



An
Coimisiún
Pleanála

Inspector's Report ACP-323898-25

Development	Development works at Port Pier
Location	Port Pier, Inver, Co. Donegal
Local Authority	Donegal County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Department of Housing, Local Government and Heritage (DAU) Inland Fisheries Ireland (IFI) Marine Area Regulatory Authority (MARA) Commissioners of Irish Lights
Observer(s)	None
Date of Site Inspection	1 st April 2026
Inspector	Liam Bowe

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

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1. Introduction

Donegal County Council is seeking approval from An Coimisiún Pleanála to undertake development works at Port Pier located at Inver Bay, Co. Donegal adjacent to three designated European sites (Donegal Bay SPA, St. John's Point SAC and Donegal Bay (Murvagh) SAC). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on these European sites.

Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

2. Proposed Development

The proposed development involves the upgrade of an existing pier at Port Pier, Inver Bay, Co. Donegal and includes the following:

- Construction of a two new sheet pile pier sections encased in a concrete façade (44.5m x 10.1m to the south and 49.3m x 10.1m in an easterly direction).
- The area enclosed by the new pier will be dredged to a depth of -0.9m CD.
- Prior to dredging, a sheet pile retaining wall will be installed in front of the existing slipway to prevent it from being undermined.
- An additional area of approximately 1121m² behind the existing pier will be reclaimed using predominantly the dredged material.

The application included the following accompanying documents:

- Cover letter and description of the proposed works
- Planning drawings, relevant particulars and public notices
- Planning Report
- Outline Construction Method Statement
- AA Screening and Natura Impact Statement
- Underwater Archaeological Impact Assessment
- Environmental Impact Assessment Screening Report
- Additional supporting information
- Prescribed Bodies to which the application was sent.

3. Site and Location

The proposed project location comprises an area immediately to the south of an existing pier, known as Port Pier, located on the northwestern shoreline of Inver Bay in southwest Donegal, between the towns of Killybegs and Donegal Town. The existing pier provides access to Inver Bay for fishing and leisure vessels. The approaches to the pier are shallow and siltation adjacent to the existing pier restrict both access and berthing at the pier.

The subject site is located in proximity and hydrologically linked to a number of Natura 2000 sites, namely Donegal Bay (Murvagh) SAC, Donegal Bay SPA and St. Johns Point SAC. There are no protected structures on or near the proposed site. However, there are ruins of a former whaling station/ salt works on the western end of the proposed site as well as associated stone alignments. Although these structures are of archaeological interest, they are not monuments protected on the Record of Monuments and Places nor are they listed on the Sites and Monuments Record.

There is also a terrace of 5 no. three storey holiday homes c.30m to the northwest of the proposed site.

4. Planning History

There is no planning history associated with the site.

MARA application **MUL240012**:

Uisce Éireann (UÉ) propose to gather information on water currents, bathymetry and ancillary data on temperature, conductivity and salinity within Donegal Bay, Sligo Bay and their adjoining waters. This data is required by UÉ in order for them to carry out numerical modelling for the purposes of informing future design and installation of wastewater treatment and to examine the impact that wastewater causes on water quality and designated shellfish waters in the surrounding areas.

5. Legislative and Policy Context

5.1 Relevant legislative provisions

The EU Habitats Directive (92/43/EEC): This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

European Communities (Birds and Natural Habitats) Regulations 2011: These Regulations consolidate 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 judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a ‘first’ public authority for the same project (under a separate code of legislation) then a ‘second’ public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

National nature conservation designations: The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation

(SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- St. John's Point SAC (0001919)
- Donegal Bay SPA (004151)
- Durnesh Lough SPA (004145)
- Durnesh Lough SAC (000138)
- Donegal Bay (Murvagh) SAC (000133)

Planning and Development Acts 2000 (as amended)

Part XAB sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Commission shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.

- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

5.2 Policy and Guidelines of Relevance

The following policy and guidelines are considered relevant to the proposed development:

National Planning Framework – Project Ireland 2040

The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework are to ensure the promotion of compact urban development, sustainable mobility and transition to a low carbon and climate resilient society. Embedded in these objectives is the promotion of the maritime economy and acknowledgement that the seafood sector plays a critical part in the sustainable development of the economic and social fabric of specific regions and the many small rural communities it serves.

National Policy Objective 39 seeks to support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands.

National Marine Planning Framework 2021 (NMPF)

The NMPF contains the objectives, policies and supporting actions the Government considers necessary to support the effective management of marine activities and more sustainable use of our marine resources.

Some relevant Objectives and Policies in relation to Ports include:

- Safeguard the operation of ports as key actors in the economic wellbeing of the State through the provision of safe and sustainable maritime transport.
- Facilitate a competitive and effective market for maritime transport services.
- Sustainable development of the ports sector and full realisation of the National Ports Policy with a view to providing adequate capacity to meet present and future demand, and to adapt to the consequences of climate change.

Ports, Harbours and Shipping Policy 3:

Proposals that may have a significant impact upon current activity and future opportunity for expansion of port and harbour activities must demonstrate consideration of the National Ports Policy, the National Planning Framework, and relevant provisions related to the TEN-T network.

Climate Action Plan 2024 and 2025

This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. The document sets out Ireland's plan to achieve a 51% reduction in greenhouse gas emissions by 2030 and being carbon neutral by 2050.

National Biodiversity Action Plan (NBAP) 2023-2030

Ireland's 4th NBAP builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiative

Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032 (RSES)

The RSES sets out a strategy to implement the NPF in the Northern and Western Region and provides a high-level development framework for the region that supports the implementation of the NPF and the relevant economic policies and objectives of the Government.

The following regional policy objective is considered to be of relevance to the proposal:

RPO 4.35 - To support the ongoing upgrade and improvement of the region's harbours and ports and ensure the sustainable development of this infrastructure to enable aquaculture and seafood industry expansion responsively.

Donegal County Development Plan 2024-2030

The contribution of fishing, seafood and related marine industries in Donegal remains strong despite challenges presented by quota restrictions and the loss of valuable fishing quota in UK waters due to Brexit.

Collectively the seafood sector in Donegal provided 1,938 and 4,327 jobs in direct and downstream seafood employment respectively in 2021, and seafood industries provide 16% of coastal employment in Donegal marine related industries.

Donegal has an extensive network of marine access infrastructure including approximately 100 harbours, piers, and slipways, as well as pontoons and visitor moorings, which provide vital marine access infrastructure for coastal fishing, angling, aquaculture, marine tourism and leisure sectors.

The Council recognises the need to maintain and, where appropriate, enhance Donegal's marine access infrastructure in order to sustain the fishing, angling, marine tourism and leisure sectors. In this regard the Council will:

- Upgrade marine access infrastructure at key piers and harbours subject to an identified need and resource availability.
- Provide ancillary infrastructure (e.g. parking, vehicular and pedestrian access, safety barriers and public toilets) at other piers and harbours subject to demand and financial resources.

Objective MRCM-O-1: To sustain and enhance the economic, social and cultural, and tourism vitality of Donegal's marine sector, coastal communities and islands communities.

Objective MRCM-O-2: To safeguard and enhance the health of Donegal's marine and coastal ecosystems and sustainably manage our coastal environment.

Policy MRCM-P-7: a. To facilitate the development of new, and the upgrading of existing, small scale marine and inland waters access infrastructure including piers, harbours, berthing/pontoon facilities, slipways for fishing, angling, marine tourism and leisure purposes, subject to an identified need.

Policy MRCM-P-10: To ensure that new marine and coastal developments do not give rise to significant coastal change, nor have a significant adverse impact on:

- The visual and scenic amenities of the coastline/seascape and the marine environment in accordance with the natural heritage policies of this plan.
- Sensitive physical coastal environments (e.g. beaches, sand dunes and other soft shorelines) and take appropriate measures to protect same where necessary.
- Coastal Geomorphological processes and systems (e.g. longshore drift, tidal currents, sediment budgets).

Where potential impacts are identified, appropriate evidence-based assessments shall be provided to demonstrate compliance with this policy.

6. Consultations

6.1 Consultees Circulated

The application was circulated to the following bodies:

- Department of Agriculture, Food and the Marine (DAFM)
- Department of Housing, Local Government and Heritage (DAU)
- Maritime Area Regulatory Authority (MARA)
- Marine Institute
- Inland Fisheries Ireland (IFI)
- National Parks and Wildlife Service (NPWS)
- An Taisce
- Bord Iascaigh Mhara
- Commissioner of Irish Lights
- Irish Coast Guard

6.2 Responses Received from Consultees

Responses were received from the following bodies:

DAU:

- There is a potential that previously unrecorded industrial infrastructure and associated artefacts may be encountered during proposed dredging works.
- There is also the potential for wreck sites to be uncovered due to the nature of the maritime industry and local hazards near Port.
- Recommends a further UAIA that includes the results of a survey of the pier, potential earlier pier, salt works buildings and associated features and archaeological testing targeted at the stone alignment located on the foreshore.
- Also recommends that all dredging operations and excavation works should be subject to licensed archaeological monitoring by an underwater archaeologist and that the whaling station/salt works buildings are protected during construction works.
- An extensive suite of conditions is recommended in relation to archaeology and cultural heritage.

MARA:

- States that the requirement for a MAC does not apply pursuant to Schedule 3 and 4 of the Maritime Area Planning Act 2021 (as amended) and given that the area is subject to an existing Foreshore Licence, FS006157.

IFI:

- Highlight that the application site is within 1.4km of Eany Water Estuary and that the Eany Water Catchment is considered an important ecosystem within the Ballyshannon fisheries district for Atlantic salmon, brown trout and European eel.
- The overall ecological status of Inver Bay and Early Water Estuary have been determined as "High", whilst Early Water_020 has been categorised as "Good".
- State that pile driving can impact upon salmon hearing and behaviour and impede migration. Consequently, request that piling only take place between 1st January and 31st March.

- Request that a number of other recommendations and guidance documents are followed and adhered to throughout the entirety of the development works such as a bio-security protocol, a final approved CEMP, and works undertaken in accordance with 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' (IFI, 2016).

Commissioner of Irish Lights:

- Recommends that the Local Lighthouse Authority (LLA), which in this case is Donegal County Council, should conduct a review of Aids to Navigation (AtoN) required for the new development.
- The Local Lighthouse Authority must obtain a Statutory Consent from the Commissioners of Irish Lights for any proposed new Aids to Navigation in relation to the new pier construction or temporary AtoN to facilitate construction.
- Any AA (or AA Screening) should consider the potential impact of the deployment of temporary surface marking buoys used to delineate construction works.

The Commission should note that MARA made a second submission during a second public consultation period. MARA had no further comments to make.

No other submissions were received during the second public consultation period.

6.3 Public Submissions

None.

6.4 Response of Applicant to Submissions

Ayesa Engineering consultants, on behalf of Donegal County Council, submitted a response to the submissions on 17th July 2026. The response was set out addressing any issues raised by each of the prescribed bodies:

DAU – Confirm that any recommended archaeological conditions proposed by the Department and agreed upon by the Commission shall be implemented post the planning decision.

IFI – Notes the recommendations and guidance proposed by Inland Fisheries Ireland.

Commissioner of Irish Lights – Notes the recommendations and guidance proposed and confirm that statutory consents for the proposed Aids to Navigation in relation to the new pier will be completed post the planning decision.

MARA – Note that a requirement for a MAC does not apply to the proposed development.

7. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8. Assessment

The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment.
- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

8.1 The likely effects on the environment

The application is accompanied by an Environmental Impact Assessment Preliminary Examination Report (Jessica Devlin, May 2024) which considered whether or not there is a real likelihood of significant effects on the environment arising from the proposed extension of Port Pier.

As outlined in section 7 above, the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.

I propose to address issues arising from impacts on biodiversity, water, cultural heritage and the local population here and matters relating to appropriate assessment are discussed further below in section 8.3 of this report.

