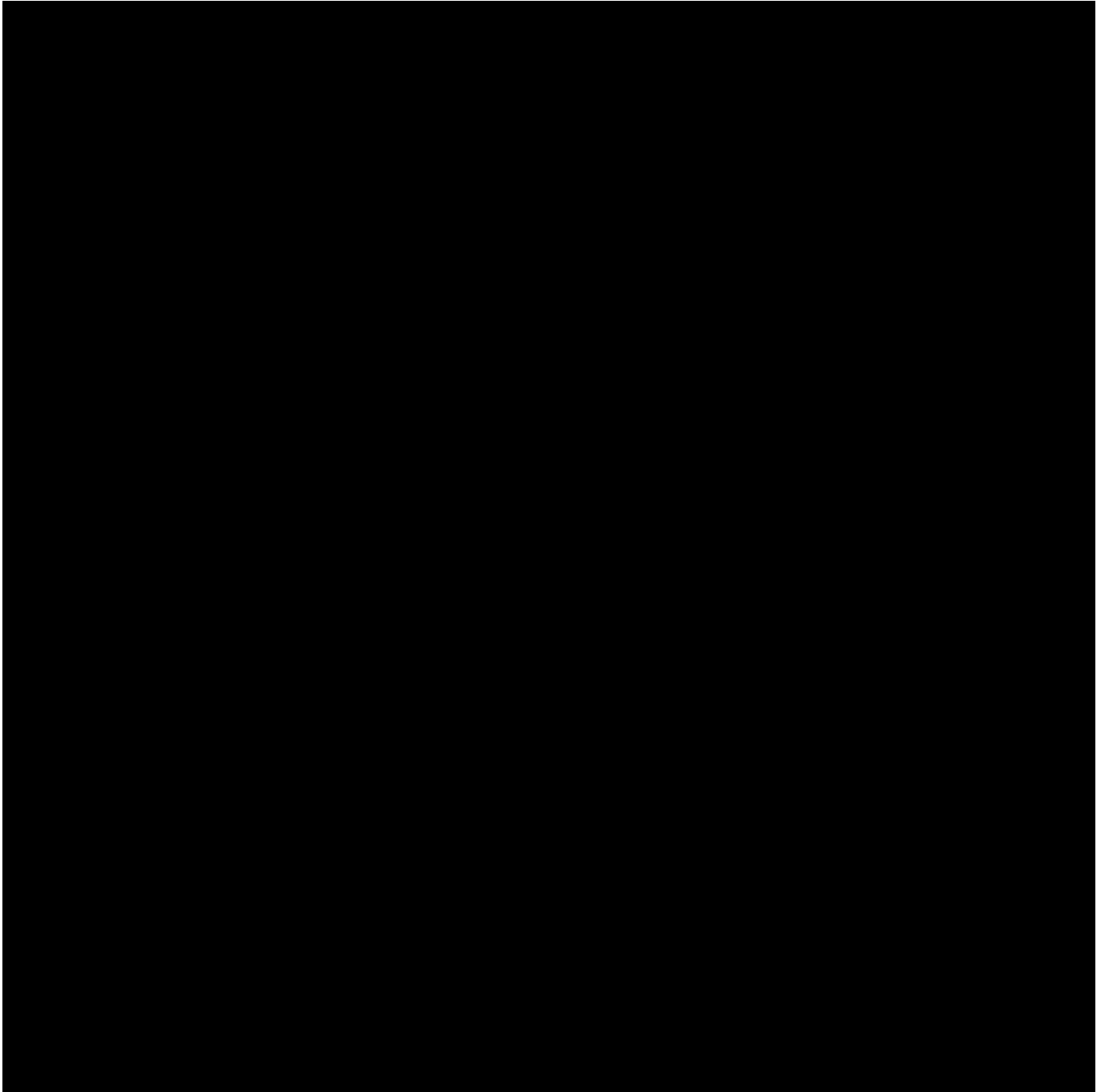
Is the development a Protected Structure or within the curtilage of a Protected Structure?	Yes	No
Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.	Yes	No
Applicant(s) Interest in the site:		
If not the Owner of the site, please provide the name of the Landowner:		
Please list types of plans, drawings etc. submitted with this application:		
Planning History - list any relevant planning application reference numbers:		
Are you aware of any enforcement proceedings connected to the site? If so, please supply details:		

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	



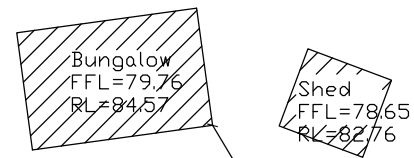
Comhairle Contae
Dhún na nGall
Donegal County Council

Additional Contact Information



Advice to Applicant

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
- **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
 - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
 - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
 - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to planning@donegalcoco.ie
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



109 m to
Existing Dwelling

SCALE 1:500

109m to existing garage and an additional 12m to the existing house

Existing Dwelling House

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Job Title:
Proposed Shed at
Port,
Dunfanghy,
Co. Donegal,

Client:
Derek Stewart

Drawing Title:
Site Layout Plan

Scale:
1:2500

Date:
May 2025.

Job No.	24224
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Drawing No.
2.

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Architect

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Accredited
In

PSDP
Accreditation

2025

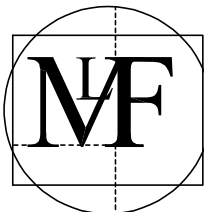
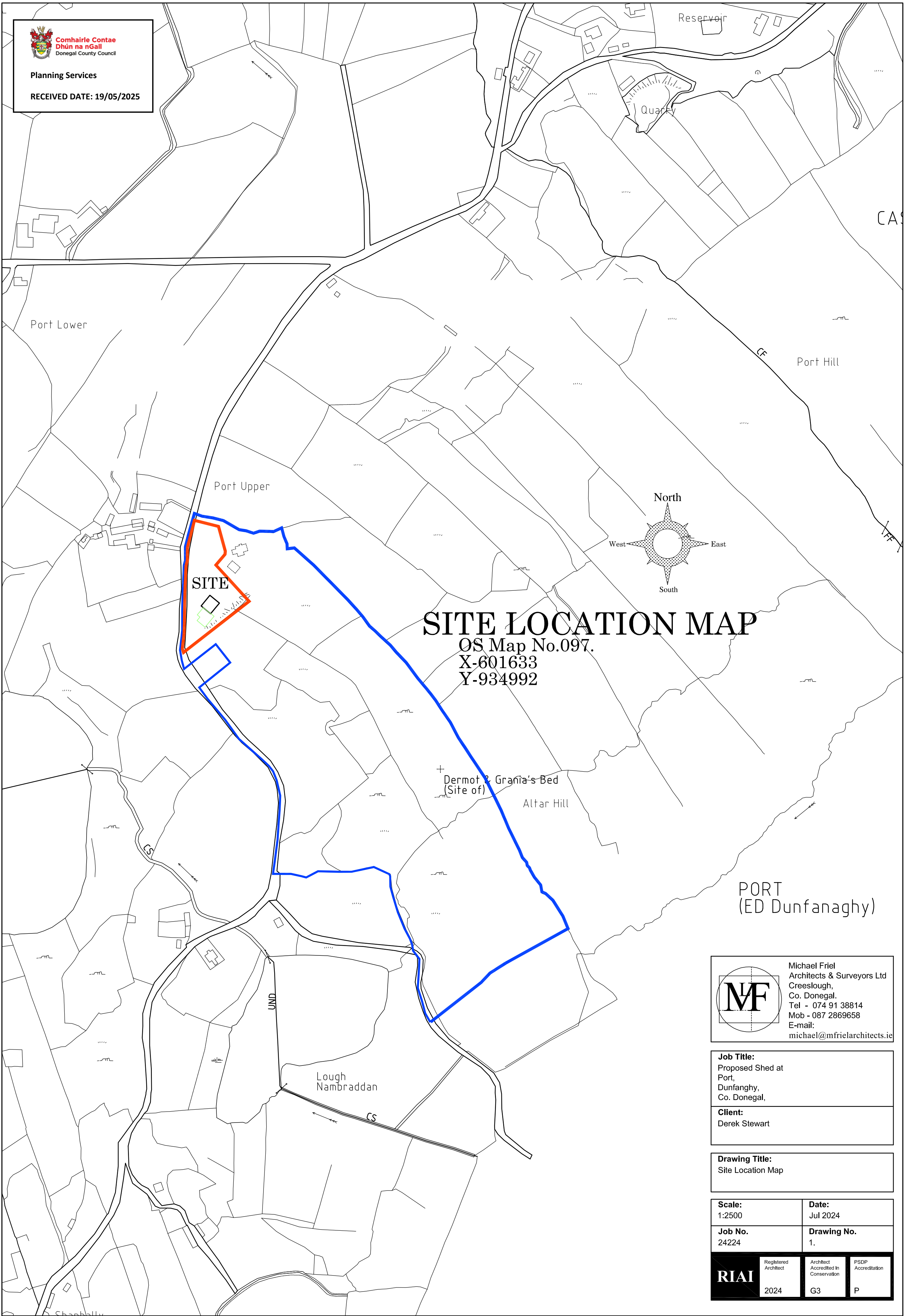
Conservation
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Planning Services

RECEIVED DATE: 19/05/2025



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Job Title:
Proposed Shed at
Port,
Dunfanaghy,
Co. Donegal,

