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The Secretary,

An Bord Pleanála,

64 Marlborough Street,

Dublin 1

DOI V902

4<sup>th</sup> December 2019

<b>AN BORD PLEANÁLA</b>	
LDG-ABP-	022230-19.
Fee: €	220
Type:	Cheque
Time:	9-12
By:	Post
06 DEC 2019	

**Re : Declaration request to Donegal County Council by William and Paidin Doherty under Section 5 of the Planning & Development Act 2000 (as amended) for land reclamation through re-contouring of lands within farm holdings at Binnion, Clonmany, County Donegal - S5 19/26.**

Dear Secretary

On 15<sup>th</sup> October inst. a Section 5 referral application was submitted to Donegal County Council, seeking a declaration, that land reclamation through re-contouring of lands within farm holdings at Binnion, Clonmany, County Donegal, is or is not development or is or is not exempted development.  
By its decision dated 11<sup>th</sup> November 2019, Donegal County Council declared that the works were development and were not exempted development. Details of the referral application and the Donegal County Council declaration are attached below.  
An Bord Pleanála is respectfully requested to review the declaration by Donegal County Council and I enclose the appropriate fee of €220 in respect of the review.

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**1. BACKGROUND:**

1.1 William and Paidin Doherty are cousins, who own adjoining farm holdings at Binnion,

Clonmany, County Donegal. In early 2017, they decided to reclaim parts of each of their farm holdings by taking material from high ground, to raise the level of lower ground within their respective farm holdings. The material from the elevated area to the east of the farm holdings was considered by both farmers to be suitable to underlay the topsoil and reclaim their remaining fields.

1.2 It was considered that this work was exempted development under Article 8C of the Planning & Development Regulations 2001-19. Work commenced on the excavation of the higher ground, which consisted mainly of rock overlain with dry heath, which was easily removed with the bucket of a plant machine.

1.3 Paidin Doherty had started to back-fill a small part of one of his fields, when they were stopped by the Planning Authority. No further re-contouring of their fields has occurred since.

**2. SECTION 5 REFERRAL APPLICATION:**

2.1 As stated above a referral application was submitted to Donegal County Council, seeking a declaration that the reclamation works through the re-contouring of their farm holdings was development, but was exempted development.

2.2 Donegal County Council considered that the works were not exempted development, because the works do not come within the scope of Article 8C of the Planning & Development Act 2000 (as amended) as for one part the works do not constitute re-contouring of lands and for the other part within the scope of Section 4(4) of the Planning & Development Act 2000 (as amended), the filling of lands requires an Appropriate Assessment and therefore cannot be considered exempt.

2.3 No rationale has been provided by Donegal County Council to support its view that the works do not constitute re-contouring of lands, or that filling of lands requires an Appropriate Assessment and my request for the planner's report on the declaration was refused. The declaration merely presents a statement that the works are not considered

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re-contouring and a further statement that 'filling of lands requires an appropriate Assessment'.

### 3. ASSESSMENT OF DECISION

#### (a) Re-contouring

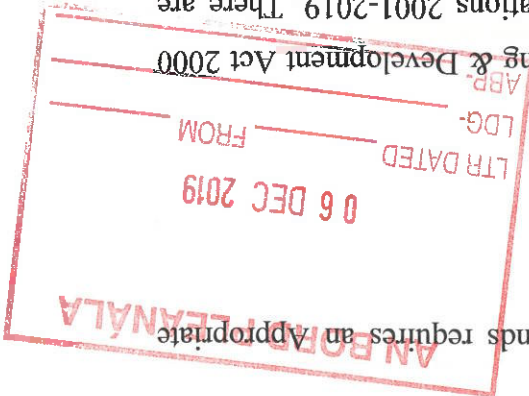
3.1 No definition of 're-contouring' is provided in the Planning & Development Regulations 2001-2019. There are various definitions of 're-contouring' provided in eminent dictionaries, as set out below.

- *Oxford Dictionary: To reshape or remodel*
- *Merriman Webster: To reshape the contour of (something)*
- *Collins Dictionary: To change the shape of something*
- *The Free Dictionary by Farlex: To contour something again or in a different way.*

3.2 It would be reasonable to conclude that the works within each farm holding, involving the removal of elevated ground to underlay lower ground on the farm holdings, follows any of the above definitions and constitutes the reshaping or remodelling of the farm holdings.

3.3 In the absence of any meaningful rationale from Donegal County Council, only assumptions can be made to explain the Council's declaration that *the proposal...is NOT EXEMPTED DEVELOPMENT as it does not come within the scope of Article 8(c) Planning and Development Act 2000 (as amended) as for one part does not constitute re-contouring of lands...*

3.4 Donegal County Council may have decided that the nature of the material involved in the re-contouring, which consists mainly of rock, disqualifies the works from the exemption under Article 8C. However, Article 8C, apart from specifically excluding waste material, does not restrict the nature of the material that can be used to re-contour lands within a farm holding. It confirms that re-contouring can include infilling of soil. While a substantial amount of material to be used in the re-contouring of lands within







the farm holding, consists of rock, the use of this material is not excluded from benefiting from the exemption afforded under Article 8C.

3.5 Donegal County Council may have decided that the works, while re-contouring the lands within the farm holdings, is in the first instance quarrying. My clients are not involved in any quarrying business and no excavated minerals have been removed from their lands and no processing of the excavated minerals has taken place. In addition there are no plant or machinery, normally associated with a quarry operation, on the lands.

3.6 It is respectfully considered that it is unreasonable for Donegal County Council to interpret that the works to achieve reclamation of lands through re-contouring, is first and foremost quarrying and accordingly cannot avail of the exemption provided under Article 8C. In this case, the excavation works are a necessary subsidiary activity to achieving the re-contouring target and the main objective of the works is to achieve the reclamation of fields within the farm holdings.

3.7 Donegal County Council may have decided that the scale and extent of the re-contouring works, which are substantial, disqualifies the works from the exemption under Article 8C. However, as Article 8C does not restrict the extent or amounts of material to be used as part of land reclamation, this basis for stating that the works do not constitute re-contouring, does not hold.

3.8 Donegal County Council's declaration that the works do not constitute re-contouring is difficult to comprehend and I request the Board to dismiss this reason for the Council's declaration.

**(b) Appropriate Assessment**

3.9 Donegal County Council states in its declaration that the filling of lands requires an appropriate assessment and cannot therefore be considered exempt.

3.10 It is acknowledged that Section 177U(9), of the Planning & Development Act 2000 (as amended) confirms that in deciding upon a declaration or a referral under section 5 of this Act a Planning Authority or the Board, as the case may be, shall where

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do not constitute re-contouring is  
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*provisions of this section.*

*appropriate, conduct a screening for appropriate assessment in accordance with the*

3.11 I must assume that Donegal County Council conducted a screening for appropriate

assessment. However I cannot agree with the broad conclusion in the declaration, that

*filling of lands requires an Appropriate Assessment.* I am confident that there are many

cases of filling of lands, which following a screening, were deemed not to have any

significant adverse impact on the environment.

3.12 In this particular case, an Appropriate Assessment screening was undertaken by

Greentack Environmental Consultants to determine if the reclamation works,

individually or in combination with other projects would have a significant effect on

any European site. A copy of the screening report is attached below.

3.13 The AA Screening Report, concluded that the existing and proposed land reclamation

works, either individually or in combination with other plans or projects, have not and

are not likely to have a significant effect on any European Site. The analysis undertaken

found that due to the scale, nature and location of the existing and proposed land

reclamation works, there would be no significant negative effects on any of the listed

qualifying interest of the nearest European site (North Inishowen Coast SAC site code

002012). The screening conclusion was reached on the basis of objective information

and in view of best scientific knowledge.