- Biodiversity
- Water
- Cultural Heritage
- Population and Human Health

Biodiversity

The submitted Natura Impact Statement (NIS) identifies the results of a number of studies and surveys carried out to inform the baseline environment and details of consultation with the NPWS, IFI, IWDG and the Marine Institute, with a site visit and walkover surveys carried out on 25th April 2023. The Commission should note that AA is carried out separately below in section 8.3 of this report. The site was also assessed for the likelihood of the presence of Annex IV species at and near the project location

The subject site is in the townland of Port, Inver, Co. Donegal, off the L-1565-2 local road, just off the main N56 national road between Donegal Town and Killybegs, on the northern side of Inver Bay. Most of the proposed works are located within the waterbody adjacent to the existing pier. Works include the addition of two sections: 44.5m x 10.1m to the south and 49.9m x 10.1m in an easterly direction. An additional area of approximately 1121m² behind the existing pier will be reclaimed using predominantly dredged material.

Any works within the site and water body have the potential to adversely impact on habitats and species, with likely significant effects arising in terms of noise, vibration, lighting and the presence of humans and vehicles during the construction phase. Degradation of habitat due to hydrological impacts, noise and vibration could result in displacement of bird species from feeding areas, migration routes, or direct

mortality in the case of a pollution incident or collision, ultimately causing a reduction in species density.

Other mammals that are most likely to be present and may be impacted by the works are Otter, Bats and cetaceans (whales and dolphins). The Annex IV Risk Assessment states that there is low potential suitability for roosting habitats in small stone barn and 1 sycamore tree approximately 50m from construction works. However, there were no signs of Bats noted at the time of the site walkover.

In terms of marine mammals, the Assessment of Risk to Marine Mammals identified underwater noise as a result of pile driving and dredging as possible impacts on cetaceans and pinnipeds. The report states that Otter has been recorded within Inver Bay (but not in recent years) as well as Basking Shark, Bottlenose Dolphin, Harbour Porpoise, Common Dolphin and Minke Whale in the waters around Inver Bay, McSwynes Bay, St. Johns Point and Donegal Bay (within the past 10 years). It further states that Harbour seals use a haul out site on the southern side of St. John's point, and that Grey seals also have a haul out site on the southern side of St. John's point though lower numbers were recorded.

Notably, there are no records of marine mammal sightings in the immediate vicinity of the project, with the closest sighting being 2km from the project location.

I also note that biosecurity measures to avoiding the introduction or spreading of non-native invasive species and pathogens will be integrated into the daily operating procedures on site.

The extension to the pier is not likely to generate additional users and effects from the operational phase are not anticipated as it is a small rural pier of low intensity activity in terms of fishers and amenity use.

Biodiversity Conclusion

Having regard to the foregoing and noting the mitigation measures contained in Chapter 7 of the NIS, I am satisfied that the proposed development would not have any significant adverse impacts on ecology or biodiversity, subject to the implementation of the mitigation measures and compliance with the recommended conditions.

Water

Having regard to the water bodies, the Commission should note that Inver Bay is a substantial body of water directly connected to the Atlantic Ocean, there is a large tidal influx of seawater from the Atlantic into the Bay, with access to the pier restricted at low tide. For the reporting period 2018 -2022 Coastal water quality status is unpolluted, as is the Eany Water Estuary. WFD status for Inver Bay is 'High' and The Eany River (Eany _020) is classified as 'Good'.

In light of the above, surface water run-off, accidental spillages or the introduction of alien species could also have an impact during the construction phase affecting water quality. All of the works adjacent to and within the adjacent waterbody have the potential to give rise to significant effects on the water quality.

I note that a dredge pocket will be created using an excavator (please refer to Proposed Site Layout Drawing No.CM1379-MA-DR-01100 Rev:P03). The dredging operation will either be conducted in the dry during low water, or a barge will be required to support the excavator when the site is inundated with water.

Mitigation measures with regard to invasive alien plant species are detailed in Section 7 of the NIS. These include:

- Washing down plant or machinery to be used in the intertidal at a designated offsite location prior to mobilising.
- Inspecting all boats, equipment and footwear or attached plant or animal material before entering or leaving.
- Cleaning and disinfecting all equipment, boats and footwear at the water's edge or as soon as possible before/ after entering/ leaving.
- Establishing a biosecurity protocol for the operation of Port Pier.

I am satisfied that these biosecurity measures aimed at avoiding the introduction or spread of non-native invasive species and pathogens will be effective.

Water Conclusion

In terms of the potential impacts of the development on water, I note that best practices will be employed to ensure that any possible discharges of suspended

solids are minimised and that effective biosecurity measures are proposed to prevent the introduction of invasive alien species to the project site.

Cultural Heritage

Donegal County Council submitted an Underwater Archaeological Impact Assessment (UAIA) prepared by Mizen Archaeology (April 2025) with their planning application. The UAIA highlights that a pier was built using public grant funding in 1755 to support the whaling industry at Port. Following this, Port had switched from the whaling industry to the salt industry between 1771 and 1776.

The 6-inch First Edition Ordnance Survey (1836) map of the area shows structures adjacent to the subject site titled 'Old Salt Works'. The UAIA walkover survey notes the remains of the whaling station, situated immediately adjacent to the works area, comprise two primary buildings along with several short sections of surviving wall.

There are no recorded or national monuments located on or in the immediate vicinity of the subject site. The nearest sites on the RMP are c.1km to the west (a church and graveyard). There are no NIAH sites or protected structures.

The UAIA identifies three shipwrecks reported in unspecified locations in Inver Bay (wreck no.'s W07130, W16983 and W17040).

I note and draw the Commission's attention to the extensive comments of the DAU in their submission in relation to underwater archaeology. The DAU highlight that there is a potential that previously unrecorded wreck sites, industrial infrastructure and associated artefacts may be encountered during proposed dredging works. Hence, the DAU recommends that all dredging operations and excavation works should be subject to licensed archaeological monitoring by an underwater archaeologist and that the whaling station/salt works buildings are protected during construction works.

As part of an extensive suite of recommended conditions in relation to archaeology and cultural heritage, the DAU recommends that a further UAIA that includes the results of a survey of the pier, potential earlier pier, salt works buildings and associated features and that archaeological testing should be targeted at the stone alignment located on the foreshore.

Donegal County Council, in their response to the submission, state that any recommended archaeological conditions proposed by the Department and agreed

upon by the Commission will be implemented post the planning decision but that the timing of execution of any further archaeological testing and advancing of investigations will be subject to project funding.

Cultural Heritage Conclusion

Overall, I am satisfied that the proposed extension to Port Pier would be consistent with national, regional and local policy as they relate to the protection of cultural heritage, to supporting the strong fishing culture and heritage in the area, and to the proper planning and sustainable development of the area. Having regard to the scale and nature of the project, I am satisfied that the proposal would not adversely affect cultural heritage in the surrounding area to any significant extent, subject to mitigation measures outlined in the UAIA being carried out and suitable conditions attached as recommended by the DAU.

Population and Human Health

In terms of potential impacts on population, the subject site is located within a rural area with an established use at the pier. The geographical extent of the site is limited, and the proposed works seek to extend the pier and provide improved facilities for users. I note that the proposed development will not give rise to any significant new development which might impact negatively on the existing settlement patterns of the area, other than the potential for minor increased use of the facility.

During the construction phase of the development, there is likely to be some impacts on local residents in terms of construction traffic, noise and dust, and access with its use as a construction compound for a duration of 6 months. However, I note that no full road closures are proposed, that these impacts will be short term in duration and mitigation measures, including best construction practices, will be implemented.

I also note and accept that the extension to the pier has been designed in a manner that integrates as best as possible with the existing pier and, consequently, will have a minor or no impact on visual receptors and amenities.

In terms of the operational phase of the development, it is not considered that the works will impact on the population. An increase in vessel sizes using the pier may accrue over time and this has the potential to have a long-term, moderate positive economic effect to the local seafood industry in the area. The works will improve the

accessibility to the water which will have a long-term positive effect on fishers and amenities.

In this respect and as I have articulated above, I do not consider that significant negative impacts accrue in terms of residential or visual amenity, traffic and noise/dust. Consequently, I do not see any impediment for the proposed extension to proceed.

Population and Human Health Conclusion

Overall, I am satisfied that the proposed development would not adversely affect residential amenities to any significant extent as a result of visual intrusion, traffic or general disturbance (including noise, vibration or dust emissions). The proposal supports strong fishing culture and heritage in the area with positive impacts arising in terms of improved access and safety for users of the pier.

8.2 The likely consequences for the proper planning and sustainable development of the area

The current pier facility at Port Inver needs to be updated to meet the functional, safety, and environmental standards required to effectively support the local fishing industry. This extension is vital to ensuring that the pier remains a viable, long-term resource for the community and local fishermen, accommodating modern needs and environmental challenges.

It is a stated objective in the National Planning Framework – Project Ireland 2040 to support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands - NPO 39 refers. It is also a stated objective in the current Regional Spatial and Economic Strategy for the Northern and Western Region to support the ongoing upgrade and improvement of the region's harbours and ports and ensure the sustainable development of this infrastructure to enable aquaculture and seafood industry expansion responsively - RPO 4.35 refers.

The Donegal County Development Plan 2024-2030 includes a policy objective, namely **MRCM-O-1**: that seeks to sustain and enhance the economic, social and

cultural, and tourism vitality of Donegal's marine sector, coastal communities and islands communities. In particular, it is policy (**Policy MRCM-P-7: a**) to facilitate the development of new, and the upgrading of existing, small-scale marine and inland waters access infrastructure including piers, harbours, berthing/pontoon facilities, slipways for fishing, angling, marine tourism and leisure purposes, subject to an identified need.

Conclusion

The proposed extension to Port Pier would be consistent with strategic policy objectives to support the sustainable growth and development of the maritime economy and to support the ongoing upgrade and improvement of the region's harbours. I consider that, subject to appropriate mitigation, the proposed development will not give rise to significant adverse impacts on cultural heritage, the general biodiversity of the area or on the wider population and will not detract from the amenities of the area.

I am therefore satisfied that the proposed improvement works to the existing pier at this location would be consistent with national, regional and local policy and the proper planning and sustainable development of the area.

8.3 The likely significant effects on a European site

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

8.3.1 Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires 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. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

8.3.2 The Natura Impact Statement

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial photography and maps.
- An ecological survey of the proposal site and surroundings including a walkover survey, sediment sampling and bat survey.
- Consultations with the National Parks and Wildlife Service data.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not pose a risk of adversely affecting (either directly or indirectly, alone or in combination with other plans or projects) the integrity of Donegal Bay SPA, Donegal Bay (Murvagh) SAC, St. John's Point SAC or other Natura 2000 sites.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

8.3.3 Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided in the AA Screening Report, I conclude that the proposed development is likely to have a significant effect 'alone' on the Donegal Bay SPA from effects associated with displacement from foraging habitat, deterioration of water quality, noise disturbance, and the introduction of invasive species. An appropriate assessment is required on the basis of the effects of the project 'alone'.

I further conclude that the proposed development is likely to have a significant effect on the Donegal Bay (Murvagh) SAC, St. John's Point SAC and marine mammals/ Atlantic salmon protected within the wider Natura 2000 network 'alone' in respect of effects associated with deterioration of water quality and noise disturbance.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

(See Appendix 3)

8.3.4 Stage II Appropriate Assessment

The development of an extension to Port Pier has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project based on the scientific information presented in the NIS, it was concluded that significant effects could arise for Donegal Bay SPA, Donegal Bay (Murvagh) SAC, St. John's Point SAC and marine mammals/ Atlantic salmon protected within the wider Natura 2000 network. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European Sites of the Donegal Bay SPA, Donegal Bay (Murvagh) SAC, St. John's Point SAC and marine mammals/ Atlantic salmon protected within the wider Natura 2000 network, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Donegal Bay SPA, Donegal Bay (Murvagh) SAC, St. John's Point SAC, Kilkieran Bay and Islands SAC, Galway Bay Complex SAC, Clew Bay Complex SAC, West Connacht Coast SAC, Inishmore Island SAC, Duvillaun Islands SAC, Lower River Shannon SAC, Slyne Head Peninsula SAC, Slyne Head Islands SAC, Lough Eske and Ardnamona Wood SAC and West of Ardara/ Maas Road SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The development of an extension to Port Pier, through the design and application of mitigation measures, ensure the preservation of the favourable conservation status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.
- The development of an extension to Port Pier will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of the European Sites.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Donegal Bay SPA, Donegal Bay (Murvagh) SAC, St. John's Point SAC, Kilkieran Bay and Islands SAC, Galway Bay Complex SAC, Clew Bay Complex SAC, West Connacht Coast SAC, Inishmore Island SAC, Duvillaun Islands SAC, Lower River Shannon SAC, Slyne Head Peninsula

SAC, Slyne Head Islands SAC, Lough Eske and Ardnamona Wood SAC and West of Ardara/ Maas Road SAC.