Client:
Derek Stewart

Drawing Title:
Site Location Map

Scale:
1:2500

Date:
Jul 2024

Job No.
24224

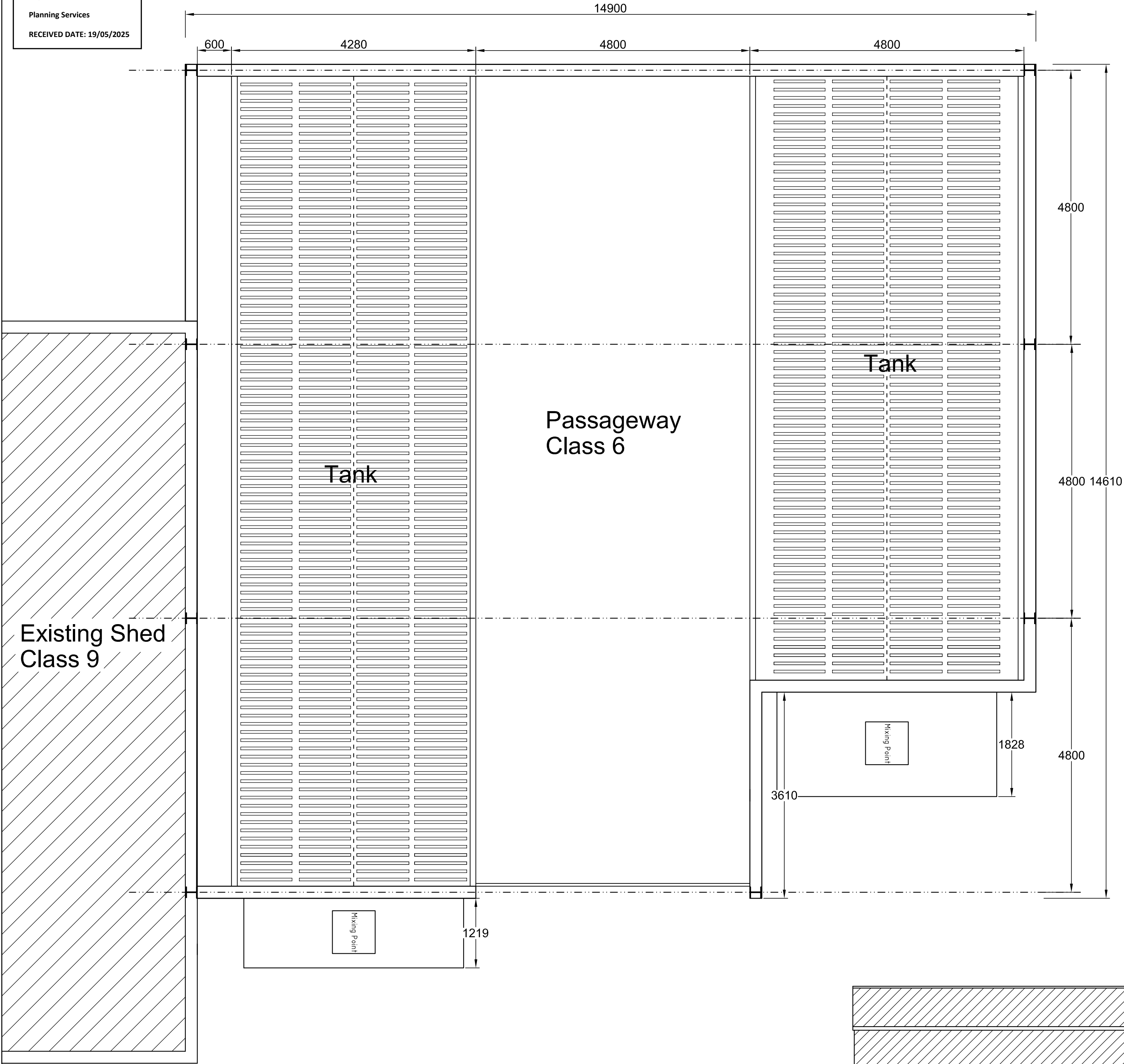
Drawing No.
1.

RIAI

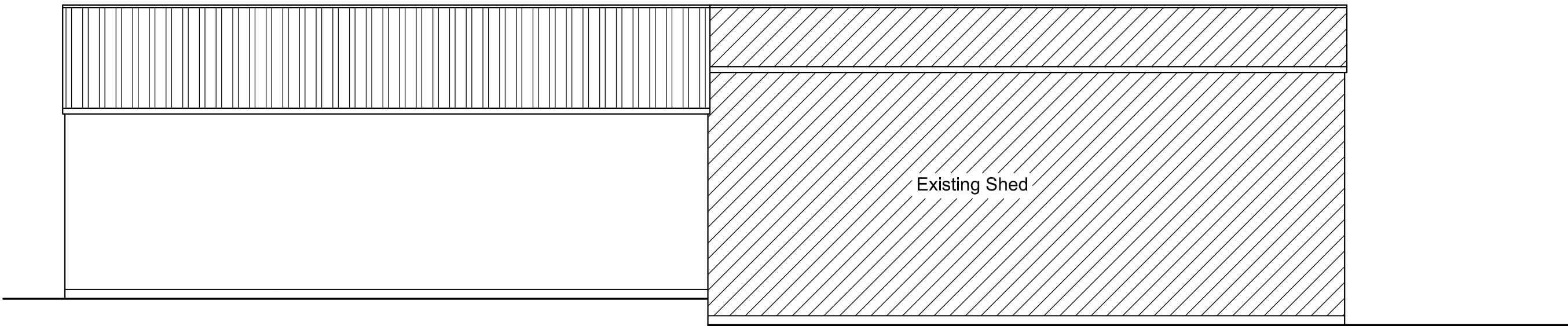
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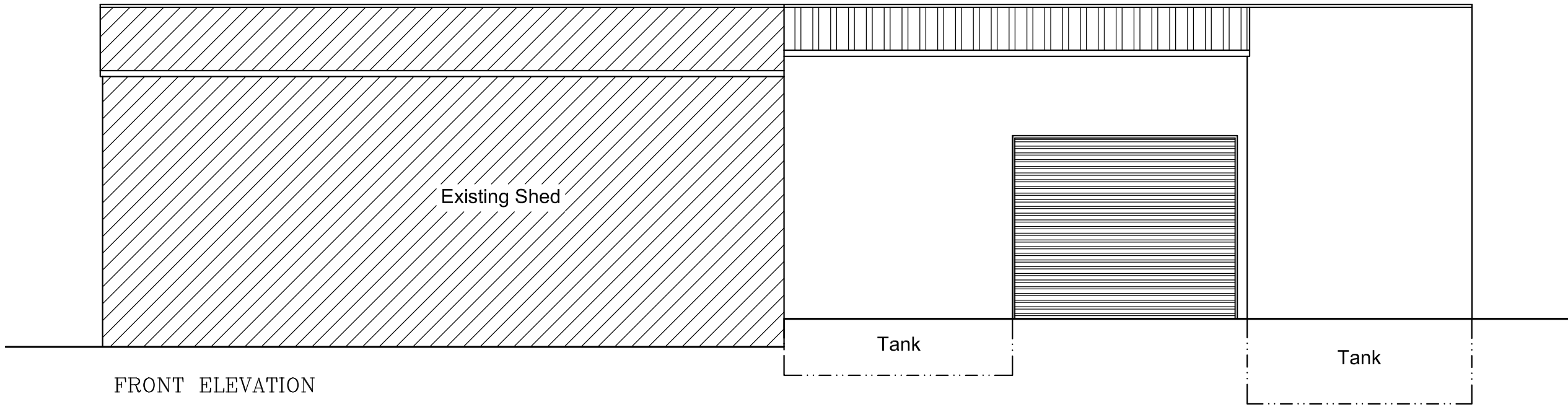
PSDP
Accreditation
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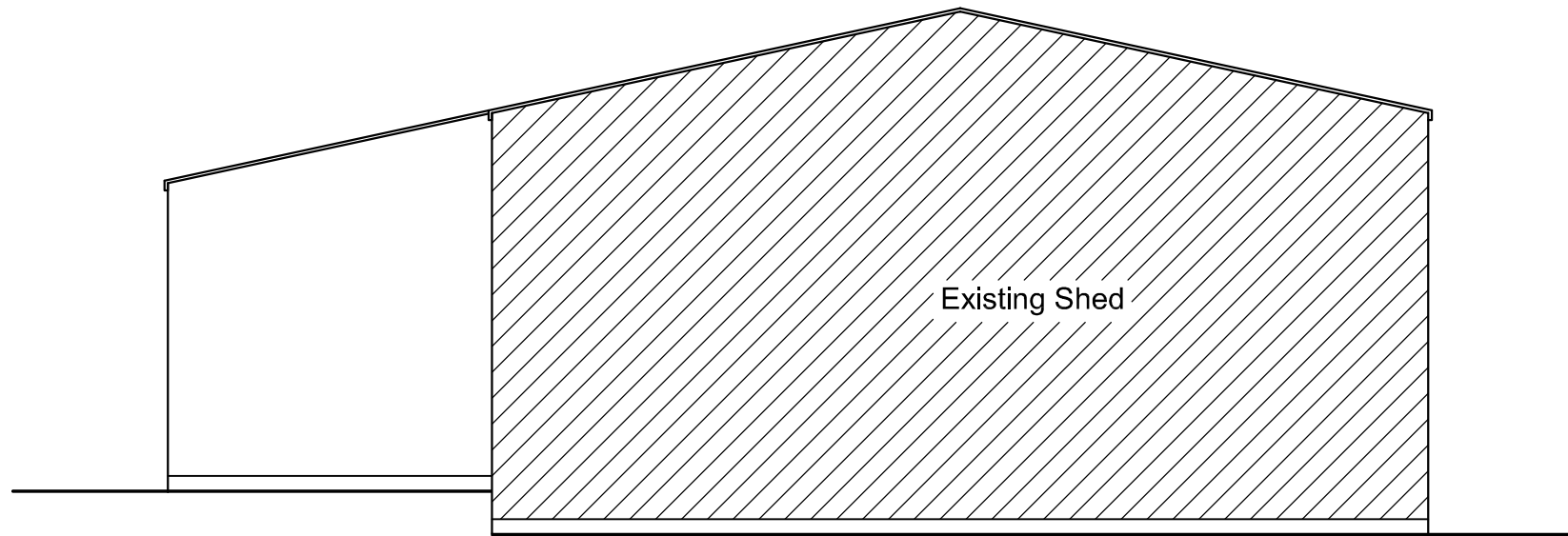
FLOOR LAYOUT PLAN
TOTAL FLOOR AREA = 187 sq. m. (2012 sq. ft.).