3.14 In accordance with Section 177U(9) of the Planning & Development Act 2000 (as

amended), An Bord Pleanála, as the competent authority, is requested to conduct a

screening for appropriate assessment. It is respectfully considered that the screening

should find that this project, either individually or in combination with other plans and

projects, is not likely to have a significant effect on any European Site.

#### 4. CONCLUSION

4.1 While it is difficult, in the absence of the Planning Authority's rationale for its decision,

to adequately address the reasons for its decision, the information presented above is

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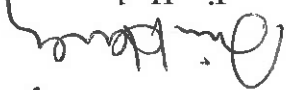




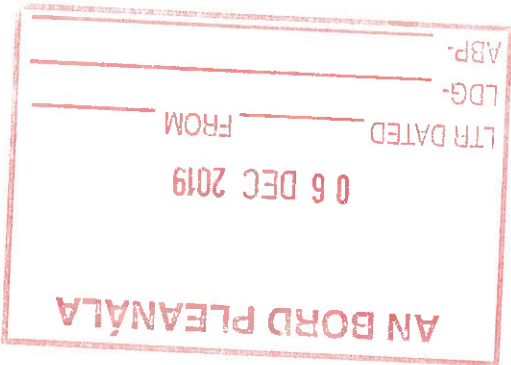
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considered to be a reasonable argument that the development is development and is exempted development.  
4.2 An Bord Pleanála is requested to review the Planning Authority's decision, on the basis of the information above and to overturn the Planning Authority's decision.

Yours sincerely  
  
Jim Harley

Harley Planning Consultants



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**Ret. No: S5 19/25**

11<sup>th</sup> November, 2019

William & Páidín Doherty  
C/o Jim Harley  
1 Melmount Park  
Strabane  
Co Tyrone

**Re: Section 5 – Land reclamation through re-contouring of lands within farm holdings at Binnion, Clonmany.**

A Chara,

I refer to your request received on 15<sup>th</sup> October, 2019 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

*S. GOR - only*  
for A/Senior Executive Planner  
Planning Services  
/MP

<b>AN BORD PLEANÁLA</b>	
LTR DATED	06 DEC 2019
FROM	
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ABP-	



**Planning and Development Acts, 2000 – 2018  
(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

Chief Executive's Order No: 2019PH2278

Reference No: S5 19/26

Name of Requester:

William & Páidín Doherty  
C/o Jim Harley  
1 Melmount Park  
Strabane  
Co Tyrone

Summarised Description of development the subject matter of request:

Land reclamation through re-contouring of lands within farm holdings

Location of Development:

Binnion, Clonmany, Co Donegal

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

IS Development

IS NOT Exempted Development

WITHIN THE MEANING OF THE ABOVE ACT

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

(c) Sections 2, 4 & 177U of the Planning and Development Act, 2000, as amended;

(d) Article 8 (c) of the Planning and Development Regulations 2001, as amended

*And concluded that:*

The proposal IS DEVELOPMENT within the meaning of the Planning and Development Act, 2000 (as amended), and is NOT EXEMPTED DEVELOPMENT as it does not come within the scope of Article 8 (c) Planning and Development Act, 2000 (as amended) as for one part does not constitute re-contouring of lands and for the other part within the scope of Section 4 (4) of the Planning & Development Act 2000 (as amended), the filling of lands requires an Appropriate Assessment and cannot therefore be considered exempt.

DATED THIS 11<sup>th</sup> DAY OF NOVEMBER, 2019

*J Donegan*  
for A/SENIOR EXECUTIVE PLANNER  
PLANNING SERVICES





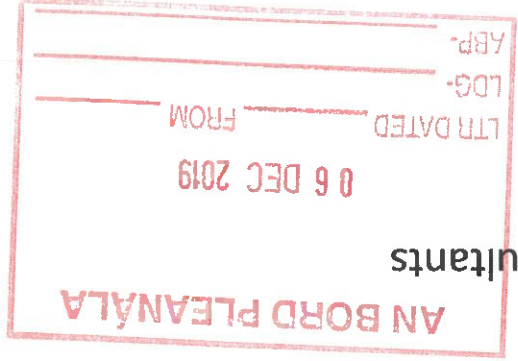


# Screening Report for Appropriate Assessment

Screening Report for Appropriate Assessment in relation to  
land reclamation through re-contouring of lands within farm  
holding at Binnion, Clonmany, Co. Donegal on behalf of  
William Doherty and Paidin Doherty.

Greentrack Environmental Consultants

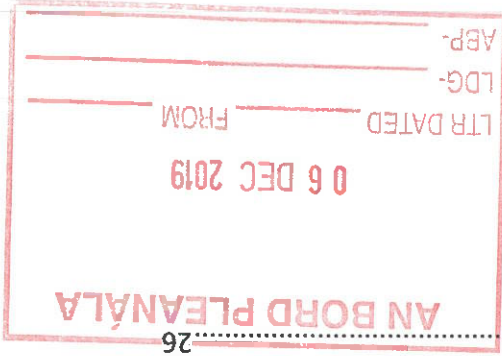
November 2019





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Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the

for Appropriate Assessment (AA):

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement

Directive 2009/147/EC.

designated under the Conservation of Wild Birds Directive (79/409/EEC) as codified by (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation habitats and species of Community interest through the establishment and conservation of species of European importance. Articles 3 to 9 provide the legislative means to protect and Flora, better known as "The Habitats Directive", provides legal protection for habitats and The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna

1.2 Legislative Context

The aim of this screening report is to aid the Competent Authority in determining whether or not an "Appropriate Assessment" is or was required for the current and proposed works. This report will assess any likely significant effects or impacts (if any) caused by the existing and proposed development on any Natura 2000 sites within its zone of influence, both independently and in conjunction with other plans and projects.

This Screening Report has been prepared by Greentrack Consultants with all reasonable care, due diligence, professional application and best scientific knowledge available to Greentrack at the time of writing. Information contained within this report is based on the interpretation of data collected and has been accepted by Greentrack in good faith. Greentrack accept no responsibility to any third party to whom this report is made known or available. Any such third parties rely on the findings of this report at their own risk.

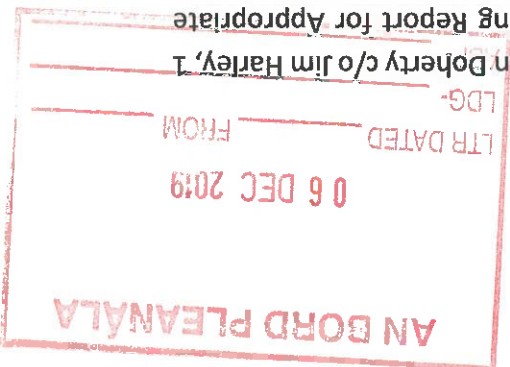
Clonmany, Co. Donegal.

and continued reclamation through re-contouring of lands within farm holding at Binnion, Assessment under Article 6 of the EU Habitats Directive, examining their proposal for existing Melmount Park, Strabane, Co. Tyrone to undertake this Screening Report for Appropriate

Greentrack Consultants have been instructed by William and Páidín Doherty c/o Jim Harley, 1

1.1 Background

1 INTRODUCTION





**Stage 3 – Assessment of alternative solutions:** The process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity

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

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage of no impact. This report provides the information necessary to enable the appropriate authority to screen the proposed development for the requirement to prepare an Appropriate Assessment.

