



Planning and Development Acts 2000 to 2020

Planning Authority: Donegal County Council

WHEREAS Irish Water care of Nicholas O'Dwyer of Unit 4E, Nutgrove Office Park, Nutgrove Avenue, Dublin propose to construct a new sewerage scheme for Merville, County Donegal, to serve a Population Equivalent (PE) of 3,500, consisting of a wastewater treatment plant at Carnagarve with an outfall pipe discharging to Lough Foyle, a pumping station at River Row with dual function overflow discharging to the Bredagh River and a collection network in the town:

AND WHEREAS Irish Water submitted a screening determination for environmental impact assessment to Donegal County Council and no screening determination was issued by the planning authority:

AND WHEREAS Irish Water submitted the application for review of an environmental impact assessment screening determination under section 176C(2) of the Planning and Development Act 2000, as amended, to An Bord Pleanála on the 9th day of October, 2019:

NOW THEREFORE An Bord Pleanála, in exercise of its powers under section 176C(6) of the Planning and Development Act, 2000, as amended, hereby determines that an Environmental Impact Assessment and that a Stage 2 Appropriate Assessment are required for the proposed development for the reasons and considerations set out below:

Reasons and Considerations

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 in 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; and
- (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 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 following European Sites -

- Magilligan Special Area of Conservation (Site Code UK0016613)
- Binevenagh Special Area of Conservation (Site Code UK0030089)
- Magheradrumman Bog Special Area of Conservation (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 following European Sites:

- Lough Foyle Special Protection Area (Site Code: UK9020031)
- Lough Foyle Special Protection Area (Site Code IE004087)
- North Inishowen Coast Special Area of Conservation (Site Code: IE0002012)
- River Roe and Tributaries Special Area of Conservation (Site Code: UK 0030360)

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.