(See Appendix 4)

9. Water Framework Directive

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (please refer to Appendix 5 for details).

10. Recommendation

On the basis of the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Donegal Bay SPA (site code: 004151), Donegal Bay (Murvagh) SAC (site code: 000133), St. John's Point SAC (site code: 000191), Kilkieran Bay and Islands SAC (site code: 002111), Galway Bay Complex SAC (site code: 000268), Clew Bay Complex SAC (site code:

001482), West Connacht Coast SAC (site code: 002998), Inishmore Island SAC (site code: 000213), Duvillaun Islands SAC (site code: 000495), Lower River Shannon SAC (site code: 002165), Slyne Head Peninsula SAC (site code: 002074), Slyne Head Islands SAC (site code: 000328), Lough Eske and Ardnamona Wood SAC (site code: 000163) and West of Ardara/ Maas Road SAC (site code: 000197),

- (e) the policies and objectives of the County Donegal Development Plan, 2024-2030,
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter

Appropriate Assessment

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Donegal Bay SPA (site code: 004151), Donegal Bay (Murvagh) SAC (site code: 000133), St. John's Point SAC (site code: 000191), Kilkieran Bay and Islands SAC (site code: 002111), Galway Bay Complex SAC (site code: 000268), Clew Bay Complex SAC (site code: 001482), West Connacht Coast SAC (site code: 002998), Inishmore Island SAC (site code: 000213), Duvillaun Islands SAC (site code: 000495), Lower River Shannon SAC (site code: 002165), Slyne Head Peninsula SAC (site code: 002074), Slyne Head Islands SAC (site code: 000328), Lough Eske and Ardnamona Wood SAC (site code: 000163) and West of Ardara/ Maas Road SAC (site code: 000197), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Donegal Bay SPA (site code: 004151), Donegal Bay (Murvagh) SAC (site code: 000133), St. John's Point SAC (site code: 000191), Kilkieran Bay and Islands SAC (site code: 002111), Galway Bay Complex SAC (site code: 000268), Clew Bay Complex SAC (site code: 001482), West Connacht Coast SAC (site code: 002998), Inishmore Island SAC (site code: 000213), Duvillaun Islands SAC (site code: 000495), Lower River Shannon SAC (site code: 002165), Slyne Head Peninsula SAC (site code: 002074), Slyne Head Islands SAC (site code: 000328), Lough Eske and Ardnamona Wood SAC (site code: 000163) and West of Ardara/ Maas Road SAC (site code: 000197), in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would not interfere with traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and biodiversity.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a. all mitigation measures indicated in the Natura Impact Statement,
- b. location and extent of silt fencing to be installed on site.
- c. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- d. updated to include the location of any and all archaeological or underwater cultural heritage constraints relevant to the proposed development as set out in the final Underwater Archaeological Impact Assessment report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or underwater cultural heritage environment during all phases of site preparation and construction activity.

Reason: In the interest of protecting the environment and the European Sites.

5. The following nature conservation requirements shall be complied with:
- a. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.
 - b. No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
 - c. A pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence.
 - d. A pre-construction bat survey shall be carried out by a suitably qualified ecologist during the active bat season, and, any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister of Housing, Local Government and Heritage.

Reason: In the interests of biodiversity and nature conservation.

6. The Local Authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. a) All recommended mitigation measures as set out in the report Underwater Archaeological Impact Assessment report Port Pier Improvement Works, Co. Donegal, Underwater Archaeological Impact Assessment, Port 24D0264 & 24R0539 (Mizen Archaeology, April 2025), shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
- b) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the Project, including detailed design, construction activities and the management of all archaeological and post-excavation works.
- c) All site investigation works shall be subject to prior archaeological assessment and on-site monitoring by a suitably qualified and experienced archaeologist. The Developer shall furnish the Project Archaeologist with the results of all site investigation works and shall provide access to cores and physical samples for archaeological and, where warranted (e.g. by the discovery of submerged palaeolandscape deposits), geoarchaeological review. Following the completion of all geotechnical and archaeological works and any necessary post-excavation specialist analysis, the Department shall be furnished with a final archaeological report describing the results of the works.

Reason: In the interests of the protection of the archaeological heritage of the area.

8. The Final Detailed Design for the project shall be the subject of a revised and updated Underwater Archaeological Impact Assessment, to be submitted to the Department for review and approval, prior to the commencement of any construction works. The UAIA report shall contain the following:
- a) Results of licenced archaeological test-excavations, accompanied by a hand-held metal detection survey, of the stone alignment identified in the Underwater Archaeological Impact Assessment report Port Pier Improvement Works, Co. Donegal, Underwater Archaeological Impact Assessment, Port 24D0264 and 24R0539 (Mizen Archaeology, April 2025). The archaeological test-excavations shall be carried out under a Section 26 (National Monuments Act 1930) licence from the National Monuments Service (NMS) of this Department and in accordance with an approved method statement. Licensed

metal detection shall be undertaken in tandem with the test excavations and under a Detection Device consent (Section 2, 1987 National Monuments Act). Licenses shall be applied for to the NMS of the Department and shall be accompanied by a detailed method statement. A period of 3-4 weeks should be allowed to facilitate processing and approval of the licence application and method statement.

- b) Results of buildings archaeology assessment of all historic structures and features (including but not limited to the surviving structural remains of the former whaling station/salt works and adjacent structures and features) that fall within the proposed development area. The assessment shall comprise of archaeological recording (annotated plans, elevations, sections, details of features and interpretative drawings derived from measured surveys, photographic surveys, digital surveys, opening-up works) that secure an understanding of the origins, development and phasing of all architectural structures and features (including any reused architectural carved stones).
- c) Results of archaeological dive survey, accompanied by a hand-held metal detection survey, centred on (but not confined to) the area(s) where proposed dredging works are proposed. The archaeological dive survey and metal detection survey shall be undertaken by a suitably licenced and experienced underwater archaeologist. All identified and potential underwater cultural heritage shall be surveyed (photographic, descriptive, photogrammetric) in detail as part of the assessment. A Dive/Survey licence (Section 3, 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) shall be required for the archaeological dive survey and metal detection, respectively.
- d) A detailed Archaeological Impact Assessment that addresses all identified or potential impacts on underwater cultural heritage, including on recorded and potential submerged wrecks, archaeological objects, sites, structures, palaeolandscapes and features. The UAIA shall make recommendations on measures to avoid or, where necessary, mitigate all identified potential/identified impacts and significant effects on underwater cultural heritage. The Developer shall be prepared to be advised by the Department in this regard or in regard to any subsequent recommendations that may issue.

Mitigation recommendations shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record'), further archaeological test-excavations, stabilisation/conservation works to the historic structures within the proposed development area and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the National Monuments Service. No construction works shall be undertaken until formal approval in writing has been received by the Developer from the Department.

Reason: In the interests of the protection of the archaeological heritage of the area.

9. Archaeological monitoring shall be undertaken as follows:

- a) The services of a suitably qualified and experienced, to the satisfaction of the Department maritime/underwater archaeologist shall be engaged to carry out full-time archaeological monitoring of all dredging and construction activities or works with the potential to impact on underwater cultural heritage.
- b) The archaeological monitoring shall be carried out by a suitably qualified and experienced, to the satisfaction of the Department, maritime/underwater archaeologist, under a Section 26 (National Monuments Act 1930) excavation licence and in accordance with an approved method statement.
- c) A Finds Retrieval Strategy shall be implemented and agreed with the Department as part of the archaeological licence application. This shall include for the systematic spreading of all dredged material at a suitable repository to facilitate hand-searching and metal detection for finds retrieval, to be undertaken by a suitably qualified and experienced archaeologist working under a Detection Device consent (Section 2, 1987 National Monuments Act). All monitoring works that have the potential to uncover human skeletal remains shall be undertaken in conjunction with a suitably qualified and experienced osteoarchaeologist. Secure finds storage that ensures the protection and conservation of wet and dry finds, including human

skeletal remains, shall be provided within the construction site compound. The Finds Retrieval Strategy shall address the likely post-excavation requirements for all archaeological objects, including those from an underwater environment, including recording, finds processing, analysis and long-term conservation of material recovered during the project.

- d) Sufficient, suitably experienced and qualified, to the satisfaction of the Department, underwater archaeologists shall be in place to ensure continuous archaeological monitoring works. An archaeological team shall be on standby to deal with any rescue excavation and may be augmented as required. An archaeological dive team shall be on standby in the event that underwater archaeological inspection is required by means of archaeological diving. All dive surveys shall be licenced (Section 3 1987 National Monuments Act) and shall include handheld metal detection survey, which shall also be licenced (Section 2, 1987 National Monuments Act).
- e) In order to ensure full communication is in place between the monitoring archaeologist(s) and the works contractor(s) at all times, a communication strategy shall be implemented that facilitates direct archaeological monitoring of all in-stream/river margin construction activities or works with the potential to impact on underwater cultural heritage. The monitoring archaeologist shall be provided with adequate notice (minimum eight weeks) of all forthcoming works that require their attendance.
- f) Should suspected/verified archaeological structures, features, deposits or sites and/or archaeological objects, including wrecks, be identified during the course of the archaeological monitoring activities, the monitoring archaeologist shall be authorised by the Developer to suspend all construction activities on the affected area (as defined by the monitoring archaeologist). The Developer shall immediately institute a Temporary Archaeological Exclusion Zone (TAEZ) to the proposed find location and its environs (as defined by the monitoring archaeologist) and all construction activities shall immediately cease within the TAEZ in order to facilitate investigative assessment, protection and prompt notification to the NMS and other statutory authorities, as required.

- g) Following assessment of the newly discovered archaeological materials, the Developer shall undertake any ensuing mitigating action as is required by the Department. Mitigation shall prioritise redesign or partial redesign to facilitate full or partial preservation in situ. Mitigation may also include archaeological excavations ('preservation by record') , archaeological test-excavations, stabilisation/conservation works and/or archaeological monitoring, underwater archaeological inspection by means of archaeological diving, underwater archaeological surveys, or any combination of the above or any other mitigation measures as may be recommended by the Department. No construction activities shall recommence within the Temporary Archaeological Exclusion Zone until formally agreed in writing with the Department. Where ensuing mitigation is required, no archaeological works shall be undertaken until after an amended method statement that describes the mitigation strategy has been submitted, reviewed and agreed in writing by the Department. All resulting and associated archaeological costs shall be borne by the Developer.
- h) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological works and any post-excavation analysis, scientific dating programmes, palaeoenvironmental analysis, geoarchaeological analysis, conservation of archaeological objects, as required by the Department and the National Museum of Ireland. Where significant archaeological discoveries are made, they shall be fully published in an appropriate academic format. All post excavation and publication costs shall be borne by the Developer.

Reason: In the interests of the protection of the archaeological heritage of the area.

10. The Developer, in conjunction with the Project Archaeologist, shall commission and install an information panel on the whaling station site that draws attention to its history and significance.

