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## Donegal County Council Piers & Harbours – Bunbeg Pier

### Appropriate Assessment Screening Report

**Donegal County Council**

**Report No. E1193-BLP-R-ENV-005**

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## Contents

Glossary of Terms and Abbreviations.....	1
1 Introduction .....	2
1.1 Project background.....	2
1.2 Purpose of this report .....	2
1.3 Site description .....	3
1.4 Roles and Qualifications .....	3
2 Legislative Background and Guidance Documents .....	5
2.1 International Legislation.....	5
2.2 The requirement for AA Screening .....	5
2.3 Screening Determination.....	6
2.4 National Legislation .....	6
2.5 Guidance Documents on Appropriate Assessment .....	6
3 Project Description.....	8
3.1.1 Construction Programme .....	8
3.1.2 Construction Method Statement.....	8
3.2 Proposed Planning Route .....	8
3.3 Existing Reports.....	8
4 Overview of Methodology for Appropriate Assessment .....	9
4.1 Overview of the stages of Appropriate Assessment.....	9
4.1.1 Stage 1: Screening (current stage).....	9
4.1.2 Stage 2: Appropriate Assessment.....	9
4.1.3 Stage 3: Assessment of Alternative Solutions .....	10
4.1.4 Stage 4: Imperative Reasons of Overriding Public Interest (IROPI)/Derogation.....	10
5 Detailed Methodology for Stage 1: AA Screening.....	11
5.1 Methodology.....	11
5.2 Information Consulted for this Report .....	12
5.3 Cumulative and In-combination Impacts .....	12
5.3.1 Methodology.....	12
6 Preliminary Screening Assessment of European Sites .....	14
6.1 Introduction .....	14
6.2 Zone of Influence.....	14
7 Screening of Likely Significant Effects to European Sites .....	18
7.1 Assessment of Likelihood of Significant Effects.....	18

7.2	Potential Environmental Impacts.....	19
7.2.1	Sediment contamination .....	19
7.2.2	Hydrocarbon contamination .....	19
7.2.3	Noise impacts .....	19
7.3	Gweedore Bay And Islands SAC .....	21
7.4	Derryveagh And Glendowan Mountains SPA .....	22
7.5	Inishbofin, Inishdooley and Inishbeg SPA.....	23
7.6	Falcarragh to Meenlaragh SPA.....	24
7.7	West Donegal Coast SPA .....	24
7.8	West Donegal Islands SPA.....	25
7.9	Cumulative and In-Combination Effects.....	26
8	Screening Statement .....	27
	References .....	28
	Appendix A – Foreshore Lease Area.....	A
	Appendix B - Maps of QI Habitats/Species within Gweedore Bay and Islands SAC (Approximate Location of Proposed Works Area is Marked with a Yellow Dot) (NPWS, 2015b).....	B
	Appendix C – Assessment of In-combination Effects.....	C
	Figure 1.1. Site location.....	2
	Figure 1.2. Google streetview imagery of Bunbeg pier .....	3
	Figure 6.1. Natura 2000 sites within the 15km Zone of Influence .....	15
	Figure 7.1. Aerial view of habitats within the ZOI for noise impacts .....	20
	Figure 7.2. Planning applications in the vicinity of the proposed works area. ....	27
	Table 1.1. ByrneLooby Team .....	3
	Table 6.1. Natura 2000 Sites within 15km of the Project Site.....	15
	Table 7.1 Likelihood of Significant Effects on Qualifying Interests – Gweedore Bay and Islands SAC .....	21
	Table 7.2. Likelihood of Significant Effects on Special Conservation Interests – Derryveagh and Glendowan Mountains Bay SPA.....	22
	Table 7.3. Likelihood of Significant Effects on Special Conservation Interests - Inishbofin, Inishdooley and Inishbeg SPA .....	23
	Table 7.4. Likelihood of Significant Effects on Special Conservation Interests - Inishbofin, Inishdooley and Inishbeg SPA .....	24
	Table 7.5. Likelihood of Significant Effects on Special Conservation Interests - West Donegal Coast SPA.....	25
	Table 7.6. Likelihood of Significant Effects on Special Conservation Interests - West Donegal Coast SPA.....	26

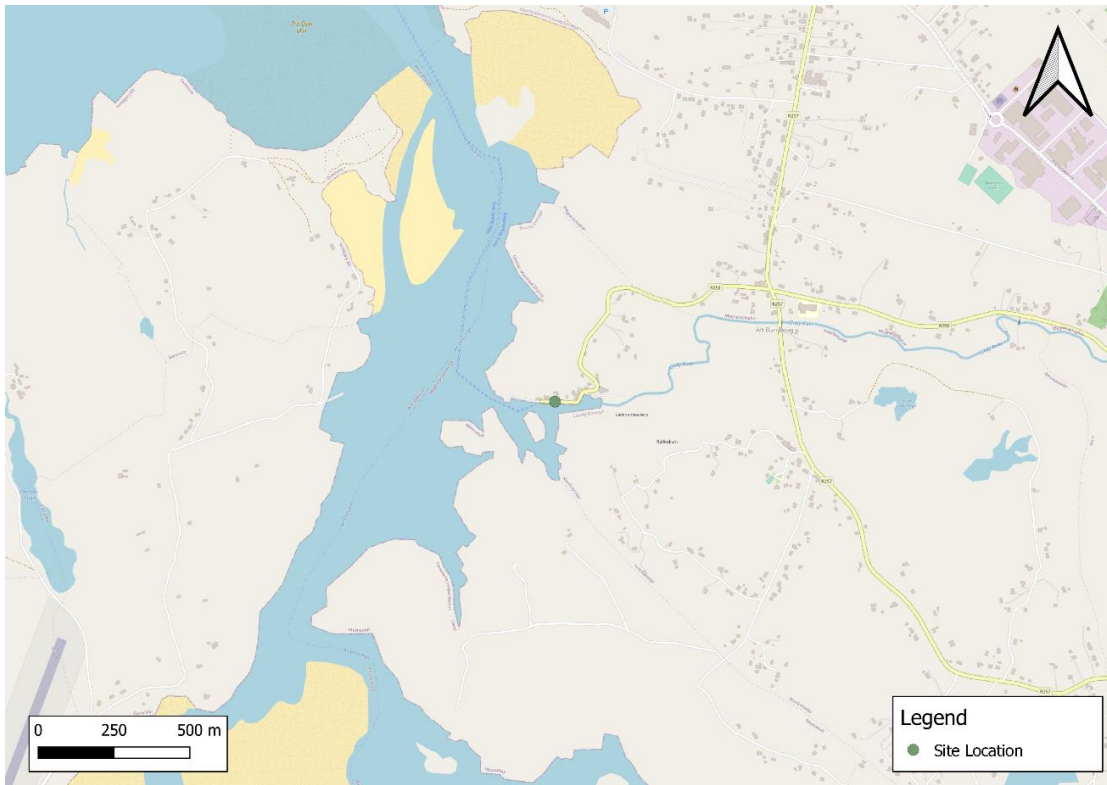
## Glossary of Terms and Abbreviations

AA	Appropriate Assessment
AASS	Appropriate Assessment Screening Statement
CIEEM	Chartered Institute of Ecology and Environmental Management
CO	Conservation Objectives
European Sites	Appropriate assessment tests whether a plan or a project is likely to have a significant negative impact on any Special Protection Areas, Special Areas of Conservation, and/or Ramsar sites. Jointly, these are called 'European sites'.
EU	European Union
EC	European Commission
IROPI	Imperative Reasons of Overriding Public Interest
km	Kilometre
mm	Millimetres
NPWS	National Parks and Wildlife Service
Natura 2000	Natura 2000 is a network of core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right. It stretches across all 27 EU countries, both on land and at sea.
NIS	Natura Impact Statement
SAC	Special Area of Conservation
SCIs	Special Conservation Interests
SPA	Special Protected Area
QIs	Qualifying Interests
Zone of Influence	The area where potential environmental changes may potentially impact upon sensitive environmental receptors, considering the spatial scope of the proposed scheme.

# 1 Introduction

## 1.1 Project background

ByrneLooby has been commissioned to undertake an Appropriate Assessment Screening Assessment for a proposal to carry out minor construction works at Bunbeg Pier in County Donegal (Figure 1.1).



**Figure 1.1. Site location**

## 1.2 Purpose of this report

This screening for Appropriate Assessment forms Stage 1 of the Appropriate Assessment process and has been undertaken in order to comply with Article 6(3) of the EU Habitats Directive<sup>1</sup>. This report is intended to aid the competent authority in determining whether the proposed project is likely (alone or in combination with other projects) to result in significant effects to European Sites. Further steps are to be determined by the findings of the screening assessment.

<sup>1</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

### 1.3 Site description

The foreshore licence area (see appendix A) is located at the site of an existing pier. Street view imagery suggests that the area sees a considerable amount of boating activity (see figure 1.2). Habitat mapping from the National Parks and Wildlife Service (NPWS) show the absence of

Qualifying interest habitats from the Foreshore Lease Area, with the exception of Reefs which occur approximately 50m from the lease area (see appendix B).



Figure 1.2. Google streetview imagery of Bunbeg pier

### 1.4 Roles and Qualifications

Table 1.1 provides a summary of the staff involved in the reporting.

Table 1.1. ByrneLooby Team

Title	Name	Role	Qualifications	Years experience
Ecologist	Daniel Black	Survey, Report Preparation	BSc (Marine Biology) MSc (Ecological Management and Conservation Biology) QCIEEM	<1
Environmental Director	Fiona Symes	Report Approval	BSc (Marine Geography) MSc (EIA, Auditing and Management Systems) Chartered Environmentalist	20+

Daniel has experience in planning and conducting protected species surveys and ecological report writing in both voluntary and professional capacities.

Fiona Symes has over 20 years' experience working in the ecological and environmental fields. She has planned and completed numerous ecological surveys, including habitat mapping and protected species surveys, across the UK and Ireland. She has authored many ecological reports, EclAs and EIAs for a variety of projects over the duration of her career.



## 2 Legislative Background and Guidance Documents

### 2.1 International Legislation

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as the “Habitats Directive” (EC, 1992), 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 (EC, 2009).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to have a significant effect on or to adversely affect the integrity of European Sites (Annex 1.1). Article 6(3) establishes the requirement for AA:

*“Any plan or project not directly connected with or necessary to the management of the [European] 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 [European] 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 sites is protected. It shall inform the Commission of the compensatory measures adopted.”*

### 2.2 The requirement for AA Screening

Section 42 (1) of S.I. No. 477 of 2011, the European Communities (Birds and Natural Habitats) Regulations 2011 states (ISB, 2011):

*“A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.”*

Where the screening process cannot exclude the possibility that a plan or project, individually or in combination with other plans or projects, could have a significant effect on a European site, there is a requirement under Article 42 (9) of these Regulations for the preparation of a Natura Impact Statement to inform the Appropriate Assessment process.

### **2.3 Screening Determination**

In accordance with Regulation 42(7) of the Birds and Natural Habitats Regulations 2011 (S.I. No. 477/2011) as amended (ISB, 2011):

*“The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.”*

Further, under Regulation 42(8):

*“(a)Where, in relation to a plan or project for which an application for consent has been received, a public authority makes a determination that an Appropriate Assessment is required, the public authority shall give notice of the determination, including reasons for the determination of the public authority, to the following—*

- i. the applicant,*
- ii. if appropriate, any person who made submissions or observations in relation to the application to the public authority, or*
- iii. if appropriate, any party to an appeal or referral.*

*(b) Where a public authority has determined that an Appropriate Assessment is required in respect of a proposed development it may direct in the notice issued under subparagraph (a) that a Natura Impact Statement is required.”*

### **2.4 National Legislation**

The Habitats Directive has been transposed into Irish law by Part XAB of the Planning and Development Act, 2000 – 2015 (Law Reform Commission, 2010) and the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011) as amended (ISB, 2011).

