Inspector's Report
ABP 311542-21

Development	Construction of Riverine Community Park.
Location	Station Road, Lifford. Co Donegal.
Planning Authority	Donegal Co. Council.
Type of Application	Section 226(1) and Section 177AE (3) of the Planning and Development Act, 2000, as amended.
Observer	PE Lusby.
Date of Site Inspection	December 15th, 2021.
Inspector	Breda Gannon

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1.0 **Introduction**

1.1. Donegal County Council and Derry City and Strabane District Council are jointly planning the development of a Riverine Community Park between Lifford in Co. Donegal and Strabane in Co. Derry following the award of funding by the SEUPB PEACE IV Shared Space & Services. The park would be located on either side of the River Foyle and straddle the border between Ireland and Northern Ireland. Given its location across two jurisdictions, planning applications are being lodged with An Bord Pleanala and Derry City & Strabane District Council. The two sides of the park would be connected by a footbridge and a separate application (ABP 311468-21). for this element of the proposal has been submitted to the Board under section 51(2) of the Roads Act, 1993, as amended

1.2. Donegal Co. Council is seeking approval from An Bord Pleanala for the construction of the section of the park in Lifford. The application is lodged under Section 177AE and Section 226 of the Planning and Development Act, 2000 (as amended).

1.3. Section 177AE of the Planning and Development Act, 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act, 2000 (as amended), requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

1.4. Section 266 of the Planning and Development Act, 2000 as amended requires that where development is proposed to be carried out wholly or partly on the foreshore, the local authority shall apply to the Board for approval of the proposed development.

2.0 Site Location and Description

2.1. The Lifford site is located off Station Road, Lifford. Co. Donegal. It is accessed from Station Road and from there via a poorly surfaced roadway that runs parallel to the River Foyle. A riverside embankment separates the site from the river. An agricultural access traverses lands on the east of the embankment and provides access to agricultural lands to the north.

2.2. The site lies to the west of the River Foyle and a short distance downstream of the confluence of the River Mourne and River Finn. The site is rural and riparian in character and comprises flat open improved grassland with mature boundary hedgerows. The lands are used for a mix of formal and informal recreational purposes, accommodating coursing grounds and football pitches. There are a number of small buildings/structures on the site including a spectator stand associated with the coursing grounds and a disused shed structure close to the northern boundary.

2.3. The site is relatively flat and is within the floodplain of the River Foyle, which is tidal in this location. Flood protection is provided in the form of embankments which run parallel to the river and are set back c. 30m from the river's edge. Areas to the south have also been raised by up to 2m in the form of a small domed area to improve drainage in the area used for greyhound coursing.

2.4. The site is located to the northeast of Lifford town centre and associated commercial and residential properties. Lands to the southwest of the site comprise urbanised areas on the edge of the town. Station Road is the primary access point, providing access to the Co. Council offices, a cinema and the Three Rivers Centre in addition to other commercial and residential properties. It also provides access to a community centre located to the rear of the Co. Council offices and to the adjacent Lifford Wastewater Treatment Plant.

2.5. On the Strabane side the site is located to the east of the River Foyle and to the northwest of the town. It is accessed via a disused road exiting from the Barnhill Road roundabout and leads to a former halting site. The land consists mainly of undeveloped land, comprising predominantly wet woodland with improved grassland to the northeast. Parts of the site were used as a former railway, with station facilities and a maintenance depot. The buildings have been removed and replaced with

hardstanding which was used as part of the halting site. The site also lies within the floodplain of the River Foyle and flood protection is provided by a riverside embankments adjacent to the River Foyle, with an additional embankment associated with the former railway line.

2.6. The combined application site has an area in excess of 22 ha, which includes 14.9 ha on the Lifford side and 7.8 ha on the Strabane side. The site is partially located within the River Finn SAC and the River Foyle and Tributaries SAC's.

3.0 **Proposed Development**

3.1. The proposed development on the Lifford side of the site as described in the public notices submitted with the application comprises the following:

- Single storey community resource building (305m2).
- Maintenance compound (300m2) to include prefabricated maintenance shed, vehicle storage, washdown area and material storage area surrounded by ibex fence and access gateway.
- Multi-functional outdoor space and external stage area to accommodate outdoor events.
- Creation of play areas, a river walk and river access.
- Walkways and cycleways.
- Landscaping inclusive of the wetlands of the River Foyle.
- Amenity lighting.
- Car parking (74 spaces) and cycle parking.
- Site security including estate style fencing, 2.4m high security fencing and lockable vehicle and pedestrian gates.
- Construction of one-way traffic access road 4.5m in width and a two-way traffic access road 6m in width, with a combined length of 265m to be provided within the park.
- Demolition of existing spectator stand and construction of a new spectator stand to accommodate 123 spectators.