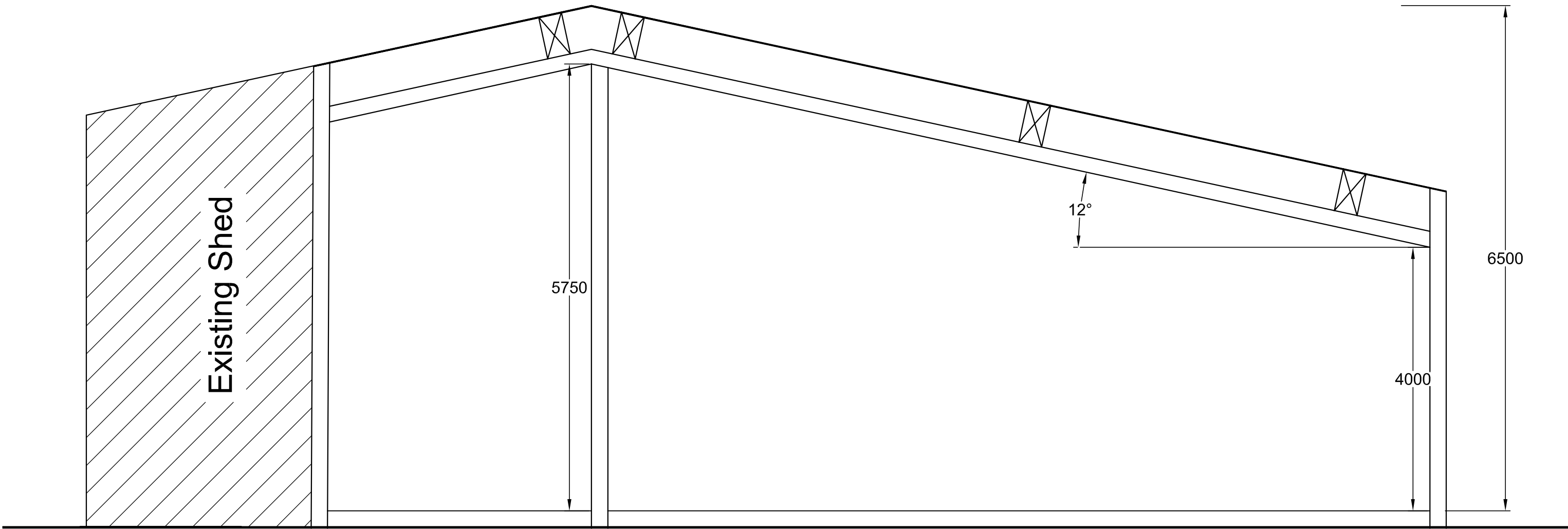
REAR ELEVATION



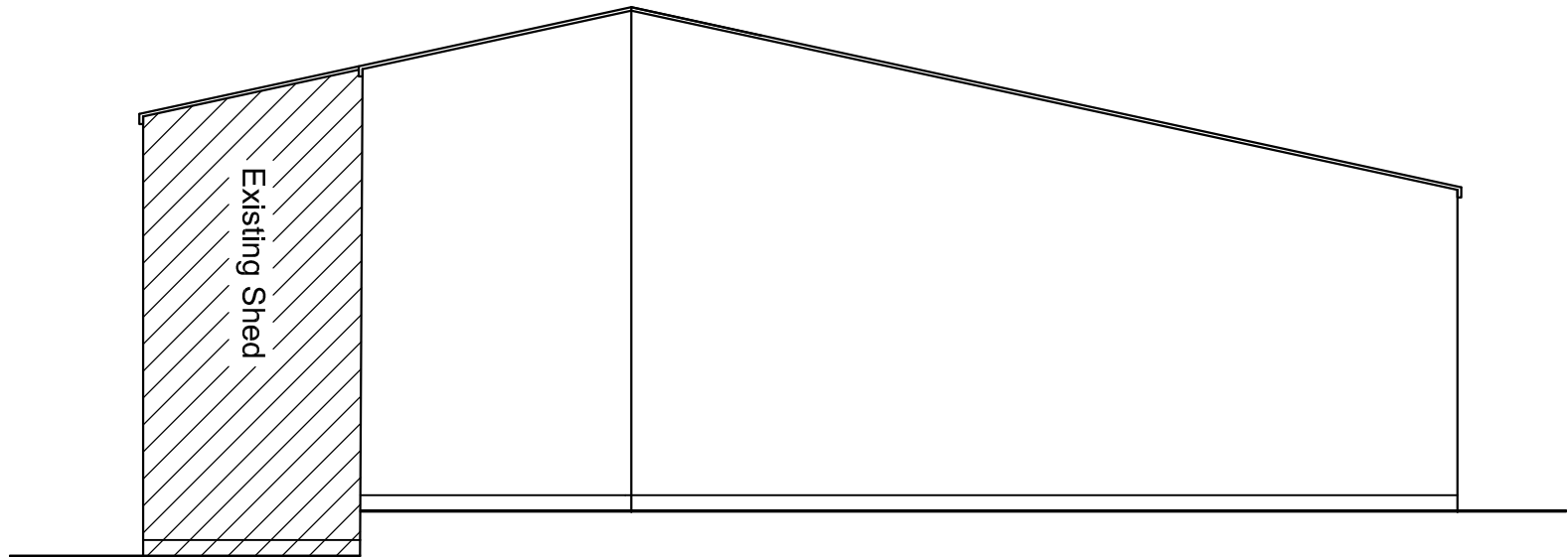
FRONT ELEVATION



SIDE ELEVATION



SECTION THRU SHED



SIDE ELEVATION



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Client:

Derek Stewart

Project:

Proposed Shed at
Port,
Dunfanaghy,
Co. Donegal

Drawing:

GENERAL ARRANGEMENT
DRAWING

Scale: AS SHOWN

Date: May 2025.

Job No: 24224

Dwg Number: 03

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Ecological Report

Ecological Report relating to a proposal by Derek Stewart for the construction of a slatted sheep shed with all other associated site development works located at Port, Dunfanaghy, Co Donegal.

Greentrack Environmental Consultants

April 2025

DOCUMENT DETAILS

Client: Derek Stewart

Project Title: Ecological Report

Project Number: 25.0306

Document Title: Ecological Report - Derek Stewart

Completion Date: 28/04/2025

Prepared By:



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Table of Contents

List of Figures	4
List of Photographs	4
List of Tables	4
 1 INTRODUCTION	 5
1.1 Background and Requirement for Report.....	5
1.1.1 EU Habitats Directive	5
1.1.2 Stages of the Habitat Directive Assessment.....	6
1.2 Guidance Documents	7
1.3 Statement of Authority.....	8
 2 APPROACH AND METHODOLOGY	 8
2.1 Approach	8
2.2 Methodology	9
2.2.1 Desk Study	10
2.2.2 Baseline Surveys	10
 3 THE PROJECT	 11
3.1 Construction Stage.....	12
3.2 Operational Stage	12
 4 THE RECEIVING ENVIRONMENT.....	 13
4.1 General Location.....	13
4.2 Site Description.....	13
4.3 Hydrology.....	14
4.3.1 Groundwater	14
4.3.2 Surface Water.....	14
4.4 Baseline Surveys	15
4.4.1 Habitats	15
4.4.2 Invasives	17
 5 NATURA 2000 SITES	 17
5.1 Appropriate Assessment Screening	17
5.2 Cumulative Impact Assessment	27
5.2.1 Review of Plans	27
5.2.2 Review of Other Projects	29
5.2.3 Cumulative Impact Conclusion	30
5.3 Screening Statement	30
 6 CONCLUSION	 30
 REFERENCES:	 31

List of Figures

Figure 1.1: Stages of Screening (Relevant Stages Highlighted)	6
Figure 3.1: Proposed Site Layout	12
Figure 4.1: Site Location	13
Figure 4.2: Likely SPR Chain to the identified to European Sites	14
Figure 4.3: Habitat Map	15
Figure 5.1: Proximal Natura 2000 sites	17
Figure 5.2: Subject site in relation to the Natura 2000 site	23

List of Photographs

Photograph 4.1: Existing shed	16
Photograph 4.2: View of the subject site facing SE towards the proposed location for the new shed	16

List of Tables

Table 5.1: Screening of Natura 2000 Sites and Zone of Influence of Project	18
Table 5.2: Stage 1 Screening Determination	24
Table 5.3: Review of Plans	27
Table 5.4: Cumulative Impact with Other Projects	29

1 INTRODUCTION

1.1 Background and Requirement for Report

Greentrack Consultants have been instructed by Derek Stewart to undertake this Ecological Report under Article 6 of the EU Habitats Directive, examining his proposal for the construction of a slatted sheep shed with all other associated site development works located at Port, Dunfanaghy, Co Donegal.

The aim of this Ecological Report is to assess any likely significant effects or impacts caused by the proposal on the integrity of the Natura 2000 network, both independently and in conjunction with other plans and projects. The guiding principles of appropriate assessment are outlined in this section.

1.1.1 EU Habitats Directive

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

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

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

As such any project likely to have a significant effect, either individually or in combination with other plans or projects, upon the conservation objectives of a Natura 2000 site must undergo an assessment of its implications on relevant Natura 2000 sites. In order to establish whether or not a likely significant effect will arise as a result of the implementation of a project a Screening Assessment should be undertaken. It is therefore deemed necessary to screen the project for the

potential to result in significant negative effects to the published conservation objectives of Natura 2000 sites. The applicant is therefore submitting this Ecological Report to allow the consent authority, Donegal County Council, to carry out an Appropriate Assessment on the planning application as submitted.

1.1.2 Stages of the Habitat Directive Assessment

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

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

Figure 1.1: Stages of Screening (Relevant Stages Highlighted)

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

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

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

Stage 2 - Appropriate Assessment (Natura Impact Statement or NIS): The consideration of the impact on the integrity of the Natura 2000 site(s) from the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

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

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

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

1.2 Guidance Documents

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

National Guidance:

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

European Guidance:

- Communication from the Commission on the precautionary principle (European Commission, 2000).
- European Commission, Nature and biodiversity cases – Ruling of the European Court of Justice, Publications Office, 2006,
- Article 6 of the Habitats Directive – Rulings of the European Court of Justice (European Commission Final Draft September 2014)

- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (European Commission, 2019).
- Assessment of plans and projects in relation to Natura 2000 Sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC Brussels, 28.9.2021 C (European Commission, 2021)

1.3 Statement of Authority

This Ecological Report has been compiled by Shannen McEwen, Ecologist with Greentrack, who holds a BSc (Hons) Environmental Science with a Diploma in Professional Practice from the University of Ulster. Shannen joined Greentrack in the Summer of 2017 and is involved in all aspects of Ecological Reports, AA Screening Reports, NIS and EIAR work. She is responsible for data collection on all environmental projects. Shannen is also an Associate Member of the Institution of Environmental Sciences.

2 APPROACH AND METHODOLOGY

2.1 Approach

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

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

The general approach applied in this assessment is as follows:

Stage 1 Screening:

- Define the project and determine whether it is necessary for the conservation management of Natura 2000 sites.
- Establish a Zone of Influence (ZOI) and identify Natura 2000 sites likely to be influenced by this development.
- Review the project to determine if it has, or has had, the potential to affect the Natura 2000 sites and determine whether the Natura 2000 sites are vulnerable to the effect.
- Identify other plans or project that, in combination with this project, have the potential to affect Natura 2000 sites.
- If potential significant effects on Natura 2000 sites cannot be excluded at this stage, Stage 2 appropriate assessment is required.
- If potential significant effects on Natura 2000 sites can be excluded at this stage, Stage 2 appropriate assessment is not required.

Stage 2 Natura Impact Statement:

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

2.2 Methodology

The methodology used for this Ecological Report is as follows:

- The plan/project and the receiving environment were reviewed and described.
- A ZOI of the plan/project was defined based on the characteristics of the proposed plan/project and the receiving environment. This refers to the area over which the proposed plan/project can exert effect on designated sites. Sites were identified by using a source-pathway receptor approach. Here the European Site represents the receptor, with the source being an aspect of the proposed plan/project such as emissions, water discharge etc. and the pathway is a vector for transporting the source to the receptor such as air or a watercourse. A number of additional factors must be considered when defining the ZOI ¹, including:
 - Any Natura 2000 sites within/adjacent the plan/project area
 - The distance over which effects can be received: A distance of 15km is commonly used and derives from UK guidance ². This must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Natura 2000 sites that are more than 15km from the plan or project area may be at risk of impact depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the case of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment. In the case of certain plans/projects relating to SPA's, the ZOI may be influenced by the core range of SCI's. Scottish Natural Heritage provides guidance on the core range of several SCI's and assessing the zone of influence ³. Additional scientific literature can be used to establish ranges of species that European Sites support.
- Sites within the ZOI and connected to the proposed plan/project area by a source – pathway – receptor chain were assessed within the context of the proposal to ascertain whether there is a likelihood of significant adverse effects in the absence of mitigation measures. Where any uncertainty exists, the precautionary principle was followed, and it is assumed that uncertainty implies that adverse effects cannot be excluded.
- Where there was no likelihood of adverse effects the Natura 2000 site was excluded from assessment, where there was a finding of potential adverse effects in the absence of mitigation the Natura 2000 site was screened in for stage 2 appropriate assessment.
- Stage 2 Appropriate assessment was conducted by further analysing Natura 2000 sites identified in screening as potentially at risk of adverse effects from the plan/project.
- Published conservation objectives for screened in designated sites were reviewed.
- Identified sites are subjected to impact assessment, where impacts are identified mitigation and avoidance strategies are proposed to offset/reduce/avoid the magnitude of the impact.