### **2.5 Guidance Documents on Appropriate Assessment**

Where an AA is necessary, the AA requirements of Article 6(3) of the Habitats Directive 92/43/EEC (EC, 1992) follow a sequential approach as outlined in the following guidance documents:

- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 and PSSP 2/10 (NPWS, 2010).
- Appropriate Assessment of Plans and Projects in Ireland – guidance for Planning Authorities. Revised 2010. (DEHLG, 2009).
- Guidelines for Good Practice Appropriate Assessment of Plans Under Article 6(3) Habitats Directive (International Workshop on Assessment of Plans under the Habitats Directive, 2011).
- Managing Natura 2000 Sites: The provisions of Article 6 of the Habitat’s Directive 92/43/EEC Commission Notice (EC, 2018).
- Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2021a).
- ANNEX to the Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2021b).

### 3 Project Description

As mentioned, DCC propose to carry out minor construction works at Bunbeg Pier in County Donegal.

The construction work will include:

- The installation of prefabricated floating pontoons by crane.
- The pontoons will be of length 250m.
- Pontoons are to be secured by fixing to the pier wall.
- Pontoons will move on the tide on vertical rails
- Pontoons and rails will be manufactured offsite and delivered for installation.

#### 3.1.1 Construction Programme

The construction period will be from March 2023 to May 2023.

#### 3.1.2 Construction Method Statement

It is proposed to install prefabricated floating pontoons that will be fixed to the pier wall and will move with the tide on vertical rails.

The pontoons and rails will be manufactured offsite and delivered for installation.

A crane will be used for the installation works.

### 3.2 Proposed Planning Route

Foreshore Lease.

### 3.3 Existing Reports

None.

## 4 Overview of Methodology for Appropriate Assessment

### 4.1 Overview of the stages of Appropriate Assessment

The AA process is a sequential process consisting of four potential stages. If at the first stage in the process it is determined that there will be no significant effect on a European Site, the process is effectively completed. The four stages are as follows:

- Stage 1 – Screening of the proposed plan or project for AA (current stage);
- Stage 2 – An AA of the proposed plan or project;
- Stage 3 – Assessment of alternative solutions; and
- Stage 4 – Imperative Reasons of Overriding Public Interest (IROPI)/ Derogation.

Stage 1 relates to Regulation 42 of the Birds and Natural Habitats Regulations (ISB, 2011); and Stage 2 relates to Article 6(3) of the Habitats Directive; and Stages 3 and 4 to Article 6(4) of the Habitats Directive (EC, 1992).

#### 4.1.1 Stage 1: Screening (current stage)

The aim of screening is to assess if the plan or project is directly connected with or necessary to the management of European Site(s); or in view of best scientific knowledge, if the plan or project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site. This is done by examining the proposed plan or project and the conservation objectives of any European Sites that might potentially be affected. If screening determines that there are likely to be significant effects, or the significance of effects are uncertain or unknown then it will be recommended that a project is brought forward to full AA.

#### 4.1.2 Stage 2: Appropriate Assessment

The aim of Stage 2 of the AA process is to identify any adverse impacts that the plan or project might have on the integrity of relevant European Sites. As part of the assessment, a key consideration is ‘in combination’ effects with other plans or projects. Where adverse impacts are identified, mitigation measures can be proposed that would avoid, reduce or remedy any such negative impacts and the plan or project should then be amended accordingly, thereby avoiding the need to progress to Stage 3.

#### **4.1.3 Stage 3: Assessment of Alternative Solutions**

If it is not possible during the stage 2 to reduce impacts to acceptable, non-significant levels by avoidance and/or mitigation, stage 3 of the process must be undertaken which is to objectively assess whether alternative solutions exist by which the objectives of the plan or project can be achieved. Explicitly, this means alternative solutions that do not have significant negative impacts on the integrity of a European Site. It should also be noted that EU guidance on this stage of the process states that, 'other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria' (EC, 2002). In other words, if alternative solutions exist that do not have negative impacts on European Sites; they should be adopted regardless of economic considerations.

#### **4.1.4 Stage 4: Imperative Reasons of Overriding Public Interest (IROPI)/Derogation**

This stage of the AA process is undertaken when it has been determined that negative impacts on the integrity of a European Site will result from a plan or project, but that no alternatives exist. At this stage of the AA process, it is the characteristics of the plan or project itself that will determine whether the competent authority can allow the plan or project to progress. This is the determination of 'over-riding public interest'. It is important to note that in the case of European Sites that include in their qualifying features 'priority' habitats or species, as defined in Annex I and II of the Directive, the demonstration of 'overriding public interest' is not sufficient and it must be demonstrated that the plan or project is necessary for 'human health or safety considerations'. Where plans or projects meet these criteria, they can be allowed, provided adequate compensatory measures are proposed. Stage 4 of the process defines and describes these compensation measures.

## 5 Detailed Methodology for Stage 1: AA Screening

### 5.1 Methodology

This AA screening report has been completed in the following logical order:

- Definition of the zone of influence for the proposed works;
- Identification of the European Sites that are situated (in their entirety or partially) within the zone of influence of the proposed works;
- Identification of the most up-to-date Qualifying Interests (QIs) for each European Site occurring either wholly or partially within the zone of influence;
- Identification of the environmental conditions that maintain the QIs at the desired target of Favourable Conservation Status;
- Identification of the threats/impacts – actual or potential that could negatively impact the environmental conditions of the QIs within the European Sites;
- Highlighting the activities of the proposed works that could give rise to significant negative impacts; and
- Identification of other plans or projects, for which In-combination impacts would likely have significant effects.

The following issues have been considered:

- The nature and quality of habitats within the site of the proposed development;
- Information relating to the ecology of the Natura 2000 site;
- The relevant conservation status and objectives for these species of Qualifying Interests of the Natura 2000 site (Annex I habitats and Annex II species of the EU Habitats Directive);
- The key structural and functional relationships maintaining the integrity of the Natura 2000 site;
- The status of other annexed habitats and species occurring in proximity to the site of the proposed development; and
- The scale and nature of the aspects of the project in relation to the Natura 2000 site.

## 5.2 Information Consulted for this Report

Sources of data reviewed as part of the Screening process for this project included:

- Gweedore Bay and Islands SAC – Site Synopsis (NPWS, 2015a)
- Gweedore Bay and Islands SAC -Conservation Objectives (NPWS, 2015b)
- Derryveagh And Glendowan Mountains SPA -Site Synopsis (NPWS, 2014a)
- Derryveagh And Glendowan Mountains SPA - Conservation Objectives (NPWS, 2022a)
- Inishbofin, Inishdooney and Inishbeg SPA - Site Synopsis (NPWS, 2011a)
- Inishbofin, Inishdooney and Inishbeg SPA -Conservation Objectives (NPWS, 2022b)
- Falcarragh to Meenlaragh SPA - Site Synopsis (NPWS, 2014b)
- Falcarragh to Meenlaragh SPA - Conservation Objectives (NPWS, 2022c)
- West Donegal Coast SPA - Site Synopsis (NPWS, 2015b)
- West Donegal Coast SPA - Conservation Objectives (NPWS, 2022d)
- West Donegal Islands SPA - Site Synopsis (NPWS, 2011b)
- West Donegal Coast SPA - Conservation Objectives (NPWS, 2022e)

## 5.3 Cumulative and In-combination Impacts

It is a requirement of Appropriate Assessment that the cumulative or in-combination effects of the proposed development together with other plans or projects are assessed. Cumulative impacts can be defined as a project/plan/programme likely to have a significant effect thereon, either individually or in combination with other plans or projects.

### 5.3.1 Methodology

In accordance with EC Article 6 Guidance Document (EC 2018), in order to ensure all impacts upon the site are identified, including those direct and indirect impacts that are a result of cumulative impacts, the following steps were completed:

- Identify all projects/ plans which might act in combination: Identify all possible sources of effects from the project or plan under consideration, together with all other sources in the existing environment and any other effects likely to arise from other proposed projects or plans.
- Impacts identification: Identify the types of impacts that are likely to affect aspects of the structure and functions of the site vulnerable to change.



- Define the boundaries for assessment: define boundaries for examination of cumulative effects which will be different for different types of impact and may include remote locations.
- Pathway identification: Identify potential cumulative pathways (e.g. via water, air etc.; accumulations of effects in time or space).
- Prediction: Prediction of magnitude/extent of identified likely cumulative effects.
- Assessment: Comment on whether or not the potential cumulative impacts are likely to be significant.

## 6 Preliminary Screening Assessment of European Sites

### 6.1 Introduction

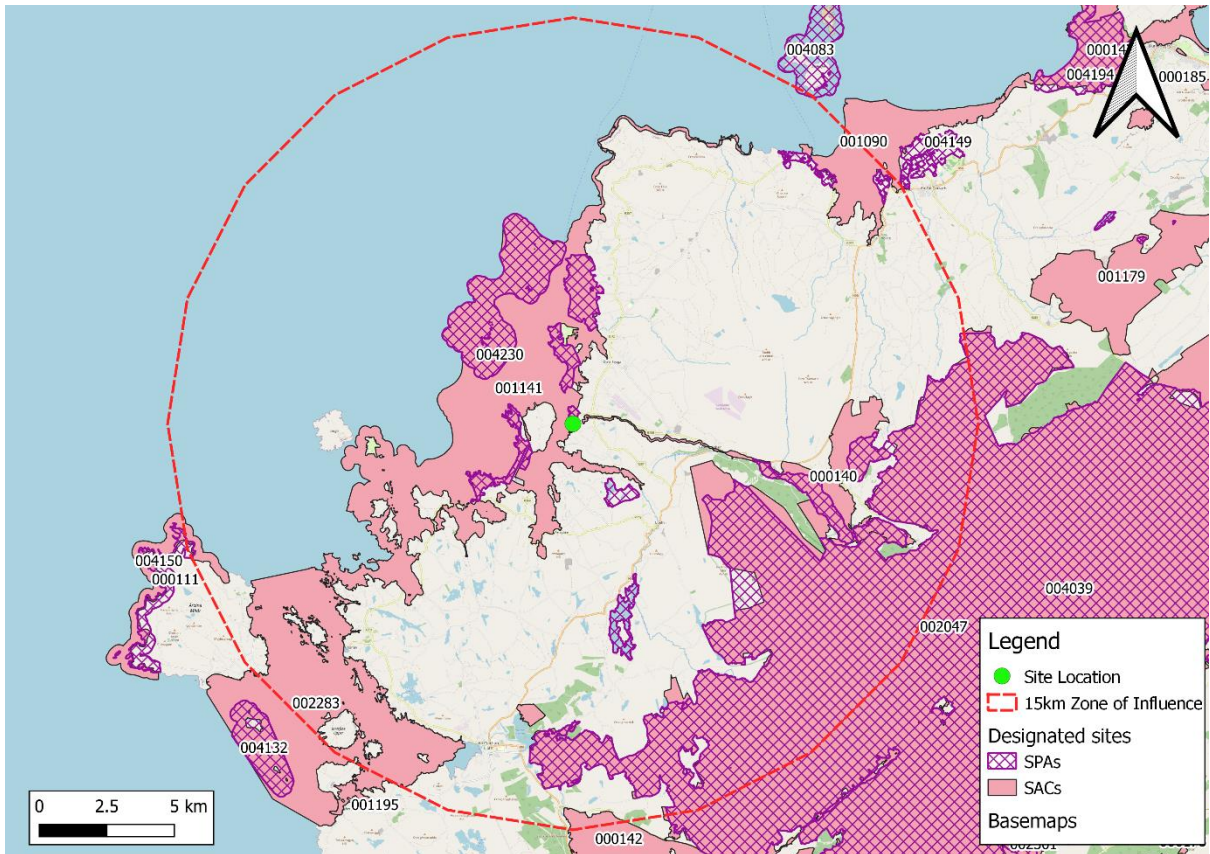
This chapter provides a Preliminary Screening Assessment to identify Qualifying Interests (QIs) of SACs and Special Conservation Interests (SCIs) of SPAs to be assessed fully in the Screening of Potential Impacts (Section 7).

