



An  
Bord  
Pleanála

## Inspector's Report ABP-306775-20

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<b>Development</b>	North West Greenway Project – Route 1: Development extending transboundary from Derry/Londonderry, Northern Ireland, to Buncrana, Co. Donegal, with spur to Newtowncunningham
<b>Location</b>	Buncrana to border with Northern Ireland, with spur to Newtowncunningham, incorporating Bridgend, Burnfoot, Fahan and Lisfannon, Co. Donegal
<b>Planning/Road Authority</b>	Donegal County Council
<b>Prospective Applicant</b>	Donegal County Council
<b>Case Type</b>	Pre-application consultation under section 51A of the Roads Act 1993, as amended
<b>Date of Site Inspection</b>	30 <sup>th</sup> December 2019
<b>Inspector</b>	Niall Haverty

## 1.0 Introduction

- 1.1. Donegal County Council ('the prospective applicant') requested pre-application consultations under Section 51A of the Roads Act 1993, as amended, for the development of a cycleway, referred to as the 'North West Greenway Project – Route 1' ('the proposed development'). Two pre-application consultation meetings took place between An Bord Pleanála ('the Board') and the prospective applicant, on 20<sup>th</sup> May 2020 and 24<sup>th</sup> June 2021, respectively.
- 1.2. This Report is prepared following receipt of a written request by the prospective applicant to close the pre-application consultation, dated 30<sup>th</sup> July 2021. This Inspector's Report provides an overview of the proposed development, a summary of the two meetings and the advice provided by the Board, the relevant legislative provisions, and a list of recommended Prescribed Bodies that should be forwarded copies of the application.

## 2.0 Site Location and Description

### 2.1. Overview

- 2.1.1. The proposed road development comprises a cross-border linear Greenway extending from Derry/Londonderry in Northern Ireland to Buncrana, Co. Donegal, with a spur to Newtowncunningham, Co. Donegal. The proposed Greenway route would also link the settlements of Bridgend, Burnfoot, Fahan and Lisfannon, all of which are in Co. Donegal.
- 2.1.2. The proposed Greenway route would commence at the north western edge of Derry/Londonderry, and run in a north west direction, generally parallel to the A2 Buncrana Road, before crossing the border with the Republic of Ireland after c. 3.1km. The proposed Greenway would then run through the settlement of Bridgend, continuing in a general north west direction, passing to the south of the settlement of Burnfoot, and continuing westward to Inch Lough (also referred to as Inch Lake).
- 2.1.3. At Inch Lough the proposed Greenway would split, with one spur leading northwards along the Lough Swilly coast, through the settlements of Fahan and Lisfannon,

terminating in Buncrana. The second spur would lead in a south west direction, including both coastal and inland sections, terminating at Newtowncunningham.

2.1.4. Significant portions of the proposed Greenway would be located on the alignment of the dismantled Londonderry and Lough Swilly Railway line, which ceased operation in the 1950s. Where the Greenway route diverges from the disused railway alignment, it will pass through primarily agricultural lands or run adjacent to public roads.

2.1.5. Outside of the urban area of Buncrana, and the smaller settlements of Lisfannon, Fahan, Burnfoot, Bridgend and Newtowncunningham, the Greenway would generally pass through sparsely populated agricultural areas, albeit areas which have experienced significant levels of ribbon development along some local roads. The area in the vicinity of Inch Lough is a Wildfowl Reserve.

## **2.2. Natural Heritage Designations**

2.2.1. Portions of the proposed Greenway development are located within or adjacent to Lough Swilly SPA and SAC (Site Codes 004075 and 002287, respectively). Portions of the proposed Greenway are also located within or adjacent to Lough Swilly including Big Isle, Blanket Nook & Inch Lake pNHA. The North Inishowen Coast SAC (Site Code 002012) is located c. 9km north west of Buncrana.

2.2.2. As noted above, the proposed development passes through the Inch Levels Wildfowl Reserve which is located within the Lough Swilly SPA.

2.2.3. Due to the location and transboundary nature of the proposed development, it will also be in relatively close proximity to the 2 No. designated Lough Foyle SPAs, within the Republic of Ireland and Northern Ireland, respectively (Site codes 004087 and UK9020031). Portions of Lough Foyle, within the Northern Ireland jurisdiction, are also designed as an Area of Special Scientific Interest and a Ramsar site.

