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Screening for Appropriate Assessment and Natura Impact Statement

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1. INTRODUCTION

This report has been prepared by Tetra Tech RPS (TT RPS) on behalf of Renewable Energy Systems Limited (RES) and contains information to assist the competent authority in carrying out a Screening for Appropriate Assessment for the Project.

This report has been prepared by TT RPS on behalf of RES and contains information to assist the competent authority in carrying out a Screening for Appropriate Assessment and subsequent Appropriate Assessment for proposed development comprising a Battery Energy Storage System described as follows:

Construction of an electricity storage facility comprising a Battery Energy Storage System (BESS), to include one electrical compound, electrical transformer/inverter station modules, battery storage enclosures (BSEs), power conversion systems on concrete support structures, attenuation ponds, indicative 110kV buried import/export cable and indicative 110kV substation to facilitate connection to the existing 110kV Letterkenny substation, upgraded access tracks, crane hardstanding, associated electrical ducting, palisade security fencing and CCTV system, landscaping works, lighting poles and all other ancillary and miscellaneous site works including site clearance.

Screening for Appropriate Assessment and, if required, Appropriate Assessment, is required under the Habitats Directive for any plan or project likely to have significant effect on a Natura 2000 site.

With the introduction of the Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitat and of wild fauna and flora) came the obligation to establish the Natura 2000 network of Sites of Community Interest (SCIs), comprising a network of areas of highest biodiversity importance for rare and threatened habitats and species across the European Union (EU).

In Ireland, the Natura 2000 network of sites comprises Special Areas of Conservation (SACs, including candidate SACs) designated under domestic legislation transposing Directive 92/43/EEC, and Special Protection Areas (SPAs, including proposed SPAs) classified under the Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds) and designated under the same domestic legislation.

SACs are designated for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are designated for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is designated correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

SACs and SPAs make up the pan-European network of Natura 2000 sites. It should be noted that 'European sites' are defined in Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ('the 2011 Regulations'), Section 177R of the Planning and Development Act 2000, as amended ('the 2000 Act'), and Section 2 of the Planning and Development Act 2024 ('the 2024 Act').

1.1 Appropriate Assessment

1.1.1 The Habitats Directive

A key protection mechanism in the Habitats Directive is the requirement to subject plans and projects to Appropriate Assessment (AA) in line with the requirements of Article 6(3) of the Habitats Directive, which 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. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and if appropriate, after having obtained the opinion of the general public.

Thus, Article 6(3) defines a step-wise procedure for considering plans and projects:

- The first part of this procedure consists of a preliminary 'screening' stage to determine whether, firstly, the plan or project is directly connected with or necessary to the management of the site, and secondly, whether it is likely to have a significant effect on the site; it is governed by the first sentence of Article 6(3).
- The second part of the procedure, governed by the second sentence of Article 6(3), relates to the appropriate assessment and the decision of the competent national authorities.

1.1.2 Irish Legislation

For the purposes of applications for planning permission, under section 34 of the Planning and Development Act 2000 (as amended) ("the PDA"), and applications for approval under Section 182A of the PDA, the obligations under Article 6(3) of the Habitats Directive have been transposed into Irish law by part XAB of the PDA. In relation to other consent regimes, the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011, as amended ("the 2011 Regulations"), transpose those obligations.

This report has been prepared to assist the Competent Authority in carrying out Screening for Appropriate Assessment in respect of the Project, which is the subject of (i) an application for planning permission under section 34 of the PDA and (ii) an application for approval under section 182A of the PDA, and as such the provisions of the PDA apply.

1.2 Screening

Regulation 42 of the 2011 Regulations requires *inter alia* that screening for appropriate assessment of a project for which an application for consent is received, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.

Section 177U of the 2000 Act requires *inter alia* that a screening for appropriate assessment of an application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with another plan or project is likely to have a significant effect on a European site.

Section 212 of Chapter 3 of Part 6 of the 2024 Act requires *inter alia* that a screening for appropriate assessment of a relevant development is carried out by the competent authority (a) for which an application for permission for relevant development is made, and (b) that is not directly connected with, or necessary for, the management of a European site, for the purpose of determining whether or not the proposed development (either individually or in combination with any plan or other project) has had, is having or is likely to have a significant effect on a European site having regard to the conservation objectives of that European site..

1.3 Appropriate Assessment

Regulation 42 of the 2011 Regulations requires *inter alia* that a public authority shall determine that an appropriate assessment of a project is required where the project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening that the project, individually or in combination with other plans or projects, will have a significant effect on a European site.

Section 177V of the 2000 Act requires *inter alia* that an appropriate assessment carried out by the competent authority shall include a determination under Article 6(3) of the Habitats Directive as to whether or not a proposed development would adversely affect the integrity of a European site and an appropriate assessment shall be carried out by the competent authority where it has made a determination under section 177U(4) that an appropriate assessment is required, before consent is given for the proposed development.

Section 217 of Chapter 3 of Part 6 of the 2024 Act requires *inter alia* that an appropriate assessment of a relevant development is carried out by the competent authority to determine as to whether or not any reasonable scientific doubt exists as to the absence of adverse effects on the integrity of any European site following the submission of a Natura Impact Statement prepared by an applicant for permission in accordance with Section 215 of Chapter 3 of Part 6 of the 2024 Act..

1.3.1 The Appropriate Assessment Procedure

According to European Commission guidance documents 'Assessment of plans and projects significantly affecting Natura 2000 sites' (EC, 2001) and the 'Managing Natura 2000 sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' (EC, 2019), the obligations arising under Article 6 establish a step-wise procedure for Habitats Directive Assessment as follows, and as illustrated in Figure 1.1: **Step-wise procedure of Article 6 of the Habitats Directive** (from EC, 2021)

1.4 Necessary Scientific Competence

Part 6 of the 2024 Act requires *inter alia* that appraisals of the implication of proposed development on European sites "be prepared by person with the necessary scientific competence to do so".

David Mulholland is the primary author of the report. David has conducted Phase 1 Habitat Surveys, Bat Surveys, Ornithological Surveys, Smooth Newt Surveys and Badger Setts surveys. David is an Ecologist with TT RPS and holds a BSc (Hons) in Biological Sciences with Professional Studies, a MSc in Ecological Management and Conservation Biology and has two years of experience working in consultancy and conservation. David has experience of habitat, mammal, amphibian and bird survey. David is a Qualifying member of the CIEEM.

This report has been reviewed and approved for issue by James McCrory, Technical Director of Ecology with TT RPS. James holds a BA (Hons) in Natural Sciences (Mod) Botany and a MSc in Habitat Creation and Management. James is a Chartered Environmentalist (CEnv), a Chartered Ecologist (CEcol), a Chartered Biologist (CBiol) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and the Royal Society of Biology (MRSB). James is a former member of the CIEEM Irish Section Committee and CIEEM Policy Review Group in Ireland. He was formerly a member of the CIEEM technical working group updating the Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland, and he was recently a member of the CIEEM technical working group for Ecological Impact Assessment accreditation across the Institute's practitioner network.

James has over twenty years' experience of assessing the likely significant effects of proposed development, alone and in combination with other plans and projects, in a variety of landscape settings throughout Ireland on European sites. His experience includes assessment of potential effects of constructing and operating energy related infrastructure, including suspended sediments and pollution on Annex I habitats and disturbance and displacement of, and injury to of Annex II and Annex IV species and populations of Birds Directive Annex I species, and spans a wide variety of development consent applications including:

- Planning permissions granted by local planning authorities and An Coimisiún Pleanála in Ireland
- Planning permissions granted by local planning authorities and DfI Strategic Planning Division in Northern Ireland
- Foreshore Licences issued by the Department of Housing, Local Government and Heritage
- Dumping at Sea Permits issued by the EPA
- Maritime Usage Licences issued by MARA

- Marine construction and dredging licences issued by DAERA
- Marine construction and dredging licences issued by Marine Directorate – Licensing Operations Team (MD-LOT) in Scotland

TT RPS confirm that the professional judgement expressed herein is the true and bona fide opinion of the author. The information prepared and provided is accurate at the time of issue of this report and has been prepared and provided in accordance with the CIEEM Code of Professional Conduct (CIEEM 2025).

The first part of this procedure consists of a pre-assessment stage ('screening') to determine whether, firstly, a plan or project is directly connected with or necessary to the management of the site, and secondly, whether it is likely to have a significant effect on the site either alone or in combination with other plans or projects; it is governed by the first sentence of Article 6(3).

The second part of the procedure, governed by the second sentence of Article 6(3), relates to the appropriate assessment and the decision of the competent national authorities.

A third part of the procedure (governed by Article 6(4)) comes into play if, despite a negative assessment, it is proposed not to reject a plan or project but to give it further consideration. In this case Article 6(4) allows for derogations from Article 6(3) under certain conditions.

The extent to which the sequential steps of Article 6(3) apply to a given plan or project depends on several factors, and in the sequence of steps, each step is influenced by the previous step. The order in which the steps are followed is therefore essential for the correct application of Article 6(3).

Each step determines whether a further step in the process is required. If, for example, the conclusion at the end of a Stage 1 screening assessment is that significant effects on European sites can be excluded, there is no requirement to proceed to the next step.

Each step determines whether a further step in the process is required. If, for example, the conclusion at the end of a Habitats Directive stage one screening appraisal is that significant effects on European sites can be excluded in the absence of any best practice or targeted measures intended to avoid or reduce the harmful effects of a proposed development on European sites, there is no requirement to proceed to the next step.