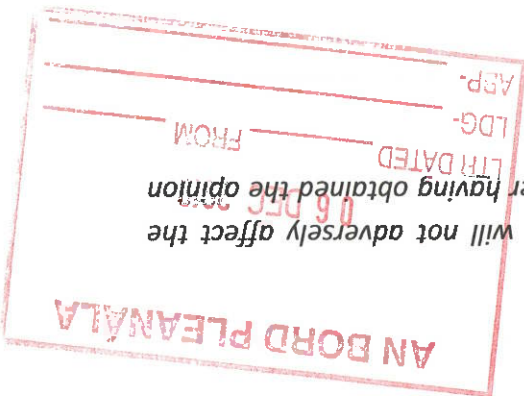
- I. whether a plan or project is directly connected to or necessary for the management of the site, and
- II. whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

**1.3 Stages of the Appropriate Assessment Process**  
**Stage 1 - Screening for any likely significant impacts.** Screening involves an initial assessment of the project or plan's effect on a Natura 2000 site(s). If it cannot be concluded that there will be no significant effect upon a Natura 2000 site, an Appropriate Assessment is required. The process addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

*If, in spite of a negative assessment of the implications for the [Natura 2000] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

Article 6(4) states:

*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.*





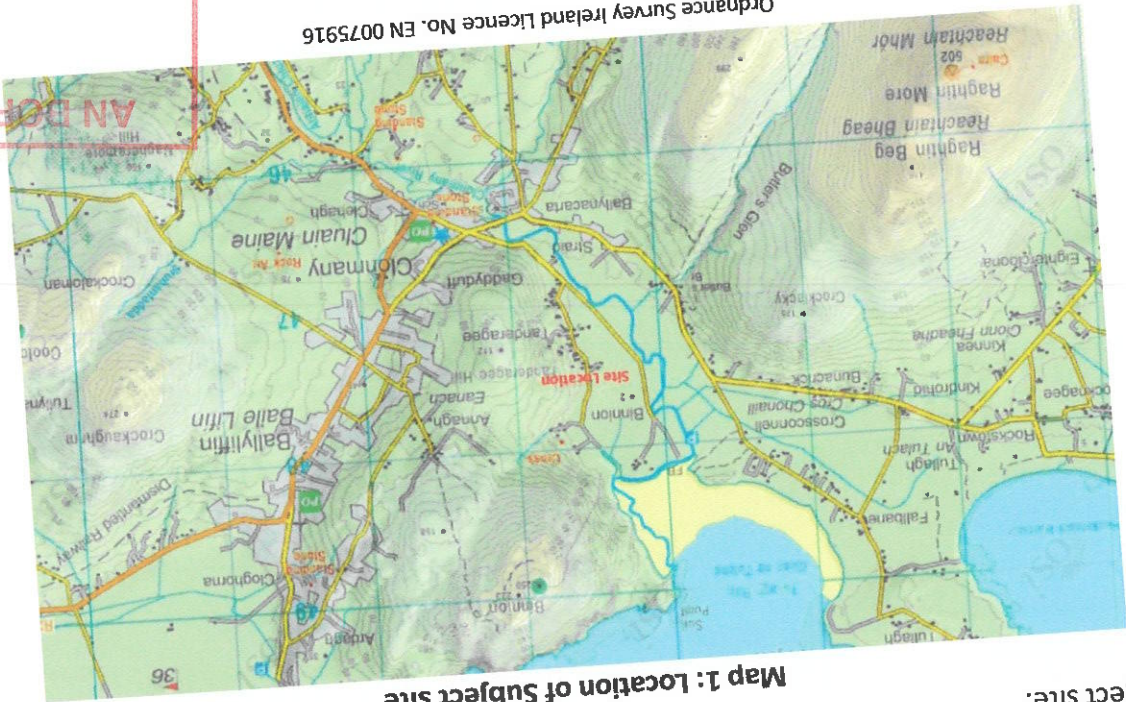


Bing Maps and landdirect.ie



Figure 1: Subject site outlined in red

Ordnance Survey Ireland Licence No. EN 0075916



Map 1: Location of Subject site

subject site. continue this practice to the western boundary of Field 3 and then reseed the entire area, thus improving the production capacity and preventing any further poaching and damage by grazing animals. Map 1 below shows the location of the subject site while Figure 1 shows the land parcel in question outlined in red. Photographs 1-3 give a visual assessment of the

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View of field 3 and field 5 from L-5381-1 looking west



Photograph 2:

View of rock extraction from bottom of field 2 looking east



Photograph 1:



Using the Fossitt Guide to Habitat in Ireland (2000), the grassland in fields 1, 5 and 6 can be termed improved agricultural grassland (GA1). Field 2 and 3 can be termed wet grassland (GS4). Field 4 is dominated by buildings and artificial surfaces (BL3) with siliceous scree and loose rock to the east (ER3). Field 2 also has a considerable amount of siliceous scree and loose rock to the east (ER3) with exposed siliceous rock in situ (ER1). An area of dry heath (HH1) lies to the east of this. Field 1 contains a large mound of topsoil which has been naturally recolonised. The eastern side of Field 3 also contains a significant amount of scattered rock and overburden. This overburden has also become recolonised through natural means. Map 2 below shows the habitats in and around the subject site.

A site walkover was carried out on 29<sup>th</sup> November 2019 by Denis Faulkner of Greentrack. A second site walk over was carried out on Monday 2<sup>nd</sup> December by Shannen McEwen, Ecologist with Greentrack.

**4.2 Site Description**

The receiving environment is located either side of local road L-5381-1 and measures approximately 5 Ha. Fields 1,2,5 and 6 are owned by William Doherty. Fields 3 and 4 are owned by his cousin, Páidín Doherty. There is a dwelling house constructed in field 4 and a small sheep shed constructed in field 3. Field 1 also contains a small animal handling facility. Binnion hill lies directly to the east of the subject site and is a commonage. William's land has two shares registered on this commonage while Páidín has one registered share. All lands are farmed by William. The village of Clonmany is located 1.47 Km SE of the subject site.

**4.1 General location and ownership.**

**4 THE RECEIVING ENVIRONMENT**

View from bottom NW corner of field looking east towards L-5381-1



Photograph 3:

LTR DATED 06 DEC 2019 FROM



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 LDG-  
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 FROM

Loose rocks and bare rock face in Field 2



Photograph 4:

Photographs 4 to 20 below show the habitats found in more detail.

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Habitats in and around the subject site.

