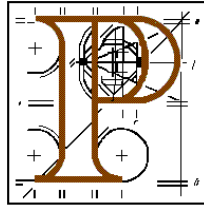


An Bord Pleanála



Addendum to Inspector's Report for Stage I Screening for Appropriate Assessment

PL05E. 246410

DEVELOPMENT: Retain agricultural structures

ADDRESS: Ballylin, Ramelton, Co. Donegal

The European sites that could potentially be affected using the source-pathway-receptor model.

The sites that could potentially be affected using the source-pathway-receptor model are the Special Protection Area at Lough Swilly, site code 004075, and the Special Area of Conservation at Lough Swelling, site code 002287. The boundaries of both sites are similar, and at the nearest point are c630m from the development whose retention is proposed. The source for a potential effect on either designated site would arise from the foul effluent that would occur within the development arising from the presence of cattle there, and to a lesser extent silage. The pathway would be via ground and surface water drainage that runs from the development towards the designated sites or the spreading of slurry from the development in the vicinity of the sites. The receptor would be the waters within the designated sites and the habitats and species that depend on them

There would be no potential for other European sites to be affected due to their separation distance from the development and the absence of effective pathways between them and the development.

The conservation objectives for the sites

The conservation objectives for the SPA are to maintain the favourable conservation condition in the SPA of the following species of bird:

- A005 Great Crested Grebe *Podiceps cristatus* wintering
- A028 Grey Heron *Ardea cinerea* wintering
- A038 Whooper Swan *Cygnus cygnus* wintering
- A043 Greylag Goose *Anser anser* wintering
- A048 Shelduck *Tadorna tadorna* wintering
- A050 Wigeon *Anas penelope* wintering
- A052 Teal *Anas crecca* wintering
- A053 Mallard *Anas platyrhynchos* wintering
- A056 Shoveler *Anas clypeata* wintering
- A062 Scaup *Aythya marila* wintering
- A067 Goldeneye *Bucephala clangula* wintering
- A069 Red-breasted Merganser *Mergus serrator* wintering
- A125 Coot *Fulica atra* wintering
- A130 Oystercatcher *Haematopus ostralegus* wintering
- A143 Knot *Calidris canutus* wintering
- A149 Dunlin *Calidris alpina* wintering
- A160 Curlew *Numenius arquata* wintering
- A162 Redshank *Tringa totanus* wintering
- A164 Greenshank *Tringa nebularia* wintering
- A179 Black-headed Gull *Chroicocephalus ridibundus* breeding
- A182 Common Gull *Larus canus* wintering
- A191 Sandwich Tern *Sterna sandvicensis* breeding
- A193 Common Tern *Sterna hirundo* breeding
- A395 Greenland White-fronted goose *Anser albifrons flavirostris* wintering

and to maintain the favourable conservation condition of the wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that use it.

The conservation objectives for the SAC are to maintain the favourable conservation condition of the following habitats:

1130 Estuaries

and to restore the favourable conservation condition of the following habitat:

1150 Coastal Lagoons (a priority habitat)

1130 Atlantic Salt Meadows

91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

and to restore the favourable conservation condition of the following species:

1355 – Otter *Lutra Lutra*

The part of the SAC close to the development contains the habitat 1130 Estuaries with a marine community type of Intertidal Mixed sediment with polychaetes.

The (a) likely and (b) significant effects (direct or indirect) of the project alone on the European site(s) solely within the context of the site's conservation objectives in light of best scientific knowledge in the field.

The development is over 600m from the European sites. It could not physically impinge upon the habitats or species cited in the conservation objectives for the sites and so it would not have any direct effect on the sites whether through the fragmentation of habitats, disturbance of species or the loss of either.

The development is over 600m from the European sites. It is not directly connected to them by a watercourse or surface water feature. Runoff from the site would have to percolate through soil before it drained towards the European sites. Therefore such runoff from the site, considered in isolation, would not be likely to have a significant effect on the quality of waters within the European sites.

The slurry stored in the development would have to be disposed of by landspreading. If such spreading occurred in the immediate vicinity of the European sites it would have a significant effect on the quality of waters within them and hence on the achievement of their conservation objectives, in particular the objective of the SPA to maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that use it, and that of the SAC to maintain the favourable conservation condition of Estuaries.

Step 4 - Identify the (a) likely and (b) significant effects (direct or indirect) of the project in combination of other plans and projects on the European site(s) solely within the context of the site's conservation objectives in light of best scientific knowledge in the field

As no direct effects on the European sites could arise from the development, they could not be likely or significant even in combination with any plans and projects.

Runoff from the site could have a likely significant effect on the quality of waters within the European sites, and thus on the achievement of their conservation objectives, in combination with other projects if such projects were other agricultural developments that caused runoff that gave rise to pollution of groundwater and hence surface water bodies that drained to Lough Swilly. The potential indirect effect from landspreading of slurry in the immediate vicinity of the lough would be of greater likelihood and significance if similar landspreading from other slatted sheds occurred there.

Evaluation of the potential effects identified above using the source-pathway-receptor model.

The widespread runoff of effluent containing slurry from landspreading or poorly designed slatted shed and silage pits in the area via groundwater and surface waters to the loughs could have a negative impact on the conservation status of the wetland and estuary habitats in the lough near the site which would impede the achievement of the conservation objectives of both the SPA and SAC.

Determination as to whether or not likely significant effects, either individually or in combination with other plans or projects, on the European site(s) can be reasonably ruled out on the basis of objective scientific information.

The construction and operation of agricultural developments such as that whose retention is proposed in this application is governed by a specific legal code to prevent it having negative effects on the quality of waters which is set out in European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (SI no. 31 of 2014). Part 2 of these regulations impose requirements on the physical form of farmyards and the structures thereon in relation to the minimization and collection of soiled water and the storage of manure and effluent. The development complies with these requirements. This compliance is sufficient to avoid any effect arising from the runoff of drainage from the development

and the farmyard of which it is a part that could, in combination with the runoff from other agricultural development, be a likely significant effect on a European site in view of that site's conservation objectives.

Part 4 of the regulations controls the application of organic fertilizer and spreading of soiled water on land, including limits as to the amount and period of such landspreading and its separation distance from waterbodies. Compliance with these regulations would be sufficient to render the potential indirect effect on the European sites from the spreading of slurry from the development, either individually or in combination with other plans and projects, not likely and not significant. Therefore, absent widespread and persistent illegality in the operation of the development and the agricultural enterprises in the vicinity, the development would not be likely to have any significant effect on the SAC or the SPA at Lough Swilly.

Having regard to the foregoing it is reasonable to conclude on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed retention of the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the European sites at Lough Swilly Nos. 004075 or 002287 or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

Stephen J. O'Sullivan
9th August 2016