### 6.2 Zone of Influence

Best practice guidance (DEHLG, 2009) recommends that all Natura 2000 sites within 15km of a project be initially screened for impacts. As such a zone of influence of 15km from the project was applied.

The following Natura 2000 Sites occur within this range (see Figure 6.1):

1. Aran Island (Donegal) Cliffs SAC
2. Fawnboy Bog/Lough Nacung SAC
3. Gannivegil Bog SAC
4. Ballyness Bay SAC
5. Gweedore Bay And Islands SAC
6. Cloghernagore Bog and Glenveagh National Park SAC
7. Rutland Island and Sound SAC
8. Derryveagh and Glendowan Mountains SPA
9. Inishbofin, Inishdoeey and Inishbeg SPA
10. Falcarragh to Meenlaragh SPA
11. West Donegal Coast SPA
12. West Donegal Islands SPA



**Figure 6.1. Natura 2000 sites within the 15km Zone of Influence**

Table 6.1 provides details on the relationship between the project site and the European Sites and identifies potential source-pathway receptor links between them. Where a source-pathway-receptor link exists and there is a potential negative impact, further assessment is required. This further, detailed assessment is reported in Section 7 of this report.

**Table 6.1. Natura 2000 Sites within 15km of the Project Site**

Type	Site Code	Site Name	County and distance from scheme area	Potential for source-pathway-receptor links
SAC	000111	Aran Island (Donegal) Cliffs SAC	Co. Donegal ~14km (direct)	There is no direct physical link. Contaminants from proposed works may discharge into open ocean, to which this SAC is connected. However, considering the large fluvial distance from the proposed works (>15km) and the dilution factor it is considered highly unlikely that significant effects to this SAC could occur, thus the site is <b>screened out</b> at this stage and will not be discussed any further.
SAC	000140	Fawnboy Bog/Lough Nacung SAC	Co. Donegal ~400m (direct)	There is no direct physical link or hydrological link. There is therefore no likelihood of significant effects on this SAC, thus the site is <b>screened out</b> at this stage and will not be discussed any further.

Type	Site Code	Site Name	County and distance from scheme area	Potential for source-pathway-receptor links
SAC	000142	Gannivegil Bog SAC	Co. Donegal ~15 km (direct)	There is no direct physical link or hydrological link. There is therefore no likelihood of significant effects on this SAC, thus the site is <b>screened out</b> at this stage and will not be discussed any further.
SAC	001090	Ballyness Bay SAC	Co. Donegal ~12 km (direct)	There is no direct physical link. Contaminants from proposed works may discharge into open ocean, to which this SAC is connected. However, considering the large fluvial distance from the proposed works (>16km) and the dilution factor it is considered highly unlikely that significant effects to this SAC could occur, thus the site is <b>screened out</b> at this stage and will not be discussed any further.
SAC	001141	Gweedore Bay and Islands SAC	Co. Donegal 0 km (direct)	Proposed works will take place within this SAC thus the site is <b>screened in</b> at this stage. This will be discussed further in Section 7.
SAC	002047	Cloghernagore Bog and Glenveagh National Park SAC	Co. Donegal ~5 km (direct)	There is no direct physical link or hydrological link. There is therefore no likelihood of significant effects on this SAC, thus the site is <b>screened out</b> at this stage and will not be discussed any further.
SAC	002283	Rutland Island and Sound SAC	Co. Donegal ~10 km (direct)	There is no direct physical link. Contaminants from proposed works may discharge into open ocean, to which this SAC is connected. However, considering the large fluvial distance from the proposed works (>13km) and the dilution factor it is considered highly unlikely that significant effects to this SAC could occur, thus the site is <b>screened out</b> at this stage and will not be discussed any further.
SPA	004039	Derryveagh and Glendowan Mountains SPA	Co. Donegal ~4.5 km (direct)	SPAs are designated for birds, which are migratory and use different areas/habitat for different phases of their life cycle. It cannot be screened out for significant effects based solely on hydrological connectivity. This will be discussed further in Section 7.
SPA	004083	Inishbofin, Inishdooley and Inishbeg SPA	Co. Donegal ~13km (direct)	SPAs are designated for birds, which are migratory and use different areas/habitat for different phases of their life cycle. It cannot be screened out for significant effects based solely on hydrological connectivity. This will be discussed further in Section 7.
SPA	004149	Falcarragh to Meenlaragh SPA	Co. Donegal ~12km (direct)	SPAs are designated for birds, which are migratory and use different areas/habitat for different phases of their life cycle. It cannot be screened out for significant effects based solely on hydrological connectivity. This will be discussed further in Section 7.
SPA	004150	West Donegal Coast SPA	Co. Donegal ~90m (direct)	SPAs are designated for birds, which are migratory and use different areas/habitat for different phases of their life cycle. It cannot be screened out for significant effects based solely on hydrological connectivity. This will be discussed further in Section 7.

Type	Site Code	Site Name	County and distance from scheme area	Potential for source-pathway-receptor links
SPA	004230	West Donegal Islands SPA	Co. Donegal ~1.2km (direct)	SPAs are designated for birds, which are migratory and use different areas/habitat for different phases of their life cycle. It cannot be screened out for significant effects based solely on hydrological connectivity. This will be discussed further in Section 7.

## 7 Screening of Likely Significant Effects to European Sites

As described in Chapter 3 of this report, this project involves the installation of prefabricated floating pontoons that will be fixed to the pier wall and move with the tide on vertical rails.

Following on from the information presented in Table 6.1, this section will consider the likelihood of significant effects on the following European sites:

1. Gweedore Bay and Islands SAC,
2. Derryveagh and Glendowan Mountains SPA,
3. Inishbofin, Inishdooney and Inishbeg SPA,
4. Falcarragh to Meenlaragh SPA
5. West Donegal Coast SPA
6. West Donegal Islands SPA

### 7.1 Assessment of Likelihood of Significant Effects

Table 7.1 provides a summary of the potential impacts of the proposed works. Each QI/SCI brought forward to screening is assessed. In assessing the likelihood of the occurrence of significant effects, the logic is as follows:

1. The conditions necessary for a significant effect are considered, and
2. The likelihood of that effect is assessed, considering the process/emission magnitude, duration, timing and frequency, as well as the connectivity with the proposed project site and the sensitivity of the QI/SCI to the process/emission in question.

The below definitions are relevant at this stage:

- Likely Significant Effect - Where a plan or project is likely to undermine any of the site's conservation objectives.
- Possible Significant Effect - Where a plan or project has an indicated potential to undermine any of the site's conservation objectives, but where doubt exists about the risk of a significant effect in the current context. Nevertheless, where doubt exists about the risk of a significant effect, use of the precautionary principle requires this effect to be considered appropriately within the Article 6 assessment process.

It should be noted that this report has taken account of the 2017 ECJ ruling (C-323/17 - People Over Wind and Peter Sweetman v Coillte): "Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not

appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.”

## 7.2 Potential Environmental Impacts

Considering the nature of the proposed works described in section 3, potential impacts from the proposed development are listed below:

1. Release of sediment into open waterbodies;
2. Release of hydrocarbons into open waterbodies; and
3. Elevated noise emissions.

### 7.2.1 Sediment contamination

Potential sediment contamination from small amounts of concrete/stone/granular fill material that may be released into the water during works is considered negligible.

### 7.2.2 Hydrocarbon contamination

The potential for hydrological contamination is considered negligible as vehicles and plant machinery on site will be maintained and checked daily, as standard construction practise, to limit potential for accidental hydrocarbon spill. Refuelling will be completed at the site compound which is located >100 m away from the working area. These measures are considered at any construction site, regardless of location and presence of Natura 2000 sites.

### 7.2.3 Noise impacts

The de facto daytime noise limit, as recommended by most local authorities in Ireland, is a sound pressure level (SPL) of 55 decibels (dB).

In calculating a zone of influence (ZOI) for noise emissions, British Standard BS 5228:2009+A1:2014 was consulted. According to guidance (Table C.1-12), the ‘loudest’ machine on site will be the ‘crane’ which will emit a SPL of ~77 dB, measured at a distance of 10 metres. The zone of influence will be the distance between the source of noise and the point at which the SPL is 55 dB.

This distance was calculated by using the sound attenuation formula, as described below:

$$SPL_2 = SPL_1 - 20 * \log (R_2 / R_1)$$

- $SPL_1$  is the Sound Pressure Level at point 1 (77 dB)
- $SPL_2$  is the Sound Pressure Level at point 2 (55 dB)
- $R_1$  is the distance from the sound source to point 1 (10 m); and

- $R_2$  is the distance from the sound source to point 2 (Zone of Influence).

$R_2 = 158.55$  metres.

The ZOI for noise emissions is therefore 125.9 metres, in all directions.

In this case, noise emissions are considered to have a negligible effect on SCI avifauna’s capacity to forage as the total area of ZOI is relatively small thus displacement of birds will be minimal. However, potential disturbance to birds which may utilize habitats within the ZOI for breeding purposes would be considered significant as elevated noise levels could lead to decreased reproductive success through abandonment of existing nests or decreases in clutch size (Halfwerk *et al.*, 2011, Mullholland *et al.*, 2018).

Aerial imagery suggests that the habitats (Fossitts, 2000) within the ZOI for noise impacts include Buildings and Artificial Surfaces (Fossitts code: BL3), Sea walls, piers and jetties (CC1), Depositing/Lowland rivers (FW2), Shingle and gravel shores (LS1), Infralittoral gravels and sands (SS1), (Mixed) broadleaved woodland (WD1) and Scrub (WS1).



**Figure 7.1. Aerial view of habitats within the ZOI for noise impacts**



### 7.3 Gweedore Bay And Islands SAC

Table 7.1 comments on the likelihood of significant negative impacts on the favourable conservation condition of QIs of Gweedore Bay and Islands SAC and gives a rationale for each case.

**Table 7.1 Likelihood of Significant Effects on Qualifying Interests – Gweedore Bay and Islands SAC**

Qualifying Interests [Natura 2000 Code]	Comments	Significant Effect Likely
<b>Species</b>		
Marsh Fritillary ( <i>Euphydryas aurinia</i> ) [1065]	Optimal habitat (damp grasslands) is absent from the proposed works area.	No
Otter ( <i>Lutra lutra</i> ) [1355]	<ul style="list-style-type: none"> <li>Extent of terrestrial, freshwater and coastal habitat within the SAC will be unaffected.</li> <li>Proposed works area within Otter Commuting 250m high water mark (HWM) buffer.</li> <li>Proposed works considered not to impose a barrier to connectivity as the overall footprint is small and otters may easily bypass.</li> </ul>	No
Petalwort ( <i>Petalophyllum ralfsii</i> ) [1395]	Optimal habitat (humid dune slacks and machairs) is absent from the proposed works area.	No
Slender Naiad ( <i>Najas flexilis</i> ) [1833]	Known distribution within SAC over 7km (fluvial distance) from proposed works area (see appendix A).	No
<b>Habitats</b>		
Coastal lagoons [1150]	Proposed works area is the site of existing pier/quay. Thus, the permanent area occupied by these habitats will not be impacted by the proposed works.	No
Reefs [1170]		
Perennial vegetation of stony banks [1220]		
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]		

Qualifying Interests [Natura 2000 Code]	Comments	Significant Effect Likely
Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]		
Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> ) [2150]		
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]		

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to Gweedore Bay and Islands SAC in the absence of mitigation.