- Relocation of existing hare coursing track and the construction of greyhound training runs.
- Provision of an informal parking area to accommodate 8 cars (associated with coursing grounds).
- New 10 kV substation and diversion underground of existing MV (10kV/20kV) overhead cables crossing the site.
- Provision of ground mounted electrical kiosk.
- Provision of new wastewater pumping station for onward transfer of foul wastewater to the local network.
- Reconfiguration of existing cinema drainage soakaway.
- Works on the foreshore including construction of a cast-in-situ slipway, 5m wide, with adjoining steps of natural stone paving and the provision of a reinforced grass path to a new timber fishing pod, and
- All ancillary development, accommodation works and site services on a site extending to 14.9 hectares.

3.2. It is proposed to maintain Station Road as the public access route to the development. A new access route would be developed extending to the rear of the Co. Council office building. Within the development site the access road would be flanked by car parking to the west and east and would circulate around an 'island' which would accommodate a landscaped SuDS pond to capture, attenuate and disperse surface water from the access road and associated car parking areas.

3.3. Two-way traffic flow would be accommodated along the western side of the access road facilitating access to the western parking area, the Operation & Maintenance Compound and the Rights of way (East Donegal Coursing Club and private agricultural access) and the east parking area. Traffic would be reduced to one-way flow on the eastern side of the spur route which would continue circulation to the eastern parking area and the community pavilion and events space. The one-way road would exit the site via a priority junction allowing traffic to exit the park or to re-circulate. The car parks would be connected by pedestrian walkways.

3.4. A series of internal pathways are proposed with a mix of widths and surface finishes, designed for pedestrian and cycle use. The core pathways would be 3m in width and would be asphalt with natural stone finishes in selected locations. The layout of the paths are designed to provide strategic connections within the park, the new bridge and the Strabane North Greenway and to facilitate future connections to any Donegal Co. Council proposed greenways. A 4m wide path would extend from the community pavilion building to the proposed slipway.

3.5. It is proposed to improve access along the riverside to the new bridge. It is also proposed to formalise access to the river through the provision of a slipway which would enable access for boats (ramped slipway) and for kayaks/canoes (stepped edge). The slipway would be c 5m wide, 30m long with an approximate gradient of 1:8 and would be constructed by the installation of a structural fill sub-base and fibre mesh reinforced concrete surface course. The fishing pods are proposed to be timber 3.0m x 3.0m platforms located immediately outside the High Water Mark and accessed from the proposed riverside access route via 2m wide reinforced grass pathways.

3.6. The community pavilion building would take the form of a gentle curved building with three mono pitched roof planes falling from south to north. It would comprise a timber structure with slate cladding and a sedum grass roof with PV panels. Foul sewage from the facility would be discharged to a sewage pumping station to be provided at the north western corner of the site and from there into the Lifford Wastewater Treatment Plant.

3.7. The pavilion building would address the main access from the carpark towards the play areas and the main events area to the north, whilst also opening up towards Strabane and the river to the south. The southern elevation proposes large glazing elements to maximise natural lighting, views out of the key spaces and connection to the landscape. A covered walkway would connect the community spaces with the externally accessed refreshment area and toilets.

3.8. The proposed events space would be located to the north of the pavilion building. It would be surfaced with a reinforced grass to provide flexibility for a range of activities and integrated seating would be provided at the edges. The play spaces would be

located alongside the existing embankment to maximise play value and make the most of existing landform.

3.9. An operation and maintenance compound would be located in the north western corner of the site and beyond the existing treeline to minimise its visual effect. It would be enclosed by a 2.4m security fence with separate access to a storage building and storage compound.

3.10. Works would be carried out to the flood embankment and it would be realigned on a circular path closer to the pavilion building to improve the visual link from the pavilion to the river. Pathway linkages within the park are proposed to use the prominent position of the remainder of the existing embankment with crest widening to provide a 3m foot and cycle path with 0.5m grass verges either side. This would be achieved by widening the existing crest which is c 2m. All existing crest levels would be maintained as existing to maintain the current defence levels and in areas would be increased to allow for connection to the proposed bridge abutment.

3.11. Ground reprofiling works would be carried out in the site of the pavilion building and surrounding areas in order to achieve the necessary design parameters for achieving flood protection for a 1% AEP flood event. The proposed senior and junior play areas and area at the existing flood embankment would be reprofiled to achieve the landscaping aspirations.