## 3.0 Proposed Development

### 3.1. Derry/Londonderry to Buncrana and Newtowncunningham Greenway

- 3.1.1. As noted above, the proposed development comprises a cross-border Greenway development, which is stated as being progressed collaboratively by Donegal County Council and Derry City and Strabane District Council. The proposed Greenway would have a total length of c. 32.5 km. Of this, c. 4.5 km is within Northern Ireland, with the remainder located within the Republic of Ireland. Consent for the relevant sections of the proposed development will be progressed under separate applications in the two jurisdictions.
- 3.1.2. The purpose of the proposed Greenway is to promote cross-border investment and infrastructure, link people and places by providing a safe recreational facility for use by tourists, recreational users and local residents to walk or cycle, to encourage a modal shift in transport away from the car as a primary method of transport and to feed into the local and national tourism strategy both north and south of the border.
- 3.1.3. Donegal County Council, in their initial request to enter pre-application consultation and in their presentations at the two meetings, provided indicative maps of the route alignment and described the proposed development. The Greenway will have an average width of 3 – 5m within a development corridor of c. 5 – 7m and will include various structures and will require the compulsory acquisition of some private lands. Amendments to various sections of the proposed route alignment were presented at the second meeting.

### 3.2. North West Greenway Network

- 3.2.1. The proposed Derry to Buncrana and Newtowncunningham Greenway is part of the North West Greenway Network (NWGN) project, which seeks to develop sections of Greenway at 3 No. cross-border locations. The three elements of the NWGN and their current status at the time of the second meeting were as follows:
- **Route 1:** Derry to Buncrana (c. 32.5km): Under design (i.e. the subject development).

- **Route 2:** Derry to Muff (c. 11km): NI section approved and technical design and procurement stages underway; Donegal County Council Part 8 Development approved and procurement underway.
- **Route 3:** Strabane to Lifford (c. 5.2km): completed and operational.

### 3.3. EIA Direction Case (Ref. ABP-305740-19)

- 3.3.1. Donegal County Council previously sought an EIA Direction from the Board in relation to the proposed road development under the provisions of Section 50(1)(c) of the Roads Act (Ref. ABP-305740-19). In its Order, dated 21<sup>st</sup> February 2020, the Board directed the road authority to prepare an Environmental Impact Assessment Report in respect of the proposed development due to, inter alia, the ecological sensitivity of the receiving environment and the nature scale and characteristics of the proposed development including significant construction works in ecologically, environmentally, and visually sensitive coastal areas.

## 4.0 Donegal County Development Plan 2018-2024

- 4.1. Section 2B.2.9 states that “the improvement of connectivity, including cross-border greenways is important in supporting visitor access to the region”.
- 4.2. Chapter 9 relates to tourism, and states that “the Council acknowledges the immense potential of the Donegal’s old railways lines and other potential linkages to act as Greenways for walking and cycling tourism. The Council will therefore continue to protect the routes of such potential greenways through the policies of this plan and will actively work will all stakeholders to facilitate the development of Greenways and walking and cycling routes throughout the County”. A list of potential Greenway development is set out in Table 9.1 of the Plan and includes ‘Buncrana – Derry’.
- 4.3. The following Objectives and Policies are noted:
- **T-O-12:** To strengthen cross border transportation links (including the A5 Western Transport Corridor) and support the development of new links to and within the North West City Region.

- **T-O-13:** To support the development of new walkways, walking routes, trails greenways and cycleways that maximise the potential for local, regional and all-island walking and cycling networks.
- **T-P-24:** It is a policy of the Council to protect established/historic railway corridors throughout the County primarily for strategic infrastructure provision (such as rail/road/greenway projects) and secondly for recreational development. Along these corridors other uses shall not be considered. Where these corridors have already been compromised by development, adjacent lands which could provide opportunities to bypass such an impediment and reconnect these routes for amenity purposes (walking/cycling) shall be protected for this purpose. However, in all instances, the over-riding objective shall be the provision of strategic infrastructure.
- **T-P-31:** It is a policy of the Council to ensure that development proposals protect the route of potential linkages (such as linear parks, roads, footpaths, trails, greenways and cycleways) through the subject site where the planning authority considers that a strategic opportunity exists to provide a linkage to or between adjoining areas.
- **T-P-35:** It is a policy of the Council to encourage and facilitate joined up long distance walking and cycling routes and greenways for recreation and as alternatives to the car, particularly in rural areas, between settlements. Adequate car parking facilities shall be provided, where required, in association with any such developments.
- **TOU-O-9:** To support the development of new, and protect the functionality of existing, Greenways, walking and cycling routes as keys components of an overall green tourism infrastructure and as standalone tourism products in their own right.