Map 2:





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Heap of top soil in Field 1 with improved grassland behind



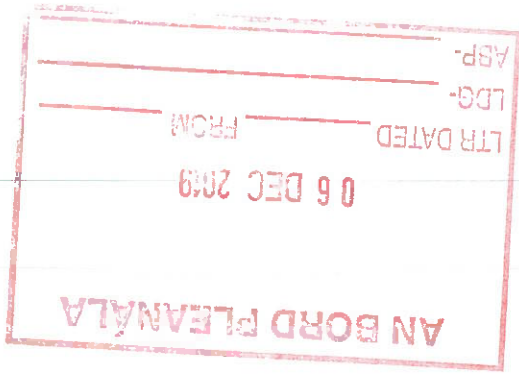
Photograph 6:

Wet grassland in Field 2



Photograph 5:





Field 3 showing extent of rock spreading



Photograph 8:

Improved grassland in Field 5 with some damage from cattle grazing

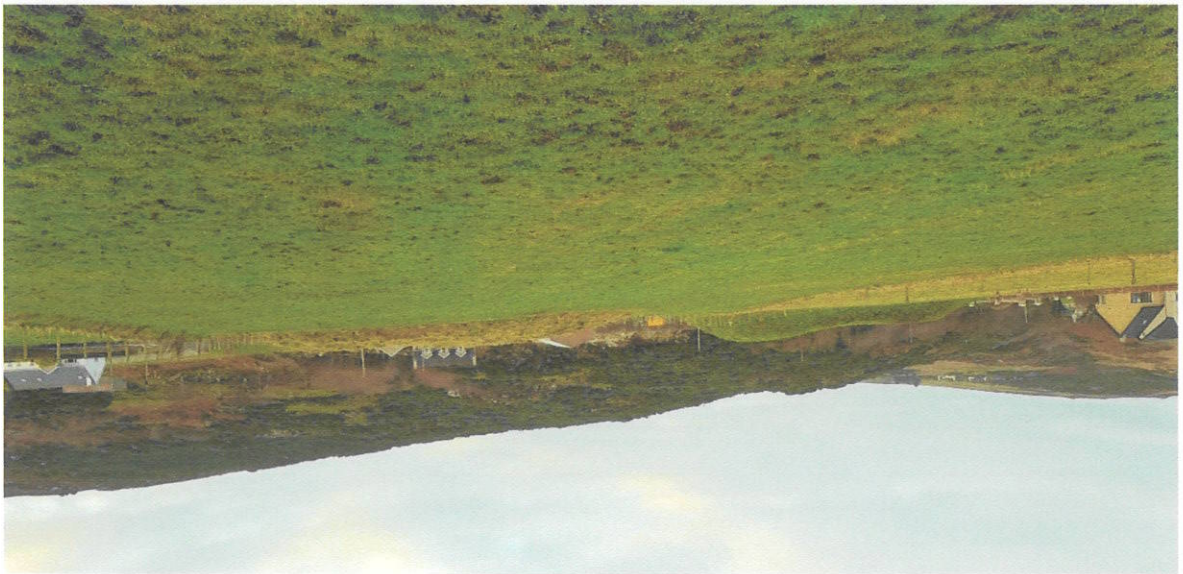


Photograph 7:





Field 3 showing wet grassland looking east



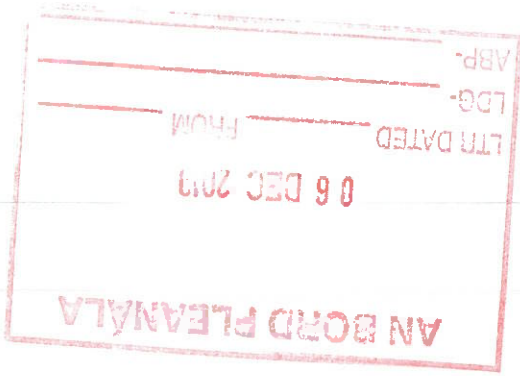
Photograph 10:

Field 3 showing rocks and overburden not spread



Photograph 9:





Wet grassland in Field 3



Photograph 12:

Field 3 showing wet grassland looking west



Photograph 11:





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Improved agricultural grassland in Field 1



Photograph 14:

Wet grassland grading into Fen at bottom of Field 3

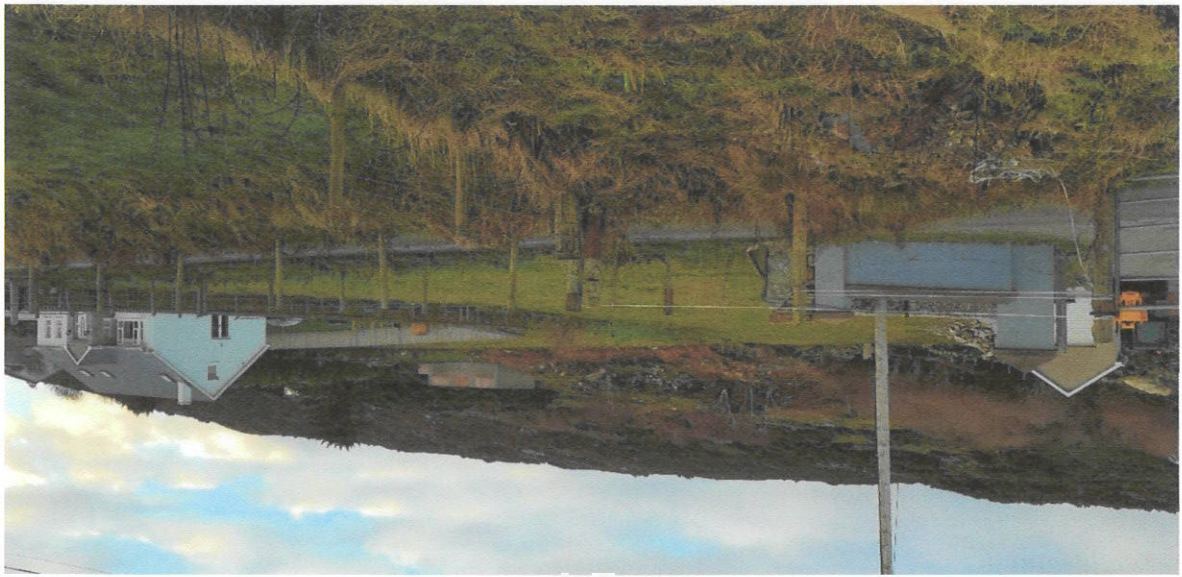


Photograph 13:





Dry-humid acid grassland in Field 6



Photograph 16:

Improved agricultural grassland in Field 5



Photograph 15:





Area of scrub/wet grassland/marsh to west of Field 1,3 and 5.



Photograph 18:

Wet grassland and scrub in field north of Field 1



Photograph 17:



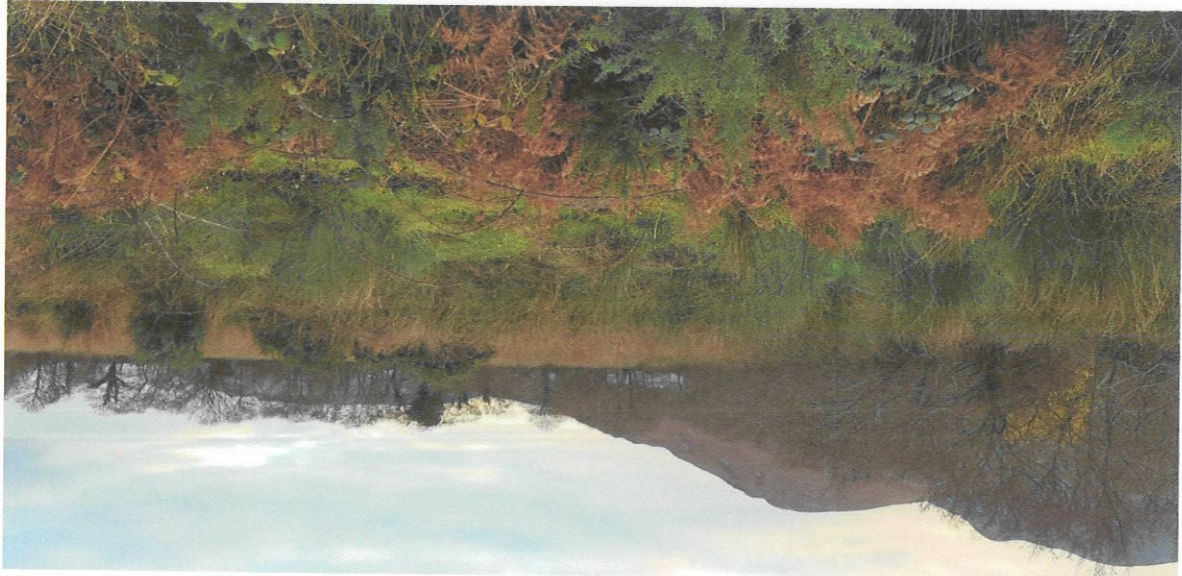


Open drain/marsh area to the west where field run off goes from Fields 1,3 and 5.