¹ Appropriate Assessment Screening for Development Management: OPR Practice Note PN01 (OPR, 2021)

² Treweek Environmental Consultants, Appropriate Assessment of plans, 2006

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

- Cumulative impact assessment was conducted to assess the impact of the proposed plan/project in combination with other plans/projects.
- The findings of the assessment after the implementation of mitigation/ avoidance measures and the consideration of in combination effects were summarised.

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

2.2.1 Desk Study

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

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

QGIS 3.34 was used to facilitate the analysis of spatial data from online sources and gathered during baseline surveys. Furthermore, this data was used to generate several figures contained within this report.

2.2.2 Baseline Surveys

Site visits were carried out by Greentrack on 17th April 2025. Site walkovers were conducted noting general characteristics of the site. Site drainage characteristics were investigated. This included noting areas of flowing water, standing water, surface water drains and direction of flow. Habitats were classified according to 'A Guide to Habitats in Ireland'⁴. Guidance produced for phase 1 habitat surveys in the UK informed the habitat survey⁵. Habitats were classified to Fossitt's Level Three. Using classification data, a habitat map was produced. Guidelines from the Heritage Council were used to form the basis of the mapping exercise⁶. Data gathered was used to produce a thematic habitat map (Figure 4.3) illustrating the relative position and scale of habitats in the study area. During the site walkover a search for Invasive Alien Species (IAS) listed under the Third Schedule of the European Communities Regulations 2011 (as amended) was conducted.

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

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

⁶ Smith, G. F., O'Donoghue, P., O'Hara, K., Delaney, E (2011) Best Practice and Guidance for Habitat Surveying and Mapping. Heritage Council

3 THE PROJECT

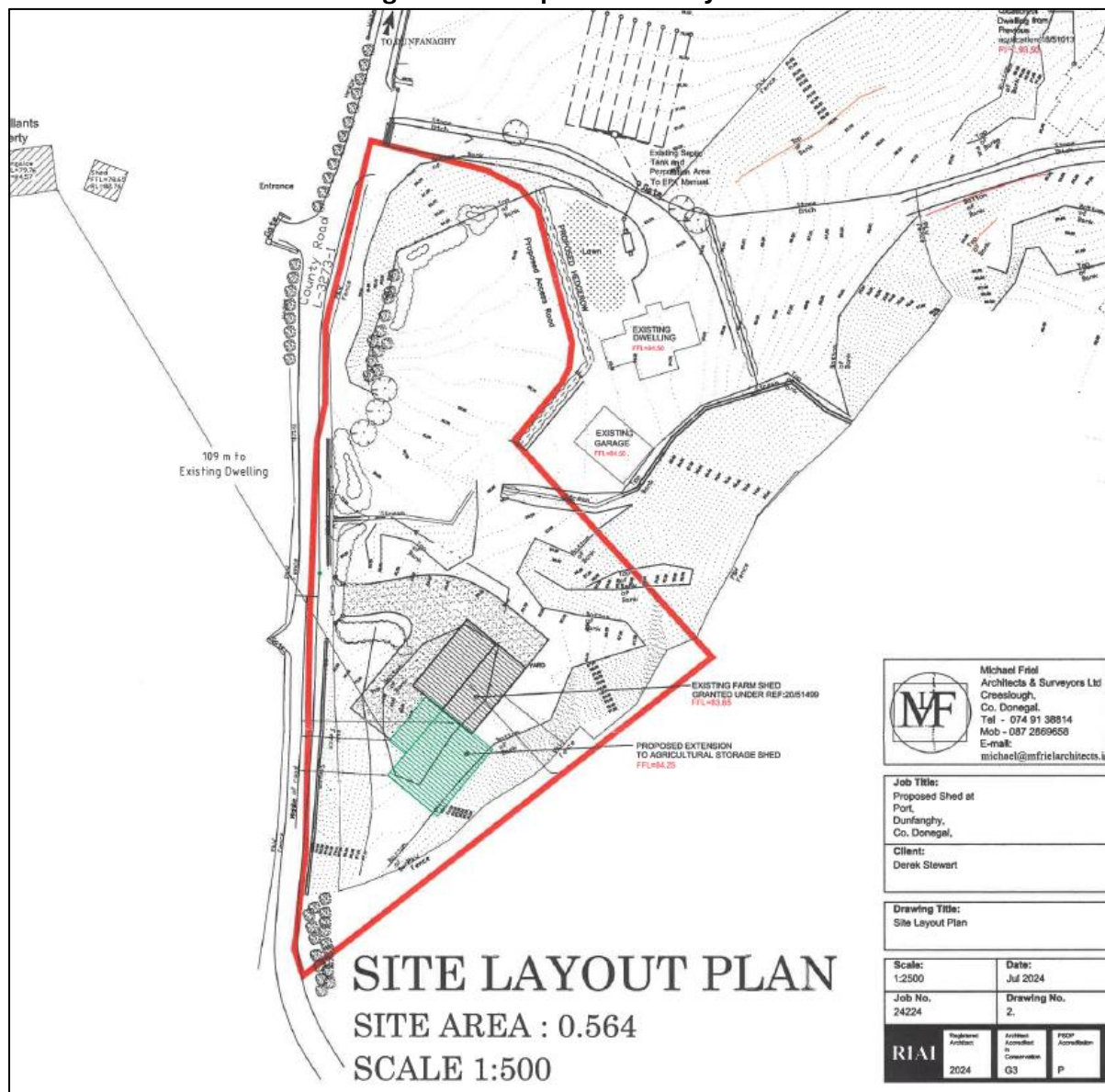
The project is not necessary for the conservation of any Natura 2000 site. The proposal is for the construction of a slatted sheep shed with all other associated site development works located at Port, Dunfanaghy, Co Donegal. This slatted sheep shed is to allow the applicant to manage his sheep flock over the winter period and ensure his lands are not damaged and keep in line with GAEC⁷.

Projects can typically be divided into stages, including:

- Construction Stage
- Operational Stage

Figure 3.1 shows the proposed site layout.

⁷ Good agriculture and environmental conditions Council Regulation No 1306/2013

Figure 3.1: Proposed Site Layout

(Site layout provided by Michael Friel Architect)

3.1 Construction Stage

The slatted shed will be constructed using standard construction practices. The construction activities involved comprise the following:

- Minimal site clearance to accommodate the new tank.
- Construction of the new slatted sheep shed
- Connection to ancillary services.

3.2 Operational Stage

The operational stage consists of the general use of the new slatted shed. The applicant will house his sheep flock in this shed during periods of very bad weather and prior to lambing. This will ensure that his lands are not damaged by the overwintering of the sheep and it will also provide improved husbandry standards for the sheep.

The sheep slurry stored in the tanks will be land spread by the applicant during the course of their farming practice. Slurry will be spread on the applicants owned lands which are not located within the SAC or SPA. The spreading of this slurry is regulated under the European Union (Good

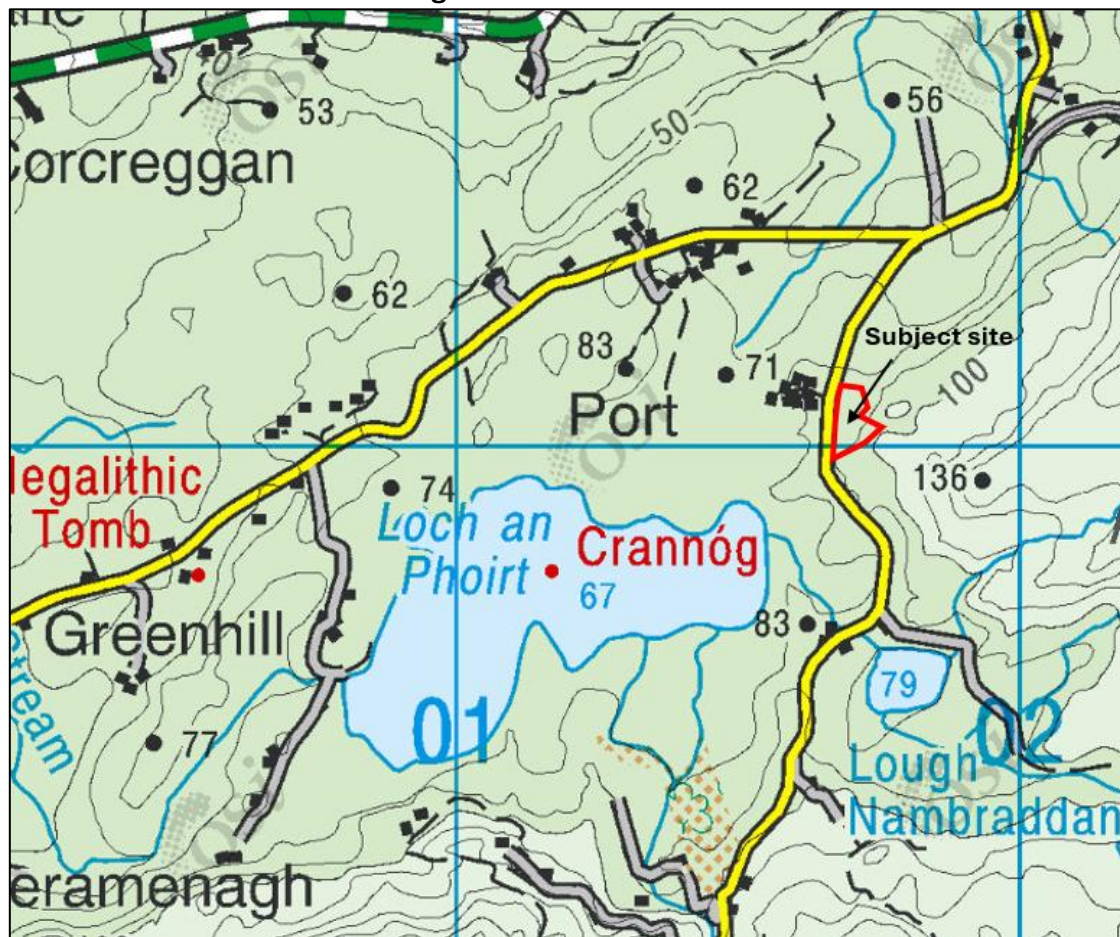
Agricultural Practice for Protection of Waters) Regulations, as amended. The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources. This includes, inter alia, no land spreading within 5-10 metres of a watercourse following the opening of the spreading period. An Appropriate Assessment was completed as part of Ireland's fifth Nitrates Action Programme (NAP) 2022-2025, which is given effect by the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022 and concluded that the programme would not adversely affect the integrity of any European Site.

4 THE RECEIVING ENVIRONMENT

4.1 General Location

The subject site is within the townland of Port, Dunfanaghy, County Donegal as shown in Figure 4.1. Access to the site is provided by the L-3273-1 which runs to the west of the site, just off the N56.

Figure 4.1: Site Location



CYAL50447692 © Ordnance Survey Ireland/Government of Ireland.

4.2 Site Description

The site measures 0.56 Ha and is irregular in shape. The subject shed is adjacent to an existing agricultural storage shed (20/51499).

4.3 Hydrology

River Basin Management Plans (RBMPs) exist for each River Basin Districts in Ireland in accordance with the Water Framework Directive. The EPA map viewer provides access to water quality information at individual waterbody status for all the River Basin Districts in Ireland. The EPA map viewer was searched on 07/04/2025 for information on the water quality surrounding the subject site. The development site falls within the Water Framework Directive (WFD) Catchment 38 Gweebarra - Sheephaven (GBNIIENW), the Lackagh_SC_010 WFD sub-catchment and the Dunfanaghy_010 sub basin.