#### 7.4 Derryveagh And Glendowan Mountains SPA

Table 7.2 comments on the likelihood of significant negative impacts on the favourable conservation condition of SCIs of Derryveagh And Glendowan Mountains SPA and gives a rationale for each case.

**Table 7.2. Likelihood of Significant Effects on Special Conservation Interests – Derryveagh and Glendowan Mountains Bay SPA**

Special Conservation Interests [Natura 2000 Code]	Comments	Significant Effect Likely
<b>Species</b>		

<b>Special Conservation Interests</b> <b>[Natura 2000 Code]</b>	<b>Comments</b>	<b>Significant Effect Likely</b>
Red-throated Diver ( <i>Gavia stellata</i> ) [A001]	Suitable breeding habitat i.e., freshwater loughs are absent from the ZOI for noise impacts (see section 1.3).	No
Merlin ( <i>Falco columbarius</i> ) [A098]	Suitable breeding habitat i.e., moorland, mountain and blanket bog are absent from the ZOI for noise impacts (see section 1.3).	No
Peregrine ( <i>Falco peregrinus</i> ) [A103]	Suitable breeding habitat (i.e., coastal and inland cliffs) absent from the ZOI for noise impacts (see section 1.3).	No
Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	Suitable breeding habitat (i.e., heather moors, blanket bogs & acidic grasslands) absent from the ZOI for noise impacts (see section 1.3).	No
Dunlin ( <i>Calidris alpina schinzii</i> ) [A466]	Suitable breeding habitat (i.e., machairs) absent from the ZOI for noise impacts (see section 1.3).	No

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to Derryveagh and Glendowan Mountains SPA in the absence of mitigation.

## 7.5 Inishbofin, Inishdooy and Inishbeg SPA

Table 7.3 comments on the likelihood of significant negative impacts on the favourable conservation condition of SCIs of Inishbofin, Inishdooy and Inishbeg and gives a rationale for each case.

**Table 7.3. Likelihood of Significant Effects on Special Conservation Interests - Inishbofin, Inishdooy and Inishbeg SPA**

<b>Special Conservation Interests</b> <b>[Natura 2000 Code]</b>	<b>Comments</b>	<b>Significant Effect Likely</b>
<b>Species</b>		
Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]	Wintering resident in Ireland, not known to breed here.	No
Corncrake ( <i>Crex crex</i> ) [A122]	Typically nests on the ground in tall vegetation (particularly hay fields). Such habitat is absent from the ZOI for noise impacts (see section 1.3).	No
Common Gull ( <i>Larus canus</i> ) [A182]	Suitable breeding habitat i.e., sea cliffs absent ZOI for noise impacts (see section 1.3).	No

Special Conservation Interests [Natura 2000 Code]	Comments	Significant Effect Likely
Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]	Primarily nest on offshore islands, islands in inland lakes, sand dunes and coastal cliffs. No such habitat is present within the ZOI for noise impacts (see section 1.3).	No
Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]	Nest colonially on the ground, no know breeding colonies within ZOI for noise impacts (see section 1.3).	No

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to Inishbofin, Inishdooney and Inishbeg SPA in the absence of mitigation.

## 7.6 Falcarragh to Meenlaragh SPA

Table 7.4 comments on the likelihood of significant negative impacts on the favourable conservation condition of SCIs of Falcarragh to Meenlaragh SPA and gives a rationale for each case.

**Table 7.4. Likelihood of Significant Effects on Special Conservation Interests - Inishbofin, Inishdooney and Inishbeg SPA**

Special Conservation Interests [Natura 2000 Code]	Comments	Significant Effect Likely
<b>Species</b>		
Corncrake ( <i>Crex crex</i> ) [A122]	Typically nests on the ground in tall vegetation (particularly hay fields). Such habitat is absent from the ZOI for noise impacts (see section 1.3).	No

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to Falcarragh to Meenlaragh SPA in the absence of mitigation.

## 7.7 West Donegal Coast SPA

Table 7.5 comments on the likelihood of significant negative impacts on the favourable conservation condition of SCIs of West Donegal Coast SPA and gives a rationale for each case.

**Table 7.5. Likelihood of Significant Effects on Special Conservation Interests - West Donegal Coast SPA**

<b>Special Conservation Interests [Natura 2000 Code]</b>	<b>Comments</b>	<b>Significant Effect Likely</b>
<b>Species</b>		
Fulmar ( <i>Fulmarus glacialis</i> ) [A009]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts (see section 1.3).	No
Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts (see section 1.3).	No
Shag ( <i>Phalacrocorax aristotelis</i> ) [A018]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts thus there is potential for disturbance to breeding individuals (see section 1.3).	No
Peregrine ( <i>Falco peregrinus</i> ) [A103]	Suitable breeding habitat (i.e., coastal and inland cliffs) absent from the ZOI for noise impacts (see section 1.3).	No
Herring Gull ( <i>Larus argentatus</i> ) [A184]	Primarily nest on sea-cliffs, sand dunes, islands on the coast and inland and other inaccessible locations. No such habitat is present within the ZOI for noise impacts (see section 1.3).	No
Kittiwake ( <i>Rissa tridactyla</i> ) [A188]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts thus there is potential for disturbance to breeding individuals (see section 1.3).	No
Razorbill ( <i>Alca torda</i> ) [A200]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts thus there is potential for disturbance to breeding individuals (see section 1.3).	No
Chough ( <i>Pyrhocorax pyrrhocorax</i> ) [A346]	Typically nests in caves or crevices along coasts, or less frequently, in old buildings. No such habitat occurs within the ZOI for noise impacts (see section 1.3).	No
<b>Habitats</b>		
Wetland and Waterbirds [A999]	Foreshore license area is the site of existing pier. Thus, the permanent area occupied by these habitats will not be impacted by the proposed works (see section 1.3).	No

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to West Donegal Coast SPA in the absence of mitigation.

## 7.8 West Donegal Islands SPA

Table 7.5 comments on the likelihood of significant negative impacts on the favourable conservation condition of SCIs of West Donegal Islands SPA and gives a rationale for each case.

**Table 7.6. Likelihood of Significant Effects on Special Conservation Interests - West Donegal Coast SPA**

<b>Special Conservation Interests [Natura 2000 Code]</b>	<b>Comments</b>	<b>Significant Effect Likely</b>
<b>Species</b>		
Shag ( <i>Phalacrocorax aristotelis</i> ) [A018]	Suitable breeding habitat i.e., sea cliffs absent from ZOI for noise impacts thus there is potential for disturbance to breeding individuals (see section 1.3).	No
Barnacle Goose ( <i>Branta leucopsis</i> ) [A045]	Wintering resident in Ireland, not known to breed here.	No
Corncrake ( <i>Crex crex</i> ) [A122]	Typically nests on the ground in tall vegetation (particularly hay fields). Such habitat is absent from the ZOI for noise impacts (see section 1.3).	No
Common Gull ( <i>Larus canus</i> ) [A182]	Suitable breeding habitat i.e., sea cliffs absent ZOI for noise impacts (see section 1.3).	No
Herring Gull ( <i>Larus argentatus</i> ) [A184]	Primarily nest on sea-cliffs, sand dunes, islands on the coast and inland and other inaccessible locations. No such habitat is present within the ZOI for noise impacts (see section 1.3).	No

Based on the above information, it is concluded that the proposed project alone is not likely to cause significant effects to West Donegal Islands SPA in the absence of mitigation.

### 7.9 Cumulative and In-Combination Effects

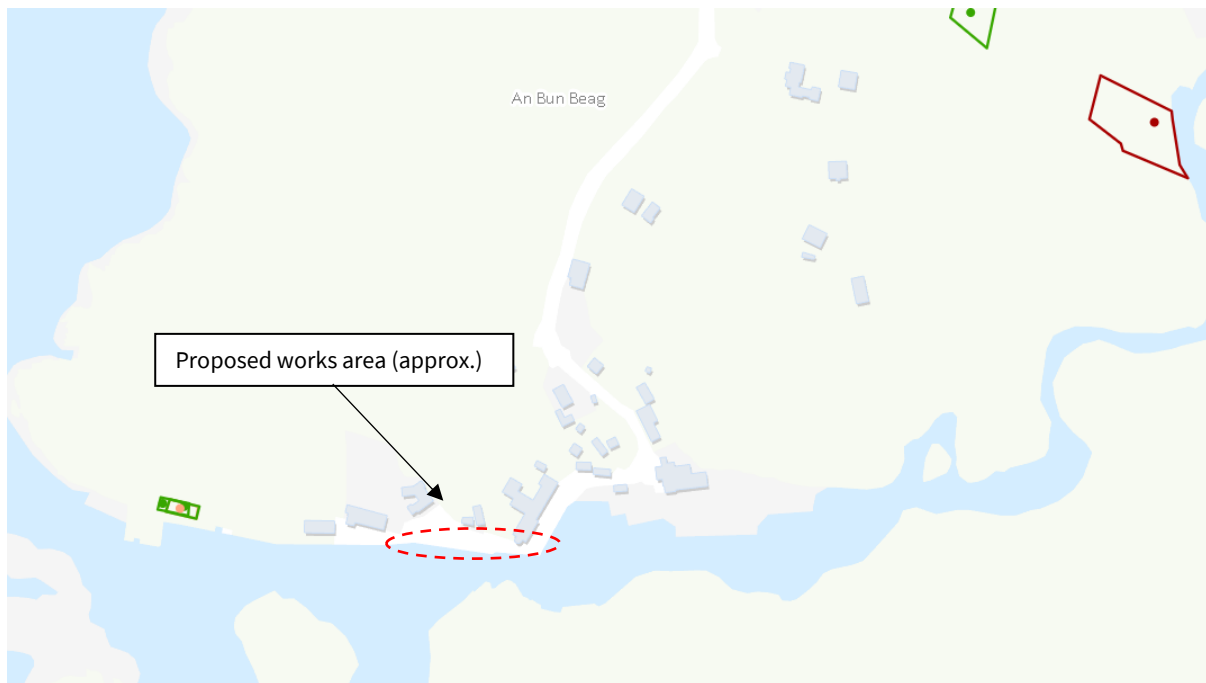
It is a requirement of Appropriate Assessment that the cumulative or in-combination effects of the proposed development together with other plans or projects are assessed. Cumulative impacts can be defined as a project/plan/programme likely to have a significant effect on a European Site, either individually or in combination with other plans or projects.

The following sources were consulted in order to determine if there were any other plans or projects in the area which could result in cumulative impacts.

- Donegal County Development Plan 2018-2028 (DCC, 2018);
- GeoHive Map Viewer – Irish Planning Applications (OSI, 2021); and
- EIA Portal (DEHLG, 2020).

Recently granted planning applications in the vicinity of the foreshore license area primarily relate to the construction, demolition or extension of dwellings. There are no applications within the ZOI for noise impacts.

The table in appendix C provides a list of the plans/projects in the immediate vicinity of the proposed GI works, which have the potential to interact. Each plan/project is assessed in terms of the likelihood for in-combination impacts to lead to significant negative effects on Natura 2000 sites.



**Figure 7.2. Planning applications in the vicinity of the proposed works area.**

## 8 Screening Statement

The Screening exercise was completed in compliance with the relevant EC and national guidelines. Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011 states that: *“The public authority shall determine that an Appropriate Assessment of a plan or project is not required [...] if it can be excluded on the basis of objective scientific information following screening*

*under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.”*

The potential impacts from the construction and post-construction stages of the project site have been considered in the context of the European Sites potentially affected and their Qualifying Interests/Special Conservation Interests.

It has been concluded beyond reasonable scientific doubt that significant effects to six out of the twelve sites within the zone of influence are highly unlikely, alone or in combination with other plans or projects.