Photograph 20:

Area of scrub/wet grassland/ marsh to the west of Field 1,3 and 5.



Photograph 19:





5.1 Identification of Natura 2000 Sites

In terms of the identification of relevant Natura 2000 sites, the zone of impact (also known as the area of influence) is determined based on their potential connectivity (*source-pathway-receptor* model) to the proposed Project in terms of, for example:

- Nature, scale, timing and duration of works and possible impacts
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

Having considered the potential ecological impacts through source-receptor-pathway connectivity (e.g. hydrological link) and given the nature of the proposed project, it was deemed that the zone of influence for such project would be limited to a radius of 10 km. The Natura 2000 sites occurring within 10 km of the subject site are as follows:

- North Inishowen Coast SAC site code 002012 (300m NW from bottom Field 3)
- Trarbreağa Bay SPA Site code 004034 (4.62 km NE)
- Malin Head SPA Site Code 004146 (9.58 km NE)

The subject site is located within 300m of the North Inishowen SAC which has been screened in for further studies. Due to the nature of the development and the absence of any avenue of connectivity, all other named Natura 2000 sites have been screened out of any further studies.

Map 3 below shows the subject site in relation to the North Inishowen Coast SAC Site Number 002012.

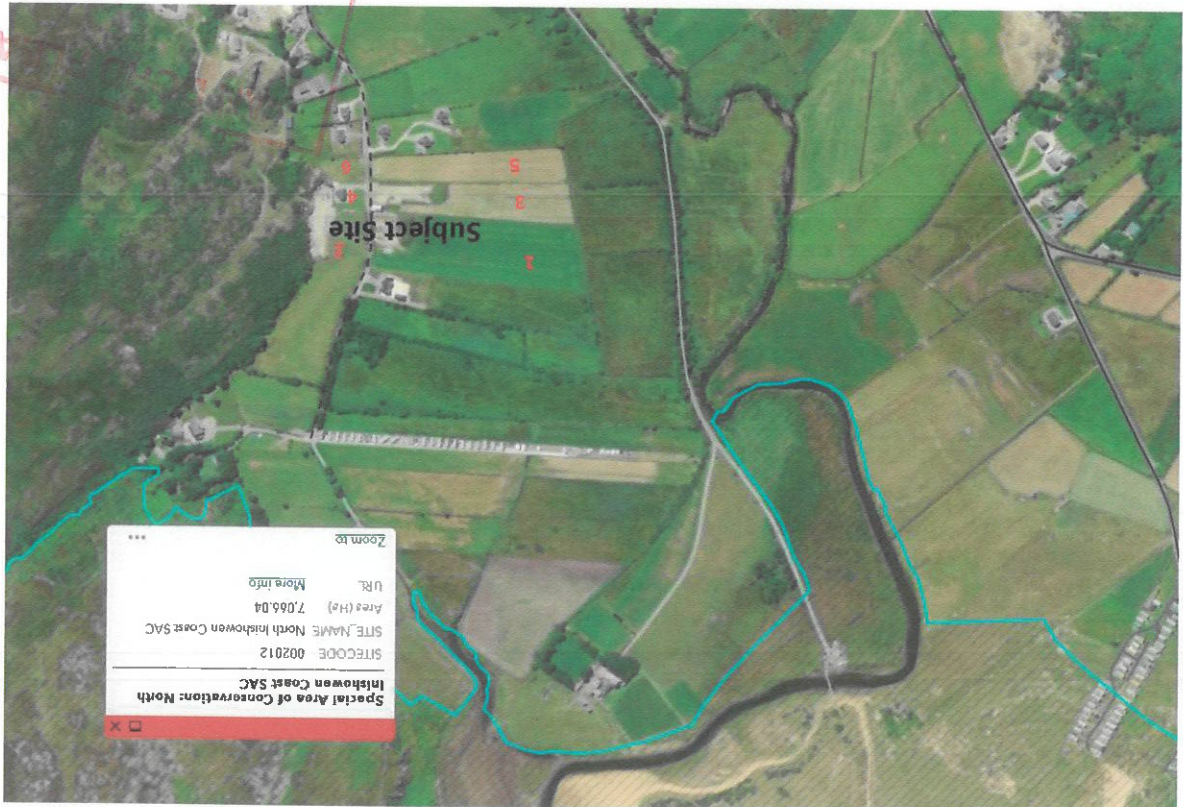




The North Inishowen Coast SAC stretches from Crummies Bay in the west up to Malin Head and back down to Inishowen Head to the east. It encompasses an excellent variety of coastal habitats including high rocky cliffs, offshore islands, sand dunes, saltmarsh, a large intertidal bay, and rocky, shingle and sand beaches. There are excellent raised beaches along the east coast including the oldest and best preserved late-glacial fossil coast in Ireland (between Ineuran Bay and Esky Bay). Indeed, it is the only well preserved such coast in Europe and so is of international importance. Also, of geomorphological interest is the small area of stone polygons near Malin Tower. This northern site is of high conservation value because of the extensive area of relatively unspoilt coastal and heath habitats and the range of plant and animal species that these habitats support. Of particular note is the presence of good examples of two E.U. Habitats Directive Annex I priority habitats, fixed dunes and machair. Very good examples of several other Annex I habitats are found, notably sea cliffs, vegetated shingle banks, dry heath and intertidal sand and mudflats. There are two legally protected plant species and a range of scarce species. The diversity of bird species is of particular note, with wintering waterfowl, breeding seabirds and breeding waders. Important populations of three E.U. Birds Directive Annex I species occur - Barnacle Goose, Peregrine and Chough. A full site synopsis can be found in Appendix I.