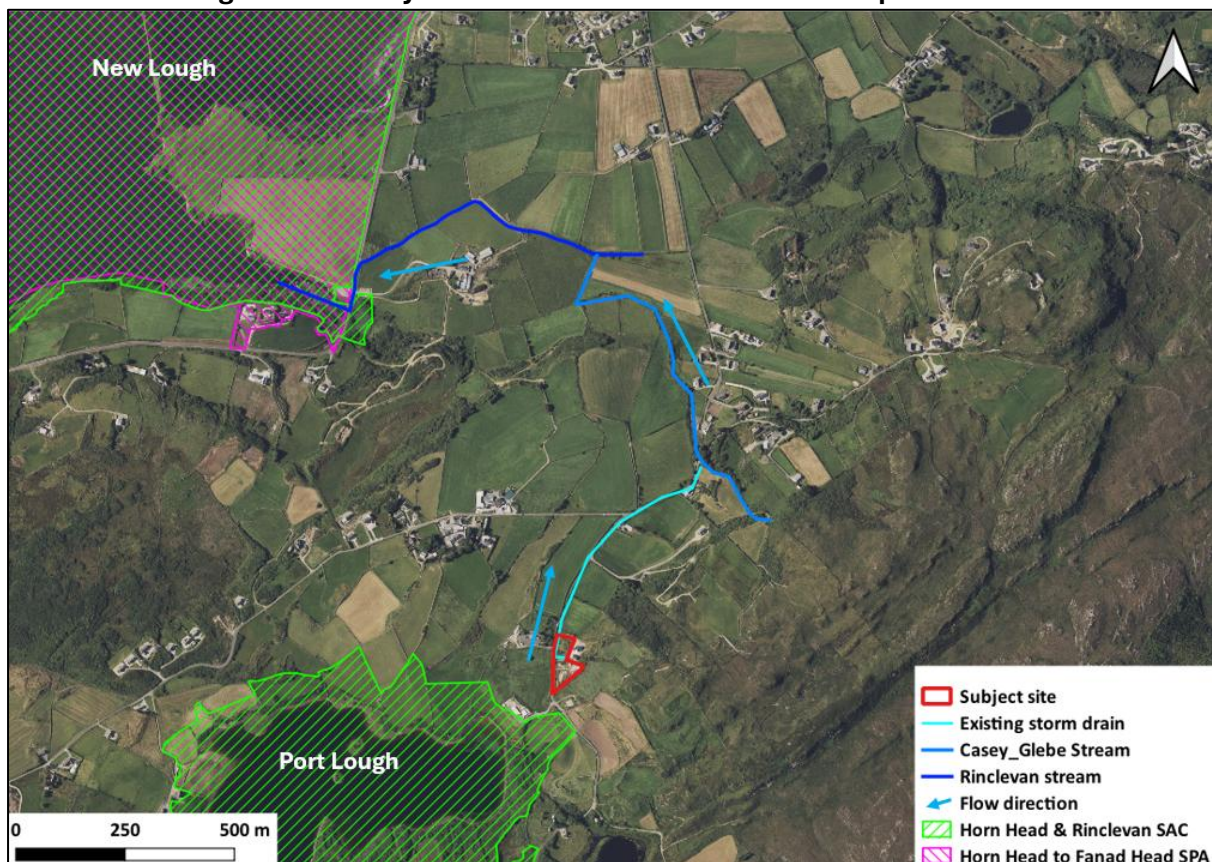
4.3.1 Groundwater

The sites underlying groundwater body is “Northwest Donegal” which has been assigned a status of ‘Not at Risk’ in the Water Framework Directive (WFD) ground waterbody approved risk. The groundwater status of this catchment has been assigned a ‘Good’ status in the Water Framework Directive (WFD) groundwater monitoring programme (2016-2021).

4.3.2 Surface Water

Local hydrology on site follows topography and surface water drains to the northwest. Due to the fall of the site, runoff is directed away from Port Lough to the south and is conveyed toward New Lough to the north of the site via the Casey Glebe Stream and the Rinclevan Stream. New Lough is designated under the Horn Head and Rinclevan SAC and the Horn Head to Fanad Head SPA which creates a potential Source – Pathway – Receptor (SPR) link between the subject site and the Natura 2000 sites. The hydrological distance from subject site to the Natura 2000 network is 1.75km. Figure 4.2 illustrates the likely drainage path from the site to the European Sites.

Figure 4.2: Likely SPR Chain to the identified to European Sites



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

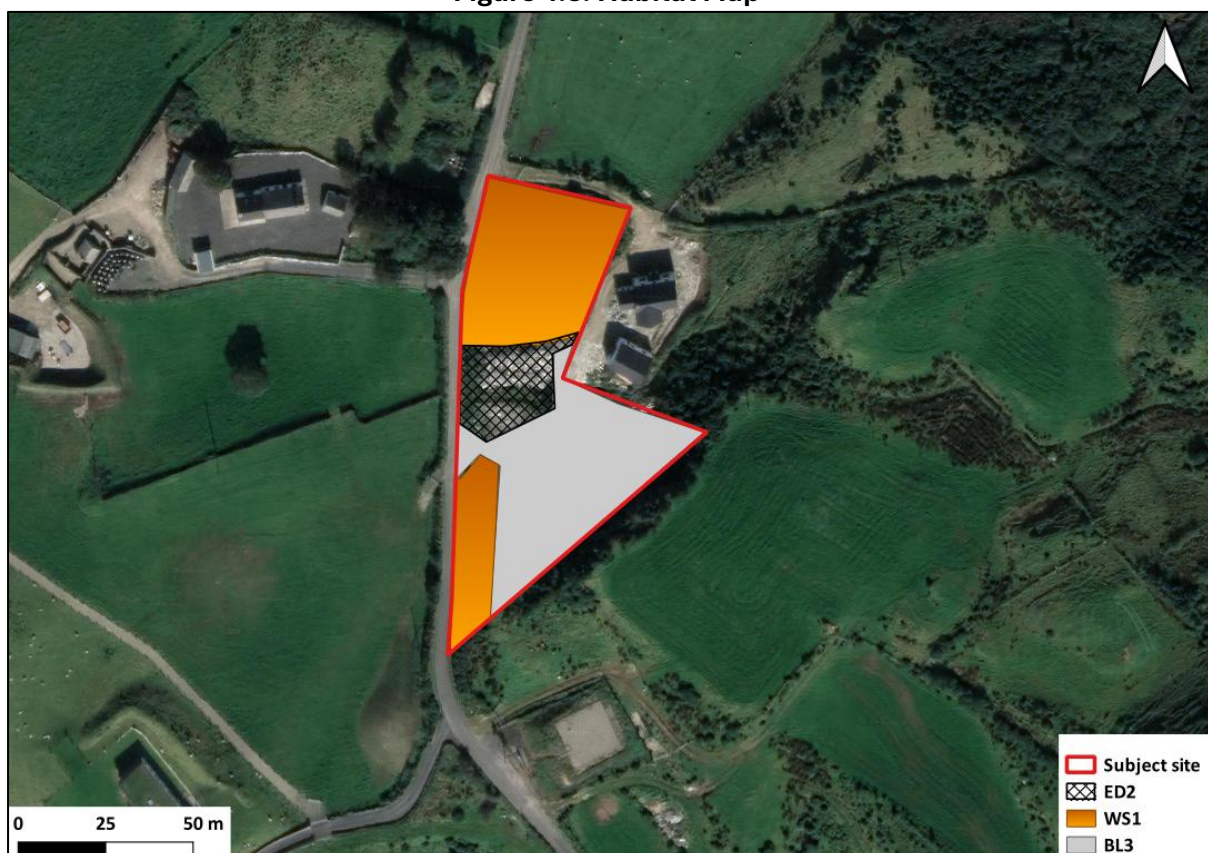
4.4 Baseline Surveys

4.4.1 Habitats

Based on habitat surveys carried out by Greentrack, the site can be classified as mainly Buildings and artificial surfaces (BL3) along with areas of Scrub (WS1) and spoil and bare ground (ED2). Species noted within the subject site include Rye-grasses (*Lolium* spp.), Bents (*Agrostis* spp.), Rushes (*Juncus* spp.), Meadow-grasses (*Poa* spp.), Docks (*Rumex* spp.), Plantains (*Plantago* spp.), Ivy (*Hedera helix*), Silverweed (*Potentilla anserina*), Bracken (*Pteridium aquilinum*) and Thistles (*Cirsium* spp.) along with tree species such as Sycamore (*Acer pseudoplatanus*), Willows (*Salix* spp.), Oak (*Quercus* spp.), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Alder (*Alnus glutinosa*).

A habitat map displays the habitat composition on site and is presented in Figure 4.3, whilst an overview of the subject site is shown in Photographs 4.1 and 4.2.

Figure 4.3: Habitat Map



(Created using QGIS software and Bing satellite imagery)

Photograph 4.1: Existing shed**Photograph 4.2: View of the subject site facing SE towards the proposed location for the new shed**

4.4.2 Invasives

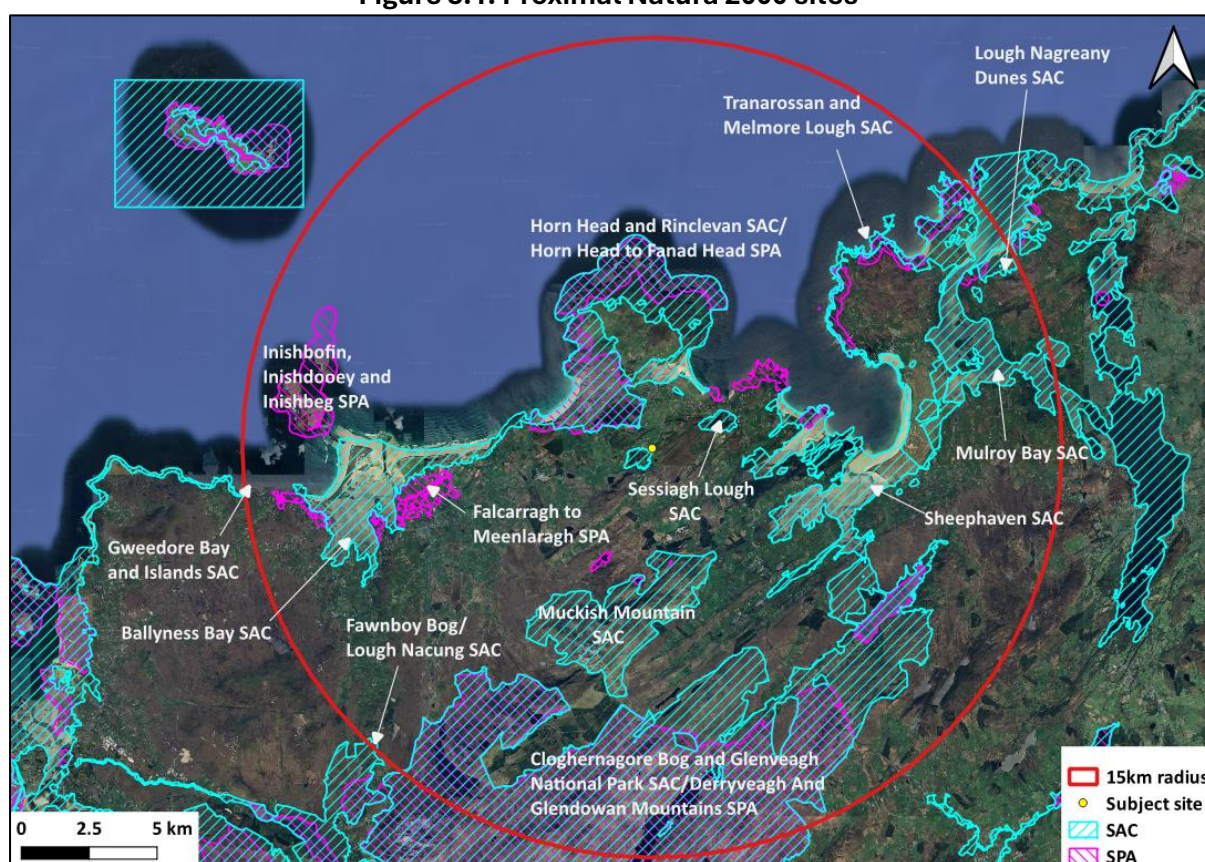
A walkover terrestrial invasive species survey of the subject site was carried out on 17th April 2025. The survey was carried out for species listed on part 1 (plants) of the third schedule of the European Communities (Bird and Natural Habitats) Regulations 2011 (SI No. 477 of 2011). The regulations prohibit the introduction and/or dispersal of these species, and if this is caused to occur, the party involved shall be guilty of committing an offence. No invasive species were encountered within the site.