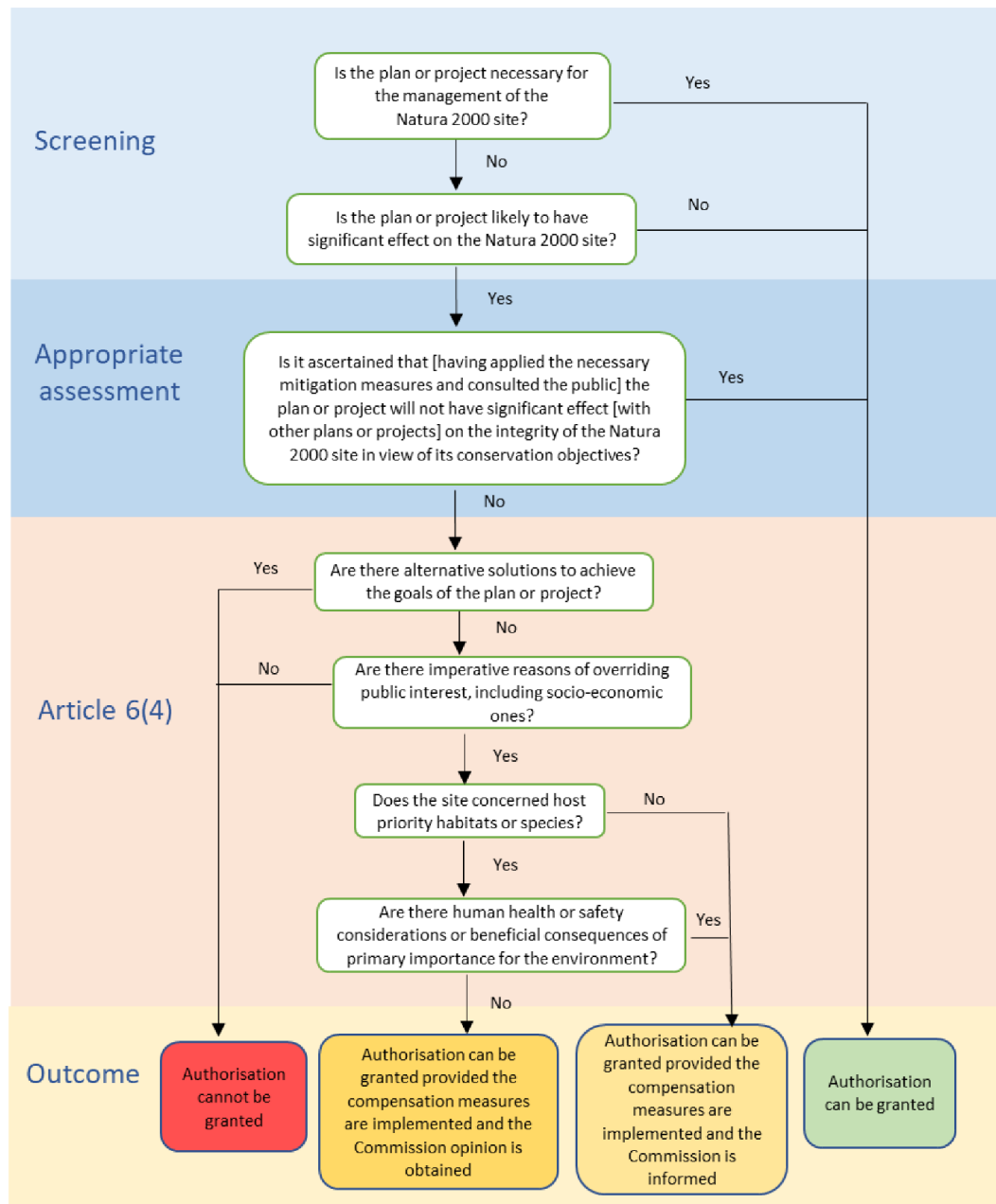


Figure 1.1: Step-wise procedure of Article 6 of the Habitats Directive (from EC, 2021)

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TT RPS confirm that the professional judgement expressed herein is the true and bona fide opinion of the author. The information prepared and provided is accurate at the time of issue of this report and has been prepared and provided in accordance with the CIEEM Code of Professional Conduct (CIEEM 2025).

1.6 Document Structure

1.6.1 Objective of the Document

The purpose of this document which contains supporting information for screening for appropriate assessment ('SISAA') and a Natura Impact Statement is to provide the relevant competent authority with information to assist them in carrying out a screening for Appropriate Assessment and subsequent Appropriate Assessment of the implications of the proposed BESS construction works at Listellian, Letterkenny, Co. Donegal on European sites, in view of their conservation objectives.

1.6.2 Methodology and Guidance

Section 2 of the report sets out the methodology followed, and guidance documents used in conducting a screening appraisal for appropriate assessment and subsequent appraisal for appropriate assessment of the implications of the proposed development on European sites.

1.6.3 Proposed Development

Section 3 of the report describes the proposed development, the general methodology sequence and activities to be undertaken.

1.6.4 Information for Stage 1 Screening Appraisal

Section 4 contains a preliminary examination and analysis to understand whether or not the Proposed Works are likely to have a significant effect on any European site. This is the Stage 1 screening appraisal. It has been undertaken in view of best scientific knowledge, in light of the Conservation Objectives of the sites concerned and considers the Proposed Works individually and in combination with other plans and projects. Measures intended to avoid or reduce the harmful effects of the proposed works on European sites (i.e. “mitigation measures”) or best practice measures have not been taken into account in the screening stage appraisal and should not be taken into account by the competent authority in conducting its screening exercise.

1.6.5 Information for Stage 2 Appraisal for Appropriate Assessment

Section 5 of the report contains a summary of the findings of the screening stage appraisal and a more detailed examination and analysis of the implications of the Proposed Development on the Conservation Objectives of those European sites where the possibility of Likely Significant Effects (LSEs) could not be excluded at the screening stage in the absence of further evaluation and analysis. This second stage of appraisal allows the application of measures intended to avoid or reduce the harmful effects of the proposed works on European sites to be applied to the project.

2. METHODOLOGY

2.1 Published guidance on Appropriate Assessment

Appropriate Assessment Guidelines for Planning Authorities have been published by the Department of the Environment Heritage and Local Government (DEHLG, 2010) and more recently by the Office of the Planning Regulator Practice Note (PN01) (OPR, 2021). In addition to the advice available from the Department, the European Commission has published a number of documents which provide a significant body of guidance on the requirements of Appropriate Assessment, most notably including Notice C(2021) 6913 'Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC', which sets out the principles of how to approach decision making during the process. These principal national and European guidelines have been followed in the preparation this SISAA report. The following list identifies these and other pertinent guidance documents:

- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities Acknowledgements (DEHLG, 2010);
- Communication from the Commission on the Precautionary Principle., Office for Official Publications of the European Communities, Luxembourg (EC, 2000);
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Luxembourg (EC, 2001);
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission. Office for Official Publications of the European Communities, Luxembourg (EC, 2007);
- Estuaries and Coastal Zones within the Context of the Birds and Habitats Directives - Technical Supporting Document on their Dual Roles as Natura 2000 Sites and as Waterways and Locations for Ports. Office for Official Publications of the European Communities, Luxembourg (EC, 2009);
- Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, Dublin (DEHLG, 2010a);
- Department of Environment Heritage and Local Government Circular NPW 1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities, Dublin (DEHLG, 2010b);
- European Commission Note on Setting Conservation Objectives for Natura 2000 Sites, Office for Official Publications of the European Communities, Luxembourg (EC, 2012);
- Interpretation Manual of European Union Habitats. Version EUR 28. Office for Official Publications of the European Communities, Luxembourg (EC, 2013a);
- Guidelines on Climate Change and Natura 2000. Office for Official Publications of the European Communities, Luxembourg (EC, 2013b);
- European Commission Notice C (2018) 7621 'Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC', Office for Official Publications of the European Communities, Luxembourg (EC, 2019);
- Institute of Air Quality Management 'A guide to the assessment of air quality impacts on designated nature conservation sites (Version 1.1)', London (IAQM, 2020);
- Office of the Planning Regulator Practice Note (PN01) 'Appropriate Assessment Screening for Development Management', Dublin (OPR, 2021);
- European Commission Notice C(2021) 6913 'Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC', Office for Official Publications of the European Communities, Luxembourg (EC, 2021); and

- European Commission Guidance document on Assessment of plans and projects in relation to Natura 2000 sites - A summary, Office for Official Publications of the European Communities, Luxembourg (EC, 2022).

2.2 Likely Significant Effect

The Commission's 2019 Notice (EC, 2019) advises that the appropriate assessment procedure under Article 6(3) is triggered not by the certainty but by the likelihood of significant effects, arising from plans or projects regardless of their location inside or outside a protected site. Such likelihood exists if significant effects on the site cannot be excluded. The significance of effects should be determined in relation to the specific features and environmental conditions of the site concerned by the plan or project, taking account of the site's conservation objectives and ecological characteristics.

The threshold for a Likely Significant Effect ("LSE") is treated in the screening exercise as being above a *de minimis* level. A *de minimis* effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are assessed to be in this order of magnitude and that this assessment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be LSEs.

The requirement that the effect in question be 'significant' exists in order to lay down a *de minimis* threshold – thus, plans or projects that have no appreciable effect on the site are thereby excluded. A likely significant effect is triggered when:

- there is a probability or a risk of a plan or project having a significant effect on a European site;
- the plan is likely to undermine the site's conservation objectives; and
- a significant effect cannot be excluded on the basis of objective information.

The analysis involved in a Stage 1 screening appraisal for Appropriate Assessment is described in EC (2021) as comprising four steps:

- ascertaining whether the plan or project is directly connected with or necessary to the management of a Natura 2000 site;
- identifying the relevant elements of the plan or project and their likely impacts;
- identifying which (if any) Natura 2000 sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects;
- assessing whether likely significant effects on the Natura 2000 site can be ruled out, in view of the site's conservation objectives.

