



An  
Bord  
Pleanála

## Inspector's Report ABP-309714-21

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<b>Development</b>	Pedestrian & Cycle Bridge (with Riverine Community Park)
<b>Location</b>	Lifford, Co. Donegal
<b>Planning Authority</b>	Donegal County Council
<b>Prospective Applicant</b>	Donegal County Council
<b>Type of Request</b>	Section 51A request for pre-application consultation.
<b>Inspector</b>	Karla Mc Bride
<b>Date of site inspection:</b>	24 <sup>th</sup> April 2021

## 1.0 Introduction

- 1.1. Donegal County Council requested Pre-Application Consultations under Section 51A of the Roads Act 1993, as amended, for the development of a new pedestrian and cycle bridge over the River Foyle between Lifford in County Donegal and Strabane in County Derry, which would also incorporate a Riverine Community Park. One pre-Application Consultation took place between An Bord Pleanála (the Board) and the prospective applicant on 27<sup>th</sup> May 2021 (see appended signed Record).
- 1.2. This report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, a summary of the meetings and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

## 2.0 Site Location

- 2.1. The site of the proposed development is located to the NE of Lifford in County Donegal and N of Strabane in County Derry on either side of the River Foyle. The site is rural and riparian in character and the lands are currently used for a mix of formal and informal recreational purposes. There are several commercial, recreational and residential buildings in the surrounding area on both sides of the NI border to the S of the site at Lifford and Strabane. The site boundaries with the river are characterised by the former railway embankments and the internal site boundaries are defined by trees and hedges.
- 2.2. The River Foyle forms part of the River Finn SAC on the RoI side of the Border and part of the River Foyle and Tributaries SAC on the NI side. The two rivers converge c.250m to the S of Lifford and ultimately discharge to the Lough Foyle SPA c.30km to the N. There are several features of cultural heritage interest in the vicinity including an old school house and a railway signal house.

### **3.0 Background**

3.1. The need for this cross-border project was identified in 2013. The development of the Riverine Community Park along with the pedestrian and cycle bridge will be delivered in partnership by Donegal County Council and Derry & Strabane District Council. The stated aim of the project is to provide a shared space to bring people together from different communities, encourage social interaction and cross border engagement, and to act as a catalyst for peace and reconciliation. The project also seeks to encourage interaction with the river, improve biodiversity, and provide for informal recreation and environmental education. The two local authorities recently secured substantial funding through the SEUPB PEACE IV Fund to develop the project which must be completed by September 2023.

### **4.0 Proposed development**

4.1. One Consultation meeting was held virtually via MS Teams on 25<sup>th</sup> May 2021.

The proposed development would comprise a new Riverine Community Park at Lifford and Strabane which would be connected by a new pedestrian and cycle bridge across the River Foyle. The works on the c. 25-acre site would include:

- A pedestrian & cycle bridge (in excess of 100m)
- Riverine Park Building
- Multifunctional outdoor space & playground
- Riverside walk and network of pathways & cycleways
- Landscaped greenspaces and wetlands
- Carparking

The proposed community park would occupy 2 x sites on both sides of the River Foyle. It is the stated intention submit a single EIAR and AA Screening/NIS for the overall project, which would identify the elements of the project located within each jurisdiction.

## 5.0 Pre-Application Consultations

- 5.1. One Consultation meeting was held virtually via MS Teams on 27<sup>th</sup> May 2021.
- 5.2. The prospective applicant described the site and surroundings, outlined the main elements of the proposed development and provided an update on the status of the project. The policy context for the project was explained (incl. European, national regional & local policy), the major constraints were identified (incl. European sites, invasive species, badger setts, fluvial flooding, construction noise & possible historic land contamination), and the consultations undertaken to date were outlined.
- 5.3. The Board representatives identified several areas of concern (incl. potential impacts on: - the landscape; cultural heritage; flood risk; drainage; and ecology, including the relationship with European sites and biodiversity. It was stated that discussions with statutory and non-statutory bodies have taken place (incl. OPW, NPWS & the Loughs Agency) and that there is strong community support for the project.
- 5.4. The Board's advice to the prospective applicant during the pre-application consultation meeting is summarised below:
  - (a) Consult with the NPWS and IFI in relation to potential impacts on the River Finn SAC and River Foyle and Tributaries SAC, and further afield European sites that may have an aquatic or mobile connection to the site; assess potential impacts on protected species, migratory birds, bird & bat flight paths (incl. collision risk with the new bridge), fisheries, and ground and surface water as a result of the proposed excavation and construction works and river crossing; and assess potential impacts on the landscape, cultural heritage, drainage patterns, flood risk and the local road network.
  - (b) A comprehensive and detailed EIAR should be prepared which has particular regard to the impact of the proposed development on ecology and biodiversity, cultural heritage, drainage, water quality, flood risk, traffic management and climate change.
  - (c) A comprehensive and detailed AA Screening/NIS should be prepared having regard to the presence of European sites in the surrounding area.

- (d) Due consideration should be given to in-combination effects on the environment with other existing and proposed developments in the area (incl. Greenways).
- (e) The EIAR & AA Screening/NIS reports should clearly delineate the elements of the project located in the RoI and NI.
- (f) Public consultation should be as extensive as possible and consultations should take place with Prescribed Bodies and the local community.
- (g) Transboundary consultations will be required.

## **6.0 Legislative provisions**

- 6.1. The Roads Act of 2015 inserted Section 51A into the Roads Act of 1993. Section 51A provides for consultations with An Bord Pleanála before making an application under Section 51.
- 6.2. The Roads Act provides that the Board 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. Section 51A of the Roads Act consultations differ from other strategic infrastructure legislation. The Act does not require the Board to provide an opinion on whether the project is 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. Following the insertion of Section 51A into the Roads Act, a Road Authority or Local authority as the case may be, can enter into consultations with the Board prior to submitting an application under Section 51 (2) in relation to a proposed road development. The Board may give advice to the Authority regarding procedures involved and which considerations relating to the effects of the proposed

development on the environment or the proper planning and sustainable development may have on the its decision in relation to the application. During the meetings, advice was provided as noted on the attached file.

- 7.2. The applicant now wishes to close the consultations stage and, following this stage, the applicant may apply to the Board for the approval of the roads project.
- 7.3. A recommended list of Prescribed Bodies, who should be forwarded copies of the application documentation, is as follows:

Section 51(3)(b) Bodies:

- (i) The Commissioner of Public Works in Ireland
- (ii) Failte Ireland
- (iii) An Taisce
- (iv) Any other prescribed body or person

It is considered that the following prescribed bodies 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. Irish Water
- vii. Inland Fisheries Ireland
- viii. Transport Infrastructure Ireland
- ix. Environmental Protection Agency
- x. The Heritage Council
- xi. Health & Safety Authority

Further notifications should also be made where deemed appropriate.

**Note:** It is considered that transboundary consultation should be undertaken with the Northern Ireland Executive.

**Note:** The prospective applicant should be advised to submit a separate document (to the EIAR) with the planning application which outlines the mitigation measures, in the interest of convenience and ease of reference.

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Karla Mc Bride

Senior Planning Inspector

4<sup>th</sup> August 2021