



An
Bord
Pleanála

Board Direction
BD-005368-20
ABP-303860-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/03/2020.

The Board refused to approve the proposed development works, generally in accordance with the Inspector's recommendation, for the following reasons and considerations set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the Water Framework Directive (2000/60/EC)
- (c) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (d) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (e) the conservation objectives, qualifying interests and special conservation interests for the River Finn SAC (002301), the Foyle and Tributaries SAC (NI)(UK0030320).

(f) the policies and objectives of the Donegal Development Plan 2013-2019, and the Seven Strategic Towns Local Area Plan 2018-2024.

(g) the nature and extent of the proposed works as set out in the application for approval,

(h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

(i) the submissions and observations received in relation to the proposed development, and

(j) the report and recommendation of the inspector appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the River Finn SAC (site code: 002301) and the Foyle and Tributaries SAC (site code: UK0030320) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the River Finn SAC (site code: 002301) and the Foyle and Tributaries SAC (site code: UK0030320), in view of the sites' Conservation Objectives.

In completing the assessment, the Board considered, in particular, the

i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the River Finn SAC (site code: 002301) and the Foyle and Tributaries SAC (site code: UK0030320),

ii. Mitigation measures which are included as part of the current proposal,

iii. Conservation Objective for these European Sites, and

iv. Views of the Department of Culture Heritage and the Gaeltacht.

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the inspector's report in respect of the potential effects of the proposal on the integrity of the aforementioned European sites, having regard to these sites' Conservation Objectives.

Taking account of the extensive presence of invasive alien species throughout the works area and the lack of clarity regarding the ability to adhere to the recommended separation distance of an 8-metre wide buffer around such plants for transport and works purposes, the Board is not satisfied that the Local Authority has sufficiently demonstrated that the proposal would not adversely affect the integrity of the European Site in view of the site's Conservation Objective, as the proposed development has the potential to spread invasive plant species throughout the Natura 2000 sites and impact water quality.

In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's Conservation Objective.

Board Member

Date: 12/03/2020

Dave Walsh