EC (2021) defines a LSE as being "any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the habitats and species significantly present on the Natura 2000 site. This can result from either on-site or off-site activities, or through combinations with other plans or projects".

The requirement that the effect in question be 'significant' exists in order to lay down a *de minimis* or negligible threshold – thus, plans or projects that have no appreciable or imperceptible effects on the site are thereby excluded.

2.3 Mitigation Measures

In determining whether likely significant effects will occur or can be excluded in the Stage 1 appraisal, measures intended to avoid or reduce the harmful effects of the proposed development on European sites, (i.e. "mitigation measures") or best practice measures have not been taken into account in this screening stage appraisal. This approach is consistent with up-to-date EU guidance (EU, 2019; EC, 2021; EC, 2022) and the case law of the Court of Justice of the European Union (CJEU).

In April 2018, the Court of Justice (CJEU) of the European Union issued a ruling in case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* (“People Over Wind”) that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site. The CJEU found that taking account of mitigation measures at the screening stage could compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular (since the assessment stage would be deprived of its purpose and there would be a risk of circumvention of that stage). In its judgment in *Eco-Advocacy*, the CJEU recently found that this does not preclude standard features, which are inherent to a project, and are incorporated into a project’s design, not with the aim of reducing its negative effects.

The judgment in *People Over Wind* is further emphasised in EC (2019) which refers to CJEU Case C-323/17, and also EC (2021) states specifically in Table 1 on p12 thereof that that mitigation measures cannot be considered at the screening stage of appropriate assessment, citing CJEU case C-323/17.

More recently, in June 2023, the CJEU issued a ruling in case C-721/21 *Eco Advocacy CLG vs. An Bord Pleanála* that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that, in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project for a site, account may be taken of the features of that plan or project which involve the removal of contaminants and which therefore may have the effect of reducing the harmful effects of the plan or project on that site, where those features have been incorporated into that plan or project as standard features, inherent in such a plan or project, irrespective of any effect on the site.

This appraisal does not attempt to formulate any measures which involve the removal of contaminants in light of the emerging case law from the CJEU by now describing them as features that have been incorporated into the Proposed Project as ‘standard features’.

2.4 Consideration of *ex-situ* effects

EC (2019) advises that Member States, both in their legislation and in their practice, allow for the Article 6(3) safeguards to be applied to any development pressures, including those which are external to European sites, but which are likely to have significant effects on any of them.

The CJEU developed this point when it issued a ruling in case C-461/17 (“*Brian Holohan and Others v An Bord Pleanála*”) that determined inter alia that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that an appropriate assessment must on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

In that regard, consideration has been given in this Habitats Directive appraisal to implications for habitats and species located both inside and outside of the European sites considered in the screening appraisal with reference to those sites’ Conservation Objectives where effects upon those habitats and/or species are liable to affect the conservation objectives of the sites concerned.

2.5 Conservation Objectives

The conservation objectives for each European site are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the site has been selected. The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing;
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and
- the conservation status of its typical species is favourable.

The favourable conservation status (or condition, at a site level) of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

EC (2022) advises that an assessment should be done for all of the designating features (species, habitat types) that are significantly present on the site (habitats and species with A, B or C, but not D, site assessment in the Standard Data Form for the site) in view of their conservation objectives. EC (2022) additionally notes that *“the lack of site-specific conservation objectives or the establishment of conservation objectives, which are not in line with the required standard, as specified in the Commission note on “Setting conservation objectives of Natura 2000 sites” (EC, 2012), jeopardises compliance with the requirements of Article 6(3)”*.

2.5.1 Site-Specific Conservation Objectives

NPWS began preparing detailed Site-Specific Conservation Objectives (SSCOs) for European sites in 2011. The European sites along the coast of Ireland in closest proximity to the proposed development which are considered in some detail in this SISAA report have all had SSCO set. The published SSCO documents are as described in Section 4.1 of this document.

The published SSCO documents note that an appropriate assessment based on the most up to date conservation objectives will remain valid even if the targets are subsequently updated, providing they were the most recent objectives available when the assessment was carried out. It is essential that the date and version are included when objectives are cited.

The most up-to-date Conservation Objectives for the European sites being considered, and details in relation to the Qualifying Interests and Special Conservation Interests of these European sites is based on publicly available data on these European Sites, sourced from the NPWS website in March 2025.

2.6 In-combination effects

Article 6(3) of the Habitats Directive requires that in-combination effects with other plans or projects are also considered. As set out in EC (2019), significance will vary depending on factors such as magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned.

EC (2020) notes that cumulative environmental effects can be defined as effects on the environment caused by the combined action of past, current and future activities. Although the effects of one development may not be significant, the combined effects of several developments together can be significant.

EC (2020) also notes that the ‘in combination’ provision applies to plans or projects that are completed, approved but uncompleted, or proposed. In addition to the effects of the plans or projects that are the main subject of the assessment, it may be appropriate to consider the effects of already completed plans and projects. Although already completed plans and projects are themselves excluded from the assessment requirements of Article 6(3), it is still important to take them into consideration when assessing the effects of the current plan or project in order to determine whether there are any potential cumulative effects arising from the current project in combination with other completed plans and projects. The effect of completed plans and projects would typically form part of the site’s baseline conditions at this stage. Plans and projects that have been approved in the past but have not yet been implemented or completed should be included in the in-combination provision. As regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the ‘in combination’ provision to plans that have been proposed, i.e. for which an application for approval or consent has been submitted.

This mirrors the advice contained in EC (2019) which advises that other plans or projects which are completed, approved but uncompleted, or proposed have been considered. EC (2019) specifically advises that “as regards other proposed plans or projects (i.e. other projects not proposed by the Applicant), on grounds of legal certainty it would seem appropriate to restrict the in-combination provision to those which have been actually proposed, i.e. for which an application for approval or consent has been introduced”.

EC (2021) additionally advises that:

- All types of plans or projects that could, in combination with the plan or project under consideration, have a significant effect, should be taken into account during the assessment
- An in-combination assessment is often less detailed at the screening stage than in the appropriate assessment.
- There is still a need to identify all other plans or projects that could give rise to cumulative impacts with the plan or project in question and
- If this analysis cannot reach definitive conclusions, it should at least identify any other relevant plans and projects that should be scrutinised in more detail during the appropriate assessment.

2.7 Adverse Effects on the Integrity of European sites

The European Commission’s 2019 Notice (EC, 2019) states that the purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site’s Conservation Objectives (“COs”), either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the European site is designated.

The 2021 Commission Notice notes the difference between the tests for screening (stage 1) and appropriate assessment (stage 2), summarised in **Table 2.1** below.

Table 2.1: Differences between Screening and Appropriate Assessment

Screening	Appropriate Assessment
Ascertains whether significant negative effects on a European site are likely as a result of implementing the plan or project in view of the site’s conservation objectives.	Assesses the likely effects on the Natura 2000 site in view of its conservation objectives and assesses whether adverse effects on the integrity of the site will or might occur.
If the occurrence of significant effects cannot be excluded with certainty, the plan or project has to undergo an appropriate assessment.	The plan or project can be authorised only if adverse effects on the integrity of the Natura 2000 site can be excluded.
Typically based on existing data, available knowledge and experience, and expert opinion.	Requires a detailed examination, often field surveys, expert advice, and an expert assessment of the specific case.
Mitigation measures <u>cannot</u> be considered.	Assesses mitigation measures to eliminate or reduce adverse effects.

The Commission’s 2019 Notice also emphasises the importance of using the best scientific knowledge when carrying out the appropriate assessment to enable the competent authorities to conclude with certainty that there will be no adverse effects on the integrity of the site. This guidance notes that it is at the time of adoption of the decision authorising implementation of the project that there must be no reasonable scientific doubt remaining as to the absence of adverse effects on the integrity of the site in question.

The 2018 Notice notes that if the competent authority considers the mitigation measures are sufficient to avoid the adverse effects on site integrity identified in the appropriate assessment, they will become an integral part of the specification of the final plan or project or may be listed as a condition for project approval.

The 2021 Notice advises that it is for the competent authorities, in the light of the conclusions made in the appropriate assessment on the implications of a plan or project for the European site concerned, to approve the plan or project. This decision can only be taken after they have made certain that the plan or project will not adversely affect the integrity of the site. That is the case where no reasonable scientific doubt remains as to the absence of such effects.

The 2021 Notice also reaffirms that the authorisation criterion laid down in the second sentence of Article 6(3) of the Habitats Directive integrates the precautionary principle and makes it possible effectively to prevent the protected sites from suffering adverse effects on their integrity as the result of the plans or projects. A less stringent authorisation criterion could not as effectively ensure the fulfilment of the objective of site protection intended under that provision. The onus is therefore on demonstrating the absence of adverse effects rather than their presence, reflecting the precautionary principle. It follows that the appropriate assessment must be sufficiently detailed and reasoned to demonstrate the absence of adverse effects, in light of the best scientific knowledge in the field.

The **'integrity of the site'** can be usefully defined as the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated (EC, 2019).

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3. THE PROPOSED WORKS

3.1 Site Location

The proposed development site is located within lands 3.06km south-east of Letterkenny, County Donegal. (See Figure 3.1). To the sites western boundary is the N13 national road.

3.2 The Existing Site

The proposed development site is primarily agricultural grassland, bounded by hedgerows with trees with drainage channels flowing downhill to the east at the sites lowest elevation.

3.3 Summary of the Proposal

This report has been prepared by TT RPS on behalf of RES and contains information to assist the competent authority in carrying out a Screening for Appropriate Assessment for a Battery Energy Storage System development.

The proposed development is as follows.