Reason: In the interests of the protection and promotion of the archaeological, industrial and cultural heritage of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Liam Bowe

Senior Planning Inspector

11th August 2026

Appendix 1 - Form 1

EIA Pre-Screening

Case Reference	ACP-323898-25
Proposed Development Summary	Development works at Port Pier. The proposed development at Port Pier is located immediately to the south of the existing pier and consists of: An extension of Port Pier with the addition of two sections: 44.5m x 10.1m to the south and 49.3m x 10.1m in an easterly direction; and an additional area of approximately 1121m² behind the existing pier will be reclaimed using predominantly the dredged material. A separate 42.8m length sheet piled retaining wall will be constructed in front of the southern face of the existing concrete slipway, located on the southern side of the existing pier. All associated pier furniture, wave wall and rock armour revetment, CCTV and services.
Development Address	Port Pier, Inver, Co. Donegal.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified in Part 1.	State the Class here.
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
☒ Yes, the proposed development is of a Class but is sub-threshold.	<u>Class 10(e):</u> - New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500m in length.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2 – Form 2: EIA Preliminary Examination

Case Reference	ACP-323898-25
Proposed Development Summary	Extension to the existing pier to accommodate the recent increased activity and improve facilities at the pier. Works will involve the dredging of an area to the east of the pier, piling and associated construction works.
Development Address	Port Pier, Inver, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The upgrade of the existing pier includes the following: • Construction of a two new sheet pile pier sections encased in a concrete façade (44.5m x 10.1m to the south and 49.3m x 10.1m in an easterly direction). • The area enclosed by the new pier will be dredged to a depth of -0.9m CD. • Prior to dredging, a sheet pile retaining wall will be installed in front of the existing slipway to prevent it from being undermined. • An additional area of approximately 1121m² behind the existing pier will be reclaimed using predominantly the dredged material.
Location of development	The proposed project location comprises an area immediately to the south of an existing pier, known as Port Pier, located on the northwestern shoreline of Inver Bay in southwest Donegal, between the towns of Killybegs and Donegal Town. The

	approaches to the pier are shallow and siltation adjacent to the existing pier restrict both access and berthing at the pier. The subject site is located in proximity and hydrologically linked to a number of Natura 2000 sites, namely Donegal Bay (Murvagh) SAC, Donegal Bay SPA and St. Johns Point SAC. There are no protected structures on or near the proposed site. However, there are ruins of a former whaling station/ salt works on the western end of the proposed site as well as associated stone alignments.
Types and characteristics of potential impacts	Construction is anticipated to take place within a 6-month period; dredging is likely to take 2-3 weeks and piling activities 2-3 months assuming 4-8 piles per day. All construction activities that have the potential to generate excessive noise or vibration. Dredged/ excavated material (3,500m³) will be used as fill for the new pier extension, if suitable. Dust and emissions may arise from delivering material and other goods to the site and storing material on the site. Having regard to the characteristics of the development, I consider that there is no potential for significant effects on the receiving environment due to: a) the limited nature and scale of the proposed development, which is below the thresholds in respect of Class 10(e) of Part 2 of

	Schedule 5 of the Planning and Development Regulations 2001, as amended, b) the nature of the existing site and the pattern of development in the vicinity, c) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Underwater Archaeological Impact Assessment and Natura Impact Statement.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

Appendix 3 – AA Screening Determination

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Case File: ACP-323898-25

Brief description of project	The proposed development involves the upgrade of an existing pier at Port Pier, Inver Bay, Co. Donegal and includes the following: • Construction of a two new sheet pile pier sections encased in a concrete façade (44.5m x 10.1m to the south and 49.3m x 10.1m in an easterly direction). • The area enclosed by the new pier will be dredged to a depth of -0.9m CD. • Prior to dredging, a sheet pile retaining wall will be installed in front of the existing slipway to prevent it from being undermined. • An additional area of approximately 1121m² behind the existing pier will be reclaimed using predominantly the dredged material.
Brief description of development site characteristics and potential impact mechanisms	The proposed project location comprises an area immediately to the south of an existing pier, known as Port Pier, located on the northwestern shoreline of Inver Bay in southwest Donegal, between the towns of Killybegs and Donegal Town. The existing pier provides access to Inver Bay for fishing and leisure vessels. The approaches to the pier are shallow and siltation adjacent to the existing pier restrict both access and berthing at the pier. The subject site is located in proximity and hydrologically linked to a number of Natura 2000 sites, namely Donegal Bay (Murvagh) SAC, Donegal Bay SPA and St. Johns Point SAC. There are no protected structures on or near the proposed site. However, there are ruins of a former whaling station/ salt works on the western end of the proposed site as well as associated stone alignments. Although these structures are of archaeological interest, they are not monuments protected on the Record of Monuments and Places nor are they listed on the Sites and Monuments Record. There is also a terrace of 5 no. three storey holiday homes c.30m to the northwest of the proposed site. Given the water-compatible nature of the proposed development surface water will be permitted to drain directly into Inver Bay. The impact mechanisms of concern regarding effects to conservation features of European Sites are associated with the proposed construction and operational phases of the development and potentially comprise:

	• Displacement from foraging habitat, • The release of pollutants and sediments, • Noise disturbance, and • Introduction of alien invasive species.
Screening report	Yes - Prepared by Jessica Devlin
Natura Impact Statement	Yes - Prepared by Jessica Devlin
Relevant submissions	The IFI states that pile driving can impact upon salmon hearing and behaviour and impede migration and, consequently, request that piling only take place between 1 st January and 31 st March.

The planning application was accompanied by the following documentation:

- Cover letter and description of the proposed works
- Planning drawings, relevant particulars and public notices
- Planning Report
- Outline Construction Method Statement
- AA Screening and Natura Impact Statement
- Underwater Archaeological Impact Assessment
- Environmental Impact Assessment Screening Report
- Additional supporting information
- Prescribed Bodies to which the application was sent.

Step 2. Identification of relevant European sites using the Source-Pathway-Receptor model

The site is not located within or directly adjacent to any designated European Sites.

The screening exercise submitted by the applicant considers the potential connectivity to European Sites using the Source-Pathway-Receptor framework along with potential effects to highly mobile species and protected conservation features of more distant European Sites that may occur in the development area and thereby be affected. The 'Source-Pathway-Receptor' model of impact assessment has identified the following potential impact mechanisms associated with the construction phase of the project:

- Displacement from foraging habitat,
- Release of pollutants and sediments,
- Noise disturbance, and
- Introduction of alien invasive species.

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
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Donegal Bay SPA (004151)	Donegal Bay SPA National Parks & Wildlife Service Special Conservation Objectives are set out by NPWS (17 May 2012 - Version 1) Great Northern Diver (<i>Gavia immer</i>) [A003] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Common Scoter (<i>Melanitta nigra</i>) [A065] Sanderling (<i>Calidris alba</i>) [A144] Wetland and Waterbirds [A999]	4km	Indirect hydrological link with the SPA.	Yes
Donegal Bay (Murvagh) SAC (000133)	Donegal Bay (Murvagh) SAC National Parks & Wildlife Service Special Conservation Objectives are set out by NPWS (09 Jul 2012- Version 1) Mudflats and sandflats not covered by seawater at low tide [1140] 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] <i>Phoca vitulina</i> (Harbour Seal) [1365]	6km	Indirect hydrological and acoustic link with the Harbour seal.	Yes
St. John's Point SAC (000191)	St. John's Point SAC National Parks & Wildlife Service Special Conservation Objectives are set out by NPWS (09 Jul 2012- Version 1) Large shallow inlets and bays [1160]	7km	There will be no direct effects as the project footprint is located entirely outside the designated site. Indirect hydrological and acoustic link with the Bottlenose dolphin.	Yes

	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alkaline fens [7230] Limestone pavements [8240] Submerged or partially submerged sea caves [8330] Euphydryas aurinia (Marsh Fritillary) [1065] Bottlenose Dolphin Tursiops truncatus [1349]			
Durnesh Lough SAC (000138)	Durnesh Lough SAC National Parks & Wildlife Service Special Conservation Objectives are set out by NPWS (05 Oct 2016 - Version 1) Coastal lagoons [1150] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	9km	S-P-R relationship not considered to exist with Coastal Lagoons due to the distances involved and dilution factor of the bay and the protected nature of the lagoon. Molinia Meadows are not in the project location.	No
Durnesh Lough SPA (004145)	Durnesh Lough SPA National Parks & Wildlife Service Special Conservation Objectives are set out by NPWS (07 Feb 2025 - Version 1)	9km	S-P-R does not exist due to distance and preferred habitat of species.	No

	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]			
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Of the 5 no. sites identified, 3 no. sites have been screened in for further examination, as follows:

1. Donegal Bay SPA (004151)
2. Donegal Bay (Murvagh) SAC (000133)
3. St. John's Point SAC (000191)

In addition to the foregoing, the screening exercise has noted that the baseline environment at the project site includes a range of protected wide-ranging species designated for distant SACs and thus the potential arises that these protected species may occur in the project area and be affected by the proposed development. These include:

- Marine Mammals (Annex II and Annex IV) – Bottlenose Dolphin, Harbour Porpoise, Common Dolphin and Minke Whale have all been recorded in the waters around Inver Bay, St. Johns Point and Donegal Bay within the past 10 years. Otter has also been recorded within Inver Bay.
- Atlantic Salmon (*Salmo Salar*) Annex II and Annex V – The Eany River flowing into Inver Bay is a salmonid river. Generally, smolts leave from March to May and adults return to spawn from July to December.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

European Site and qualifying feature	Conservation objectives: • To maintain favourable conservation condition M • To restore favourable conservation condition R • To maintain or restore favourable conservation condition M R	Could the conservation objectives be undermined (Y/N)?			
		Displacement from foraging habitat	Release of pollutants and sediments	Noise disturbance	Introduction of Invasive Alien Species
Donegal Bay SPA (004151) Donegal Bay SPA National	Great Northern Diver (<i>Gavia immer</i>) [A003] M	Y	Y	Y	Y
	Light-bellied Brent Goose (<i>Branta</i>	Y	Y	Y	Y

Parks & Wildlife Service	bernicla hrota) [A046] M				
	Common Scoter (Melanitta nigra) [A065] M	Y	Y	Y	Y
	Sanderling (Calidris alba) [A144] M	Y	Y	Y	Y
	Wetland and Waterbirds [A999] M	Y	Y	Y	Y
Donegal Bay (Murvagh) SAC (000133) Donegal Bay (Murvagh) SAC National Parks & Wildlife Service	Mudflats and sandflats not covered by seawater at low tide [1140] M	N	Y	N	N
	Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] R	N	Y	N	N
	Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170]	N	Y	N	N
	Humid dune slacks [2190] R	N	Y	N	N
	Phoca vitulina (Harbour Seal) [1365] M	Y	Y	Y	Y
St. John's Point SAC (000191) St. John's Point SAC National Parks & Wildlife Service	Large shallow inlets and bays [1160] M	N	Y	N	N
	Reefs [1170] M	N	Y	N	N
	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	N	Y	N	N
	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] R	N	N	N	N
	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] R	N	N	N	N

	Alkaline fens [7230] M	N	N	N	N
	Limestone pavements [8240] M	N	N	N	N
	Submerged or partially submerged sea caves [8330] M	N	Y	N	N
	Euphydryas aurinia (Marsh Fritillary) [1065]	N	N	N	N
	Bottlenose Dolphin Tursiops truncatus [1349]	Y	Y	Y	Y
Other Annex II, Annex IV and Annex V species	Harbour seals (Phoca vitulina) [1365] M	Y	Y	Y	Y
	Grey seals (Halichoerus grypus) M	Y	Y	Y	Y
	Bottlenose Dolphin (Tursiops truncatus) [1349] M	Y	Y	Y	Y
	Harbour Porpoise (Phocoena phocoena) [1351] M	Y	Y	Y	Y
	Atlantic Salmon (Salmo Salar) M	Y	Y	Y	Y
	Eurasian Otter (Lutra) M	Y	Y	Y	Y

Likelihood of significant effects from proposed development (alone):
Yes.

Further Comments:

None.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the Donegal Bay SPA (Site Code: 004151), Donegal Bay (Murvagh) SAC (Site Code: 000133) and St. John's Point SAC (Site Code: 000191) along with the species from more distant SACs listed above, from effects associated with displacement from foraging habitats, the discharge of pollutants and sediment, and noise disturbance.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'.

Further assessment of in-combination with other plans and projects is not required at screening stage.