Given that the proposed works are within the Gweedore Bay and Islands SAC, a more detailed screening for this site was completed. This assessment concluded beyond reasonable scientific doubt that significant effects to the site is highly unlikely, alone or in combination with other plans or projects.

The three SPA sites also required a more detailed screening assessment on the basis that noise emissions from construction could disturb breeding SCI avifauna.

As significant effects on European Sites by virtue of the proposal have been deemed unlikely, it is therefore determined that Appropriate Assessment is not required on this occasion.

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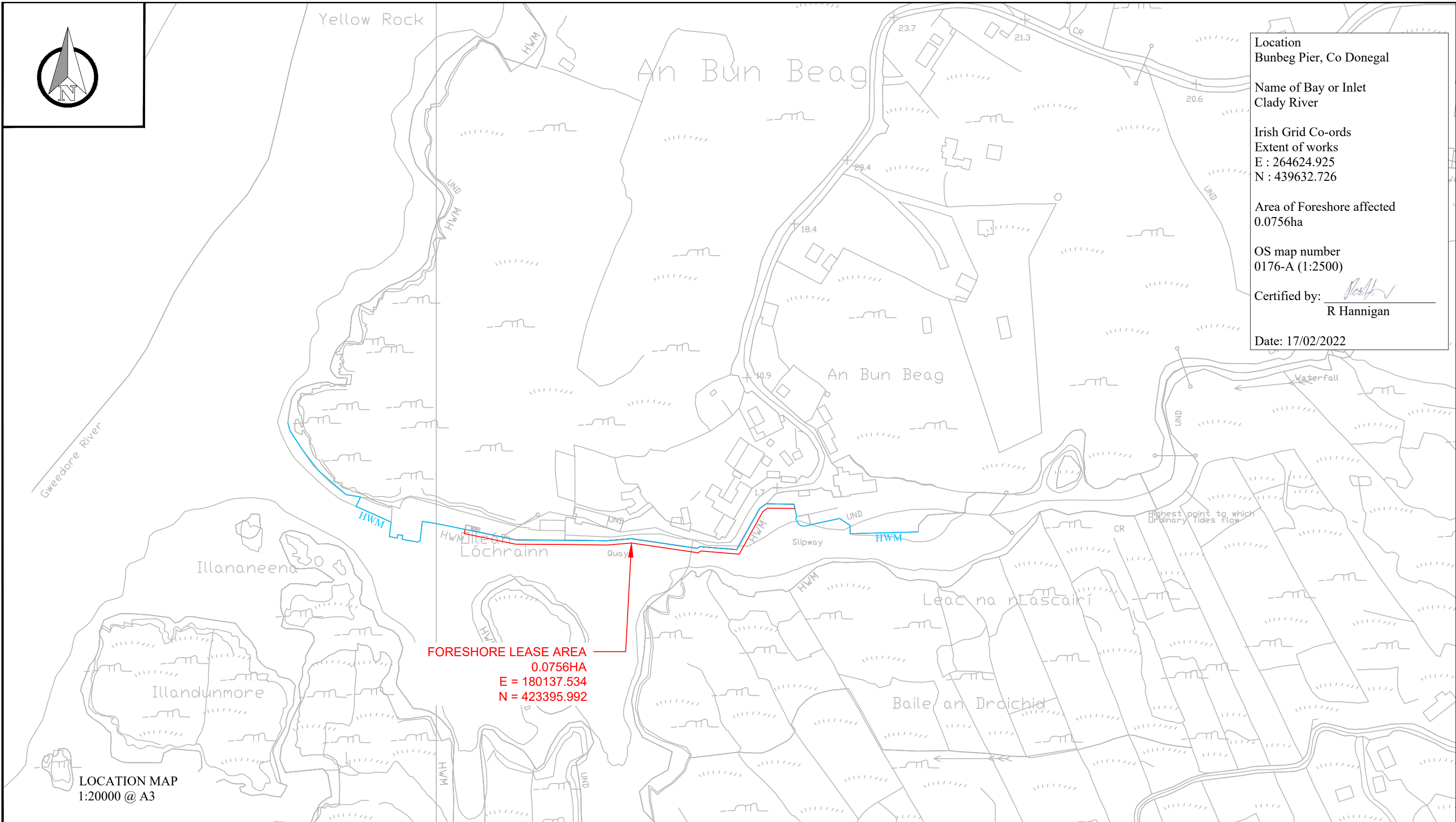
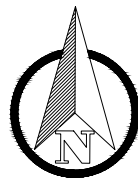
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## Appendix A – Foreshore Lease Area



Location  
Bunbeg Pier, Co Donegal

Name of Bay or Inlet  
Clady River

Irish Grid Co-ords  
Extent of works  
E : 264624.925  
N : 439632.726

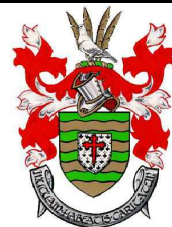
Area of Foreshore affected  
0.0756ha

OS map number  
0176-A (1:2500)

Certified by:   
R Hannigan

Date: 17/02/2022

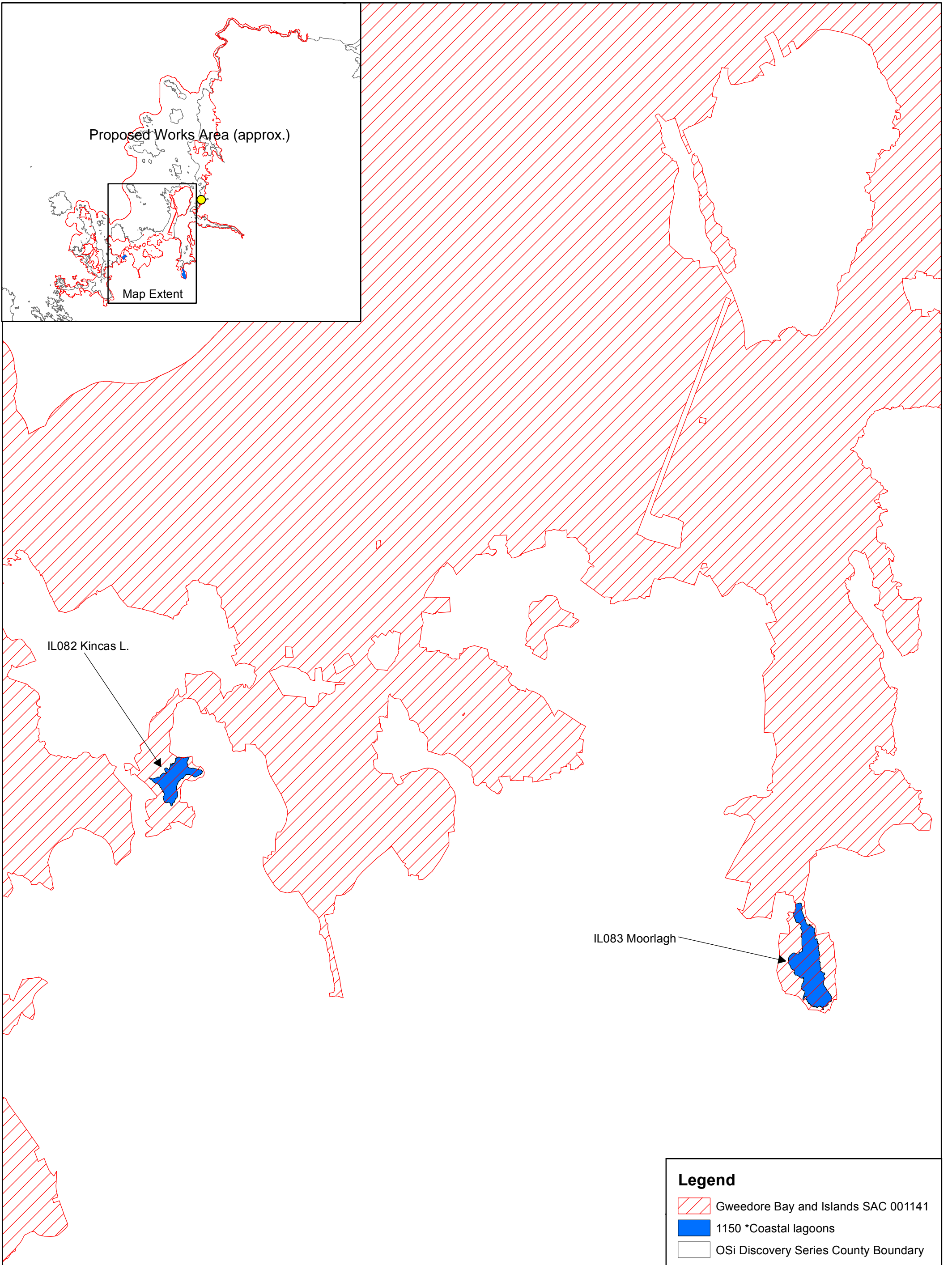
LOCATION MAP  
1:20000 @ A3






Rev	By	Date	Description
DMS I.D.			UPN-8888-Rev A.

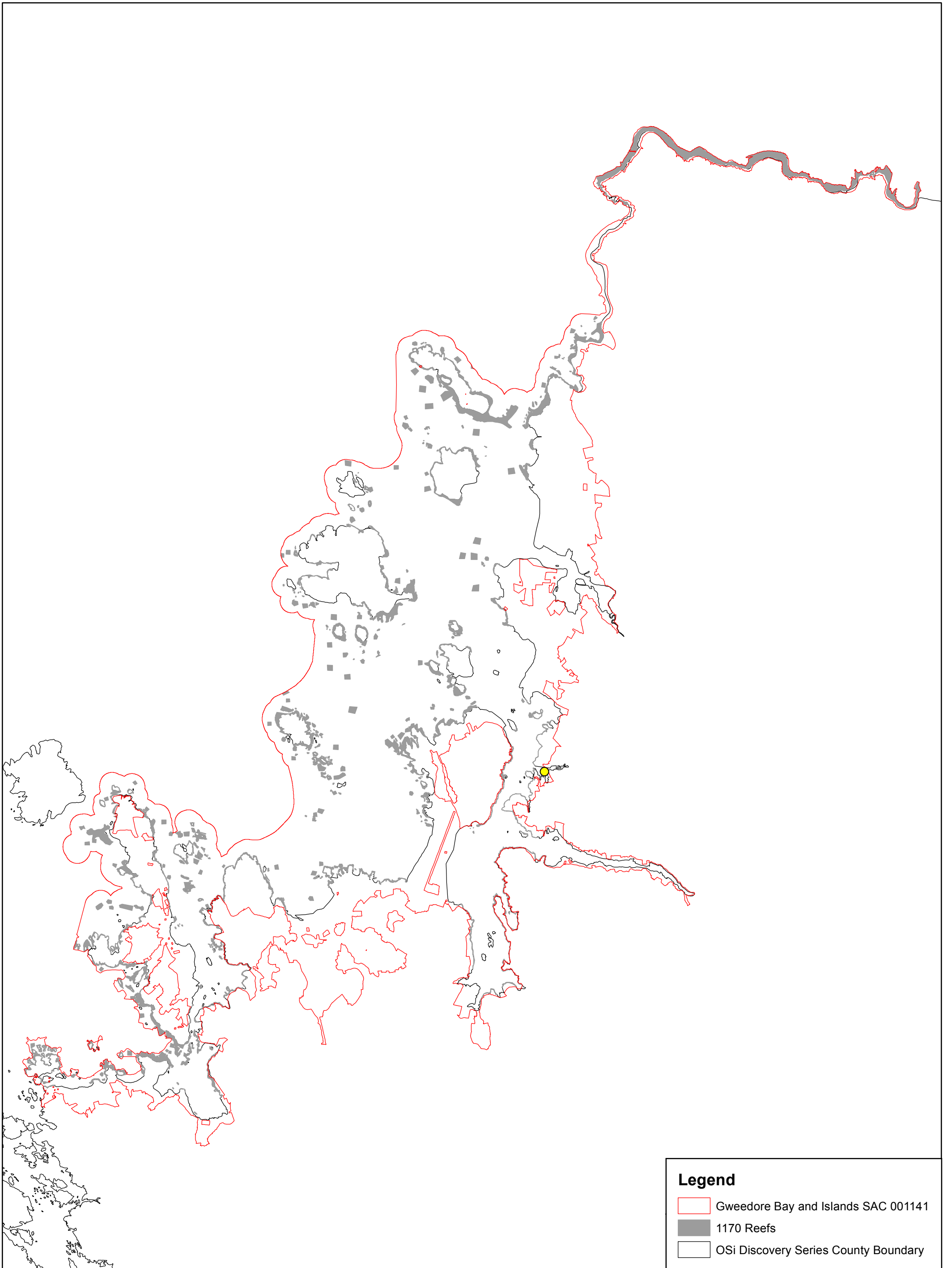
Filepath: \\dcc-filer\marine\DAFM\DAFM 2022\Bunbeg Pontoon Development\CAD	Project: Bunbeg Pontoon Development	Drawing No:		Revision:
Component: Foreshore Lease		FSP1		-
Title: Foreshore Plan	Drawn: RH Scales: 1:2500 @ A3	Date: 15/02/2022		
Checked: CS	Filename: Foreshore Plan			
Approved: CM				

Appendix B - Maps of QI Habitats/Species within Gweedore Bay and Islands SAC (Approximate Location of Proposed Works Area is Marked with a Yellow Dot) (NPWS, 2015b).