Construction of an electricity storage facility comprising a Battery Energy Storage System (BESS),, to include one electrical compound, electrical transformer/inverter station modules, battery storage enclosures (BSEs), power conversion systems on concrete support structures, attenuation ponds, indicative 110kV buried import/export cable and indicative 110kV substation to facilitate connection to the existing 110kv Letterkenny substation, upgraded access tracks, crane hardstanding, associated electrical ducting, palisade security fencing and CCTV system, landscaping works, lighting poles and all other ancillary and miscellaneous site works including site clearance.

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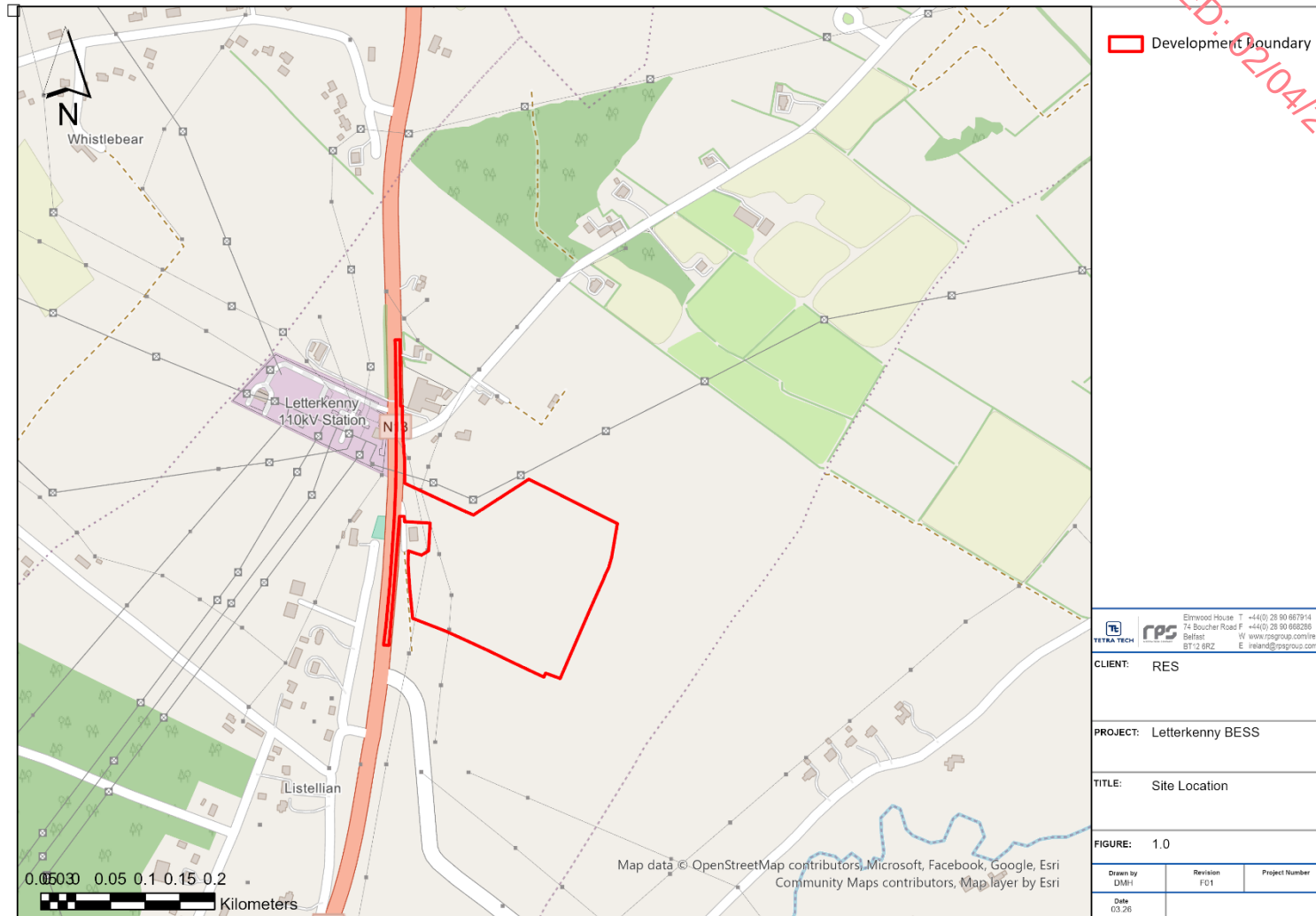


Figure 3.1: Site Location

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4. STAGE 1 SCREENING APPRAISAL FOR APPROPRIATE ASSESSMENT

4.1 Directly Connected with or Necessary to the Management of the Site

The proposed development is for the construction of a Battery Energy Storage System (BESS) on lands located approximately 3.06km south-east of the town of Letterkenny, County Donegal.

On this basis, the proposed development is not directly connected with or necessary to the management of any site as a European Site. A screening exercise must be undertaken by the competent authority to determine whether, firstly, the plan or project is directly connected with or necessary to the management of the site, and secondly, whether it is likely to have a significant effect on the site; it is governed by the first sentence of Article 6(3).

In addition, the provisions of the 2000 Act and 2024 Act make clear that screening for appropriate assessment of an application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

4.2 European Sites

This Stage 1 Appropriate Assessment Screening (Stage 1 Screening) considers European sites designated under European Council Directives 92/43/EEC and 2009/147/EC. The proposed development will be screened against those European sites in order to appraise whether it is likely to have a significant effect on the site.

In addition, the provisions of national legislation make clear that a Stage 1 screening for appropriate assessment shall be carried out to assess, in view of best scientific knowledge, if the proposed works, individually or in combination with other plans or projects are likely to have a significant effect on a European site.

Given the location and nature of the project, only sites downstream via the Sheepwalk Stream & Avoca River has been selected to ensure that features of European sites that can potentially be affected at this distance are scoped in. The sites screened in within this ZoI have been chosen for their potential hydrological or ecological connectivity with the proposed development using the source-pathway-receptor model.

In total three SACs, were considered within this appraisal, as these sites lie within the potential zone of influence and are hydrologically linked to the site. The most up-to-date Conservation Objectives for the European sites under consideration, and details in relation to the Qualifying Interests and Special Conservation Interests of these European sites are provided in Table 4.1.

Details in relation to the QIs and SCIs of these European sites are provided in Table 4.1.

The information contained in these tables is based on publicly available data on these European Sites and their Conservation Objectives, sourced from NPWS in April 2025.

SACs and SPAs are described in [Table 4.1](#) and are illustrated in [Figure 4.1](#).

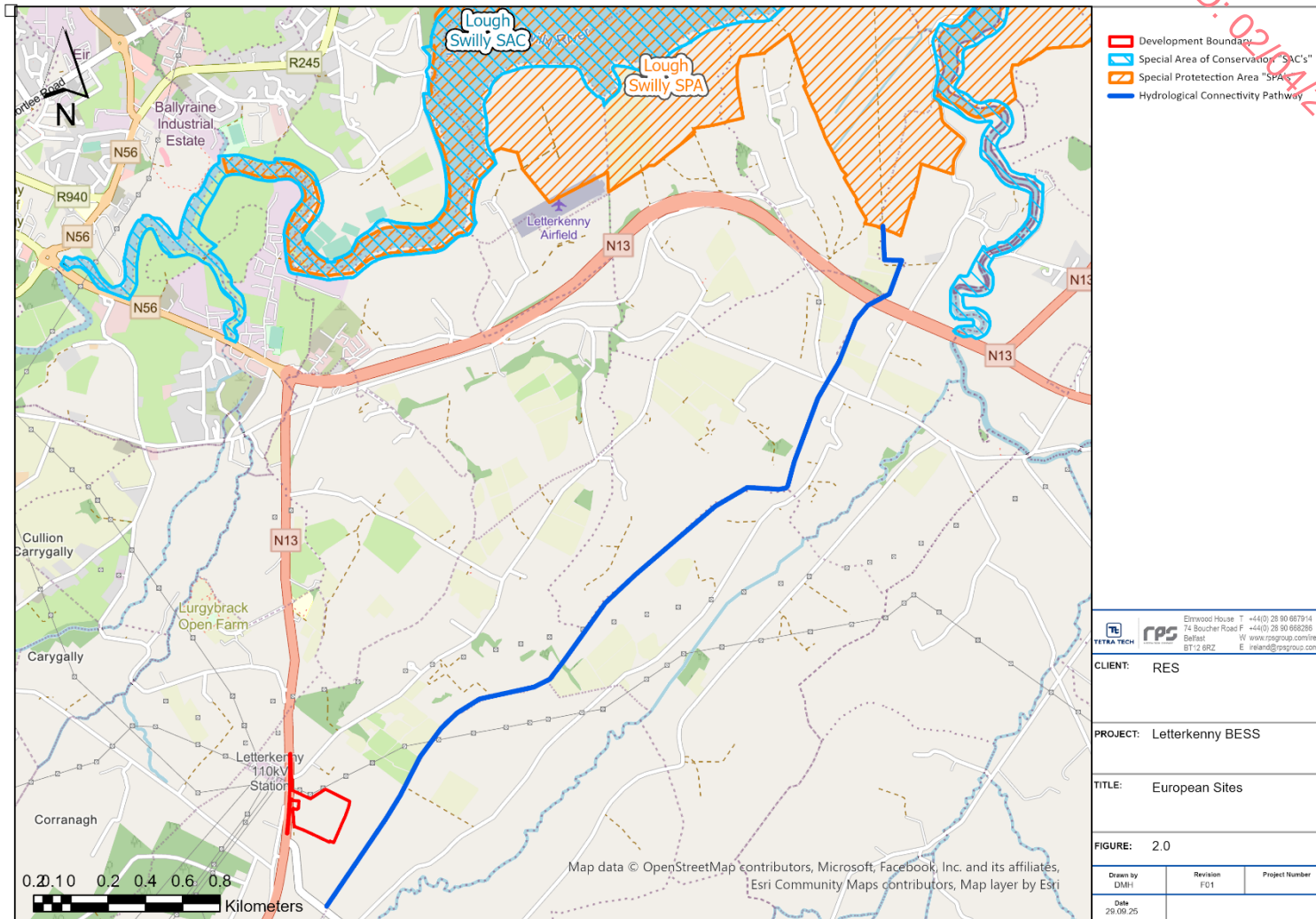


Figure 4.1: European Sites in the anticipated Zone of Influence of the Proposed Works