**5.2 Characteristics of the Natura 2000 Site  
North Inishowen Coast SAC site code 002012:**

Ordnance Survey Ireland Licence No. EN 0075916



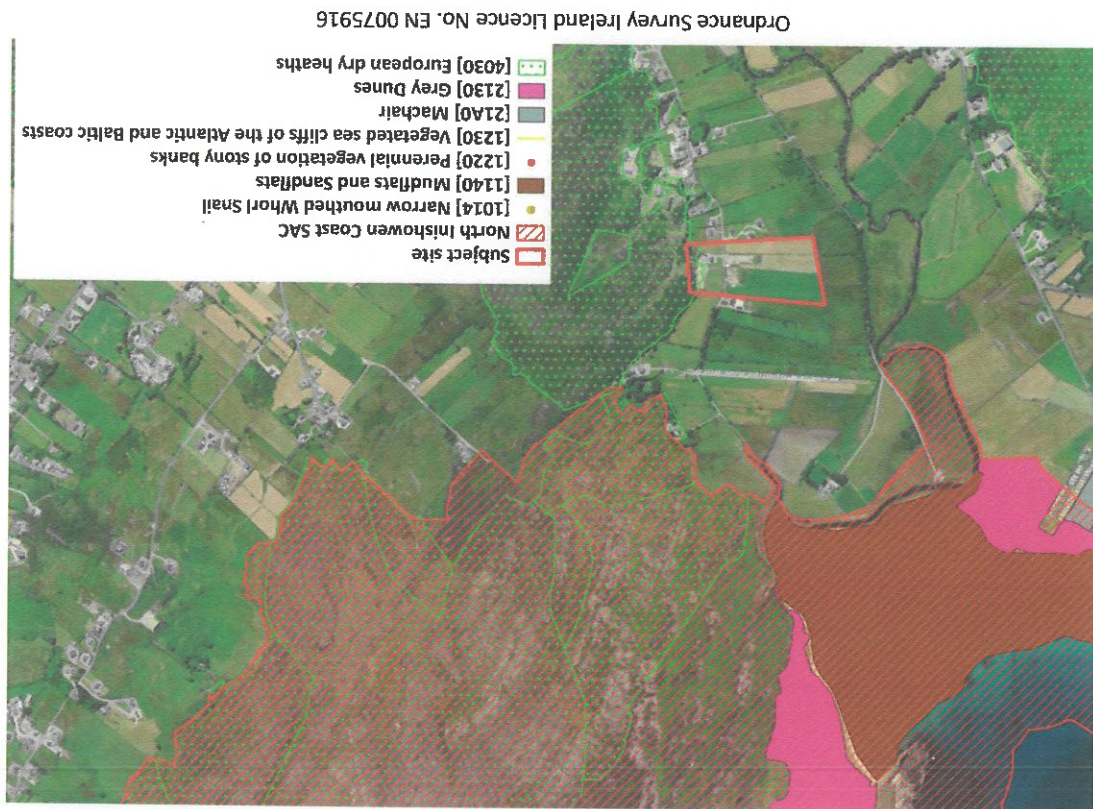
**Map 3: Subject site in relation to the named Natura 2000 sites**

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The Clonmany river is located approximately 260m west from the bottom of Field 3. This river flows for 1.73 km north before it enters Tullagh Strand in the location marked as mudflats and sandflats [1140] which is a qualifying interest. The subject site is buffered from this a qualifying interest.

The dry heath habitat that lies to the east of the subject site is not part of the SAC and is not As can be seen from this map there is no qualifying interest habitat adjoining the subject site.



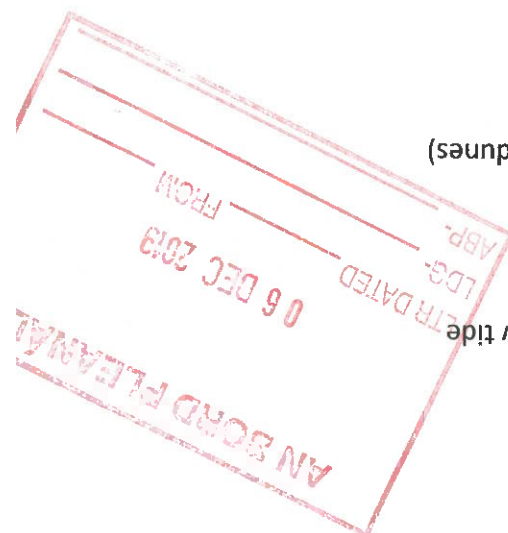
Ordnance Survey Ireland Licence No. EN 0075916

Map 4: Subject site in relation to the qualifying interests of the North Inishowen Coast SAC

Map 4 below shows the subject site in relation to the qualifying interests of the North Inishowen Coast SAC.

- [1014] Narrow-mouthed Whorl Snail (*Vertigo angustior*)
- [1140] Mudflats and sandflats not covered by seawater at low tide
- [1220] Perennial vegetation of stony banks
- [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts
- [1355] Other (*Lutra lutra*)
- [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)
- [21A0] Machairs
- [4030] European dry heaths

**North Inishowen Coast SAC**







avenue of connectivity by an area of wet grassland, scrub and marsh which measures approximately 3.9 Ha. All run off from fields 1,3 and 5 will flow into this area which acts as a natural buffer. A local access road (L-53811-0) to Tullagh Strand then lies to the west of this area with more wet grassland habitat to the west of the road. Clonmany river then runs to the west of this area.

**6 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS**

The criteria adopted for this assessment are based on a detailed field and desk assessment of the influence the proposed development may have on the Natura 2000 site within the zone of influence and what, if any, impact this development will have on the habitats as detailed in table number 6.1

Table 6.1 provides information on the following elements of the North Inishowen Coast SAC:

- a) Qualifying interests/habitats
- b) Site Sensitivity and vulnerability based on species population and sensitivity of principal supporting habitat
- c) Current Conservation Status
- d) General Threats
- e) Specific Threats from proposed development

6 (a): The qualifying interests are the features for which the sites have been designated as a Natura 2000 Site under the Habitats Regulations and covers listed habitats, species and bird populations as detailed in the site synopsis and the Natura 2000 Standard Data Form.

6 (b): Site sensitivity and vulnerability is based on the species population in relation to the national population and also the sensitivity of the principal supporting habitat as detailed in then Natura 2000 Standard Data Form and the Site Synopsi.

6 (c): The conservation status of the qualifying interest is listed as detailed in the Natura 2000 Standard Data Form.

6 (d): The general Threats are based on information contained within the site synopsis, the Natura 2000 Standard Data Form, field visit and local information.

6 (e): The screening of potential threats and the likelihood of significant effects from the proposed project on the qualifying interests is based on field study and analysis of all the information available to Greentrack.





**Table 6.1**  
**North Inishowen Coast SAC Site Number 002012**  
**Description and Screening Matrix**

Annex I Habitat types present on the site and assessment for them

Qualifying Interest	Site Sensitivity	Conservation Status	General Threats	Potential Threat from Proposed Development
Mudflats and sandflats not covered by seawater at low tide [1140]	Surface and marine water dependant. Moderately sensitive to hydrological change and pollution. Sensitive to changes in salinity and tidal regime.	Good	The main threat to this habitat is from coastal development associated with holiday activity in this area and associated recreational activities.	As seen in Map 4, mudflats and sandflats were not observed around the subject site but were observed 570m north of the subject site at Tullagh Bay. Due to this distance and the lack of any direct avenue of connectivity the existing and proposed works did not have, or will have any significant negative effect on this qualifying interest. In addition, the run off from this land bank is in a westerly direction which means that it will flow into the natural buffer of 3.9 Ha of wet land/marsh/scrub. This allows us to screen this qualifying interest out from any further studies.
Perennial vegetation of stony banks [1220]	Coastal development, erosion, overgrazing and recreational activities.		The main threat to these habitats is from human disturbance through foot and recreational traffic.	The existing and proposed works will not have, or had, any significant negative effect on these qualifying interests as there is no avenue of connectivity between the subject site and these habitats. This allows us to screen these qualifying interests out of any further studies.
Vegetated seacliffs of the Atlantic and Baltic Coast [1230]			The main threats to this habitat are overgrazing,	

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Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]			turf cutting and dumping of rubbish.		
Machairs [21A0]					
European dry heaths [4030]					
<b>Mammals and Invertebrates listed on Annex II of Council directive 92/43/EEC</b>					
Qualifying Interest	Population on site relative to national population	Principal Supporting Habitat within SAC site	Conservation Status of species	General Threats	Potential Threat from Proposed Development
Whorl snail ( <i>Vertigo angustior</i> ) [1014]	2 to 15%	Coastal habitats	Good	This Annex II listed qualifying interest is threatened by loss of habitat through intensive agricultural practices.	The existing and proposed works will not have, or had, any significant negative effect on this qualifying interest as there is no avenue of connectivity between the subject site and this species. This allows us to screen this qualifying interest out of any further studies.
Otter ( <i>Lutra lutra</i> ) [1355]	Below 2%	Coastal Habitats	Excellent	This Annex II listed qualifying interest is threatened by loss of supporting habitat and hunting.	The existing and proposed works will not have, or had, any significant adverse effect on this Annex II listed qualifying interest as it is not located near any supporting otter habitat. The existing and proposed development will not have, or had, any impact on the habitat along the banks of the Clonmany River and so would not affect any otters which may be commuting or foraging along the banks.