Appendix 4 – Stage 2 Appropriate Assessment

Stage 2: Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed extension to Port Pier, Inver Bay, Co. Donegal in view of the relevant conservation objectives of the Donegal Bay SPA (Site Code: 004151), Donegal Bay (Murvagh) SAC (Site Code: 000133) and St. John's Point SAC (Site Code: 000191) along with the Annex II, Annex IV and Annex V species from more distant SACs listed above, from effects associated with displacement from foraging habitats, release of pollutants and sediments, and noise disturbance, based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (prepared by Jessica Devlin).
- Annex IV Risk Assessment (prepared by Jessica Devlin).
- Assessment of Risk to Marine Mammals (prepared by Jessica Devlin).
- Outline Construction Environmental Management Plan, Port Pier Extension (prepared by Ayesa).

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions / Observations

The IFI states that pile driving can impact upon salmon hearing and behaviour and impede migration and, consequently, request that piling only take place between 1st January and 31st March.

European Sites:

- Donegal Bay SPA (Site Code: 004151)
- Donegal Bay (Murvagh) SAC (Site Code: 000133)
- St. John's Point SAC (Site Code: 000191)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- i. Displacement from foraging habitats,
- ii. The discharge of pollutants and sediment,
- iii. Noise disturbance and
- iv. Introduction of Invasive Alien Species.

See Section 5 of the NIS.

1. AA Summary for Donegal Bay SPA (004151)

Donegal Bay SAC (Site Code: 004151) is located c.4km to the east of the site

[Donegal Bay SPA | National Parks & Wildlife Service](#)

Description of the Site: Donegal Bay SPA is a very large, marine-dominated, site. It extends from Doorin Point, to the west of Donegal Town, to Tullaghan Point in County Leitrim, a distance of approximately 15 km along its north-east/south-west axis. It varies in width from about 3 km to over 8 km. The site includes the estuary of the River Eske, which flows through Donegal Town, and the estuary of the River Erne, which flows through Ballyshannon. Much of the shoreline is rocky or stony, with well-developed littoral reefs in places. There are also extensive stretches of sandy beaches, especially from the Murvagh peninsula southwards to Rossnowlagh and at the outer part of the estuary of the River Erne. Shingle or cobble beaches are also represented. There are extensive areas of intertidal flats associated with the estuary of the River Eske, reflecting the very sheltered conditions in this part of the bay. These have been shown to be biotope rich, and supporting a range of macro-invertebrates, including polychaete worms (*Hediste diversicolor*, *Arenicola marina* and *Nephtys hombergii*) and bivalves (*Scrobicularia plana*, *Cerastoderma edule* and *Macoma balthica*). Elsewhere, a narrow fringe of intertidal flats is exposed at low tides. Salt marshes are found in the sheltered conditions of the innermost part of the bay. A number of small, grassy, islands occur in the innermost part of the bay. The waters of the shallow bay overlie mostly sandy substrates, though reefs occur in places.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Great Northern Diver, Light-bellied Brent Goose, Common Scoter and Sanderling. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

This large coastal site is of high ornithological importance, with two species having populations of international importance (Great Northern Diver and Light-bellied Brent Goose) and a further two species having populations of national importance (Common Scoter and Sanderling). Also of note is that five of the regularly occurring species are listed on Annex I of the E.U. Birds Directive, i.e. Great Northern Diver, Black-throated Diver, Red-throated Diver, Golden Plover and Bar-tailed Godwit.

Summary of Appropriate Assessment Conservation Objectives, Attributes & Targets (Summary)

Conservation Objectives

To maintain **(M)** or restore **(R)** favourable conservation condition of:

- Great Northern Diver (*Gavia immer*) [A003] **M**
- Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] **M**
- Common Scoter (*Melanitta nigra*) [A065] **M**
- Sanderling (*Calidris alba*) [A144] **M**
- Wetland and Waterbirds [A999] **M**

Qualifying Interests Feature: Great Northern Diver (*Gavia immer*) [A003] **M**

Conservation Objective: To maintain the favourable conservation condition of the Great Northern Diver in Donegal Bay SPA

Attributes & Targets:

Population trend - Long term population trend stable or increasing.

Distribution - There should be no significant decrease in the range, timing or intensity of use of areas by Great Northern Diver, other than that occurring from natural patterns of variation.

Qualifying Interests Feature: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] **M**

Conservation Objective: To maintain the favourable conservation condition of the Light-bellied Brent Goose in Donegal Bay SPA

Attributes & Targets:

Population trend - Long term population trend stable or increasing.

Distribution - There should be no significant decrease in the range, timing or intensity of use of areas by Light-bellied Brent Goose, other than that occurring from natural patterns of variation.

Qualifying Interests Feature: Common Scoter (*Melanitta nigra*) [A065] **M**

Conservation Objective: To maintain the favourable conservation condition of the Common Scoter in Donegal Bay SPA

Attributes & Targets:

Population trend - Long term population trend stable or increasing.

Distribution - There should be no significant decrease in the range, timing or intensity of use of areas by Common Scoter, other than that occurring from natural patterns of variation.

Qualifying Interests Feature: Sanderling (*Calidris alba*) [A144] **M**

Conservation Objective: To maintain the favourable conservation condition of the Sanderling in Donegal Bay SPA

Attributes & Targets:

Population trend - Long term population trend stable or increasing.

Distribution - There should be no significant decrease in the range, timing or intensity of use of areas by Sanderling, other than that occurring from natural patterns of variation.

Qualifying Interests Feature: Wetland and Waterbirds [A999] **M**

Conservation Objective: To maintain the favourable conservation condition of the Wetland and Waterbirds in Donegal Bay SPA

Attributes & Targets:

Area – The permanent area occupied by wetland habitat should be stable and not significantly less than the area of 10,461 ha., other than that occurring from natural patterns of variation.

Potential for Impact / Mitigation Measures

Potential for Impacts

- The SPA is located c.4km to the east of the site with a remote hydrological link with the SPA. There is a source-pathway-receptor chain for adverse effects on Great Northern Diver (*Gavia immer*), Light-bellied Brent Goose (*Branta bernicla hrota*), Common Scoter (*Melanitta nigra*), Sanderling (*Calidris alba*) and Wetland and Waterbirds due to habitat degradation, disturbance/displacement or injury, and reduction in species density.

Qualifying Interest (QI) Feature	Potential for Adverse Effects and Requirement for Mitigation (Summary)
Qualifying Interests (QI): Habitats - Great Northern Diver (<i>Gavia immer</i>) [A003] M - Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] M - Common Scoter (<i>Melanitta nigra</i>) [A065] M - Sanderling (<i>Calidris alba</i>) [A144] M - Wetland and Waterbirds [A999] M	The risk of habitat degradation, disturbance/ displacement or injury, and reduction in species density Great Northern Diver (<i>Gavia immer</i>) [A003], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046], Common Scoter (<i>Melanitta nigra</i>) [A065], Sanderling (<i>Calidris alba</i>) [A144] and Wetland and Waterbirds [A999] associated with construction activities applies. <u>Mitigation required</u>

2. AA Summary Matrix for Donegal Bay (Murvagh) SAC (000133)

Donegal Bay (Murvagh) SAC (000133) is located c.6km to the east of the site

[Donegal Bay \(Murvagh\) SAC | National Parks & Wildlife Service](#)

Description of the Site: This site occupies the inner part of Donegal Bay, immediately to the south-west of Donegal Town. It contains the estuary of the River Eske and a number of other significant rivers. The area is underlain by Carboniferous limestone and shale, although blown sand and other recent deposits obscure much of the solid geology.

According to the Site Synopsis for this SAC, most of the site consists of intertidal habitats, notably mud- and sandflats, sea inlets and bays, tidal rivers, estuarine channels and sandy beaches. These areas are generally unvegetated but are obviously nutrient-rich, as extensive beds of shellfish occur in parts of the bay. The following macro-invertebrate species are common throughout much of the bay: *Arenicola marina*, *Hediste diversicolor*, *Scrobicularia plana* and *Macoma balthica*.

Along some parts of the shore, saltmarsh has developed. Dominant plants there include Thrift (*Armeria maritima*), Red Fescue (*Festuca rubra*) and Common Scurvygrass (*Cochlearia officinalis*). Sea Arrowgrass (*Triglochin maritima*), Sharp Rush (*Juncus acutus*) and Saltmarsh Rush (*J. gerardi*) are also common, while brown seaweeds (*Fucus* spp.) are abundant lower down the shore profile.

On the stable parts of some of the shingle and boulder beaches, Common Scurvygrass also occurs, along with Silverweed (*Potentilla anserina*) and Sea-milkwort (*Glaux maritima*).

Sand dunes, including fixed dunes, occur in parts of the site, especially at Murvagh. Intact sections contain Sea Sandwort (*Honkenya peploides*) and Marram (*Ammophila arenaria*) in the young dunes, with abundant Marram in the fixed dunes. These stable areas are frequently species-rich, with abundant Field Wood-rush (*Luzula campestris*), a well-developed moss community including *Thuidium tamariscinum* and *Rhytidiadelphus squarrosus*, and herbs such as Common Bird's-foot-trefoil (*Lotus corniculatus*), Wild Thyme (*Thymus praecox*), Heath Dog-violet (*Viola canina*) and Lady's Bedstraw (*Galium verum*). Dune slacks also occur and in one slack the Red Data Book species Round-leaved Wintergreen (*Pyrola rotundifolia*) occurs. Typical species of dunes with Creeping Willow occur at Mullanasole and include: Creeping Willow (*Salix repens*), Sand sedge (*Carex arenaria*), Red Fescue, Lady's Bedstraw, Common Bird's-foot-trefoil and Mouse-ear Hawkweed (*Pilosella officinarum*) along with other typical species of fixed dune including: False Oat-grass (*Arrhenatherum elatius*), Selfheal (*Prunella vulgaris*), Wild Thyme and the mosses *Hypnum cupressiforme*,

Rhytidiadelphus triquetrus and Rhytidiadelphus squarrosus. The Common Twayblade orchid (*Listera ovata*) occurs throughout this habitat. Other species present include: Creeping Bent (*Agrostis stolonifera*), Marram Grass and the moss *Pleurozium schreberi*.

Both Common Scoter and Brent Goose are found in the greater Donegal Bay area, from Bundoran north to Murvagh. The Bay provides one of the most important sites in the country for the Common Scoter, with peak numbers of approximately 1,500 individuals in 1984/85 - 1986/87. This species uses large wintering grounds making counts difficult, but in recent years peaks of 662 birds (1995/96) and 1,073 birds (1997/98) have been recorded in the area. Other wintering species of note from the site include Ringed Plover 175, Oystercatcher 119 and Dunlin 221 (data based on 18 counts from 1984/85 - 1986/87). Small numbers (up to 50) of Greenland White-fronted Goose from the Pettigo flock fed at Inishpat Island in the 1980s, but have rarely done so in recent years.

The site supports a population of Common Seal (maximum count of 148 in the all-Ireland survey of 2003). This species is listed on Annex II of the E.U. Habitats Directive.

Land use in the area consists of boating and fishing in the bay, with a little shellfish aquaculture. Grazing occurs on terrestrial habitats, while recreational pressures are severe on parts of the dunes. A large part of the dune system is excluded from the site due to its development as a golf course and to the presence of conifer plantations. Despite these pressures, the site is of international importance due to the presence of a wide range of habitats, including four listed on Annex I of the E.U. Habitats Directive, an important seal colony and the occurrence of significant bird populations.

Summary of Appropriate Assessment Conservation Objectives, Attributes & Targets (Summary)

Conservation Objectives

To maintain **(M)** or restore **(R)** favourable conservation condition of:

- Mudflats and sandflats not covered by seawater at low tide [1140] **M**
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] **R**
- Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170] **M***
- Humid dune slacks [2190] **R**
- *Phoca vitulina* (Harbour Seal) [1365] **M**

Qualifying Interests Feature: Mudflats and sandflats not covered by seawater at low tide [1140] **M**

Conservation Objective: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Donegal Bay (Murvagh) SAC

Attributes & Targets:

Habitat area - The permanent habitat area is stable or increasing, subject to natural processes.