3.12. Electricity cables traverse the site in a south/south west direction towards the Co. Council offices. A new enlarged electrical substation would be provided adjacent to the existing WwTP which will serve the existing/proposed Irish Water works, the proposed development and the new coursing ground facilities. The ESB cables would be diverted underground.

3.13. The park is entirely located within lands owned by the East Donegal Coursing Club which accommodates infrastructure associated with the club (spectator stand, hare coursing track, greyhound runs). In order to facilitate the development, it would be necessary to relocate and/or replace this infrastructure, which are referred to as ‘Accommodation Works’ and are assessed in the EIAR. The works are relatively modest and comprising some drainage works, car parking and a replacement stand.

3.14. The East Donegal Coursing Club facilities would be relocated to the north of the park. Access would no longer be available through the existing riverside access,

which would be incorporated into the park. The club facilities would be accessed via the new access arrangements proposed for the park. The access would terminate at the relocated spectator stand, where 8 no. car parking spaces would be provided.

3.15. The spectator stand would be an exposed structure steel frame clad in juniper green profile cladding for weather protection. The ancillary block (welfare facilities/meeting space) to the rear of the stand will comprise a concrete block externally rendered and constructed with a concrete tiled mono pitch lean-to roof. Foul effluent would be discharged into the proposed wastewater infrastructure associated with the park.

3.16. Two new greyhound training runs would be provided along the shared boundary with the park enclosed by a 1.4m high stock proof post and wire mesh fence. Replacement coursing runs (44 ha) would also be provided and would be constructed by reprofiling existing ground levels. It would also be enclosed by 1.4m high stock proof fencing. Two slipper sheds and one storage shed would be provided in the vicinity of the coursing run. These would be prefabricated, timber sheds typically 8m wide x 6m long x 2m high. An area of approximately 17 ha would be dedicated to a hare sanctuary and would be provided at the northern boundary to the site. There would be a 1.4m high stock proof and fence between the sanctuary and the coursing run to provide a buffer between the two.

3.17. On open channel that runs north-south through the reconfigured site would be infilled and relocated to a new open channel watercourse which would be constructed along the periphery of the western site boundary and would continue to discharge into the Roughan watercourse.

3.18. It will also be necessary to divert an existing agricultural access from the riverside access route. It would be relocated to the northern perimeter of the park along the park boundary. Reconfiguration of the existing storm drainage outlet from the Three Rivers Centre would also be required to facilitate the proposed riverside access road.

3.19. As noted, the entire site on the Lifford side is within lands owned by the East Donegal Coursing Club. The embankments are owned, managed and maintained by the OPW. Upon completion Donegal Co. Council would adopt the proposed development and be responsible for the operation and maintenance of the Lifford site and the proposed bridge.

3.20. Foreshore consents are required for the slipway, bridge pier and enabling works including the temporary platform for bridge construction and crane positioning.

3.21. The Strabane proposals on the opposite side of the river include:

- A new area of open space, vehicle, cycle and pedestrian access
- Car parking areas, amenity lighting, and
- All ancillary development and site services within a site extending to 7.8 hectares.

3.22. A series of internal pathways are proposed proving connections within the Riverine Community Park, the new bridge and the Strabane North Greenway. A 125m timber (or equivalent) boardwalk would be provided to enable controlled visitor access to an area of wet woodland. The proposal also seeks to utilise sections of the existing flood embankments as the key internal pathway providing a 3m wide walking/cycling route with 0.5m grass verges either side, along the crest of the embankment to the river crossing.

3.23. The site of the proposed development is currently in private ownership. Upon completion Derry City & Strabane District Council would be responsible for the operation and maintenance of the Strabane site and the bridge.

3.24. The two sides of the park would be connected by a proposed pedestrian/cycle bridge that will extend to c.115m. It would be a steel truss structure with two spans. The larger span would extend across the river with a length of approximately 88m. The second span (27m) would extend over land from the Lifford riverbank to raised ground. The bridge would be supported on a reinforced concrete pier and abutments. On the Lifford riverbank there would be an elevated concrete pier set back from the top of the main river channel. The abutments on both sides would be a reinforced concrete box structure partially set into existing flood embankments. The construction of the bridge abutments and bridge pier would involve earthworks, piling and concrete works. The bridge superstructure would be fabricated off site and assembled in the temporary working area on the Lifford side of the river.

3.25. The bridge is the subject of a concurrent application before the Board (ABP 311648-21).

The application is supported by an EIAR and an NIS, which assess the entirety of the project in both jurisdictions. The EIAR is organised in three volumes as follows:

Volume 1 – Non-Technical Summary

Volume 2 - EIAR Main Text

Volume 3 – Appendices.