5 NATURA 2000 SITES

5.1 Appropriate Assessment Screening

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

Figure 5.1: Proximal Natura 2000 sites



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

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

- i. there is a source – pathway -receptor chain to the designated site, and they are within the likely zone of influence of the proposed plan/project,
- ii. there is potential for significant adverse effects in the absence of mitigation arising from the proposed plan/project and that further screening is required.

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

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

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
Special Areas of Conservation			
Sessiagh Lough SAC 000185 c. 1.92km NE	<ul style="list-style-type: none"> Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] <i>Najas flexilis</i> (Slender Naiad) [1833] 	No direct or indirect SPR chain	N
Horn Head and Rinclevan SAC 000147 c. 55m S	<ul style="list-style-type: none"> Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013] <i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Petalophyllum ralfsii</i> (Petalwort) [1395] <i>Najas flexilis</i> (Slender Naiad) [1833] 	Potential SPR chain through surface water pathway as identified in Section 4.3.	Y
Mulroy Bay SAC 002159 c. 11.54km NE	<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] <i>Lutra lutra</i> (Otter) [1355] 	No direct or indirect SPR chain	N
Sheephaven SAC 001190 c. 3.36km E	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] 	No direct or indirect SPR chain	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
	<ul style="list-style-type: none"> Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065] <i>Petalophyllum ralfsii</i> (Petalwort) [1395] 		
Cloghernagore Bog and Glenveagh National Park SAC 002047 c. 8.16km SE	<ul style="list-style-type: none"> Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Blanket bogs (* if active bog) [7130] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Trichomanes speciosum</i> (Killarney Fern) [1421] 	No direct or indirect SPR chain	N
Muckish Mountain SAC 001179 c. 3.72km S	<ul style="list-style-type: none"> Alpine and Boreal heaths [4060] Siliceous rocky slopes with chasmophytic vegetation [8220] 	No direct or indirect SPR chain	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
Tranarossan and Melmore Lough SAC 000194 c. 7.91km NE	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140] • Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] • Humid dune slacks [2190] • Machairs (* in Ireland) [21A0] • Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] 	No direct or indirect SPR chain	N
Gweedore Bay and Islands SAC 001141 c. 14.98km W	<ul style="list-style-type: none"> • Coastal lagoons [1150] • Reefs [1170] • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140] • Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150] 	No direct or indirect SPR chain	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
	<ul style="list-style-type: none"> • Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] • Humid dune slacks [2190] • Machairs (* in Ireland) [21A0] • Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] • <i>Euphydryas aurinia</i> (Marsh Fritillary) [1065] • <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] • <i>Lutra lutra</i> (Otter) [1355] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] • <i>Najas flexilis</i> (Slender Naiad) [1833] 		
Ballyness Bay SAC 001090 c. 5.56km W	<ul style="list-style-type: none"> • Estuaries [1130] • Tidal Mudflats and Sandflats [1140] • Embryonic Shifting Dunes [2110] • Marram Dunes (White Dunes) [2120] • Fixed Dunes (Grey Dunes)* [2130] • Humid Dune Slacks [2190] • Geyer's Whorl Snail (<i>Vertigo geyeri</i>) [1013] 	No direct or indirect SPR chain	N
Fawnboy Bog/ Lough Nacung SAC 000140 c. 14.81km SW	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • Blanket bogs (* if active bog) [7130] • Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] • <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] 	No direct or indirect SPR chain	N
Lough Nagreany Dunes SAC 000164 c. 13.04km NE	<ul style="list-style-type: none"> • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140] • Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150] 	No direct or indirect SPR chain	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
	<ul style="list-style-type: none"> Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or Isoeto-Nanojuncetea [3130] <i>Najas flexilis</i> (Slender Naiad) [1833] 		
Special Protection Areas			
Horn Head to Fanad Head SPA 004194 c. 830m NW	<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] 	Potential SPR chain through surface water pathway as identified in Section 4.3. Proximity could provide pathway for disturbance from construction activity.	Y
Falcarragh to Meenlaragh SPA 004149 c. 7.26km W	<ul style="list-style-type: none"> Corncrake (<i>Crex crex</i>) [A122] 	No S-P-R chain, no suitable ex-situ habitat. Outside known core ranges of SCIs	N
Inishbofin, Inishdooney and Inishbeg SPA 004083 c. 11.76km NW	<ul style="list-style-type: none"> Barnacle Goose (<i>Branta leucopsis</i>) [A045] Corncrake (<i>Crex crex</i>) [A122] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Arctic Tern (<i>Sterna paradisaea</i>) [A194] 	No S-P-R chain, no suitable ex-situ habitat.	N

Site Name / Code/ Distance	QIs /SCIs	Source-Pathway- Receptor (SPR) Chain	Considered in Further Screening (Y/N)
Derryveagh and Glendowan Mountains SPA 004039 c. 4.09km S	<ul style="list-style-type: none"> Red-throated Diver (<i>Gavia stellata</i>) [A001] Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Dunlin (<i>Calidris alpina schinzii</i>) [A466] 	No S-P-R chain, no suitable ex-situ habitat. Outside known core ranges of SCIs	N

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

- Horn Head and Rinclevan SAC
- Horn Head to Fanad Head SPA

Figure 5.2 shows the subject site in relation to the Natura 2000 sites.

Figure 5.2: Subject site in relation to the Natura 2000 site



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

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

Table 5.2: Stage 1 Screening Determination

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
Special Areas of Conservation			
Horn Head and Rinclevan SAC 000147 c. 55m S	<ul style="list-style-type: none"> Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Machairs (* in Ireland) [21A0] Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013] <i>Halichoerus grypus</i> (Grey Seal) [1364] <i>Petalophyllum ralfsii</i> (Petalwort) [1395] <i>Najas flexilis</i> (Slender Naiad) [1833] 	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 ⁸ .	<p>The closest point of the SAC is located 55m S of the subject site at Port Lough (figure 5.2). However, Port Lough is not hydrologically connected to the subject site (see section 4.3.2). A source-receptor pathway exists to this SAC in the form of the surface water pathway on site which flows northwest to New Lough (804m NW of the subject site), representing an avenue for potential negative effects. The Casey Glebe and Rinclevan river systems provides an impeded pathway to the SAC at New Lough as it is heavily vegetated with grasses and rushes, providing natural filtration for runoff from the site before this reaches the SAC boundary. The hydrological distance from subject site to the SAC is 1.75km.</p> <p>The management of the existing and new farmyard facilities (and the landspreading of all slurry and farmyard manure produced therein) currently adheres to, and must continue to adhere to legislative requirements including but not limited to:</p> <ul style="list-style-type: none"> European Union (Good Agricultural Practice for Protection of Water) Regulations 2022 (SI. 113 of 2022) European Union (Good Agricultural Practice for Protection of Water) Regulations 2022 (SI. 393 of 2022) <p>Potential disturbance from construction of the new shed will not cause any significant negative effects on the qualifying interests of the SAC due to the small scale and nature of the proposed development and the associated distance to the Natura 2000 site.</p>

⁸ NPWS (2024) Conservation Objectives: Horn Head and Rinclevan SAC 000147. Version 2. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
			<p>Based on the small scale and extent of the proposed development, the characteristics of the drainage pathway and continued adherence to legislative requirements, no negative effects on this SAC such as habitat loss/fragmentation, ex situ habitat loss, effects on water quality or species disturbance are envisaged as a result of the proposal.</p> <p>Furthermore, no negative effects on the SAC are predicted to arise from operational phase of this proposed development.</p> <p>Potential significant negative effects on this SAC can be excluded and no further assessment is required.</p>
Special Protection Areas			
Horn Head to Fanad Head SPA 004194 c. 830m NW	<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] 	To maintain or restore the favourable conservation status of the qualifying interests for which the SPA was selected ⁹ .	<p>This SPA is located 830m NW of the subject site. A source-receptor pathway exists to this SPA in the form of the surface water pathway on site, representing an avenue for potential negative effects.</p> <p>The Casey Glebe and Rinclevan river systems provides an impeded pathway to the SPA as it is heavily vegetated with grasses and rushes, providing natural filtration for runoff from the site before this reaches the SAC boundary. The hydrological distance from subject site to the SPA is 1.75km.</p> <p>The management of the existing and new farmyard facilities (and the land-spreading of all slurry and farmyard manure produced therein) currently adheres to, and must continue to adhere to legislative requirements including but not limited to:</p>

⁹ NPWS (2022) Conservation objectives for Horn Head to Fanad Head SPA [004194]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.