4.4. In terms of scenic area designations, I note that the proposed greenway route is entirely located within areas that are either designated as 'areas of high scenic amenity' (HSA) or 'areas of especially high scenic amenity' (EHSA). The EHSA areas generally comprise a strip of land along the coastline of Lough Swilly, as well as Inch Lough and surrounds.

- 4.5. EHSA areas are defined in the Development Plan as “sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development”. HSA areas are defined as “landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and are a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan”.
- 4.6. In terms of rural area types, the rural areas that the proposed development would pass through are designated as ‘areas under strong urban influence’.

## 5.0 Pre-Application Consultation Meetings

5.1. As noted above, two pre-application consultation meetings took place, which are summarised below. Please refer to the records of the meetings included on the file for further details.

### 5.2. First Meeting (20<sup>th</sup> May 2020):

5.3. The applicant made a presentation (copy included on file) outlining the need for the scheme, the design approach, the route selection process, planning and legislative framework, overview of consultation and landowner engagement, the foreseen environmental issues and the timeframe for the submission of the application.

Following the presentation, the following issues were discussed:

- **Need:** The rationale and purpose of the Newtowncunningham Spur.
- **Ancillary development (cafés, car parks, toilet facilities etc.):** It was submitted that local existing businesses in the different settlements were interested in expanding their existing businesses. Some additional car-parking capability will need to be constructed.
- **Likely usage of the Greenway:** The prospective applicant outlined the likely usage of the greenway, including commuting to villages/towns and Derry encouraging a modal shift from other forms of transport and a large tourism

potential. The Board advised that they would be seeking data in this regard should an application be lodged.

- **CPO and land issues:** The prospective applicant confirmed there would be a use of CPO in acquiring land. Much of the land is associated with the former railway which was a private railway, not taken over by the State. The land is a mixture of unregistered land, land that has been formally transferred and land which has been acquired through adverse possession. No residences were intended to be acquired in the CPO. The CPO would affect approximately 20 parcels of land and there may be some temporary acquisition areas for construction compounds etc.
- **Landowner Engagement:** The prospective applicant stated that there had been extensive landholder consultation as part of the route selection process. The project team had a full-time communication liaison officer.
- In the area of CPO's in general and the development of greenways there has been consultation with various interest groups, principally the IFA (who are opposed to the Roads Acts legislation being used).
- **Flooding/drainage/wetland issues:** The prospective applicant advised that the greenway would utilise over-the-edge drainage, although drainage may be required in certain areas. There had been consultation with the OPW regarding the drainage systems adjacent to the Burnfoot river area. The Board noted that the Inch Lough and Inch Levels area had complex hydrological and biodiversity environments.
- **Salt marsh habitats:** The design of the greenway on the area beside the salt marshes north of Fahan is evolving. A Gabion-type structure was being proposed which would run for 800m parallel to the salt marshes. The Board advised that any encroachment onto the salt marsh habitat would not be acceptable and that detailed construction methodologies, mitigation measures and drawings would be required.
- **Coastal lagoons:** Details were sought by the Board regarding the construction of the greenway beside the coastal lagoons which are designated as priority habitat. The prospective applicant stated that they would seek to use the existing railway embankment so as to minimise impacts



and some sections of the sea-wall embankment may need remedial works. The Board noted that the railway structures may be of cultural/industrial heritage value and that condition surveys may be required.