Table 4.1: European Sites in the anticipated Zone of Influence of the Proposed Works

Site Code	Site Name	Distance from Site	Qualifying Interest Features	Progress to Screening	LSE Reason
002287	Lough Swilly SAC	5.46km downstream NE	Estuaries [1130] Coastal lagoons [1150] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] <i>Lutra lutra</i> (Otter) [1355]	YES	The proposed development is located on a slight gradient, with the site draining to the east into an adjacent area of marshy grassland via a series of vegetated field drains. These field drains at the time of surveying, were dry and possessed no flowing water. These drainage channels feed into an unnamed vegetated stream located within the adjacent marshy grassland that flows downstream into Doobullurg Burn, and further into Lough Swilly. Due to this potential hydrological connectivity pathway, Likely Significant Effects on Lough Swilly SAC's qualifying features cannot be ruled out preliminarily and have been discussed further below in section 4.4 Potential Effects.
004075	Lough Swilly SPA	5.46km downstream NE	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Grey Heron (<i>Ardea cinerea</i>) [A028] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Greylag Goose (<i>Anser anser</i>) [A043] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) [A053] Scaup (<i>Aythya marila</i>) [A062] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Coot (<i>Fulica atra</i>) [A125] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Common Tern (<i>Sterna hirundo</i>) [A193] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Wetland and Waterbirds [A999]	YES	The proposed development is located on a slight gradient, with the site draining to the east into an adjacent area of marshy grassland via a series of vegetated field drains. These field drains at the time of surveying, were dry and possessed no flowing water. These drainage channels feed into an unnamed vegetated stream located within the adjacent marshy grassland that flows downstream into Doobullurg Burn, and further into Lough Swilly. Due to this potential hydrological connectivity pathway, Likely Significant Effects on Lough Swilly SPA's qualifying features cannot be ruled out preliminarily and have been discussed further below in section 4.4 Potential Effects.

4.3 Establishing an Impact Pathway

The possibility of significant effects is considered in this SISAA report using the source-pathway-receptor model. 'Source' is defined as the individual elements of the proposed works that have the potential to affect the identified ecological feature (or receptor). 'Pathway' is defined as the means or route by which a source can affect the ecological receptor, in this case the Sheepswalk Stream, Avoca River and Irish Sea. 'Ecological receptor' is defined as the Qualifying Interests of Lough Swilly SPA & SAC for which conservation objectives have been set for the European sites under consideration (refer to **Error! Reference source not found.**). Each element can exist independently however an effect is created when there is a linkage between the source, pathway and receptor. Possible effects are discussed under four themes:

Possible direct and indirect effects arising because of activities undertaken as part of the project are as follows:

- Direct Effects:
 - Habitat loss;
 - Aerial noise and/or visual disturbance or displacement of Annex II qualifying species or Special Conservation Interest (SCI) bird species; and
 - Air Quality Reduction
 - Suspended Sediments and Pollution
- Indirect Effects
 - Reduction in water quality and habitat deterioration of Annex I habitats in SACs, wetland habitats in SPAs and non-annex habitats resulting in impacts to Annex II species, as result of suspended sediments or pollution incidents.

4.4 Potential Effects

4.4.1 Habitat Loss

The area of the proposed development is located outside of any European site as can be seen from **Figure 4.1**. There will be no direct habitat loss from any European site as a result of any aspect of the proposed development.

The site primarily consists of enriched, intensively cattle grazed agricultural grassland bounded by the N13 roadway and is in proximity several farm complexes, houses and industrial sites. The site is therefore of negligible value to Lough Swilly SPA's qualifying bird species as foraging or roosting habitat and **Likely Significant Effects** are not anticipated.

Therefore, it can be excluded at the screening stage that the proposed development will have **Likely Significant Effect** on any European site as a result of habitat loss. That is the case in the absence of any mitigation measures being applied as part of the proposed development.

4.4.2 Suspended Sediments and Pollution

The proposed development site is located 5.46km upstream of Lough Swilling SAC & SPA via a hydrological connectivity pathway through vegetated field drains and the Doobullurg Burn, as outlined in **Table 4.1** and **Figure 4.1**.

While the drainage channels bounding the site are highly vegetated, with limited water flow (mostly consisting of scattered pools), the presence of the large area of marshy grassland located to the sites eastern boundary indicates that water is flowing off the proposed development and into this adjacent area.

Bounding this marshy area is an unnamed stream that flows into the Doolbullurg Burn and then into Lough Swilly. It is therefore possible for pollutants and runoff from construction of the proposed development to travel via this pathway, off the site and downriver into the European Sites. While any pollutants exiting the site through this pathway would experience a high level of dilution en-route as they flow into the Lough Swilly, it remains possible for suspended contaminants to reach Lough Swilly SPA & SAC.

During operation of the proposed development, no likely significant effects on nearby European sites are expected due to the implementation of integrated SuDs measures and a lack of any excavation or significant opportunities for sedimentary released.

The proposed development has the potential to give rise to water quality and habitat deterioration effects through the inadvertent release of suspended sediments or pollutants into the freshwater environment which may subsequently enter Lough Swilly SPA & SAC

As such **Likely Significant Effects** cannot be excluded at the screening stage of the appraisal. The proposed development could result in water quality and habitat deterioration effects on Lough Swilly SPA and Lough Swilly SAC in the absence of mitigation during construction of the proposed development.

Likely Significant Effects can be excluded at the screening stage for operational phase of the proposed development, even in the absence of mitigation.

4.4.3 Aerial Noise and Visual Disturbance

Lough Swilly SAC is designated on account of their supported areas of Annex I habitat which are not sensitive to the effects of aerial noise and visual disturbance. Lough Swilly SPA is designated for several bird species which may be sensitive to the effects of aerial noise and visual disturbance

Due to the substantial distance (Lough Swilly SPA & SAC 5.0km overland) from the application site, disturbance through increased noise producing activities, and the movement of personnel and machinery during the summer or winter months is unlikely to occur at a significant level.

No likely significant noise and visual impacts are expected; therefore, they have been screened out for all relevant European sites, in the absence of mitigation measures.

On the basis of the above it is considered that **Likely Significant Effects** in relation to aerial noise or visual disturbance effects can be excluded at the screening stage.

4.4.4 Air Quality

The proposed project will give rise to dust and traffic movements temporarily during construction phase. Activities will have limited vehicular activity operating over a short duration due to the small-scale nature of the proposed works. Emissions from traffic generated by the construction of the proposed development are not anticipated to be sufficient to give rise to any significant increases to the deposition of Ammonia NH₃, Nitrogen Oxides NO_x, Sulphur Dioxide SO₂ or nutrient nitrogen, within any of the assessed European Sites.

No operational phase impacts associated with air quality and associated nutrient deposition are predicted because of the proposed development.

Likely Significant Effects in relation to air quality can be excluded at the screening stage in the absence of mitigation measures.

4.5 In-Combination Effects

Article 6(3) of the Habitats Directive requires that in-combination effects with other plans or projects are also considered. As set out in the Commission's 2018 Notice (EC, 2019), significance of effect will

vary depending on factors such as magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. The significance of any identified combined effects of the Proposed works alongside other past, present or reasonably foreseeable future plans or projects must be evaluated.

In that context, plans or projects which are completed, approved but uncompleted, or proposed have been considered. EC (2019) specifically advises that “as regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the in-combination provision to those which have been actually proposed, i.e. for which an application for approval or consent has been introduced”.

4.5.1 Planning Applications

A search of the Donegal County Council Planning Portal was conducted, assessing projects of similar scale in the immediate area of the proposed development. Developments related to energy infrastructure, large-scale residential developments (greater than 10 dwellings) and large-scale industrial/road/water/gas infrastructure developments were to be scoped in, provided they were located within a 2km zone of interest around the application site.

The following three developments outlined in **Table 4.2** have been screened in for consideration.

Table 4.2: Nearby Developments Assessed In-Combination

Reference Number	Application Description	Distance and direction of Project site from the Proposed Works
2050844	Erection of a 20m high, free standing communications structure, carrying antennae and communication dishes with associated equipment to form part of ESB's communication system and to share with other licensed operators within an existing compound.	0.12km W
2151761	Erection of an 18m high freestanding communications structure with lighting final, carrying antennae and communication dishes with associated equipment to form part of ESB's communication system and to share with other licensed operators.	0.12km W
2250703	Construction of a container yard for secure storage as part of a farm diversification plan with all associated site development works	1.87km W

Application 2050844 is for the construction of a 20m high, free-standing communications structure, carrying antennae and communication dishes with associated equipment located at Letterkenny 110kv Substation, Rarooey, Listillon, Letterkenny. The applicant, ESB Telecoms Limited did not submit an AA

in conjunction with the planning application, with the development determined to possess no pathways for any likely significant effects on any nearby designated site, even in the absence of mitigation.

As outlined in section 5.4 Mitigation Measures, any potential impacts arising due to the proposed Letterkenny BESS installation will be fully mitigated for as to have no adverse likely significant effects on any nearby European Sites. Therefore, no likely significant adverse in-combination effects are expected due to the proposed BESS development and **Application 2050844** or with any other nearby plans or projects.

Application 2151761 is for the construction of a 18m high, freestanding communications structure with lighting, carrying antennae and communication dishes with associated equipment at Letterkenny 110kv Substation, Rarooey, Listillon, Letterkenny. The applicant, ESB Telecoms Limited did not submit an AA in conjunction with the planning application, with the development determined to possess no pathways for any likely significant effects on any nearby designated site, even in the absence of mitigation.