Natura 2000 Site	Qualifying Interests for which the site was selected	Conservation Objectives	Stage 1 Screening Determination (Can Significant Effects be excluded in the absence of mitigation?)
			<ul style="list-style-type: none"> European Union (Good Agricultural Practice for Protection of Water) Regulations 2022 (SI. 113 of 2022) European Union (Good Agricultural Practice for Protection of Water) Regulations 2022 (SI. 393 of 2022) <p>Potential noise and light disturbance from construction of the new shed will not cause any significant negative effects on the qualifying interests of the SPA due to the small scale and nature of the proposed development and the associated distance to the Natura 2000 site. The site is c. 830m SW of the SPA with more than 20 dwelling houses, several farmyards and local roads in the intervening lands. Farming is a common activity within the surrounding area and birds in the area are likely habituated to these long-standing activities. In the unlikely event that birds in the area are temporarily displaced, ample alternative habitats are available in the surrounding area.</p> <p>Based on the small scale and extent of the proposed development, the distance from the SPA, the characteristics of the drainage pathway, continued adherence to legislative requirements and the abundance of alternative habitat within the surrounding area, no negative effects on this SPA such as habitat loss/fragmentation, ex situ habitat loss, effects on water quality or species disturbance are envisaged as a result of the proposal.</p> <p>Furthermore, no negative effects on the SPA are predicted to arise from operational phase of this proposal.</p> <p>Potential significant negative effects on this SPA can be excluded and no further assessment is required.</p>

5.2 Cumulative Impact Assessment

5.2.1 Review of Plans

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

Table 5.3: Review of Plans

Key Policy/Objective	Assessment for Cumulative Effect on Natura 2000 Sites
County Donegal Development Plan 2024 - 2030	
BIO-O-1: To preserve and enhance the biodiversity of the County in accordance with the relevant EU policies and national legislation.	<p>The Development plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests.</p> <p>No potential for cumulative impacts on EU designated sites or Annex listed protected species were identified when considered in conjunction with the current proposal.</p> <p>The proposed project will not adversely affect any nationally designated site or protected species. No adverse water quality impacts are predicted to occur as a result of the proposed development.</p> <p>No policies or objectives of the county development plan were identified that could potentially combine with the proposed development to culminate in significant effect on European Sites.</p>
<p>BIO-P-1: To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals:</p> <ul style="list-style-type: none"> a) Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI) b) Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive. c) Manage features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network. 	
BIO-P-2: Ensure that all developments seek to conserve/protect the qualifying interests of Ramsar Sites, Nature Reserves, Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), and any species protected under the Wildlife Act save to the extent necessary to provide for strategic infrastructure projects including the TEN-T Priority Route Improvement Project, Donegal.	
<p>BIO-P-3: Save to the extent necessary to provide for strategic infrastructure projects including the TEN-T Priority Route Improvement Project, Donegal, it is the policy of the Council to:</p> <ul style="list-style-type: none"> a) Protect, where justified, features of local biodiversity value (e.g. hedgerows/field boundaries, trees, woodlands, wetlands, water bodies, riverbanks and peatlands) which make a significant contribution to the biodiversity, 	

Key Policy/Objective	Assessment for Cumulative Effect on Natura 2000 Sites
<p>ecological connectivity, and associated visual amenity and/or rural character of the area.</p> <p>b) Require, where justified, that developments otherwise maximise the retention of and suitably integrate such features. In this regard proposals for the removal of existing roadside hedgerows/field boundaries for new developments in rural areas will only be permitted in so far as is necessary to safeguard public safety and any remaining portion of those features identified above not so required shall be retained.</p> <p>c) Require that development proposals provide biodiversity enhancement measures (e.g. native tree and hedgerow planting, and nature-based water management solutions).</p> <p>d) Require that large-scale developments result in no net biodiversity loss.</p>	
BIO-P-4: Ensure that any development proposals do not lead to the introduction or spread of invasive species. Where invasive species are present, development proposals may be required to be submit an appropriate control and management programme.	
BIO-P-5: <p>a) Ensure that new developments do not have a significant adverse impact on pollinator habitat and species, including protecting rare pollinators listed under the Wildlife Act and maximizing the retention of pollinator friendly habitats within development proposal where feasible.</p> <p>b) Require pollinator friendly planting and management regimes as part of planting/landscaping schemes for new public development including green infrastructure, large scale residential and transport development.</p>	
Nitrates Action Program 2022-2025	
The NAP sets out policy to comply with the Nitrates Directive (91/676/EEC) and is given effect by S.I. No. 605/2017 European Union (Good Agricultural Practice for Protection of Waters) Regulations 2017, as amended (“GAP Regulations”) in Ireland.	<p>The project concerns the construction of a slatted shed and operation of the farmyard.</p> <p>The land spreading associated with the slurry stored on-site is governed by the NAP and the GAP regulations.</p> <p>The NAP has been appropriately assessed, and it was concluded “the</p>

Key Policy/Objective	Assessment for Cumulative Effect on Natura 2000 Sites
	<p>adoption of the NAP alone, or in combination with other plans and programmes, will not adversely affect the integrity of any European site”.</p> <p>Provided the applicant demonstrates compliance with the GAP regulations there will be no cumulative impact between this plan and the project described in this Ecological Report.</p>

5.2.2 Review of Other Projects

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

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

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

Table 5.4: Cumulative Impact with Other Projects

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
20/51499 Adjacent	Erection of an agricultural storage shed with all other associated site development works	Granted July 2021 by ABP	The Planning Authority has determined that full Appropriate Assessment of the proposed development is not required in this instance, as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans or projects will have a significant effect on Natura 2000 sites.	N
20/50636 Adjacent	Erection of a dwelling house with wastewater treatment system & domestic garage	Granted November 2020	An NIS was produced by Greentrack which has been submitted under FI. The NIS concluded that if the works are carried out in accordance with the specified mitigation measures then there will be no significant negative effects on the Natura 2000 network.	N

Planning Reference	Description	Status	Assessment	Potential for Cumulative Effects
21/51900 c. 242m NE	Erection of a dwelling house with wastewater treatment system and all other associated site development works	Granted November 2021	The Planning Authority has determined that full Appropriate Assessment of the proposed development is not required in this instance, as it can be excluded on the basis of objective scientific information that the proposed development individually or in combination with other plans or projects will have a significant effect on Natura 2000 sites.	N

5.2.3 Cumulative Impact Conclusion

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

5.3 Screening Statement

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

6 CONCLUSION

The proposed project as detailed, either individually or in combination with other plans or projects will not have any significant adverse effects on the integrity of any European Site. The proposed development as described will not alter the structure or function of any Natura 2000 site or negatively impact the conservation objectives of any qualifying interest/ special conservation interest therein.

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

This report has been prepared for the exclusive use of our client and unless otherwise agreed in writing by Greentrack Consultants no other party may use, make use of or rely on the contents of this report. The report has been compiled using the resources agreed with the client and in accordance with the scope of work agreed with the client. No liability is accepted by Greentrack Consultants for any use of this report, other than the purpose for which it was prepared. Greentrack Consultants accepts no responsibility for any documents or information supplied to Greentrack Consultants by others and no legal liability arising from the use by others of opinions or data contained in this report. It is expressly stated that no independent verification of any documents or information supplied by others has been made. Greentrack Consultants has used reasonable skill, care and diligence in compiling this report and no warranty is provided as to the report's accuracy. No part of this report may be copied or reproduced, by any means, without the written permission of Greentrack Consultants.

REFERENCES:

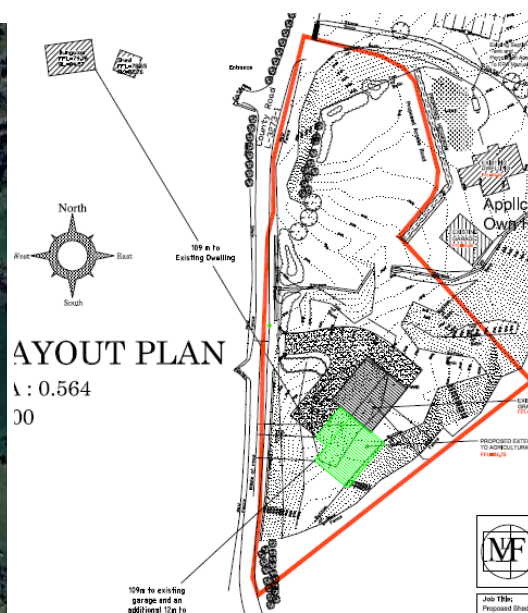
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SECTION 5 REFERRAL REPORT – Ref. No: S25-50

1.0 BACKGROUND

1.1 Location: Port, Dunfanghy, Co. Donegal

The site is located within an existing farm complex, to the side of an existing dwelling house.



1.2 Planning History:

- S5 24/73 Erection of a 187sqm slatted sheep shed- not exempted development
- 20/51499 Planning permission granted for erection of an agricultural storage shed with all other associated site development works. Granted by ABP.
- 18/51852 Erection of a sheep shed with all associated site development works. Application withdrawn as applicant wished to make an alternative application at a later date.
- 18/50906 Planning permission granted for Erection of a dwelling house with septic tank, domestic garage with all other associated site development works.
- S5 1834 Erection of a 190sqm slatted sheep shed- not exempted development
- 17/51426 Erection of a dwelling house with septic tank, domestic garage with all other associated site development works. Application withdrawn.
- 16/51013 Planning permission refused for construction of a dwelling house with septic tank, domestic garage, slatted cattle shed, slatted sheep shed and silage pit and all other associated site development works.

2.0. THE QUESTION

The applicant has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- *Construction of a 187sqm agricultural shed.*

3.0 EVALUATION

3.1 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

“Structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

- (a) Where the context so admits, includes the land on, in or under which the structure is situate...

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....

Section 3(1)

“Development” in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(2)(a)(i)

“The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that-

by reason of the size, nature or limited affect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against the principles of proper planning and sustainable development, or”

Section 4(2)(b)

“Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.”

Section 177U(9)

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

3.2 Planning & Development Regulations 2001 (as amended)

Article 6(3)

Subject to Article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article (9)(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of the development would – (i) – (xii) refers.

Class 6 of Part 3 of Schedule 2 (Exempted Development - Rural)

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure)

Conditions and limitations

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard and any ancillary provision for effluent storage complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

5. No such structure within 100 metres of any public road shall exceed 8 metres in height.

6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

4.0. ASSESSMENT

4.1 Subject site is located within a structurally weak rural area as designated in the County Donegal Development Plan 2024-30.

4.2 The Planning Authority is satisfied that the proposal would constitute 'works' and would constitute 'development', as defined in Sections 2 & 3 of the Act respectively.

4.3 Based on the information submitted, the proposed shed for the housing of sheep is 187sqm and 6.5m in height. It is noted that the proposed shed would be attached to an existing shed, however, the existing shed does not fall within the same class as it is not for the housing of animals. The consent granted (by ABP) for the existing shed (Ref. 20/51499) has a condition attached stating that the shed shall not be used for the housing of animals or for the storage of effluent.

Therefore, the existing shed should not be included in the calculation of the floor area. As there are no other Class 6 buildings within the farmyard complex and as the floor area of the proposed shed (187sqm) is less than the limit of 200sqm, these works come within the scope of *Class 6* conditions and limitations.

4.4 The proposed shed will have effluent storage facilities in the form of tanks located underneath the shed, which will extend the full length of the structure.

4.5 Condition/limitation 4 states no such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road, and the proposed shed meets this requirement.

4.6 The proposed structure will not exceed 8m in height and therefore meets the requirements of condition/limitation 5.

- 4.7 With regard to condition/limitation 6, the submitted site layout demonstrates that the existing dwellings to the north-west and south-west of the site are over 100m away. The proposed shed meets this requirement.

Built and Natural Heritage

- 4.8 No archaeological monuments are within the subject site(s).
- 4.9 The site is located within an area designated as Moderate Scenic Amenity. It is not considered that the proposed shed will have an adverse impact on the visual amenity of the landscape as it will sit immediately next to an existing agricultural shed on the site and its ridge level will match that of the existing shed.
- 4.10 The subject site is located approximately 55m from Horn Head and Rinclevan SAC. An Ecological Report by Greentrack Environmental Consultants has been submitted. The report concludes '*Considering the location, nature and extent of the proposal, source pathway receptor chains and the likely zone of influence for adverse effect, and in the absence of mitigation, significant effects can be excluded on identified European Sites. Therefore, Stage 2 Appropriate Assessment is not required.*' The Planning Authority has also undertaken a screening for Appropriate Assessment which concludes that a Stage 2 AA is not required.