- **Wildfowl Reserve:** The prospective applicant advised that the existing paths within the Wildfowl Reserve would form part of the greenway and would be widened from 2 to 3 metres width.
- **Tidal/fluviial flooding:** The Board queried the tidal areas and potential flood risk issues. The prospective applicant submitted that an assessment was being prepared, there were some tidal flooding and some localised flooding in Bridgend. It was contended that any works associated with the greenway may ameliorate flooding issues and would have no negative impacts.
- **Foreshore Licences:** The prospective applicant advised that two areas would require Foreshore licences: the area beside the salt marshes and the part of the greenway located near two farms.
- **Funding/construction timelines:** The entire project was subject to a funding programme for 46 km of a greenway which was due to expire in 2023. The Board queried what would happen to funding if part of the route was not approved. The prospective applicant submitted that it had a number of routes it could fall back on which gave it some options. The prospective applicant noted their time constraints for obtaining the relevant consents and delivering the project. In response, the Board noted the need for a robust and comprehensive application, with sufficiently detailed drawings, reports and ecological surveys in order to minimise the likelihood of a request for additional information.
- **Construction Management:** The prospective applicant advised that it was likely that more than one contractor would be involved with Donegal County Council carrying out some of the works. The Board advised that a comprehensive construction environmental management plan would need to be submitted which would include worst-case scenarios, location of compounds, haul routes etc.
- **Environmental Issues:** The Board advised that the EIAR should contain comprehensive data as to the effects of the greenway vis-à-vis issues such as

climate change, CO<sup>2</sup>, traffic numbers, transportation, water quality, biodiversity, landscape and visual impacts, land/material assets, cultural heritage, air quality. The need to robustly address both direct and indirect impacts and cumulative impacts was noted. Historic data should be made available.

- **Transboundary issues:** The prospective applicant advised that the planning application regarding the greenway in Northern Ireland was to be lodged shortly with the authorities there. The Board noted that while the portion of the greenway within Northern Ireland would appear to be less environmentally sensitive, given its general alignment along the public road, its proximity to Lough Foyle and its designated sites would appear to raise potential significant trans-boundary and ex-situ issues that would need to be addressed.
- **Other Issues:** In response to a query from the prospective applicant, the Board advised that other areas to be addressed in the application should include the need for the project, biodiversity impacts, Appropriate Assessment, landscaping and visual impacts, loss of farmland, residential amenity impacts, wider use of greenway v tourism use, cultural heritage of railway, archaeological sites, need for the spur to Newtowncunningham, car-parking issues. The Board noted that typical 'tests' applied to CPO applications, including issues such as community need, compliance with development plans and the need to address alternatives, including localised alternatives at sensitive locations, where necessary. The Board noted the importance of ensuring that there are no gaps in any of the information/studies eventually submitted with an application.
- **Other Greenways:** The Board advised the prospective applicant to familiarise themselves with other recent proposed/approved greenway projects such as the South Kerry Greenway, Malahide to Donabate Greenway and Waterford Greenway, where similar environmental and construction issues are likely to have arisen. The prospective applicant confirmed that they are familiar with these projects and are learning from them where possible.

#### 5.4. Second Meeting (24<sup>th</sup> June 2021):

5.5. The applicant made a presentation (copy included on file) outlining progress since the previous meeting, revisions to the design and alignment on foot of the previous meeting and consultation with statutory bodies, progress on EIAR preparation, and the timeframe for the submission of the application. Following the presentation, the following issues were discussed:

- **Coastal erosion:** The Board queried the potential for coastal erosion along the route, in response to which the prospective applicant advised that there was no evidence at this time.
- **Transboundary Issues:** The Board advised the prospective applicant to ensure that the EIAR takes account of potential cumulative environmental impacts with the NI section of the project, and likewise that the NIS should consider in-combination effects.
- **Car parking:** The Board queried the size and locations of car parking to be provided. The prospective applicant stated that this will be finalised once user forecasts are completed in association with traffic counts. In response to a Board query, it was confirmed that the car parks would be included in the application and that they would be likely to have a bound surface with an appropriate drainage system.
- **Consultations:** The Board advised documenting all consultations with the statutory consultees and including it as part of the application.
- **Seasonality and SPA:** The Board queried the seasonality of use of the Greenway with regard to the SPA qualifying species. The prospective applicant advised that the Greenway was being assumed to be busy all year around.
- **Monitoring:** The Board advised that environmental monitoring would be encouraged and that the rationale behind any monitoring proposals should be made clear.
- **Landscaping:** The Board queried the extent of landscaping proposed. The prospective applicant stated that they do not envisage heavy landscaping due to the rural nature of the site. More dense planting or screens will be considered where the route is close to houses.