**Legend**

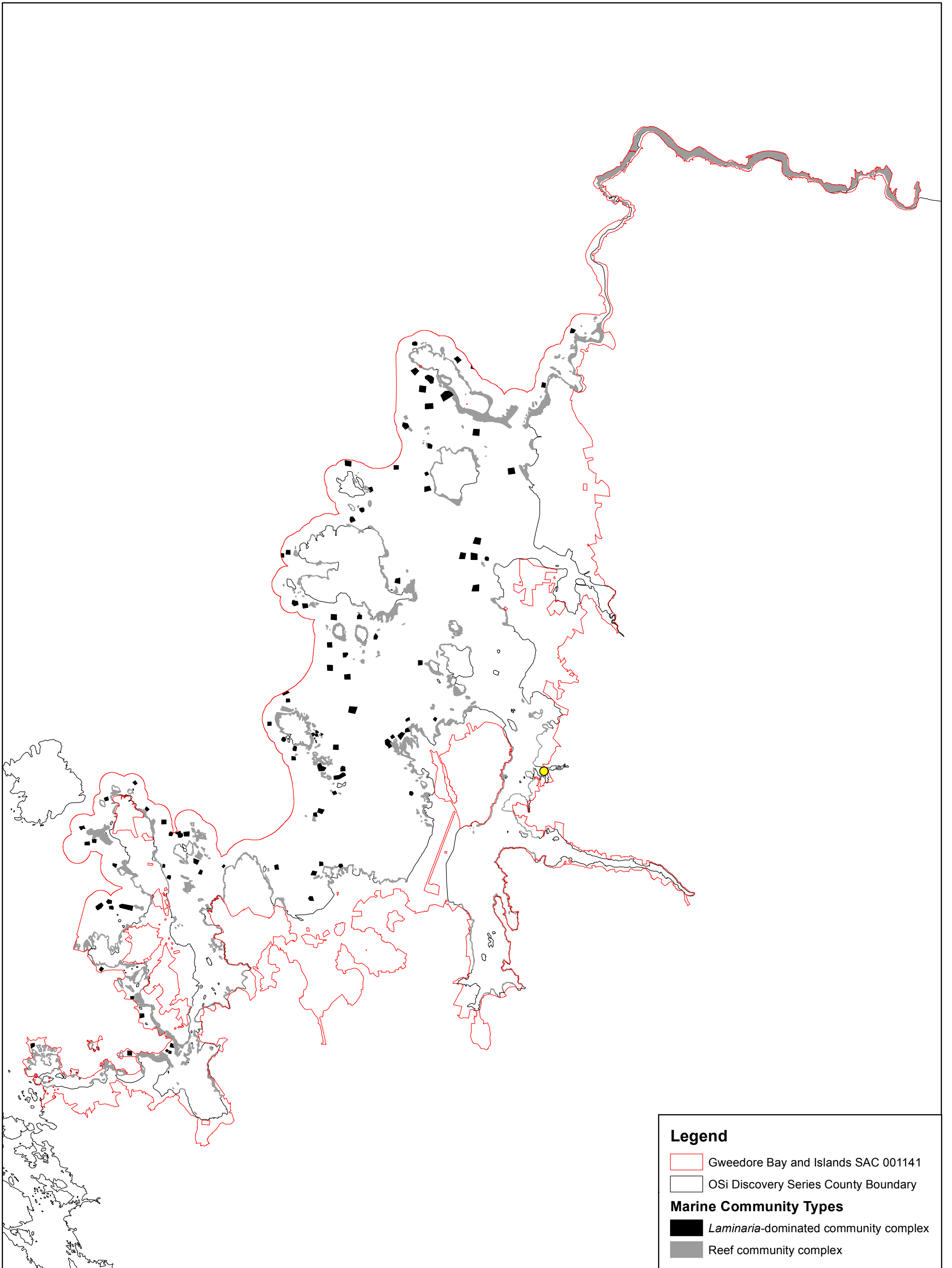
-  Gweedore Bay and Islands SAC 001141
-  1150 \*Coastal lagoons
-  OSi Discovery Series County Boundary



**Legend**

- Gweedore Bay and Islands SAC 001141
- 1170 Reefs
- OSi Discovery Series County Boundary



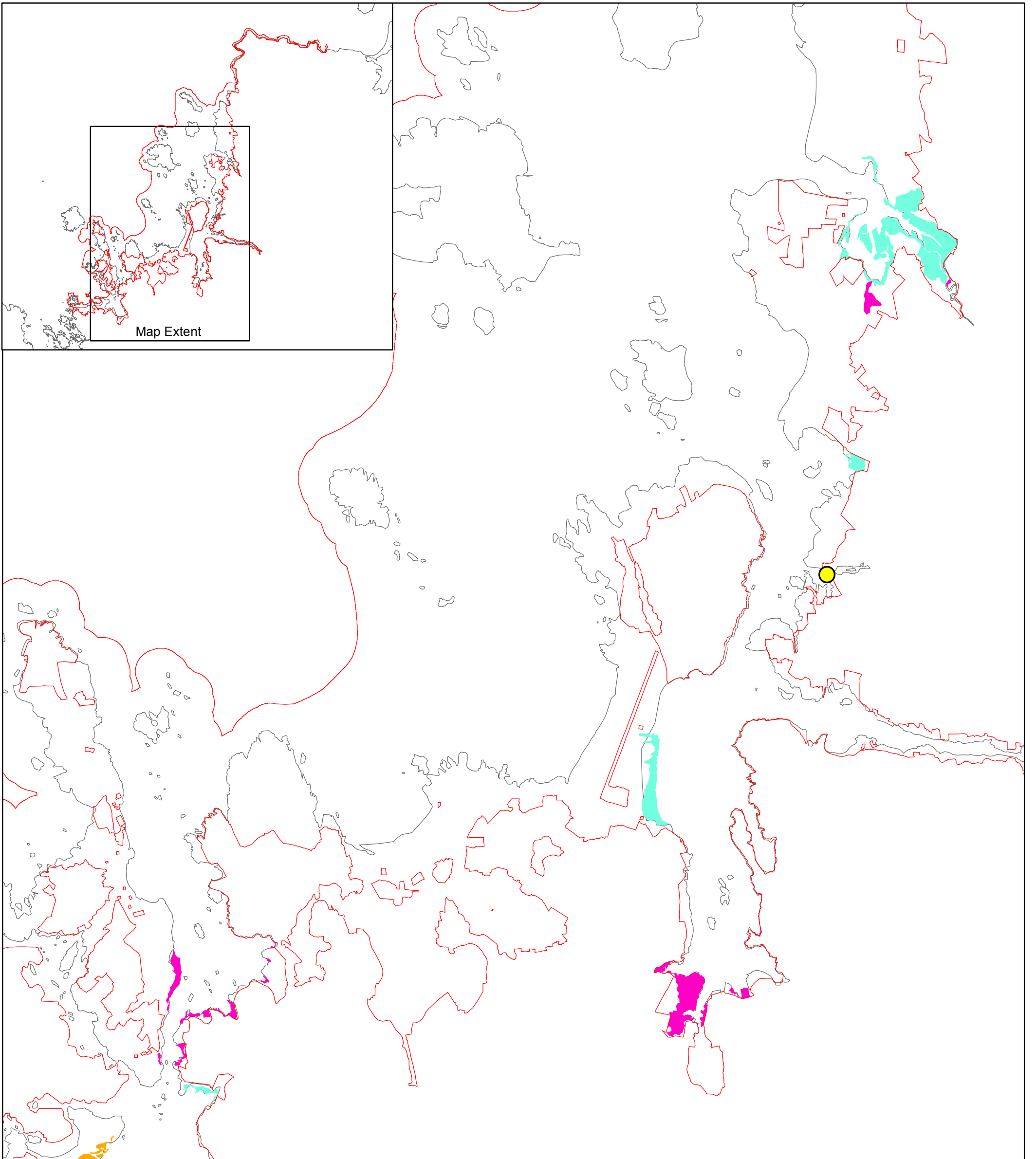


**Legend**

- Gweedore Bay and Islands SAC 001141
- OSi Discovery Series County Boundary

**Marine Community Types**

- Laminaria*-dominated community complex
- Reef community complex



SMP: 0129

**Legend**

- Gweedore Bay and Islands SAC 001141
- OSi Discovery Series County Boundary
- SMP: 0129 Saltmarsh Monitoring Project Site Codes

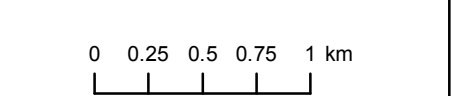
**Saltmarsh Habitats**

**Qualifying Interests**

- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- Potential 1330 / Potential 1410. Potential Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) / Potential Mediterranean salt meadows (*Juncetalia maritimi*)

**Non Qualifying Interests**

- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Potential 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)



**Legend**

- Gweedore Bay and Islands SAC 001141
- OSi Discovery Series County Boundary
- ★ National Shingle Beach Survey sub-sites
- CMP: 153 Coastal Monitoring Project Site Codes
- SDM: 155 Sand Dunes Monitoring Project Site Codes