As outlined in section 5.4 Mitigation Measures, any potential impacts arising due to the proposed Letterkenny BESS installation will be fully mitigated for as to have no adverse likely significant effects on any nearby European Sites. Therefore, no likely significant adverse in-combination effects are expected due to the proposed BESS development and **Application 2151761** or with any other nearby plans or projects.

Application 2250703 is for the construction of a of a container yard for secure storage as part of a farm diversification plan with all associated site development works at Carrygalley, Letterkenny. The applicant, Charles Sweeny did not submit an AA in conjunction with the planning application, with the development determined to possess no pathways for any likely significant effects on any nearby designated site, even in the absence of mitigation.

As outlined in section 5.4 Mitigation Measures, any potential impacts arising due to the proposed Letterkenny BESS installation will be fully mitigated for as to have no adverse likely significant effects on any nearby European Sites. Therefore, no likely significant adverse in-combination effects are expected due to the proposed BESS development and **Application 2250703** or with any other nearby plans or projects.

Therefore, we expect that either alone or in-combination with the Development Plan or any other nearby plans or projects, no likely significant effects would arise.

All other applications in the surrounding area were either historic record (10 years or older), minor additions to existing properties of much smaller scale than the proposed development (e.g individual dwelling construction or barn construction). None of these nearby projects had an Appropriate Assessment Screening report submitted with their applications and are therefore indicated to have no pathways for any likely adverse significant effects on designated sites.

We therefore expect no significant impacts, alone or in-combination due to the proposed development and any nearby plans or projects on any European sites.

4.5.2 County Donegal Development Plan 2024-2030

As part of our assessment of potential impacts on nearby designated sites, the County Donegal Development Plan 2024-2030 (Donegal County Council, 2024) was reviewed to determined if the proposed expansion of public services and changes in land use outlined in the plan would have in-combination effects with the proposed developments approval.

The Statagic Environmental Assessment Statement of the County Donegal Development Plan 2023-2030 outlines the following mitigation measures:

“Biodiversity issues have been taken into account in a number of ways in the plan, for example:

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- *Policy BIO-P-1: Requires all developments to comply with the habitats and birds directive including not adversely affect the integrity of any European site, protect Annex IV animal and plant species, and managing features of the landscape.*

- *Policy BIO-P-2: Requires all developments to conserve/protect Ramsar Sites, Nature Reserves, Natural Heritage Areas.*

- *Policy WE-P-3: Requires that Wind Energy Development Proposals have regard to specific biodiversity related requirements including loss of functionally related habitat, bird collision."*

"Water Quality issues have been taken into account in a number of ways in the plan, for example:

- *WW-P-1: Requires that development ensure that they do not have an adverse impact on water quality and do not hinder the objectives of the EU Water Framework Directive.*

- *WW-P-4: Requires that all development connected to the public wastewater infrastructure provide confirmation that the wastewater system both treatment capacity and network availability.*

- *WW-P-5: Requires single houses developments with individual wastewater treatment systems to comply with the EPA's code of practice for Single Houses.*

- *WE-P-3: Requires that Wind Energy Development Proposals have regard to specific biodiversity related requirements including water quality."*

The associated Natura Impact Statement prepared to accompany the plan concluded that:

"Recommendations are given in this NIR that where there is the potential for impacts on the QI / SCI of any European sites, planning applications must undergo AA Screening, and if necessary Appropriate Assessment, to ensure there are no adverse effects on the integrity of any European site, and that specific mitigation measures are used in relation to proposed developments.

These provide an initial starting point for incorporation into projects when taking forward proposals. However, these will almost certainly need to be refined once more detail on relevant proposals is known further through the planning process. Moreover, a requirement for additional mitigation measures not suggested at this stage may also be identified based on the precise nature of relevant proposals and/or the occurrence / distribution of QI / SCI in relation to the development."

"Cumulative and in-combination effects were considered in relation to other plans and programmes of relevance. Many of these latter are used to guide the formulation of objectives and policy in the CDP. Many are themselves mutually complementary and supportive having been prepared as part of coordinated and structured planning systems and individually assessed in respect of Habitats Directive Appropriate Assessment."

"This NIR for the CDP concludes a Finding of No Significant Effects following the completion of Stage 2 of the process. As a result, there is no requirement to proceed to Stage 3 of the AA Process. This assessment should be read in conjunction with the County Donegal Development Plan 2024-2030 and the accompanying SEA Environmental Report (Part D of the Plan) prepared in compliance with the requirements of the SEA Directive."

As any potential pathways for significant adverse effects to impact Lough Swilly SAC & SPA by a proposed development under the county development plan are required to be assessed, mitigated for if required and screened out, we expect that there will be no significant alone or in-combination with the proposed development and any works occurring as part of the County Donegal Development Plan 2024-2030 will have been sufficiently mitigated as to have a negligible impact.

As outlined in section 5.4 Mitigation Measures, any potential impacts arising due to the Letterkenny BESS installation will be fully mitigated for as to have no adverse likely significant effects on any nearby European Sites.

Therefore, we expect that either alone or in-combination with the Development Plan or any other nearby plans or projects, no likely significant effects would arise.

4.5.3 Conclusion of In-Combination Assessment

The proposed development will produce no significant effects alone or in-combination with the County Donegal Development Plan 2024-2030 or any nearby projects. There will be no likely significant adverse impacts on Lough Swilly SAC & SPA.

4.6 Conclusions of the Screening Stage Appraisal

This Stage 1 screening appraisal was completed in accordance with Section 2 of this report. The proposed project has been considered in the context of the European sites identified within the project's zone of influence, their Qualifying Interests and Special Conservation Interests and any Conservation Objectives which have been set.

From the finding of the screening stage appraisal, it is concluded that

- The proposed project is not directly connected with or necessary to the management of any European site.
- The possibility of likely significant Water Quality and Habitat Deterioration effects cannot be excluded for Lough Swilly SPA & SAC in the absence of measures intended to avoid or reduce harmful effects of the potential project on these European sites.
- The possibility of likely significant Aerial Noise and Visual Disturbance effects can be excluded for Lough Swilly SPA & SAC without further evaluation and analysis, or the application of measures intended to avoid or reduce harmful effects of the potential project on European sites.
- The possibility of likely significant Air Quality effects due to the proposed developments construction can be excluded for Lough Swilly SPA & SAC without further evaluation and analysis, or the application of measures intended to avoid or reduce harmful effects of the potential project on European sites.
- The development was fully assessed against local plans and projects and will not result in likely significant effects alone or in-combination with the County Donegal Development Plan or any nearby projects. There will be no likely significant adverse impacts on Lough Swilly SPA & SAC.

Having regard to the methodology employed and the findings of the screening stage appraisal, it has been concluded that a Stage 2 appraisal of the implications of the proposed project on any European site is required.

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5. NATURA IMPACT STATEMENT

5.1 Conclusions of the Stage 1 Screening Appraisal

TT RPS conducted an appraisal to inform appropriate assessment and prepared a Stage 1 Screening for Appropriate Assessment (SISAA) in Section 4 above, which was completed in compliance with EU and Irish law and the relevant European Commission and national guidelines to determine whether Likely Significant Effects (LSEs) on any European site could be excluded as a result of the construction and operation of the proposed development.

The Stage 1 appraisal to inform screening for appropriate assessment firstly established that the proposed Letterkenny BESS was not directly connected with or necessary to the management of Lough Swilly SPA & SAC

The possibility of significant effects was then considered using a source-pathway-receptor model, where 'Source' was defined as the individual elements of the proposed works that have the potential to affect the identified ecological receptors both within the European site and ex-situ in accordance with the Holohan judgment. 'Pathway' was defined as the means or route by which a source can affect the ecological receptor. 'Ecological receptor' was defined as the Qualifying Interests (of SACs) for which conservation objectives have been set for the European sites under consideration. Each element can exist independently however an effect is created when there is a linkage between the source, pathway and receptor.

Possible direct and indirect effects arising as a result of activities undertaken as part of the proposed development were discussed under the following themes:

- Direct Effects:
 - Habitat loss;
 - Aerial noise and/or visual disturbance or displacement of Annex II qualifying species or Special Conservation Interest (SCI) bird species;
 - Air Quality
- Indirect Effects
 - Reduction in water quality and habitat deterioration of Annex I habitats in SACs, as result of suspended sediments or pollution incidents.

Having regard to the methodology employed and the findings of the appraisal and having applied the precautionary principle, it was concluded that a Natura Impact Statement was required, to assess the implications of the proposed development. Stage One Screening concluded likely significant effects on Lough Swilly SPA & SAC.

The following sets out the conservation objectives for the qualifying features for which there is insufficient evidence to conclude, at the screening stage, that there will not be any likely significant effects.

5.2 STAGE 2 Appraisal to Inform an Appropriate Assessment

5.2.1 Lough Swilly SAC Conservation Objectives

1130 Estuaries Attribute Measure Target

To maintain the favourable conservation condition of Estuaries in Lough Swilly SAC, which is defined by the following list of attributes and targets:

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

- Community distribution - Hectares - The following communities should be conserved in a natural condition: Fine sand community complex; Intertidal mixed sediment with polychaetes; Subtidal mixed sediment with polychaetes and bivalves; Muddy fine sand with *Thyasira flexuosa*; Mud community complex and *Ostrea edulis* dominated community.

