



An
Bord
Pleanála

Board Direction
BD-006534-20
ABP-305749-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 23/09/20.

The Board determined that there is a requirement for EIA and for Stage 2 Appropriate Assessment for the proposed development for the reasons and considerations set out below.

Having regard to:

- (i) the submissions of the prospective applicant and landowners;
- (ii) Annex III of EU Directive 2014/52/EU, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment;
- (iii) the document 'EIA of Projects - Guidance on Screening' (2017), issued by the European Commission;
- (iv) the document 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' (2018);
- (v) the document 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of Environment, Heritage and Local Government in August 2003;
- (vi) the location of the proposed development in an enclosed waterbody and proximity to Northern Ireland;

- (vii) the ecological sensitivity of the receiving environment, including the commercial shellfish resources, bathing waters and biodiversity;
- (viii) the nature and characteristics of the potential environmental impacts on these natural resources;
- (ix) the potential for trans-frontier effects;
- (x) the report and recommendation of the Board's Inspector.

it is considered that the potential for significant adverse effects on the environment arising from the proposed Merville Sewerage Scheme cannot be ruled out and accordingly, that the preparation of an Environmental Impact Assessment Report is required.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected.

The Board concluded that that based on the available information the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the European Sites:

- Magilligan SAC (Site code UK0016613)
- Binevenagh SAC (Site code UK0030089)
- Magheradrumman Bog SAC (Site code IE0000168)

in view of the sites' conservation objectives, a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

The Board concluded that based on the available information the proposed development, individually or in combination with other plans or projects may have a significant effect on the European Sites:

- Lough Foyle SPA (Site code UK9020031)
- Lough Foyle SPA (Site code IE004087)
- North Inishowen Coast SAC (site code IE0002012)
- River Roe and Tributaries SAC (Site code UK 000206)

and considered in view of the sites' conservation objectives, a Stage 2 Appropriate Assessment is therefore required in respect of these sites.

Board Member

Date: 23/09/2020

Chris McGarry