**Sand Dune Habitats**

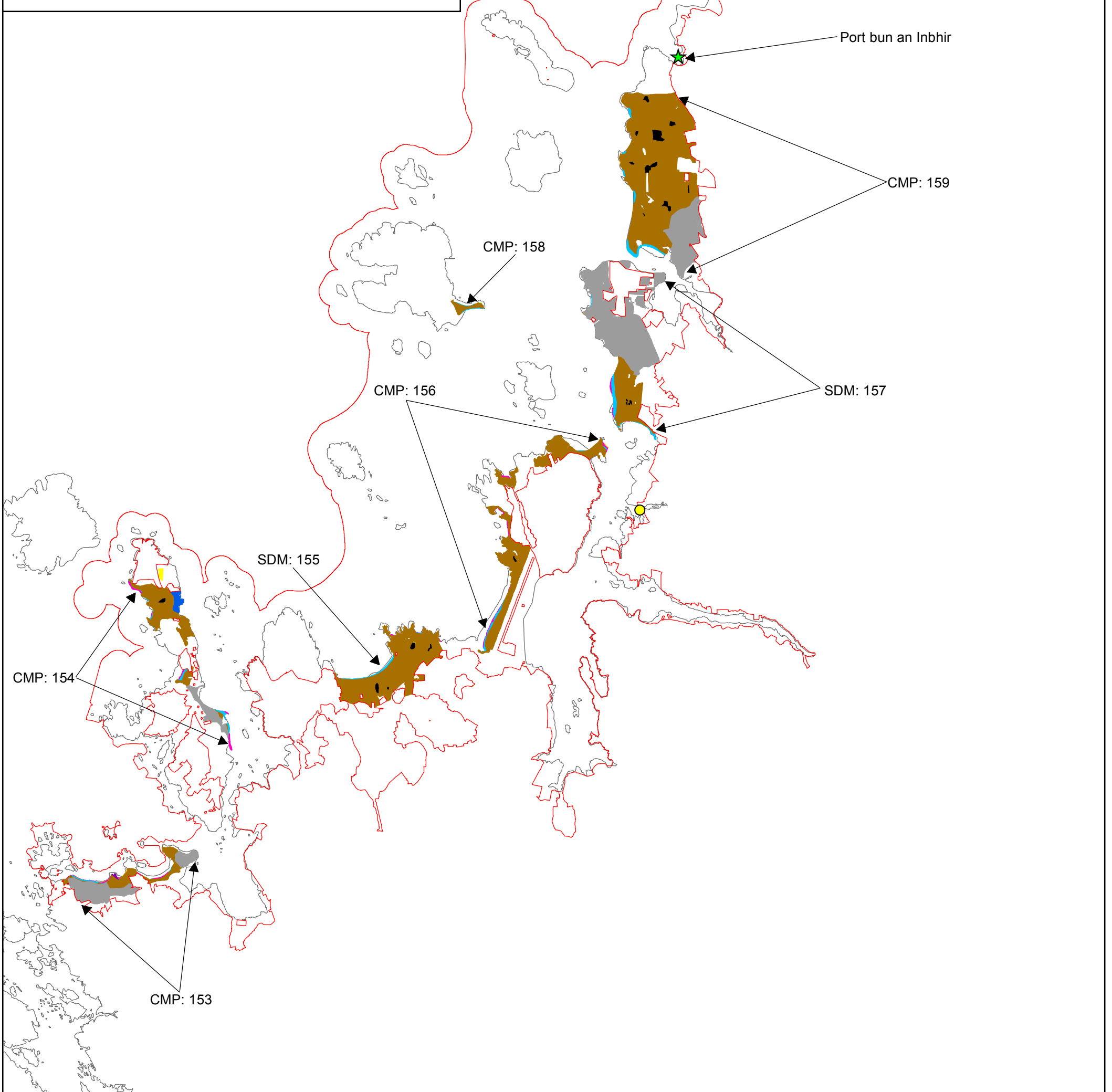
**Qualifying Interests**

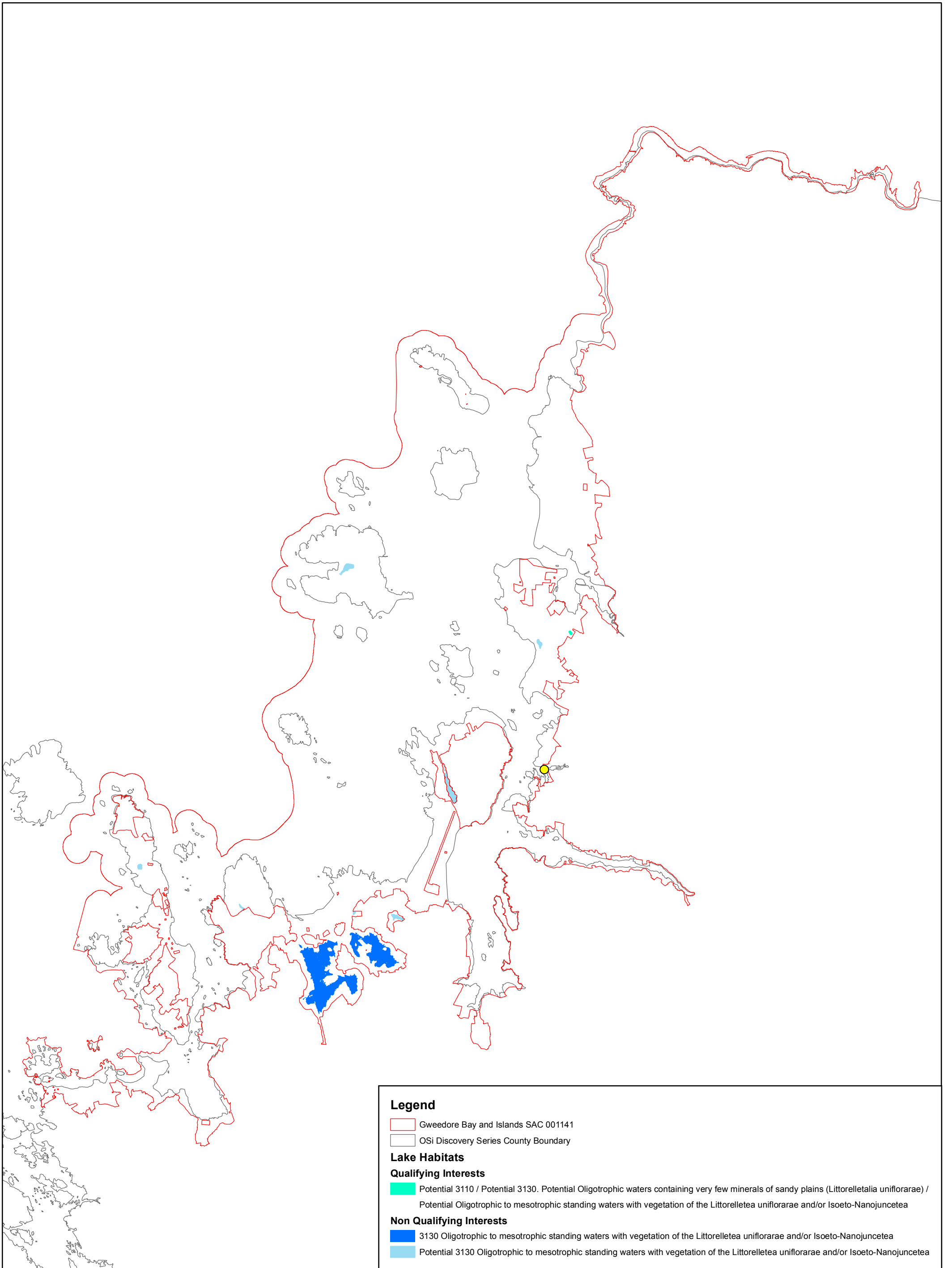
- 1220 Perennial vegetation of stony banks
- 2110 Embryonic shifting dunes
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes')
- 2130 \*Fixed coastal dunes with herbaceous vegetation ('grey dunes')
- 2140 \*Decalcified fixed dunes with *Empetrum nigrum*
- 2150 \*Atlantic decalcified fixed dunes (Calluno-Ulicetea)
- 2170 Dunes with *Salix repens* ssp. *argentea* (Salicion arenariae)
- 2190 Humid dune slacks
- 21A0 \*Machairs

**Non Qualifying Interests**

- 1210 Annual vegetation of drift lines

Coastline from Port ui Chuirean to Bunaninver





**Legend**

- Gweedore Bay and Islands SAC 001141
- OSi Discovery Series County Boundary

**Lake Habitats**

**Qualifying Interests**

- Potential 3110 / Potential 3130. Potential Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorarum*) / Potential Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletalia uniflorarum* and/or *Isoetes-Nanojuncetea*

