



An
Bord
Pleanála

Board Direction
BD-012731-23
ABP-313755-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/07/2023.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (c) the Planning and Development Act 2000, as amended, including section 177AE of that Act,
- (d) the provisions of the Donegal County Development Plan 2018-2024,
- (e) the nature, scale and location of the proposed works as set out in the application for approval, and
- (f) the reports, submissions and observations made in connection with the proposed development, and
- (g) the report and recommendation of the inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not be likely to have a significant effect on any European site in view of the site's conservation objectives, would not have significant

effects on the environment and would otherwise be in accordance with the proper planning and sustainable development of the area.

Likely significant effects of the proposed development on a European site:

Appropriate Assessment: Stage 1:

The Board agreed with the appropriate assessment and conclusions contained in the Inspector's report that the River Finn Special Area of Conservation (Site Code: 002301), the River Foyle and Tributaries Special Area of Conservation (Site Code: UK 0030320), Lough Foyle Special Protection Area (Site Code: 004087), and Lough Foyle Special Protection Area (Site Code: UK9020031) are the European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2:

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment, the Board adopted the report of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

Likely Effects on the Environment:

Having regard to the proposed development, including its construction and operational phases, and to the application documentation and reports on file, it is considered that the proposed development, by reason of its nature, scale and the

location of the subject site, would not be likely to have significant effects on the environment.

Likely Consequences for Proper Planning and Sustainable Development of the Area:

Having regard to the land use provisions clearly set out in the Masterplan and the Lifford Settlement Framework, which form part of the Donegal County Development Plan, and which expressly support the provision and accommodation of a development of the nature proposed, to the application documentation and submission on file and to the assessment of the Inspector, it is considered that the proposed development will be in accordance with the proper planning and sustainable development of this area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 8th day of June 2022, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement submitted with the application.

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



3. Prior to the commencement of development, a finalised management plan for the control of alien invasive plant species, including detailed recommendations for short and long-term controls prior, during and following works, and a monitoring programme, shall be completed and placed on file and retained as part of the public record. This finalised management plan shall be implemented in full by the local authority and any agent acting on its behalf.

Reason: In the interest of visual amenity and to prevent the spread of alien plant species.

Board Member


Eamonn Patrick Kelly

Date: 03/07/2023