Community distribution - Conserve the following community types in a natural condition: Estuarine fine sands dominated by polychaetes and oligochaetes community complex; and Intertidal muddy sand to sand dominated by polychaetes, bivalves and crustaceans community complex.

Qualifying Interests Feature: Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] **R**

Conservation Objective: To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes) in Donegal Bay (Murvagh) SAC

Attributes & Targets:

Habitat area - Area increasing, subject to natural processes including erosion and succession.

Habitat distribution - No decline, subject to natural processes.

Physical structure: functionality and sediment supply - Maintain the natural circulation of sediment and organic matter, without any physical obstructions.

Vegetation structure: zonation - Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.

Vegetation structure: bare ground - Bare ground should not exceed 10% of fixed dune habitat, subject to natural processes.

Vegetation structure: sward height - Maintain structural variation within sward.

Vegetation composition: typical species and sub-communities - Maintain range of sub-communities with typical species listed in Ryle et al. (2009).

Vegetation composition: negative indicator species - Negative indicator species (including non-natives) to represent less than 5% cover.

Vegetation composition: scrub/trees - No more than 5% cover or under control.

Qualifying Interests Feature: Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170] **R**

Conservation Objective: To restore the favourable conservation condition of Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) in Donegal Bay (Murvagh) SAC

* There are no site-specific conservation objectives listed yet for this QI. As a result, the general conservation objective 'To maintain the favourable conservation condition' is used.

Qualifying Interests Feature: Humid dune slacks [2190] **R**

Conservation Objective: To restore the favourable conservation condition of Humid dune slacks in Donegal Bay (Murvagh) SAC

Attributes & Targets:

Habitat area - Area increasing, subject to natural processes including erosion and succession.

Habitat distribution - No decline or change in habitat distribution, subject to natural processes.

Physical structure: functionality and sediment supply - Maintain the natural circulation of sediment and organic matter, without any physical obstructions.

Physical structure: hydrological and flooding regime - Maintain natural hydrological regime.

Vegetation structure: zonation - Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.

Vegetation structure: bare ground - Bare ground should not exceed 5% of dune slack habitat, with the exception of pioneer slacks which can have up to 20% bare ground.

Vegetation structure: vegetation height - Maintain structural variation within sward.

Vegetation composition: typical species and sub-communities - Maintain range of sub-communities with typical species listed in Ryle et al. (2009).

Vegetation composition: cover of *Salix repens* - Maintain <40% cover of creeping willow (*Salix repens*).

Vegetation composition: negative indicator species - Negative indicator species (including non-natives) to represent less than 5% cover.

Vegetation composition: scrub/trees - No more than 5% cover or under control.

Qualifying Interests Feature: *Phoca vitulina* (Harbour Seal) [1365] **M**

Conservation Objective: To maintain the favourable conservation condition of Harbour Seal in Donegal Bay (Murvagh) SAC

Attributes & Targets:

Access to suitable habitat - Species range within the site should not be restricted by artificial barriers to site use.

Breeding behaviour - The breeding sites should be maintained in a natural condition.

Moulting behaviour - The moult haul-out sites should be maintained in a natural condition.

Resting behaviour - The resting haul-out sites should be maintained in a natural condition.

Disturbance - Human activities should occur at levels that do not adversely affect the Harbour Seal population at the site.

Potential for Impact / Mitigation Measures

Potential for Impacts

- The SAC is located c.6km to the east of the site within the range of mobile mammal species. There is no source-pathway-receptor chain for adverse effect on Mudflats and sandflats not covered by seawater at low tide [1140], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*) [2170] and Humid dune slacks [2190].
- Phoca vitulina* (Harbour Seal) [1365] - Taking a precautionary approach, there is potential for impacts to this QI species via water quality deterioration associated with construction activities, thus potentially affecting fish biomass availability. A potential for disturbance effects and reduction in species density associated with construction activities to the Harbour Seal population associated with the SAC also identified.

Qualifying Interest (QI) Feature	Potential for Adverse Effects and Requirement for Mitigation (Summary)
Qualifying Interests (QI): Habitats - Mudflats and sandflats not covered by seawater at low tide [1140] M - Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] R - Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] M* - Humid dune slacks [2190] R	Mudflats and sandflats not covered by seawater at low tide [1140], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] and Humid dune slacks [2190] are screened out from likely impacts due to the terrestrial nature of the QI habitat and/or the distance from the subject site to be affected. <u>No mitigation required</u>
Qualifying Interests (QI): Species <i>Phoca vitulina</i> (Harbour Seal) [1365] M	The risk of habitat degradation, disturbance and species density effects on <i>Phoca vitulina</i> (Harbour Seal) [1365] associated with construction activities applies. <u>Mitigation required</u>

3. AA Summary Matrix for St. John's Point SAC (000191)

St. John's Point SAC (000191) is located c.7km to the west of the site

[St. John's Point SAC | National Parks & Wildlife Service](#)

Description of the Site: St. John's Point is a 10 km-long, narrow peninsula running south-west from Dunkineely into Donegal Bay. The site covers the most southerly 4 km of the peninsula and includes some of the surrounding marine waters. The underlying geology is limestone. Tournaisian Basal Clastics form the majority of the underlying rocks, while Calp limestone of the Visean era outcrop at the south-western end of the site.

According to the Site Synopsis for this SAC, the grassland on the Calp limestone occurs on an undulating topography of low ridges with outcropping rocks and 'V' shaped valleys with peaty formations. The exposed limestone forms pavement where some unusual plants are found including Bloody Cranesbill (*Geranium sanguineum*), Northern Bedstraw (*Galium boreale*), Stone Bramble (*Rubus saxatilis*), Blue Moor-grass (*Sesleria albicans*) and English Hawkweed (*Hieracium anglicum*). More abundant plants on the thin soils and rocky clefts include Mountain Everlasting (*Antennaria dioica*), Broad-leaved Marsh-orchid (*Dactylorhiza majalis*), Burnet Rose (*Rosa pimpinellifolia*), Common Knapweed (*Centaurea nigra*) and Heath Spotted-orchid (*Dactylorhiza maculata*). On the steep slopes of the valley side, Blackthorn (*Prunus spinosa*), Bramble (*Rubus fruticosus* agg.) and Red Fescue (*Festuca rubra*) are abundant.

The wet valley bottoms contain flushes rich in Bogbean (*Menyanthes trifoliata*), Common Cottongrass (*Eriophorum angustifolium*), Marsh-marigold (*Caltha palustris*), Lesser Spearwort (*Ranunculus flammula*), Grass-of-parnassus (*Parnassia palustris*) and Common Scurvygrass (*Cochlearia officinalis*).

Heathy areas have developed on thin, peaty soils near the end of St. John's Point. Heather (*Calluna vulgaris*), Creeping Willow (*Salix repens*), Lousewort (*Pedicularis sylvatica*), Sweet Vernal-grass (*Anthoxanthum odoratum*) and Glaucous Sedge (*Carex flacca*) are all abundant. Dense swards of Buck's-horn Plantain (*Plantago coronopus*) also occur in this region.

Species-rich hay meadows are included within the site. Heath Spotted-orchid, Common Twayblade (*Listera ovata*), Common Spotted-orchid (*Dactylorhiza fuchsii*), Meadow Thistle (*Cirsium dissectum*), Primrose (*Primula vulgaris*), Yellow-rattle (*Rhinanthus minor*) and Ragged-Robin (*Lychnis flos-cuculi*) are all abundant meadow plants. Red Fescue and Sweet Vernal-grass are the dominant grasses.

Areas of *Molinia* meadow exist in the site, with Purple Moor-grass itself being a common component. Common Spotted-orchid (*Dactylorhiza fuchsii*), Early Marsh-orchid (*D. incarnata*) and Heath Spotted-orchid (*D. maculata*) have all been recorded in this habitat type at the site. Although relatively fragmented, and small in area, alkaline fen also exists at this site. It is not particularly species-rich, but the various areas support a good diversity of vegetation communities, and the habitat is generally undisturbed and mostly intact.

Brackish marshes, which are inundated with sea water during storms, occur within the site. Common Reed (*Phragmites australis*), Bottle Sedge (*Carex rostrata*), Thread-leaved Water-crowfoot (*Ranunculus trichophyllus*) and Bogbean are all abundant species here.

There is a colony of the E.U. Habitats Directive Annex II and red-listed Marsh Fritillary butterfly on the peninsula. Its foodplant, Devil's-bit Scabious (*Succisa pratensis*), is common in the grass and heath vegetation and the colony present there is one of the best documented in Donegal.

The marine component of this site is estimated at 64% of the site area, with 40% marine waters and 24% rocky shore/intertidal zone. The former falls largely within the E.U. Habitat 'Large shallow inlets and bays'.

The exposed bedrock shore and sea cliffs are outstanding features of the site. The rocks are richly fossiliferous. Some sections of the shore have a limestone pavement-type structure with Common Scurvygrass, Thrift (*Armeria maritima*), Sea-milkwort (*Glaux maritima*), Red Fescue and Buck's-horn Plantain growing in the rock clefts. The sea cliffs can reach heights of up to 20m and are composed of Carboniferous limestone with a series of crevice ledges and a splash zone. Typical species known from the cliffs include Thrift, Sea Spleenwort (*Asplenium marinum*), Common Scurvygrass, Sea Plantain (*Plantago maritima*), Buck's-horn Plantain, Sea Campion (*Silene maritima*), Rock Sea-spurrey (*Spergularia rupicola*), Sea Mouse-ear (*Cerastium diffusum*), Red Fescue and the lichens *Xanthoria parietina* and *Verrucaria* sp.

The subtidal reefs at this site comprise one of the best examples of reef habitat in the country. The reefs range from being vertical cliff faces with overhangs and small caves to gently sloping from horizontal platforms to large or medium sized boulders. In some areas sand overlies the bedrock. They are exposed to moderate wave action. There is a well developed kelp forest of *Laminaria hyperborea* extending to 19 m depth with an understorey of diverse foliose red algae. *Delesseria sanguinea* and *Cryptopleura ramosa* are most abundant, and *Odontalia dentatum* occurs occasionally in the lower part of the forest. The latter is a northern species that is uncommon and has not been recorded any further south than Co. Mayo. The most conspicuous fauna are starfish (*Asterias rubens*), sea urchins (*Echinus esculentus*), sea cucumbers (*Holothuria forskali*) and the massive sponges *Cliona celata* and *Pachymatisma johnstonia*.

In the shallow water between 18 and 27 m there is a community characterised by a variety of red foliose algae including *Delesseria sanguinea* and *Bonnemaisonia asparigoides*, with occasional *Dictyota dichotoma*. Below 27 m the boulders are characterised by a community of hydroids, sponges and bryozoans. The cup coral *Caryophyllia smithii* is abundant, and both soft corals *Alcyonium digitatum* and *Alcyonium glomeratum* are occasional. On horizontal bedrock overlain by sand at 20 – 24 m there is a community comprising erect sponges, as well as the sea fan *Eunicella verrucosa* and the bryozoan *Pentapora foliacea*; here the sponges *Ciocalypa penicillus* and *Sphaerotyllus* sp. are common, and *Raspailia hispida* occasional. *Phakalia vermiculata* is also recorded in this community; this has only recently been recorded from shallow water where it is uncommon and is the most northerly shallow water record for this species. A second community influenced by sand scour and characterised by cushion sponges and *Ciocalypa penicillus* occurs at 18 – 20 m. The hydroid *Nemertesia antennina* and anthozoans *Isozoanthus sulcatus* and *Epizoanthus couchii* are frequent. The hydroid *Corymorpha nutans* is common in this community, while the anemone *Aureliana heterocera*, an uncommon species in Ireland, is rare. A third community characterised by cushion sponges and hydroids occurs on gently sloping bedrock that rises out of a sand plain at 25 m. The crevice dwelling species of brittlestar, *Ophiactis balli*, and the sea cucumber *Aslia lefevrei* are also present.