- **Lighting:** The Board queried the extent of lighting proposed, noting potential impacts for bats etc. The prospective applicant advised that consideration is being given to lighting at road crossings, but no long lit sections are envisaged.
- **Shared roads:** The Board noted that c. 25% of the proposed road is now shared with motorised traffic and queried the potential for conflicts. The prospective applicant stated that this would be addressed in the Road Safety Audit and Traffic Assessment.
- **Shared roads:** With regard to the proposed shared road section north of Newtowncunningham, the Board asked if through-traffic could be eliminated in the interests of road safety. The prospective applicant advised that this was not feasible but that traffic levels were low.
- **Alternatives:** The Board advised that the prospective applicant address the reasons behind choosing a shared alignment as opposed to a fully off-line alignment.
- **Foreshore:** The Board queried the requirement for a Foreshore Licence, in response to which the prospective applicant advised that no structures or works on the foreshore were required with the modified design.
- **Severance of agricultural lands:** The prospective applicant advised that there would be no significant severance of land. Access will be provided across the Greenway where necessary.
- **CPO of dwelling house:** The Board advised that a justification and consideration of alternatives should be presented in the application.
- **National Roads:** The Board queried whether there would be an interface with the National Road at either end and whether TII had been consulted. The prospective applicant stated that there would be no such interface, and that they are liaising with the National Road Design Office in relation to Regional Roads.
- **Archaeology:** The Board queried the potential for archaeological sites along the route, particularly with regard to the modified route. The prospective

applicant advised that surveys are ongoing and any zone of importance will be subject to particular attention.

- **Flood Risk:** Detailed design of structures is required to complete the FRA. Engagement is ongoing with the design team for the Burnfoot Flood Alleviation Scheme.
- **Major accidents:** The Board advised the prospective applicant to ensure that major accidents and/or disasters are addressed within the EIAR.
- **Site Notices:** The Board agreed that the prospective applicant's list of proposed site notice locations appeared to be comprehensive.

## 6.0 Roads Act Legislative Provisions

- 6.1. Section 51A of the Roads Act 1993, as amended, provides for consultations with An Bord Pleanála, before making an application under Section 51 for a proposed road development.
- 6.2. The Act provides that An Bord Pleanála may give advice in relation to the procedures involved in making the application, and what may have a bearing on its decision in relation to the application in respect of the effects of the proposed road development on the environment, or an area, site or land, and proper planning and sustainable development.
- 6.3. Consultations under section 51A of the Roads Act differ from other strategic infrastructure legislation such as, for example, Seventh Schedule type development. The Act does not require the Board to provide an opinion on whether the proposed development comprises strategic infrastructure or not. Following the completion of any consultations between the Board and the applicant, the Roads Act states that the applicant may apply to the Board for approval in relation to a proposed road development.

## 7.0 Conclusion

- 7.1. Under the provisions of Section 51A of the Roads Act 1993, as amended, a road authority can enter into consultations with An Bord Pleanála prior to submitting an application under Section 51(2) in relation to a proposed road development.

- 7.2. The Board may give advice to the road authority or the Authority regarding the procedures involved, what considerations relating to the effects of the proposed development on the environment, or the proper planning and sustainable development may have on its decision in relation to the application. During the two meetings held, advice was provided, as noted on the attached file.
- 7.3. The prospective applicant now wishes to close the consultation stage, following which they may apply to the Board for the approval of the roads project.
- 7.4. A recommended list of Prescribed Bodies who should be forwarded copies of the application documentation is as follows:
- Section 51(3)(b) of the Roads Act 1993, as amended, lists the following bodies:
    - (i) The Commissioners of Public Works in Ireland.
    - (ii) Bord Fáilte Éireann.
    - (iii) An Taisce – the National Trust for Ireland.
    - (iv) The Environmental Protection Agency.
    - (v) Any other prescribed body or person.
  
  - The Board considers that the following prescribed bodies, as per section 51(3)(b)(v) above, should also be notified:
    - (i) Minister for Housing, Local Government and Heritage.
    - (ii) Minister for Agriculture, Food and the Marine.
    - (iii) Minister for Environment, Climate and Communications.
    - (iv) Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
    - (v) Minister for Transport.
    - (vi) Northern and Western Regional Assembly.
    - (vii) Irish Water.
    - (viii) Inland Fisheries Ireland.

- (ix) Transport Infrastructure Ireland.
- (x) National Transport Authority.
- (xi) The Heritage Council.
- (xii) An Chomhairle Ealaíon.
- (xiii) Health Service Executive.
- (xiv) Córas Iompair Éireann.

**Note:** It is considered that transboundary consultation should be undertaken with the Northern Ireland Executive and Derry City and Strabane District Council.

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Niall Haverty  
Senior Planning Inspector

27<sup>th</sup> August 2021