1150 * Coastal lagoons

To restore the favourable conservation condition of Lagoons in Lough Swilly SAC, which is defined by the following list of attributes and targets:

- Habitat area - Hectares - Area - stable, subject to slight natural variation. Favourable reference area - 206ha- Inch Lough 176ha; Blanket Nook 30ha. Buckroney-Brittis Dunes and Fen SAC (NPWS, 2022)
- Salinity regime - Practical salinity units (psu) - Maintain median annual salinity within natural ranges: Inch 0.1 - 3.0psu; Blanket Nook 10 - 20psu
- Hydrological regime - Metres - Maintain current annual water level fluctuations and minima
- Barrier - Sluice function - Maintain permeability, including appropriate management of sluices
- Water quality: - Chlorophyll a $\mu\text{g/L}$ - Reduce annual median chlorophyll a to less than $2.5\mu\text{g/L}$ at Inch; less than $5\mu\text{g/L}$ at Blanket Nook
- Water quality - Molybdate Reactive Phosphorus (MRP) - mg/L - Reduce annual median MRP to less than 0.01mg/L at Inch; less than 0.02mg/L at Blanket Nook
- Water quality: Dissolved Inorganic Nitrogen (DIN) - mg/L - Reduce annual median DIN to less than 0.15mg/L at Inch; less than 0.4mg/L at Blanket Nook
- Depth of macrophyte colonisation - Metres - Increase colonisation to maximum depth of both lagoons
- Typical plant species - Number and m^2 - Maintain number and extent of listed lagoonal specialists, subject to natural variation
- Typical invertebrate species - Number - Maintain listed lagoon specialists, subject to natural variation
- Negative indicator species - Number and % cover - Negative indicator species absent or under control

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

To maintain the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC, which is defined by the following list of attributes and targets:

- Habitat area - Hectares - Area stable or increasing, subject to natural processes, including erosion and succession. For sub-sites mapped: Fahan - 7.29ha, Green Hill - 2.02ha, Lower Lough Swilly - 8.44ha, Rathmelton - 10.01ha, Ray - 0.05ha.
- Habitat distribution - Occurrence - No decline, subject to natural processes
- Physical structure: - sediment supply - Presence/absence of physical barriers - Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions
- Physical structure: creeks and pans - Occurrence - Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession
- Physical structure: flooding regime - Hectares flooded; frequency - Maintain natural tidal regime
- Vegetation structure: zonation - Occurrence - Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession
- Vegetation structure: vegetation height - Centimetres - Maintain structural variation within sward
- Vegetation structure: vegetation cover - Percentage cover at a representative sample of monitoring stops - Maintain more than 90% of area outside creeks vegetated

- Vegetation composition: typical species and sub-communities - Percentage cover at a representative sample of monitoring stops - Maintain range of sub-communities with characteristic species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009)
- Vegetation composition: - negative indicator species - *Spartina anglica* Hectares No significant expansion of *Spartina*. -No new sites for this species and an annual spread of less than 1% where it is already known to occur

1355 Otter *Lutra lutra*

To restore the favourable conservation condition of Otter in Lough Swilly SAC, which is defined by the following list of attributes and targets:

- Distribution - Percentage positive survey sites - No significant decline
- Extent of terrestrial habitat - Hectares - No significant decline. Area mapped and calculated as 95.7ha above high water mark (HWM); 44.0ha along river banks/ around pools
- Extent of marine habitat - Hectares - No significant decline. Area mapped and calculated as 839.5ha
- Extent of freshwater (river) habitat – Kilometres - No significant decline. Length mapped and calculated as 15.5km
- Extent of freshwater (lake/lagoon) habitat – Hectares - No significant decline. Area mapped and calculated as 83.7ha
- Couching sites and holts - Number - No significant decline
- Fish biomass available - Kilograms - No significant decline
- Barriers to connectivity - Number - No significant increase

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

To restore the favourable conservation condition of Old oak woodland with *Ilex* and *Blechnum* in Lough Swilly SAC, which is defined by the following list of attributes and targets

- Habitat area - Hectares - Area stable or increasing, subject to natural processes, at least 58.68ha for sub-sites surveyed: Rathmullen wood - 26.00ha; Salt Pans wood - 13.47ha; Ballynarry wood - 15.61ha; Carrow Cashel wood - 3.60ha.
- Habitat distribution - Occurrence - No decline.
- Woodland size - Hectares - Large woods at least 25ha in size and “small” woods at least 3ha in size
- Woodland structure: cover and height - Percentage and metres - Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semi- mature trees and shrubs; and well-developed herb layer
- Woodland structure: community diversity and extent - Hectares - Maintain diversity and extent of community types, including oak-ash; alder-ash in seepage areas and alongside streams; oak-birch; willow-alder-ash
- Woodland structure: natural regeneration - Seedling:sapling:pole ratio - Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy
- Woodland structure: - dead wood m³ per hectare; number per hectare - At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter
- Woodland structure: veteran trees - Number per hectare - No decline
- Woodland structure: indicators of local distinctiveness - Occurrence - No decline
- Vegetation composition: native tree cover - Percentage No decline. - Native tree cover not less than 95%

- Vegetation composition: negative indicator species - Occurrence - Negative indicator species, particularly non-native invasive species, absent or under control

5.2.2 Lough Swilly SPA Conservation Objectives

A005 Great Crested Grebe *Podiceps cristatus*

To maintain the favourable conservation condition of Great Crested Grebe in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - Long term population trend stable or increasing
Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A028 Grey Heron *Ardea cinerea*

To maintain the favourable conservation condition of Grey Heron in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - Long term population trend stable or increasing
Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A038 Whooper Swan *Cygnus cygnus*

To maintain the favourable conservation condition of Whooper Swan in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing
Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A043 Greylag Goose *Anser anser*

To maintain the favourable conservation condition of Greylag Goose in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing
Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A048 Shelduck *Tadorna tadorna*

To maintain the favourable conservation condition of Shelduck in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing
Population trend assessment

- Distribution Number and range of areas used by waterbirds - No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A050 Wigeon *Anas penelope*

To maintain the favourable conservation condition of Wigeon in Lough Swilly SPA, which is defined by the following list of attributes and targets

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A052 Teal *Anas crecca*

To maintain the favourable conservation condition of Teal in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A053 Mallard *Anas platyrhynchos*

To maintain the favourable conservation condition of Mallard in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A056 Shoveler *Anas clypeata*

To maintain the favourable conservation condition of Shoveler in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A062 Scaup *Aythya marila*

To maintain the favourable conservation condition of Scaup in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment

- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A067 Goldeneye *Bucephala clangula*

To maintain the favourable conservation condition of Goldeneye in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A069 Red-breasted Merganser *Mergus serrator*

To maintain the favourable conservation condition of Red - breasted Merganser in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A125 Coot *Fulica atra*

To maintain the favourable conservation condition of Coot in Lough Swilly SPA, which is defined by the following list of attributes and targets

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A130 Oystercatcher *Haematopus ostralegus*

To maintain the favourable conservation condition of Oystercatcher in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A130 Oystercatcher *Haematopus ostralegus*

To maintain the favourable conservation condition of Oystercatcher in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment

- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A143 Knot *Calidris canutus*

To maintain the favourable conservation condition of Knot in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A149 Dunlin *Calidris alpina*

To maintain the favourable conservation condition of Dunlin in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A160 Curlew *Numenius arquata*

To maintain the favourable conservation condition of Curlew in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A162 Redshank *Tringa totanus*

To maintain the favourable conservation condition of Redshank in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A164 Greenshank *Tringa nebularia*

To maintain the favourable conservation condition of Greenshank in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment

- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A179 Black-headed Gull *Chroicocephalus ridibundus*

To maintain the favourable conservation condition of Black-headed Gull in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Breeding population abundance: apparently occupied nests (AONs) - Number - No significant decline
- Productivity rate: fledged young per breeding pair - Mean number - No significant decline
- Distribution: breeding colonies - Number; location; area (Hectares) - No significant decline

A182 Common Gull *Larus canus*

To maintain the favourable conservation condition of Common Gull in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A191 Sandwich Tern *Sterna sandvicensis*

To maintain the favourable conservation condition of Sandwich Tern in Lough Swilly SPA, which is defined by the following list of attributes and targets

- Breeding population abundance: apparently occupied nests (AONs) - Number - No significant decline
- Productivity rate: fledged young per breeding pair - Mean number - No significant decline
- Distribution: breeding colonies - Number; location; area (Hectares) - No significant decline

A191 Sandwich Tern *Sterna sandvicensis*

To maintain the favourable conservation condition of Sandwich Tern in Lough Swilly SPA, which is defined by the following list of attributes and targets

- Breeding population abundance: apparently occupied nests (AONs) - Number - No significant decline
- Productivity rate: fledged young per breeding pair - Mean number - No significant decline
- Distribution: breeding colonies Number; location; area (Hectares) - No significant decline

A193 Common Tern *Sterna hirundo*

To maintain the favourable conservation condition of Common Tern in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Breeding population abundance: apparently occupied nests (AONs) - Number - No significant decline
- Productivity rate: fledged young per breeding pair - Mean number - No significant decline
- Distribution: breeding colonies - Number; location; area (Hectares) - No significant decline

- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A395 Greenland White-fronted goose *Anser albifrons flavirostris*

To maintain the favourable conservation condition of Greenland White-fronted Goose in Lough Swilly SPA, which is defined by the following list of attributes and targets:

- Population trend - Percentage change - long term population trend stable or increasing Population trend assessment
- Distribution Number and range of areas used by waterbirds- No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation

A999 Wetlands & Waterbirds

To maintain the favourable conservation condition of the wetland habitat in Lough Swilly SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attributes and targets:

- Habitat area - Hectares - The permanent area occupied by the wetland habitat is stable and not significantly less than the areas of 4,162, 2,419, 201 and 317 hectares for subtidal, intertidal, supratidal and lagoon (and associated) habitats respectively, other than that occurring from natural patterns of variation.