A community of erect sponges with the sea fan *Eunicella verrucosa* and the sea slug *Tritonia nilsodhneri* occurs between 21 and 27 m. The soft corals *Alcyonium digitatum*, *Alcyonium glomeratum* and the tunicate *Diazona violacea* are all frequent and the gastropod *Gastrochaena dubia* is common. *Eunicella verrucosa* and the sea slug *Tritonia nilsodhneri* are close to their northern limits in north Donegal Bay.

An example of the deep water Axinellid sponge community occurs at 46 m on horizontal bedrock with raised ridges, with the Axinellid sponge occurring on the flat surfaces and the soft corals *Alcyonium digitatum*, *Alcyonium glomeratum* and the massive sponge *Pachymatisma johnstonia* on the ridges. The deepwater starfish *Stichastrella rosea* is frequent and the rare bryozoan *Reteporella beaniana* and uncommon anthozoan *Parazoanthus anguicomus* are found in this community.

The vertical cliff with ledges, overhangs and small caves show zonation from 6 - 21 m. Red foliose algae occur on the ledges, with the jewel anemone *Corynactis viridis* being common at the top of the cliff and the cup coral *Coryophyllia smithii* common at the base. On the cliff under the overhang the anthozoan *Parazoanthus axinellae* and the sponge *Biemna variantia* occur. *Parazoanthus axinellae* reaches its northern limits in north Donegal Bay. An Axinellid sponge community is present on the ledges. The habitat is species-rich, with 93 species recorded.

There is an excellent fish community associates with the reefs.

Small marine caves are present in the cliff face described above and in areas of terraced bedrock with ledges and crevices. The caves support the soft coral *Alcyonium glomeratum* on the roof and the sea fan *Eunicella verrucosa* on the floor.

The subtidal sediments occur between 28 and 38 m depth and range from duned maerl gravel and live maerl to coarse sand to fine sand. A flat sandy plain is characterised by the burrowing sea cucumber *Neopentadactyla mixta*, the burrowing sea urchins *Spatangus purpureus* and *E. flavescens*, the sand mason worm *Lanice conchilega*, and the bivalves *Dosinia exoleta* and *Moerella donacin*. The latter is an uncommon species. An area of coarse rippled sand, with the sea urchin *Echinocardium cordatum* and unidentified polychaete tubes, is present at the base of a reef.

Two areas of maerl occur on the east side of St. John's Point. One is an area of duned maerl gravel with live *Lithothamnion corallioides* in the hollows. Numerous crustaceans are present, in particular *Atelacyclus rotandatus*, *Ebalia tuberosa*, and *Pisidia longicornis* and the northern starfish *Luidia sarai*. In deeper water high dunes of maerl gravel and live *Lithothamnion corallioides* occur and are characterised by the burrowing sea urchins *Spatangus purpureus*, *Echinocardium pennatifidum* and *E. flavescens*, the bivalves *Clausinella fasciata* and *Garia tellinella* and abundant small crustaceans including *Galathea intermedia* and *Liocarcinus marmoreus*.

A small rocky islet occurs close to the south end of the point. A Herring Gull colony occurs here. Other birds seen feeding around the coast include Fulmar, Greater Black-backed Gull, Cormorant and Gannet. The freshwater marshes and rushy fields hold Snipe, Lapwing and Ringed Plover. The brackish lakes are frequented by Shelduck, Mallard, Mute Swan and Grey Heron.

The main land uses within the site are grazing of cattle and sheep near the end of the peninsula, while small hay meadows are maintained further north-east. Diving and fishing are frequent activities around the Point.

This site is important for its rich and diverse calcicole flora. A remarkable marine flora and fauna enhances the interest of the site, as does the presence of richly fossiliferous sea cliffs. Species-rich hay meadows and brackish marshes add diversity to the site.

Summary of Appropriate Assessment Conservation Objectives, Attributes & Targets (Summary)

Conservation Objectives

To maintain **(M)** or restore **(R)** favourable conservation condition of:

- Large shallow inlets and bays [1160] **M**
- Reefs [1170] **M**
- Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] **M***

- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] **R**
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] **R**
- Alkaline fens [7230] **M**
- Limestone pavements [8240] **M**
- Submerged or partially submerged sea caves [8330] **M**
- Euphydryas aurinia (Marsh Fritillary) [1065] **M***
- Tursiops truncatus (Common Bottlenose Dolphin) [1349] **M***

Qualifying Interests Feature: Large shallow inlets and bays [1160] **M**

Conservation Objective: To maintain the favourable conservation condition of Large shallow inlets and bays in St. John's Point SAC

Attributes & Targets:

Habitat area - The permanent habitat area is stable or increasing, subject to natural processes.

Community extent - Maintain the extent of the Maërl-dominated community, subject to natural processes.

Community structure - Conserve the high quality of the Maërl-dominated community, subject to natural processes.

Community distribution - Conserve the following community types in a natural condition: Intertidal coarse sediment with enchytraeid oligochaetes and Scololepis squamata community complex; Sand to mixed sediment with polychaetes and Edwardsia spp. community complex; Intertidal reef community complex; Laminaria-dominated community complex; Subtidal reef with echinoderms and sponges community complex.

Qualifying Interests Feature: Reefs [1170] **M**

Conservation Objective: To maintain the favourable conservation condition of Reefs in St. John's Point SAC

Attributes & Targets:

Habitat area - The permanent habitat area is stable or increasing, subject to natural processes.

Habitat distribution - The distribution of reefs remains stable, subject to natural processes.

Community structure - Conserve the following community types in a natural condition: intertidal reef community complex; Laminaria-dominated community complex; Subtidal reef with echinoderms and sponges community complex.

Qualifying Interests Feature: Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] **M***

Conservation Objective: To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in St. John's Point SAC

* There are no site-specific conservation objectives listed yet for this QI. As a result, the general conservation objective 'To maintain the favourable conservation condition' is used.

Qualifying Interests Feature: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] **R**

Conservation Objective: To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in St. John's Point SAC

Attributes & Targets:

Habitat area - Area stable or increasing, subject to natural processes.

Habitat distribution - No decline, subject to natural processes.

Vegetation composition: typical species - At least seven positive indicator species present, including two "high quality" species.

Vegetation composition: negative indicator species - Negative indicator species collectively not more than 20% cover, with cover by an individual species not more than 10%.

Vegetation composition: non-native species - Cover of non-native species not more than 1%.

Vegetation composition: woody species and bracken - Cover of woody species (except certain listed species) and bracken (*Pteridium aquilinum*) not more than 5% cover.

Vegetation structure: broadleaf herb: grass ratio - Broadleaf herb component of vegetation between 40 and 90%.

Vegetation structure: sward height - At least 30% of sward between 5cm and 40cm tall.

Vegetation structure: litter - Litter cover not more than 25%.

Physical structure: bare soil - Not more than 10% bare soil.

Physical structure: disturbance - Area showing signs of serious grazing or other disturbance less than 20m².

Qualifying Interests Feature: Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinia caerulea*) [6410] R

Conservation Objective: To restore the favourable conservation condition of Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinia caerulea*) in St. John's Point SAC

Attributes & Targets:

Habitat area - Area stable or increasing, subject to natural processes.

Habitat distribution - No decline, subject to natural processes.

Vegetation composition: typical species - At least seven positive indicator species present, including one "high quality" species as listed in O'Neill et al. (2013).

Vegetation composition: negative indicator species - Negative indicator species collectively not more than 20% cover, with cover by an individual species less than 10%.

Vegetation composition: non-native species - Cover of non-native species not more than 1%.

Vegetation composition: moss species - Hair mosses (*Polytrichum* spp.) not more than 25% cover.

Vegetation composition: woody species and bracken - Cover of woody species and bracken (*Pteridium aquilinum*) not more than 5% cover.

Vegetation structure: broadleaf herb: grass ratio - Broadleaf herb component of vegetation between 40 and 90%.

Vegetation structure: sward height - At least 30% of sward between 10 and 80cm tall.

Vegetation structure: litter - Litter cover not more than 25%.

Physical structure: bare soil - Not more than 10% bare soil.

Physical structure: disturbance - Area showing signs of serious grazing or other disturbance less than 20m².

Qualifying Interests Feature: Alkaline fens [7230] M

Conservation Objective: To maintain the favourable conservation condition of Alkaline fens in St. John's Point SAC

Attributes & Targets:

Habitat area - Area stable or increasing, subject to natural processes.

Habitat distribution - No decline, subject to natural processes.

Hydrological regime - Appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat.

Peat formation - Active peat formation, where appropriate.

Water quality: nutrients - Appropriate water quality to support the natural structure and functioning of the habitat.

Vegetation structure: typical species - Maintain vegetation cover of typical species including brown mosses and vascular plants.

Vegetation composition: trees and shrubs - Cover of scattered native trees and shrubs less than 10%.

Physical structure: disturbed bare ground - Cover of disturbed bare ground less than 10%. Where tufa is present, disturbed bare ground less than 1%.

Physical structure: drainage - Area showing signs of drainage as a result of drainage ditches or heavy trampling less than 10%.

Qualifying Interests Feature: Limestone pavements [8240] **M**

Conservation Objective: To maintain the favourable conservation condition of Limestone pavements in St. John's Point SAC

Attributes & Targets:

Habitat area - Area stable or increasing, subject to natural processes.

Habitat distribution - No decline.

Vegetation composition: typical species - At least seven positive indicator species present.

Vegetation composition: bryophyte layer - Bryophyte cover at least 50% on wooded pavement.

Vegetation composition: negative indicator species - Collective cover of negative indicator species on exposed pavement not more than 1%.

Vegetation composition: non-native species - Cover of non-native species not more than 1% on exposed pavement; on wooded pavement not more than 10% with no regeneration.

Vegetation composition: scrub - Scrub cover no more than 25% on exposed pavement.

Vegetation composition: bracken cover - Bracken (*Pteridium aquilinum*) cover no more than 10% on exposed pavement.

Vegetation structure: woodland canopy - Canopy cover on wooded pavement at least 30%.

Vegetation structure: dead wood - Sufficient quantity of dead wood on wooded pavement to provide habitat for saproxylic organisms.

Physical structure: disturbance - No evidence of grazing pressure on wooded pavement.

Indicators of local distinctiveness - Indicators of local distinctiveness are maintained.

Qualifying Interests Feature: Submerged or partially submerged sea caves [8330] **M**

Conservation Objective: To maintain the favourable conservation condition of Submerged or partially submerged sea caves in St. John's Point SAC

Attributes & Targets:

Distribution - The distribution of sea caves occurring in the SAC should remain stable, subject to natural processes.

Community structure - Conserve the following community type in a natural condition: Laminaria-dominated community complex.

Community structure - Human activities should occur at levels that do not adversely affect the ecology of sea caves in the SAC.

Qualifying Interests Feature: Euphydryas aurinia (Marsh Fritillary) [1065] **M***

Conservation Objective: To maintain the favourable conservation condition of Marsh Fritillary in St. John's Point SAC

* There are no site-specific conservation objectives listed yet for this QI. As a result, the general conservation objective 'To maintain the favourable conservation condition' is used.

Qualifying Interests Feature: Tursiops truncatus (Common Bottlenose Dolphin) [1349] **M***
Conservation Objective: To maintain the favourable conservation condition of Bottlenose Dolphin in St. John's Point SAC

* There are no site-specific conservation objectives listed yet for this QI. As a result, the general conservation objective 'To maintain the favourable conservation condition' is used.

Potential for Impact / Mitigation Measures

Potential for Impacts

- The SAC is located c.7km to the west of the site within the range of mobile mammal species and marine QIs. There is potential for impacts to Tursiops truncatus (Common Bottlenose Dolphin) [1349] via water quality deterioration, disturbance and reduction in species density associated with construction activities.
- There is a source-pathway-receptor chain for adverse effect on Large shallow inlets and bays [1160], Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], and Submerged or partially submerged sea caves [8330].
- There is no source-pathway-receptor chain for adverse effect on Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410], Alkaline fens [7230], Limestone pavements [8240] and Euphydryas aurinia (Marsh Fritillary) [1065].