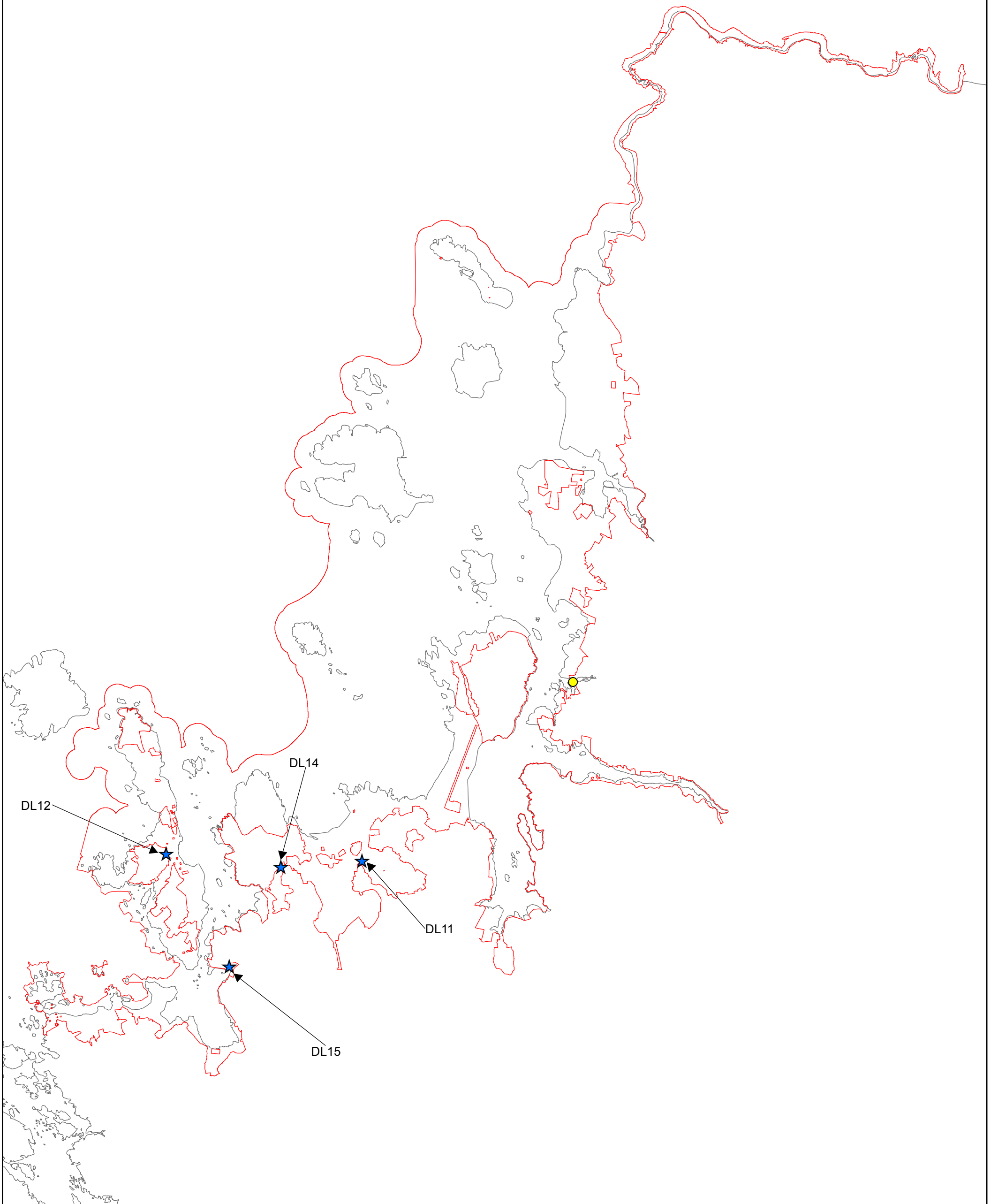
**Non Qualifying Interests**

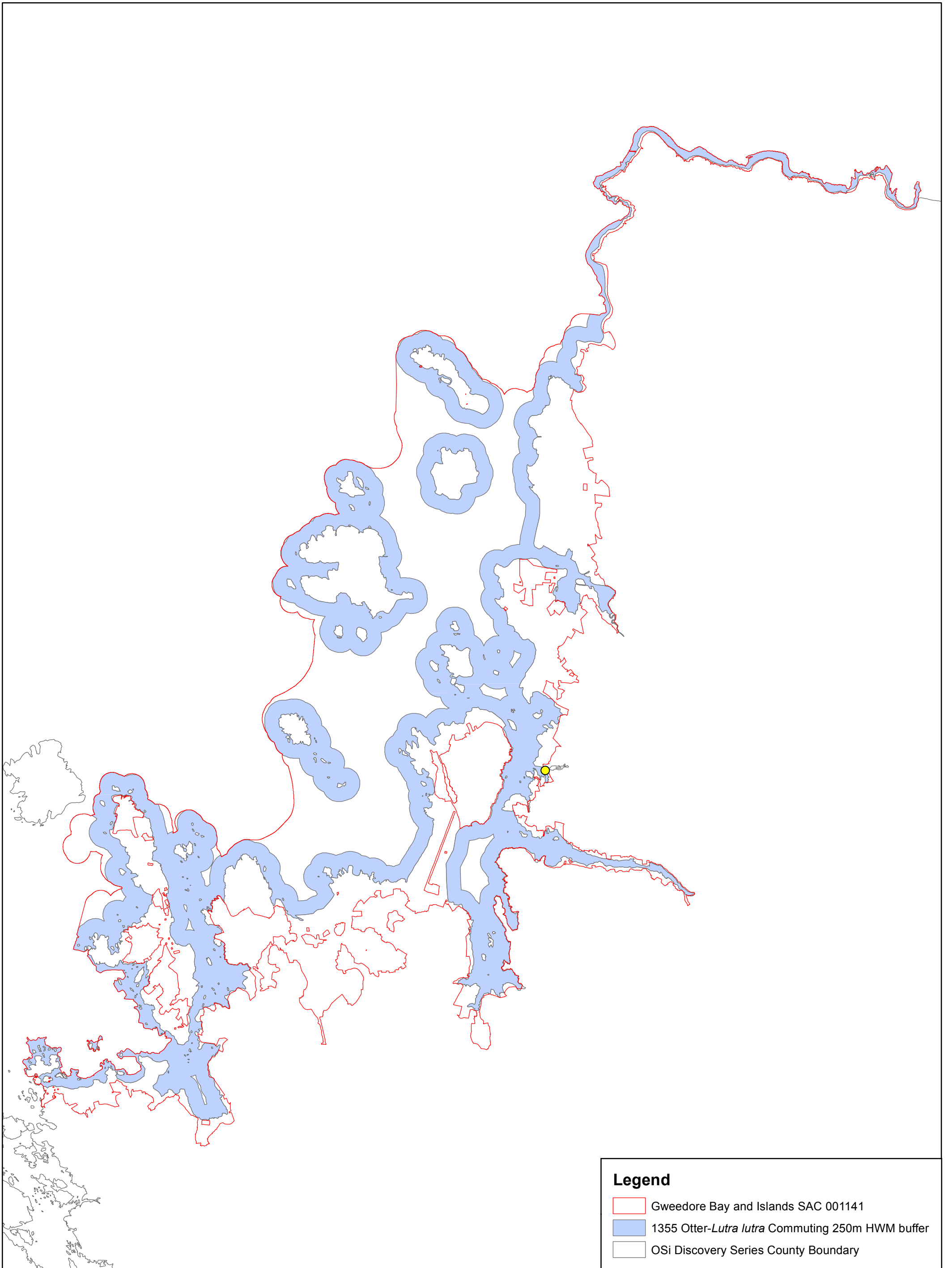
- 3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletalia uniflorarum* and/or *Isoetes-Nanojuncetea*
- Potential 3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletalia uniflorarum* and/or *Isoetes-Nanojuncetea*



**Legend**

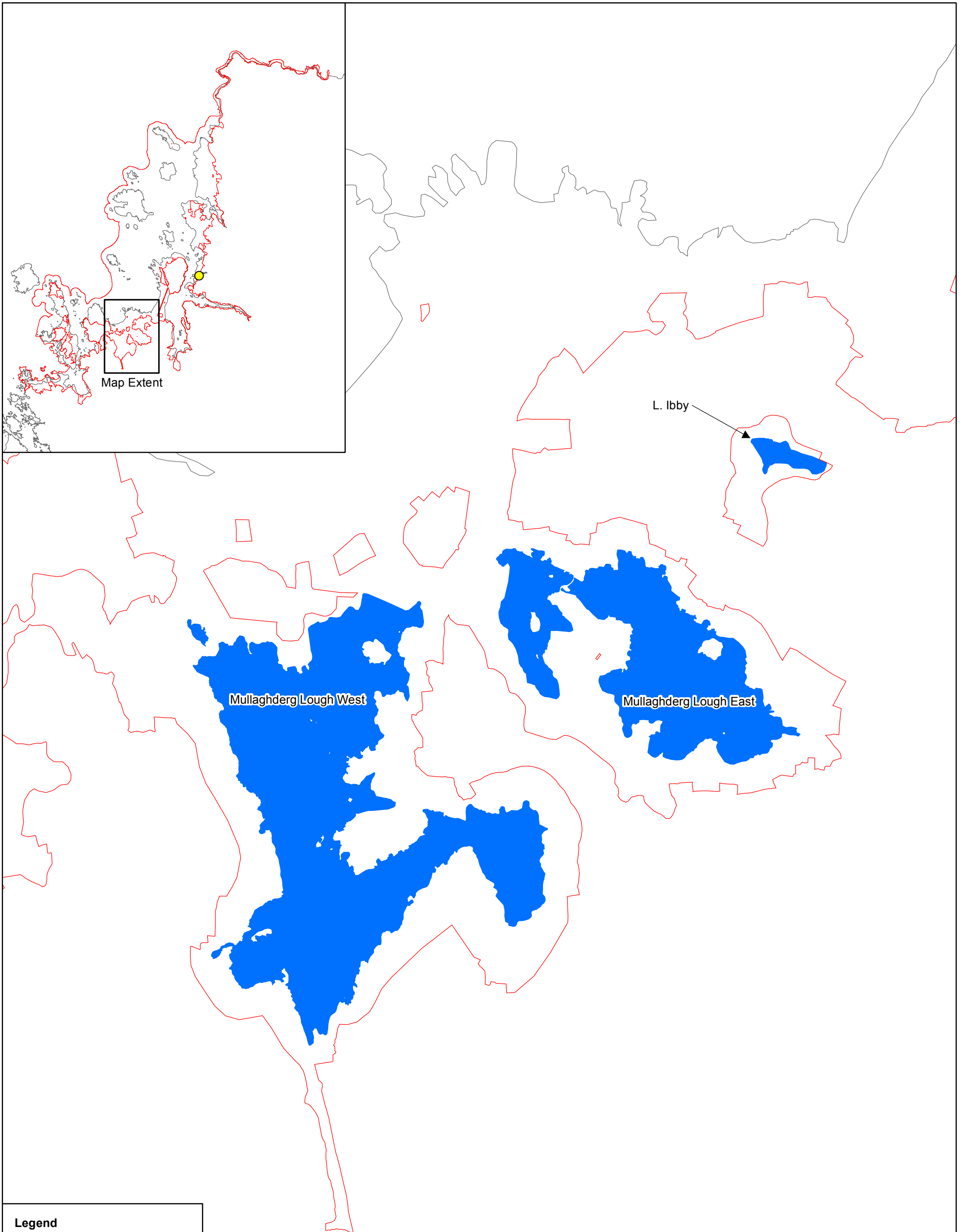
- Gweedore Bay and Islands SAC 001141
- ★ 5130 *Juniperus communis* formations on heaths or calcareous grasslands Survey Sites
- OSi Discovery Series County Boundary





**Legend**

- Gweedore Bay and Islands SAC 001141
- 1355 Otter-*Lutra lutra* Commuting 250m HWM buffer
- OSi Discovery Series County Boundary



Map Extent

L. Ibbey

Mullaghderg Lough West

Mullaghderg Lough East

- Legend**
- Gweedore Bay and Islands SAC 001141
  - 1833 Slender Naiad - *Najas flexilis*
  - OSi Discovery Series County Boundary

## Appendix C – Assessment of In-combination Effects



Plan/Project	Overview	Status (date)	Potential significant effects from plan/project	Potential in-combination effects
National				
Ireland 2040 - Our Plan, the National Planning Framework (and associated National Development Plan)	The National Planning Framework is the Government's high-level strategic plan for shaping the future growth and development of to the year 2040. It is a framework to guide public and private investment, to create and promote opportunities for people, and to protect and enhance the environment – from villages to cities, and everything around and in between.	Published (18/01/2019)	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs.	This Framework was subject to SEA and AA that incorporated robust mitigation measures to minimise effects. Until project-specific plans are drafted for new development, there is no scope for assessment of in-combination effects.
Grid 25	Grid25 is a high-level strategy outlining how EirGrid intends to undertake the development of the electricity transmission grid in the short, medium and longer terms, to support a long-term sustainable and reliable electricity supply.	Published (2011)	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs.	This Framework was subject to SEA and AA that incorporated robust mitigation measures to minimise effects. Until project-specific plans are drafted for new development, there is no scope for assessment of in-combination effects.
Energy Policy framework 2007-2020, Governments White Paper	This policy states that the Government is committed to delivering a significant growth in renewable energy as a contribution to fuel diversity in power generation with a 2020 target of 33% electricity consumption.	Published (2007)	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs.	This Framework was subject to SEA and AA that incorporated robust mitigation measures to minimise effects. Until project-specific plans are drafted for new development, there is no scope for assessment of in-combination effects.

Plan/Project	Overview	Status (date)	Potential significant effects from plan/project	Potential in-combination effects
Irish Water's Water Services Strategic Plan 2015 and associated  Proposed Capital Investment Plan 2020-2024	This Water Services Strategic Plan sets out strategic objectives for the delivery of water services over the next 25 years up to 2040. It details current and future challenges that affect the provision of water services and identifies the priorities to be tackled in the short and medium term.	Published (2015 and 2014)	Meeting additional potable water demands and wastewater treatment demands arising from the proposed increase in population has the potential to adversely affect, in the case of abstractions from and effluent discharges to surface waters, the ecological status of surface waters and, in the case of groundwater abstractions, the quantitative status of groundwaters.	This Framework was subject to SEA and AA that incorporated robust mitigation measures to minimise effects. Until project-specific plans are drafted for new development, there is no scope for assessment of in-combination effects.
Regional				
Regional Spatial and Economic Strategy (RSES) 2020-2032	The RSES provides a long-term regional level strategic planning and economic framework in support of the implementation of the National Planning Framework.	Published (2020)	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs.	This strategy was subject to SEA and AA that incorporated robust mitigation measures to minimise effects. Until project-specific plans are drafted for new development, there is no scope for assessment of in-combination effects.
County/Local				
Donegal County Development Plan 2018-2024	Overall strategies for the proper planning and sustainable development of the administrative area of Donegal County Council.	Published (2018)	Potential in-combination effect may arise where there is a requirement to provide for new infrastructure or where new development occurs.	Appropriate assessment of the Draft County Donegal Development Plan 2018–2024 concluded a finding of no significant effects following the completion of Stage 2 of the process in relation to the proposed material alterations (DCC, 2018).

Plan/Project	Overview	Status (date)	Potential significant effects from plan/project	Potential in-combination effects
Foreshore Licence Applications				
There are no recently granted plans or projects requiring EIA within the vicinity of the Foreshore license area.				
EIA Portal				
There are no recently granted plans or projects requiring EIA within the vicinity of the Foreshore license area.				

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