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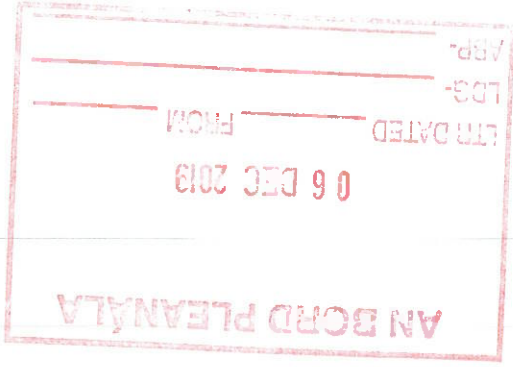
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*Note: A survey for otters was carried out on 7/10/2019 by Denis Faulkner and Shannen McEwen of Greentrack around the surrounding environs of the subject site. No evidence of otters (tracks, holts or droppings) were noted. The nearest record for otter according to the National Biodiversity Data Centre is a record of roadkill recorded by Lee McDaid on 26/10/2011 near Clonmany which is located approx. 1.26km SE from the proposed development.*

**This screening matrix has established that the proposed development and associated activities as detailed will not pose any significant threat to any of the qualifying interests listed within this Natura 2000 site. On this basis, the North Inishowen Coast SAC has been screened out of any further studies.**







This conclusion was reached on the basis of objective information and in view of best scientific knowledge. In light of this conclusion, it is the considered that the Competent Authority, in completing its AA Screening in respect of the existing and proposed land reclamation works, should find that this project, either individually or in combination with other plans and projects, did not have and is not likely to have a significant effect on any European Site and that and a Stage 2 Appropriate Assessment is not, and was not, required.

Following the assessment as detailed in this AA Screening Report, it is concluded that the existing and proposed land reclamation works, either individually or in combination with other plans or projects, have not and are not likely to have a significant effect on any European Site. The analysis undertaken found due to the scale, nature and location of the existing and proposed land reclamation works there would no significant negative effects on any of the listed qualifying interest.

## 7 CONCLUSION

Based on the findings of this screening report, the existing and proposed land reclamation works in combination with this proposal for the construction of an agricultural shed and associated works would not have any significant effect on any European Site.

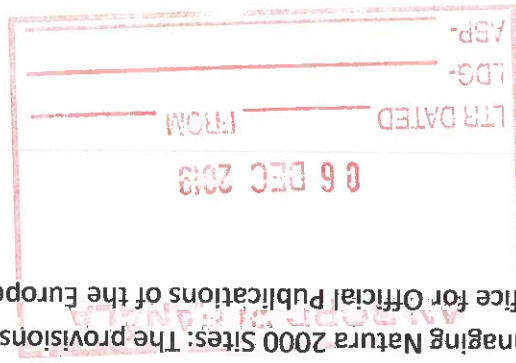
According to the County Donegal Development Plan 2018-2024, the subject site is based in a "Structurally Weak Rural Area". There is one current planning application within the immediate area that needs to be taken into consideration under the "in combination" effect. Planning ref. 19/51608 is by William Doherty and is located in Field 2. The application is for ground works to reduce the site level for agricultural shed and permission for an agricultural shed for wintering cattle.

### 6.2 Cumulative Effects

Having established the assessment criteria, the impacts associated with the existing and proposed land reclamation works on the named Natura 2000 site, the existing and proposed work has been assessed against all the qualifying interests. The screening matrix as detailed in Table 6.1 has established that the existing and proposed land reclamation works did not have, nor will have any significant effect on the qualifying interests of the North Inishowen Coast SAC.







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## Appendix I – North Inishowen Coast SAC site code 002012 site synopsis

SITE NAME: NORTH INISHOWEN COAST SAC  
SITE CODE: 002012

The North Inishowen Coast SAC stretches from Crummies Bay in the west up to Malin Head and back down to Inishowen Head to the east. It encompasses an excellent variety of coastal habitats including high rocky cliffs, offshore islands, sand dunes, saltmarsh, a large intertidal bay, and rocky, shingle and sand beaches. There are excellent raised beaches along the east coast including the oldest and best preserved late-glacial fossil coast in Ireland (between Ineuran Bay and Esky Bay). Indeed, it is the only well preserved such coast in Europe and so is of international importance. Also of geomorphological interest is the small area of stone polygons near Malin Tower.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (\* = priority; numbers in brackets are Natura 2000 codes):

- [1140] Tidal Mudflats and Sandflats
- [1220] Perennial Vegetation of Stony Banks
- [1230] Vegetated Sea Cliffs
- [2130] Fixed Dunes (Grey Dunes)\*
- [21A0] Machairs\*
- [4030] Dry Heath
- [1014] Narrow-mouthed Whorl Snail (*Vertigo angustior*)
- [1355] Otter (*Lutra lutra*)

Sea cliffs are a feature of the site, with the best examples found in the west of the site (Dunree to Leenan Head and Dunaff Head) and in the area to the north-west of Glengad Head. Cliffs are often less than 50 m in height, though they reach over 200 m at Dunaff and to the north-west of Glengad Head. The dominant rock type is quartzite which is particularly hard and unyielding. The vegetation cover of the cliffs is variable, depending on factors such as underlying geology, aspect and the degree of exposure to winds and sea spray. Common plant species of the rocky cliffs are Thrift (*Armeria maritima*), sea-spurrey (*Spergularia spp.*), Sea Aster (*Aster tripolium*), Red Fescue (*Festuca rubra*), Common Scurvygrass (*Cochlearia officinalis*), Sea Campion (*Silene vulgaris subsp. maritima*) and Buck's-horn Plantain (*Plantago coronopus*). In addition to the higher plants, the saxicolous lichen *Ramalina siliquosa* is a very characteristic feature of cliffs throughout the site. The cliffs contain a number of rare plant species, notably Scots Lovage (*Ligusticum scoticum*), a legally protected species. Two other scarce species recorded at the site, Moss Campion (*Silene acaulis*) and Purple Saxifrage





(*Saxifraga oppositifolia*), are listed in the Red Data Book. Ivy Broomrape (*Orbanche hederacae*), a locally rare species that is parasitic on Ivy (*Hedera helix*), has been recorded from sea cliffs to the north of Leenan Bay. The striking succulent species Roseroot (*Rhodiola rosea*), which is largely restricted to high mountain cliffs and sea cliffs in the west and the north of the country, is frequent throughout the site. In many parts of the site sea cliff areas support dry heath and grassland vegetation.

Shingle beaches are well represented at the site, with the best examples at Rockstown harbour/Tullagh Point and along the north-western shoreline of Malin Head promontory. These areas contain good examples of raised beaches, characterised by large mounds of shingle, which may be interspersed by low cliffs (as seen at Tullagh Point). Although the vegetation of these shingle areas is usually quite sparse, plant species such as Sea Sandwort (*Honkenya peploides*), Sea Mayweed (*Matricaria maritima*) and Curled Dock (*Rumex crispus*) are locally frequent. The rare species Oysterplant (*Mertensia maritima*), which is listed in the Flora (Protection) Order, 1999, has been recorded growing on shingle substrate within the site.