Qualifying Interest (QI) Feature	Potential for Adverse Effects and Requirement for Mitigation (Summary)
Qualifying Interests (QI): Habitats • Large shallow inlets and bays [1160] M • Reefs [1170] M • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] M* • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] R • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] R • Alkaline fens [7230] M • Limestone pavements [8240] M • Submerged or partially submerged sea caves [8330] M Qualifying Interests (QI): Species • Euphydryas aurinia (Marsh Fritillary) [1065] M* • Tursiops truncatus (Common Bottlenose Dolphin) [1349] M*	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410], Alkaline fens [7230], Limestone pavements [8240], and Euphydryas aurinia (Marsh Fritillary) [1065] are screened out from likely impacts due to the terrestrial nature of the QI habitats. <u>No mitigation required</u> There is a source-pathway-receptor chain for adverse effects of water quality deterioration on Large shallow inlets and bays [1160], Reefs [1170], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], and Submerged or partially submerged sea caves [8330] associated with construction activities applies. The risk of water quality deterioration, disturbance and reduction in species density

	on <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349] associated with construction activities applies. <u>Mitigation required</u>	
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SACs with Annex II, Annex IV and Annex V species as QIs

Common dolphin (<i>Delphinus delphis</i>): <i>Kilkieran Bay and Islands SAC</i> <i>Galway Bay Complex SAC</i> <i>Clew Bay Complex SAC</i>	To maintain the favourable conservation condition	In the interest of conciseness, please be advised that the previous assessment of potential adverse effects in respect of the Qualifying Interests for the Donegal Bay (Murvagh) SAC also applies to these species of marine mammal. In the interest of conciseness, please be advised that the mitigation measures previously set out in respect of the Qualifying Interests for the Donegal Bay (Murvagh) SAC also apply to these species of marine mammal. The implementation of the relevant impact mitigation and monitoring measures set out in the 'Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of marine mammal observers (MMOs) and adherence to certain operational protocols.
Harbour Porpoise (<i>Phocoena Phocoena</i>): <i>West Connacht Coast SAC</i> <i>Inishmore Island SAC</i>	To maintain the favourable conservation condition	
Bottlenose Dolphin (<i>Tursiops truncatus</i>): <i>Slyne Head Islands SAC</i> <i>Duvillaun Islands SAC</i> <i>Lower River Shannon SAC</i> <i>Slyne Head Peninsula SAC</i> <i>West Connacht Coast SAC</i>	To maintain the favourable conservation condition	
Atlantic Salmon (<i>Salmo Salar</i>): <i>Lough Eske and Ardnamona Wood SAC</i> <i>West of Ardara/Maas Road SAC</i>	To maintain the favourable conservation condition	

Otter (<i>Lutra lutra</i>): <i>West of Ardara/Maas Road SAC</i>	To maintain the favourable conservation condition		
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The above table is based on the documentation and information provided on the file, as well as information contained on the NPWS website, and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

The discharge of pollutants or contaminants with a deterioration in water quality during construction:

In the absence of construction best practice and mitigation measures, construction activities could result in the uncontrolled release of sediment material to Inver Bay affecting the availability of food items targeted by foraging marine mammals and bird species. Dredging and piling operations will result in the generation and release of spoil (rock particles and sediment) to the water column potentially affecting water quality (e.g. turbidity) and result in the generation of sediment plumes in the water column extending beyond the immediate works area. The potential also arises for the discharge of pollutants or contaminants to result in a deterioration in water quality during the construction phase. Good water quality is necessary to maintain the populations of Annex II (Habitats Directive) marine mammal species and Annex I (Birds Directive) bird species. A decrease in water quality would compromise conservation objectives for the populations of Annex II (Habitats Directive) marine mammal species and Annex I (Birds Directive) bird species listed above.

Noise disturbance:

The nature of the construction activities, including the dredging and piling operations, will result in noise disturbance with the potential to result in physical injury, such as permanent or temporary auditory damage, to identified marine mammals, along with the possible disruption of animal behaviour.

Invasive species:

In the absence of construction best practice and mitigation measures, construction activities could result in the introduction and spread of invasive species, which can pose a risk to ecosystems and biodiversity and would result in habitat degradation.

Mitigation Measures:

Measures to avoid the release of pollutants or contaminants and to protect water quality during the construction phase:

Adherence to an agreed Construction Environmental Management Plan that provides for the measures presented in the outline Construction Environmental Management Plan (CEMP) regarding dredging activities, installation of piles and component parts of the small craft harbour. Measures will also include standard construction best practice used to manage the risk of potential for the loss of concrete or hydrocarbons such as diesel and hydraulic fluids during the construction phase. Careful supervision of concrete handling, curing times and general construction practice will reduce the risk from concrete-related impacts. The implementation of general construction practice will ensure that the likelihood of pollution in a well-equipped, maintained and managed construction site is low. Measures presented in the CEMP include *inter alia*:

- Silt curtains will be deployed around the proposed dredge area prior to the commencement of works.
- Works will be carried out in dry weather and low water where practicable.
- A bunded storage area will be located in a designated area within the compound and will be provided for the duration of the construction period for the storage of oils, fuels, chemical and other hazardous materials.
- If any oil or fuel is stored in the area, it will be kept in a bunded area (providing 110% capacity of the largest stored unit).
- Chemicals will have individual separate bunds and storage areas.
- Associated waste materials will be transported by registered carriers and disposed of to appropriately licensed sites.
- Drip trays will be supplied for static machinery.
- Spill kits will contain 10 terrestrial oil booms (80mm diameter x 1000mm) and a plastic sheet, upon which contaminated soil can be placed to prevent contamination of groundwater.
- Refuelling of plant/machinery will be undertaken in designated areas on an impermeable surface within the compound area.
- Refuelling will always be carried out in a controlled manner with absorbent materials available to clean up any spillages.
- All machinery/equipment will be well serviced and in good working condition. Machinery/equipment will be inspected daily for leaks of hydrocarbons. Any faulty machinery/equipment will be repaired / replaced immediately.
- Stockpiles of materials will be located in a designated area.
- Surface areas of stockpiles will be kept to a minimum to reduce area of surfaces exposed to wind pickup.
- Where appropriate, windbreak netting/screening will be positioned around material stockpiles and vehicle loading/unloading areas.
- Stockpiles will be covered during periods of heavy rainfall e.g. impermeable mats (plastic sheeting).
- During dry or windy weather, material stockpiles and exposed surfaces will be covered.
- Silt fencing will be established at the toe of stockpiles and around the compound area, as required.
- Procedures will be set in place to respond to any emergency incidents which may occur on the Site. All appropriate staff will be trained and made aware of the pollution and spill contingency procedures set in place. In the event of an incident the IFI, NPWS, and the EPA will be notified immediately.
- Sediment retention ponds will be used to treat water.
- There will not be any sediment / material removal from the site, all sediment/dredge material will be reused and stockpiled if required on site. If not used it will be removed to licensed landfill.
- During construction the site will be serviced by portaloos. These will be serviced regularly by a licensed contractor.
- Pouring concrete will not be carried out during periods of heavy rainfall.
- A designated wheel wash will be provided as necessary, the water from which will be directed to the sediment retention pond.

Measures to mitigate construction phase noise disturbance (Dredging and Piling):

I note the request of the IFI here seeking pile driving to only take place between 1st January and 31st March as such activity can impact upon salmon hearing and behaviour and impede migration. The applicant has included a mitigation measure broadly in line with this request and I consider that this would mitigate any possible adverse impacts on salmon.

The applicant also proposes the implementation of the relevant impact mitigation and monitoring measures set out in the '*Guidance to Manage the Risk to Marine Mammals from Man-made Sound Sources in Irish Waters*' (Department of Arts, Heritage and the Gaeltacht, 2014) for all dredging and pile driving activities, including the use of an independent marine mammal observer (MMO) and adherence to certain operational protocols.

Having reviewed the mitigation measures set out in Section 7.5 of NIS, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

Measures to mitigate against the spread of alien invasive species during the construction phase:

A suite of mitigation measures is proposed within the NIS and CEMP to prevent the spread of alien invasive species, including inter alia:

- Every effort will be made to ensure imported material is clear of contaminants and comes from a known reliable source.
- Works must comply with IFI Guidance on Biosecurity 2010 and CASIE guidelines 2022 Control of Aquatic Invasive Species and the restoration of Natural Communities in Ireland.
- Any plant or machines to be used in the intertidal area will be washed down at a designated offsite location prior to mobilising.
- All boats, equipment, footwear should be inspected for attached plant or animal material before entering or leaving. If found, it should be removed before entering the intertidal area and disposed of carefully and should not be discarded in or around the site.
- All equipment, boats and footwear should be cleaned and disinfected at the water's edge or as soon as possible before/after entering / leaving. If no disinfectant is available, all equipment and clothing should be allowed to dry fully, for at least 24 hours before returning to a watercourse (IFI, 2022).

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Residual Effects

Taking account of the mitigation measures outlined above, I consider that there is no potential for residual adverse effects on the Qualifying Interests of the screened-in European Sites as a result of the proposed extension to Port Pier.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of European sites.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the following sites:

- Donegal Bay SPA
- Donegal Bay (Murvagh) SAC
- St. John's Point SAC
- Kilkieran Bay and Islands SAC
- Galway Bay Complex SAC
- Clew Bay Complex SAC
- West Connacht Coast SAC
- Inishmore Island SAC
- Duvillaun Islands SAC
- Lower River Shannon SAC
- Slyne Head Peninsula SAC
- Slyne Head Islands SAC
- Lough Eske and Ardnamona Wood SAC
- West of Ardara/ Maas Road SAC

No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to avoid the release of pollutants or contaminants and to mitigate noise disturbance during the construction and operation phases. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the European Sites set out above. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the European Sites set out above in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on the site integrity of the European Sites set out above can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the European Sites set out above.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures if permission is granted.

Appendix 5: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Coimisiún Pleanála ref. no.	ABP-323898-25	Townland, address	Port Pier, Inver, Co. Donegal.
Description of project		The construction of an extension to the existing pier to accommodate the recent increased activity and improve facilities at the pier. Works will involve the dredging of an area to the east of the pier, piling and associated construction works. A Natura Impact Statement has been submitted with the application.	
Brief site description, relevant to WFD Screening,		The proposed project location comprises an area immediately to the south of an existing pier, known as Port Pier, located on the northwestern shoreline of Inver Bay in southwest Donegal, between the towns of Killybegs and Donegal Town. The approaches to the pier are shallow and siltation adjacent to the existing pier restrict both access and berthing at the pier. The subject site is located in proximity and hydrologically linked to a number of Natura 2000 sites, namely Donegal Bay (Murvagh) SAC, Donegal Bay SPA and St. Johns Point SAC. There are no protected structures on or near the proposed site. However, there are ruins of a former whaling station/ salt works on the western end of the proposed site as well as associated stone alignments.	
Proposed surface water details		N/A - This is a marine site and given the nature of the development proposed surface water will be permitted to drain directly into Inver Bay.	
Proposed water supply source & available capacity		A water supply is available from the public mains, and no capacity issues have been identified.	

Proposed wastewater treatment system & available capacity, other issues			Not applicable.			
Others?			Not applicable.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Coastal Waterbody	Underlying and surrounding the site.	Inver Bay IE_NW_060_0000	High	Not at Risk	None identified	Surface water runoff from the development directly to Inver Bay. In-water works, including dredging & spoil

							disposal and piling activities.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Coastal	Inver Bay IE_NW_060_0000	In-water works and surface water runoff	Siltation & sediment, spillages & accidental release of hydrocarbons.	Standard best practice construction and implementation of an agreed Construction and Environmental Management Plan.	Yes. Proximity of monitoring stations, habitats & protected species	Screened in.

OPERATIONAL PHASE							
2.	N/A						
DECOMMISSIONING PHASE							
3.	N/A						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Coastal Waters					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1: Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2: Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3: Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	

Dredging, spoil disposal and piling activities.	Best practice construction mitigation methods as set out in the submitted plans and particulars. Implementation of a Construction Environmental Management Plan and a Pollution Prevention Plan.	Best practice construction mitigation methods as set out in the submitted plans and particulars. Implementation of a Construction Environmental Management Plan and a Pollution Prevention Plan.	N/A	N/A	Yes.
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