5.0 Recommendation:

- 5.1 IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE –

IS Development

&

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The proposal for:

- Construction of a 187sqm agricultural shed

The Planning Authority in considering this referral, had regard particularly to:

Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

It should also be noted that in determining the subject Section 5 referral regard was had to recent Section 5 referrals determined by An Bord Pleanála.

And concluded that:

The proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended) and is EXEMPTED DEVELOPMENT as it falls within the scope of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



Signed: _____

Executive Planner

Position: _____

13/06/2025

Date: _____



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
13/06/2025

APPROPRIATE ASSESSMENT SCREENING FOR THE PURPOSES OF ARTICLE 6 OF THE HABITATS DIRECTIVE

Applicant Name: Derek Stewart

Plan.Reg.No: S5 25/50

1.0 Description of Project

The subject site is located in the townland of Port, Dunfanaghy. The applicant is seeking a Section 5 Declaration for:

1. Erection of a slatted sheep shed.

2.0 Natura 2000 sites

The subject site is located:

- 55m from the Hornhead and Rinclevan SAC

2.1 Site Synopsis for Hornhead and Rinclevan SAC (Site Code 000147).

Horn Head extends northwards into the Atlantic Ocean from Dunfanaghy, Co. Donegal. This site also extends westwards, reaching just beyond Dooros Point. It is a diverse coastal site containing a wide range of habitats from high rocky quartzite cliffs in the north to mud flats, sand flats, dunes and a brackish lake in the south. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[2110] Embryonic Shifting Dunes
[2120] Marram Dunes (White Dunes)
[2130] Fixed Dunes (Grey Dunes)*
[2170] Dunes with Creeping Willow
[2190] Humid Dune Slacks
[21A0] Machairs*
[3130] Oligotrophic to Mesotrophic Standing Waters
[1013] Geyer's Whorl Snail (*Vertigo geyeri*)
[1364] Grey Seal (*Halichoerus grypus*)
[1395] Petalwort (*Petalophyllum ralfsii*)
[1833] Slender Naiad (*Najas flexilis*)

On the rocky sea-cliffs (maximum height 207 m), exposure is a limiting factor to plant growth, but where soil has built up, maritime plants such as Thrift (*Armeria maritima*), Sea Campion (*Silene vulgaris* subsp. *maritima*) and Rock Samphire (*Crithmum maritimum*) occur. Two rare bryophytes (*Acrobolbus wilsonii* and *Geocalyx graveolens*) have been recorded from Horn Head Cliffs, as have two species of flowering plant listed in the Irish Red Data Book, Corncockle (*Agrostemma githago*) and Scots Lovage (*Ligusticum scoticum*). Inland from the cliffs are hills supporting heathy vegetation dominated by Heather (*Calluna vulgaris*).

In the south-western part of the site is a dune system which is impressive in terms of its size, range of dune types and its relatively undisturbed nature. Of particular note is the area of fixed dunes to the north-east of Dunfanaghy village and to the northeast of Trawmore, especially at Lurgabrack. The dominant vascular plant species are Red Fescue (*Festuca rubra*), Marram (*Ammophila arenaria*) and Lady's Bedstraw (*Galium verum*), accompanied by such species

as Red Clover (*Trifolium pratense*), Common Bird's-foot-trefoil (*Lotus corniculatus*) and the Pansy (*Viola tricolor* subsp. *curtisii*). Lesser Meadow-rue (*Thalictrum minus*), a nationally scarce plant species, has been confirmed from areas of fixed dune at Lurgabrack. The bryophyte component of the vegetation is very well developed with such species as *Tortula ruraliformis*, *Pleurozium schreberi* and *Homalothecium lutescens* being particularly abundant. In addition to the commoner mosses, a number of rarer bryophytes have also been recorded from fixed dunes around Dunfanaghy. These include *Thuidium abietinum*, *Bryum marratii* and *Distichum inclinatum*.

Other dune types which occur are Marram dunes, embryonic dunes and dune slacks. The dune slacks are characterised by the presence of Creeping Willow (*Salix repens*). The Marram dunes are typical in being quite species-poor, with Marram as the main species. These areas are typically less than 30m wide, but can reach up to 8 m high in places. The embryonic dunes are characterised by being found as a thin strip along the margins of dunes. Sand Couch (*Elymus farctus*) is often the main species. A small area of machair is located in Murroe townland in the south-western corner of the site. Here the machair grassland occurs as a number of sloping surfaces with high dunes to the north-west and extensive dune slack to the north-east. The quality of the machair appears to be rather low.

Port Lough, a mesotrophic to oligotrophic lake of good water quality, has a diverse flora and supports an important population of Slender Naiad (*Najas flexilis*). This species is listed on Annex II of the E.U. Habitats Directive and is also legally protected under the Flora (Protection) Order, 1999.

A small population of the rare liverwort, Petalwort (*Petalophyllum ralfsii*), a species that is listed on Annex II of the E.U. Habitats Directive, has recently been recorded from a grassy hillside near Dunfanaghy.

The rare whorl snail, *Vertigo geyeri* (also an Annex II species), has also recently been recorded from the site - near Cloghernagh, associated with base-rich flushes supporting Black Bog-rush (*Schoenus nigricans*).

A main feature of this site is the colony of breeding seabirds on the cliffs of Horn Head. Species present include Razorbill (<6000 individuals), Guillemot (<5000 individuals), Kittiwake (<4500 pairs), Fulmar (1000 pairs), Shag (200 pairs), Puffin (100 pairs), Black Guillemot (25 pairs) and Cormorant (20 pairs). All figures date from before 1989.

A few pairs each of Chough (six pairs) and Peregrine Falcon (three pairs) breed here. These are both listed on Annex I of the E.U. Birds Directive. Red Grouse, a species undergoing some decline in Ireland, breeds on the heather-covered hills inland from the cliffs. Several species of wader breed in the site, notably Lapwing (11 pairs) and Dunlin (six pairs).

During winter, a flock of Greenland White-fronted Goose (average peak 160, 1992/93 - 1996/97) frequent the New Lake area in the south of the site. A nationally important population of Barnacle Goose winter at the site, though they also use other traditional sites in the region. In recent winters, numbers have varied between 250 and 300 birds. Along with the geese species there is a small but regular wintering flock of Whooper Swans. The mean peak for the five winters up to 1996/97 was 38. All three of these species are listed on Annex I of the E.U. Birds Directive. At least eight other species of waterfowl have been recorded including Pochard (237), Wigeon (119) and Tufted Duck (29). All figures are average peaks 1984/85 - 1986/87.

A small population of Grey Seal occurs at Horn Head. This species is listed on Annex II of the E.U. Habitats Directive. The breeding population was estimated at four or five individuals in 2005.

Relative inaccessibility gives a degree of protection to the cliffs and the breeding seabirds, but an increase in tourist activity on the cliffs or offshore fishing could pose a threat to the colony. Parts of the dune areas have undergone a little modification through agricultural usage. The small size of the Petalwort population makes it vulnerable to changes in land use (either through under- or over-grazing), as well as trampling, land slippage, etc. Grazing in the area where *Vertigo geyeri* occurs is currently quite intensive and any further increase could be very damaging to the snail. Any attempts at drainage in the area of the population could also be very damaging.

This scenic site contains a good range of coastal habitats (including the priority habitat fixed dune) which are of considerable conservation value. The size of the seabird colony makes this a site of international importance. This was reflected in the designation in 1988 of a Refuge for Fauna at Horn Head. The New Lake is managed as a Wildlife Sanctuary by the National Parks and Wildlife Service, which contributes to the protection of the important populations of waterfowl in the site.

2.2 Conservation Objectives for Hornhead and Rinclevan SAC (Site Code 000147)

The overall aim of the Habitats Directive is to maintain or restore the favourable 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.

A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.

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.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which 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 favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is 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.

Qualifying Interests(*indicates a priority habitat under the Habitats Directive)

1013 Geyer's Whorl Snail *Vertigo geyeri*

1364 Grey seal *Halichoerus grypus*

1395 Petalwort *Petalophyllum ralfsii*

1833 Slender Naiad *Najas flexilis*
 2110 Embryonic shifting dunes
 2120 Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*
 2170 Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
 2190 Humid dune slacks
 21A0 Machairs (* in Ireland)

3.0 Assessment of Likely Effects:

Table 1 – Potential Impact Types and Significance

Impact type	Significance indicator	Comments
Loss of habitat area	Percentage of loss	None expected having regard to the location of the site works outside the designated lands.
Fragmentation	Duration or permanence, level in relation to original extent	None expected having regard to the location of the site works outside the designated lands.
Disturbance	Duration or permanence, distance from site	None expected having regard to the relatively minor scale of the proposed works and the separation distance between the site and the designated lands.
Species population density	Timescale for replacement	None expected having regard to the relatively minor scale of the proposed works and the separation distance between the site and the designated lands.
Water resource	Relative change	None expected having regard to the distance of the site from the SAC
Water quality	Relative change in key indicative chemicals and other elements	None expected due to the absence of a direct hydrological link to the SAC and the implementation of good practice measures as required by EU regulations.

4.0 Screening Determination:

That an appropriate assessment of the development is not required as it can be excluded on the basis of objective scientific information that the proposed development will have a significant effect on nearby Natura 2000 Sites.



Executive Planner
13/06/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
13/06/2025

Chief Executive's Order No: 2025PH1745

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 19th May 2025 from Derek Stewart C/o Michael Friel Architects & Surveyors Ltd, Creeslough, Co. Donegal F92 TF60 in relation to the erection of an agricultural shed at Port, Dunfanaghy, Co. Donegal.

SUBMITTED:-

Written request received 19th May 2025 as above and report dated 13th June 2025 from the Executive Planner (Ref. No: S5 25/50 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.


SENIOR EX. PLANNER

DATED THIS 16th DAY OF JUNE 2025

MMK

Chief Executive's Order No: 2025PH1745

Ref.No: S5 25/50

SCHEDULE

IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The Planning Authority in considering this referral, had regard particularly to:

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and,
- Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it falls within the scope of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

JB 16/06

Planning and Development Acts, 2000 (as amended)
(Declaration and Referral on Development and Exempted Development)

DECLARATION

Chief Executive's Order No: 2025PH1745

Reference No: S525/50

Name of Requester: Derek Stewart
C/o Michael Friel Architects & Surveyors Ltd
Creeslough
Co. Donegal
F92 TF60

Summarised Description of development the subject matter of request:

Erection of an agricultural shed

Location: Port, Dunfanaghy, Co. Donegal

IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE

IS Development

IS Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

The Planning Authority in considering this referral, had regard particularly to:

- Sections 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended) and Articles 6(3), 9(1) and,
- Class 6 of Part 3 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

And concluded that:

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it falls within the scope of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 16th day of June 2025



**Comhairle Contae
Dhún na nGall**
Donegal County Council

Áras an Chontae,
Leifear,
Contae Dhún na nGall, F93 Y622

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Ref. No: S525/50

16th June 2025

DEREK STEWART
C/O MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD
CREESLOUGH
CO. DONEGAL
F92 TF60

Re: Erection of an agricultural shed at Port, Dunfanaghy, Co. Donegal.

A Chara,

I refer to your request received on 19th May 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner
Planning Services**

/jmcc