Sand dune systems occur within the site at several locations, with good examples of fixed dunes and machair. The dune habitat at the Isle of Doagh is by far the most extensive. Typical species of the fixed dunes include Marram (*Ammophila arenaria*) and Red Fescue, accompanied by Common Bird's-foot-trefoil (*Lotus corniculatus*), Sand Sedge (*Carex arenaria*), mouse-ears (*Cerastium spp.*), Wild Thyme (*Thymus praecox*), Smooth Meadow-grass (*Poa pratensis*) and Mouse-ear Hawkweed (*Hieracium pilosella*). Bryophyte cover is usually well developed, with species such as *Rhytidiadelphus squarrosus*, *Hypnum cupressiforme* and *Calliergon cuspidatum* being frequent. Although much of the botanical character of the machair habitat at Doagh Isle has been modified due to agricultural reclamation, re-seeding and over-grazing, significant areas with a typical machair flora remain. The sward is typically dominated by low herb species such as Red Fescue, Ribwort Plantain (*Plantago lanceolata*), Daisy (*Bellis perennis*), Red Clover (*Trifolium repens*) and Lady's Bedstraw (*Galium verum*).

Shifting dunes and fixed dunes also occur above the rocky shore at Meallalaghtra/ Lenan Head. This area also contains marsh with Mare's-tail (*Hippuris vulgaris*), Brookweed (*Samolus valerandi*) and sedges (*Carex spp.*). Hygrocybe species, fungi that are indicators of unimproved grassland, occur in the coastal grassland sward.

Significant areas of dry heath occur in the site at both low and high altitudes. The best-developed and most extensive areas are to be found at Dunaff Head, Binnion Hill and in the Urris Hills from Mamore Gap, south-west to Lough Fad and beyond to Crockfadda. However, the habitat is also encountered at sea level where it tends to form a mosaic with grassland vegetation. Typically, the vegetation develops on shallow peats less than 50 cm deep and is





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Throughout the site, exposed sandy beaches occur in embayments and in coves bordered by bedrock and in the outer reaches of Trawbreaga Bay. Here a sand community with crustaceans and polychaetes occurs. Where the intertidal reef is present on exposed shores the community consists of the bivalve *Mytilus edulis* and barnacles. In such areas where reef extends into the subtidal the kelp *Laminaria hyperborea* occurs. In the less exposed areas and within Trawbreaga Bay the brown algae *Pelvetia canaliculata*, *Fucus vesiculosus*, *F. spiralis* and *Ascophyllum nodosum* are found.

of saltmarsh fringe the bay. present south west of Glassagh Point. Mats of green algae occur on the open flats. Some areas occurrence within the bay; they were recorded on the shore at Doaghmore and currently sediments of the bay. Beds of Dwarf Eelgrass (*Zostera noltii*) display temporal variation in substrate. The polychaete *Arenicola marina* is a conspicuous species within the intertidal soft the narrow strait, the community is comprised of bivalves and polychaetes within a sandy sediments with an infaunal community of polychaetes, oligochaetes and crustaceans. Within substrates. In the inner reaches of the bay, the substrate consists of muddy sand and coarse exposed at each low tide to expose a mixture of mudflats, sandbanks and stony/rocky end. It is fed by a number of small rivers or streams. An estimated 80% of the bay area is Trawbreaga Bay is a very sheltered sea bay with a narrow strait to the open sea at the north

scrub, dense Bracken, blanket bog and wet heath occur. and Lough Fad, and on their lower slopes dry and wet acid grassland, Hazel (*Corylus avellana*) polypody ferns (*Polypodium spp.*). The Urris Hills also contain the oligotrophic lakes Crunlough scented Buckler-fern (*D. aemula*), Black Splenwort (*Asplenium adiantum-nigrum*) and Wilson's Filmy-fern (*Hymenophyllum wilsonii*), Broad Buckler-fern (*Dryopteris dilatata*), Hay-

A diverse fern flora is found on damp, north-facing rock outcrops in the Urris Hills, including present are overgrazing and uncontrolled burning. Cross-leaved Heath and Eared Willow (*Salix aurita*). The main threats to the heath habitat at Common Cottongrass (*Eriophorum angustifolium*), Hare's-tail Cottongrass (*E. vaginatum*), seen at Binnion Hill). At Dunaff Head the habitat forms a mosaic with blanket bog, containing present and invasion by Bracken (*Pteridium aquilinum*) is a frequent feature of the habitat (as exposure, grazing intensity and the frequency of fire. Often there is much outcropping rock and acid grassland, the relative proportion of which depends on factors such as degree of frequent components. This combination of plant species gives rise to a mosaic of dwarf heath (*Agrostis canina*), Tormential (*Potentilla erecta*) and Heath-grass (*Danthonia decumbens*) are ericoid component, acid grassland species such as Mat-grass (*Nardus stricta*), Velvet Bent Twayblade (*Listera cordata*) are present in the heath on the Urris Hills. In addition to the dwarf Bilberry (*Vaccinium myrtillus*). Fir Clubmoss (*Huperzia selago*) and the diminutive Lesser (*Erica cinerea*), Cross-leaved Heath (*Erica tetralix*), Crowberry (*Empetrum nigrum*) and dominated by Heather (*Calluna vulgaris*). Other frequent shrub species include Bell Heather



Otter are regularly seen along the shoreline and may breed within the site. Otter is a species listed on Annex II of the E.U. Habitats Directive. Another Annex II species, the tiny whorl snail *Vertigo angustior*, is also known from this site.

This site has important bird interests. An internationally important population of Barnacle Goose occurs in the area, with Trarbreaaga Bay their most important haunt. For the four winters 1994/95 - 1997/98 the mean peak count was 673 birds. Barnacle Goose is listed on Annex I of the E.U. Birds Directive. A range of other waterfowl species winter at Trarbreaaga Bay, with an internationally important population of Brent Goose (338 in winters 1994/95-97/98). Other species which occur in regionally or locally important numbers include Wigeon, Mallard, Oystercatcher, Ringed Plover, Dunlin, Curlew and Redshank.

Two Annex I E.U. Birds Directive species breed within the site. There are up to 12 breeding territories of Peregrine and 12 pairs of Chough. Both of these species are associated with the rocky sea cliffs, with the Choughs utilising the heath and sandy habitats for feeding.

Several species of seabird breed on the cliffs and islets. These include Fulmar (150+ pairs), Cormorant (270+ pairs), Shag (330+ pairs), Kittiwake (<500 pairs), Guillemots (approx. 1,000 individuals), Razorbills (approx. 1,000 individuals) and Black Guillemots (approx. 80 individuals) (All data from 1970s). The machair and dunes at Doagh Isle and elsewhere support breeding waders. In 1996 the following were recorded: Oystercatcher (2+ pairs), Ringed Plover (7 pairs), Lapwing (15 pairs) and Snipe (3 pairs).

This northern site is of high conservation value because of the extensive area of relatively unspoilt coastal and heath habitats and the range of plant and animal species that these habitats support. Of particular note is the presence of good examples of two E.U. Habitats Directive Annex I priority habitats, fixed dunes and machair. Very good examples of several other Annex I habitats are found, notably sea cliffs, vegetated shingle banks, dry heath and intertidal sand and mudflats. There are two legally protected plant species and a range of scarce species. The diversity of bird species is of particular note, with wintering waterfowl, breeding seabirds and breeding waders. Important populations of three E.U. Birds Directive Annex I species occur - Barnacle Goose, Peregrine and Chough.