5.3 Impact Prediction

The proposed project has been identified as having the potential for likely significant effects in relation to water pollution which and the diminution of water quality which could give rise to adverse impacts upon Lough Swilly SAC and Lough Swilly SPA qualifying species and habitats with respect to the conservation objectives outlined above in the absence of mitigation measures both alone and in combination with other plans and projects.

5.4 Potential Effects

5.4.1 Habitat Loss

The proposed development boundary of the BESS development (see [Figure 3.1](#)) does not encroach upon or border any European site. There will be no direct loss of habitat due to the proposed development. The proposed development site is primarily agricultural grassland, bounded by hedgerows with trees. The site drains into adjacent marshy grassland and flows into an unnamed stream, before linking up with the Doobullurg Burn and flowing into Lough Swilly.

Due to the site's connectivity with Lough Swilly, consideration has been given below to the effect the accidental release of suspended sediments and pollutants from construction could have on Lough Swilly SPA & SAC.

5.4.2 Diminution of Water Quality and Habitat Deterioration

The Project is located upstream of Lough Swilly SPA & SAC and is hydrologically connected to these European Sites via an unnamed stream and the Doolbullurg Burn.

Aspects of the Project, including the works required in proximity to the Sheepswalk stream, a minor watercourse, (i.e. with 10m) such as such excavation works, bridge construction, concrete pouring and

increased plant vehicle traffic have potential to give rise to elevated concentrations of suspended sediments within the freshwater environment.

Mitigation measures must be applied to prevent diminution of water quality and deterioration of watercourses that feed Lough Swilly SPA & SAC.

5.4.3 Summary Assessment of Potential Impacts on Conservation Objectives

Table 5.1 outlines the summary assessment of potentially adverse effects on Lough Swilly SPA and Lough Swilly SAC.

Table 5.1: Summary Assessment Potential Impacts on Conservation Objectives

Designated Site	Distance (km)	Description	Summary of Likely Significant Effect Pathways
Lough Swilly SAC	5.46km Downstream	Conservation Objectives Specific Version 1.0 (21/03/17) To maintain or restore the favourable conservation condition of the qualifying habitat types in the SAC, as defined by a range of attributes and targets and targets Special Conservation Interests • Estuaries [1130] • Coastal lagoons [1150] • Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Phocoena phocoena (Harbour Porpoise) [1351] • Lutra lutra (Otter) [1355]	Diminution of Water Quality and Habitat Deterioration Release of increased suspended sediments during construction.
Lough Swilly SPA	5.46km Downstream	Conservation Objectives Specific Version 1.0 (27/03/17) To maintain or restore the favourable conservation condition of the qualifying habitat types in the SAC, as defined by a range of attributes and targets and targets • Great Crested Grebe (Podiceps cristatus) [A005] • Grey Heron (Ardea cinerea) [A028] • Whooper Swan (Cygnus cygnus) [A038] • Greylag Goose (Anser anser) [A043] • Shelduck (Tadorna tadorna) [A048] • Teal (Anas crecca) [A052] • Mallard (Anas platyrhynchos) [A053] • Scaup (Aythya marila) [A062] • Goldeneye (Bucephala clangula) [A067] • Red-breasted Merganser (Mergus serrator) [A069] • Coot (Fulica atra) [A125] • Oystercatcher (Haematopus ostralegus) [A130] • Knot (Calidris canutus) [A143]	Diminution of Water Quality and Habitat Deterioration Release of increased suspended sediments during construction.

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Designated Site	Distance (km)	Description	Summary of Likely Significant Effect Pathways
		• Dunlin (<i>Calidris alpina</i>) [A149] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Common Tern (<i>Sterna hirundo</i>) [A193] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wigeon (<i>Mareca penelope</i>) [A855] • Shoveler (<i>Spatula clypeata</i>) [A857] • Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] • Wetland and Waterbirds [A999]	

5.5 Mitigation Measures

The following mitigation measures will be implemented at construction phase as part of a CEMP to be submitted to the planning authority and approved by discharge of condition prior to commencement of the proposed development, to prevent adverse effects on the integrity of Lough Swilly SPA and Lough Swilly SAC by preventing the diminuation of water quality and wetland habitat deterioration.

- Appropriate sediment control measures in line with guidance provided in Guidance for Pollution prevention (GPP) documents and CIRIA guidelines will be installed to ensure silt laden or contaminated surface runoff from the compound does not discharge directly to a water body.
- Control of water pollution from construction sites. Guidance for consultants and contractors (C532)
- Control of water pollution from linear construction projects. Technical guidance (C648)
- Guidance for Pollution Prevention (GPP) documents
- All contractors will undertake toolbox talks and water quality awareness training
- All mobile plant & equipment will have drip trays installed underneath.
- All oils and diesels will be stored on drip trays (including when in vans).
- All Plant & equipment will be located as far away as possible from drains.
- Refuelling will not take place near drains. Refuelling will take place at a designated area on impermeable surface and will not be left unsupervised
- Plant, equipment & vehicles will be checked for leaks on a regular basis, and at least twice daily if working in or near waterways.
- If small plant has the potential to leak or is leaking, effected vehicle will be stood on a drip tray.
- All leaking plant material will be reported to the site supervisor.
- Any leaking or damaged plant material will be removed from the site for maintenance.
- Underground services will be checked for to prevent accidental damage to these lines during excavation.
- No silt-laden water will be pumped into any watercourse
- Do not disturb water in excavations to prevent stirring up silt.
- The lowest corner of the excavation will be used as a sump pump. The pump will be positioned off the bottom of the excavation.

- Absorbent pads will be utilised to remove any light contamination from oil or fuel spills.
- When disposing of silt laden water from pumping out excavations/ dewatering:
- Water will be pumped via a settlement tank/ lagoon (with sufficient retention time to settle any silt)
- With landowner permission, silt laden water will be pumped onto grasslands / fields.
- For small quantities of water in excavations – pump onto grassland with the landowners' permission provided there is no potential from preferential flow paths and overland flow to the aquatic environment.
- The pump will be monitored to prevent scouring and generation of suspended solids.
- Permission will be obtained from relevant body discharge to surface watercourse/ surface water drain if this is required.
- Watercourse banks will be left intact to prevent soils from entering the watercourse.
- Silt fences or other suitable measures will be installed where the working area encroaches within 10m of a watercourse (except for dedicated water course crossing points) and the local topography indicates there is potential for run-off to directly enter the watercourse. Silt fences will be monitored and maintained to ensure that they are working effectively.
- All plant material and equipment will maintain a 10m buffer from all watercourses
- Excess material stockpiles will be managed to prevent siltation of water bodies through run-off and overland flow during rainfall events.
- Where the soil stockpiles represent a particular risk of runoff an interception ditch (cut-off) or silt fencing will be deployed to contain and direct run-off to a treatment area will be provided.
- Refueling will not occur within 10m of a watercourse without the prior agreement of the Environmental Protection Agency
- A containment boom will be placed across the watercourse directly downstream of where instream works are occurring to catch any potential oil or fuel spills.
- A wash-out area will be designated for plant material at a minimum 10m distance from the watercourse.
- All staff will have access to a spill kit during works. The following spill kit procedure will be followed if contaminants enter a watercourse.
- The appropriate spill kit will be deployed immediately, and the site manager will be informed.
- The incident will be recorded within the site logbook; and in the event of contaminants being discharged directly to water courses, or in the event of significant spillage (exceeding 10 liters), the Environment Protection Agency (EPA) will be contacted.
- A spill kit will contain the following equipment: Pillows, Buckets, Mats, PPE (Gloves, Masks, Goggles), Granular absorbent material and Boom socks.
- Spill kits will be regularly inspected and immediately replaced if used.
- Toolbox talks will be communicated to Site staff and contractors so that they are fully informed of refuelling procedures.
- Specific areas will be designated for oil storage and refuelling, providing bunds sized to contain 110% of fuel storage capacity.
- The contractor will use fill point drip trays, bunded pallets and secondary containment units.
- The site will be enclosed and secured, and fuel storage areas will be secondarily secured.
- All fuel, oil and chemical deliveries will be supervised by a responsible person who will be trained to deal with any spillage to prevent a pollution problem occurring.
- Storage of Control of Substances Hazardous to Health (COSHH) items is not permitted and such items will only be brought to site as required, fuel is provided by client from an existing bunded static supply, where small portable machines are to be fuelled up a drip tray is used.
- Any containers of contaminating substances on site will be leak proof and kept in a safe and secure building or compound from which they cannot leak, spill or be open to vandalism.
- Vehicles will not be left unattended during refueling

- The site will be enclosed and secured, and fuel storage areas will be secondarily secured.
- Only construction equipment and vehicles free of oil/fuel leaks which could cause contamination will be permitted on site.
- There will be regular inspections of machinery on site.

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6. CONCLUSION

The report has been prepared by TT RPS on behalf of RES for a proposed Battery Energy Storage System (BESS) development located at Listellian, Letterkenny, Co. Donegal on European sites in view of their conservation objectives.

A stage one screening appraisal to inform Appropriate Assessment has been completed to identify any likely significant effects of the proposed BESS development on Lough Swilly SPA and SAC.

Stage One Screening concluded likely significant effects could not be excluded in relation to diminution of water quality and degradation of its qualifying habitats in the absence of mitigation measures due to pollution arising from the proposed BESS construction, therefore it was necessary to carry out a Stage 2 Appraisal, Natura Impact Statement.

Stage Two assessment has been completed and concludes that the proposed project is not directly connected with or necessary to the management of any European site; will not give rise to adverse effects on the integrity of Lough Swilly SPA and SAC with implementation of the mitigation measures outlined above (Section 5.4); and will not give rise to significant in-combination effects with the other plans or projects following these mitigation measures implementation.

It can be objectively concluded with supporting evidence that there will be no adverse effects on the integrity of any European site due to the proposed BESS development.

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