4.0 Submissions

4.1. Prescribed Bodies

Department of Housing, Local Government and Heritage

The response from the DAU is as follows:

Nature Conservation

- The Department is concerned that the NIS is deficient in scope and detail to allow Appropriate Assessment to be completed.
- It recommends that Lough Swilly SPA (Site code 004075) be screened in for consideration in the NIS. Whopper Swan are a key SCI for the SPA. Whooper Swan and geese species supporting the Lough Swilly SPA populations are known to feed and commute on the Foyle River.
- The level of Otter activity suggests that the development site forms part of the core territory for an Otter pair. It is recommended that the nearest Otter holt be identified and the proximity to the wider development site, slipway/jetty and bridge site are clearly determined.
- Disturbance to Otter during the construction stage is not sufficiently mitigated. The direct loss of riverbank foraging habitat associated with the bridge, slipway and jetty is insufficiently addressed in the NIS. The riparian corridor supports a thin fringe of reed and large sedge swamp which provides key foraging for Otter and efforts should be made to ensure full reinstatement or enhanced coverage of this habitat post construction.
- Notwithstanding the bridge and jetty elements, the Department welcomes the commitment to retain/instigate a 10m buffer in the wider riparian zone for Otter and recommends that this is considered a minimum buffer size to avoid

long term disturbance and displacement of this QI species supporting the River Finn SAC (Site code: 002301). The Department recommends that further Otter friendly measures are incorporated into the design of the park that seek to create further Otter friendly features and increase the buffer breadth beyond 10m where possible.

- Many of the finer design details remain unconfirmed in the NIS and its conclusions are based on possible and not absolute designs. This ambiguity is reflected in the wording used in the NIS. It is recommended that the NIS includes more definite detail and assessment of impacts arising to European sites.
- The Department reiterates the need for the applicant and consent authority to be clear that the project is not going to constitute an adverse impact on a European site.

Underwater Archaeology

- Due to the proximity to the Recorded Monument and the density of logboat discoveries in the River Finn and River Foyle, the reclamation zone can be considered to be of archaeological potential.
- The proposed western bridge abutments and attendant infrastructure, including enabling infrastructure for the proposed crane pad, will require excavation into the former river channel/ floodplain beneath the reclamation infill and therefore may lead to impacts on underwater cultural heritage. The enabling works include construction of a temporary crane pad that will extend into the river channel from the west bank of the river, the construction of which may lead to adverse impacts on underwater cultural heritage. These potential impacts have not been sufficiently addressed in the EIAR.
- The Department previously requested an archaeological dive survey to assess development impacts on the riverbanks and river-bed. There are works proposed on the riverbank and within the river itself and the Departments reiterates its recommendation that an Underwater Archaeological Impact Assessment (UAIA) including a dive survey is required in order to assess the potential impact of the development on underwater archaeology.

- The requirements for UAIA and for test excavations at the proposed locations of the western bridge abutments and other areas on the riverbank where ground disturbance is proposed, are set out by the Department.

Transport Infrastructure Ireland

Transport Infrastructure Ireland did not wish to make any comments in respect of the proposal.

Geological Survey Ireland

The GSI stated that they had no specific comments/observation to make and referred back to their EIA Scoping Opinion response dated May 6th, 2021.

4.2. Third Party Observations

A submission was received from PE Lusby. The main issues raised relate to the following

- Expresses concern that he was not contacted during any of the assessments and that the project promoters have therefore erred in law.
- The EIAR is deficient in a number of areas but particularly in relation to flooding. Existing flood attenuation measures do not include the River Foyle beyond the high water mark and no consideration is given to a Flood Management Plan for the River Foyle, north of Lifford. The River Foyle is a major component of the catchment area and cannot be minimised.
- Statistics on the composition of the base materials of the River Foyle floodplain are calculated without the inclusion of the impact of rainfall and the significant rainfall of 2015 is not included in the analysis. Fuller analysis would reveal the morphological properties of the floodplain and the dangers to life and property.
- Fluvial interaction is not assessed. Sand and gravel excavation has taken place within the River Foyle for a considerable period of time. The most recent and adjacent to the proposed site is on the Donegal embankment opposite the Northern Ireland outflow of the Strabane wastewater plant. This deposit is not mentioned in the project documentation. No assessment is made in the project documents to fluvial deposits and loss of channel conveyance which

could increase the flood risk to the project site. The available CFRAM documents indicate an improved channel conveyance option adjacent to the site at a cost of €40m and €102m to include the benefit to the mouth of the River Deele.

- The Flood Risk Assessment for the A5 road project was considered inadequate by the Planning Appeals Commission of Northern Ireland using the same assessment criteria used in this project.
- There is no assessment of the constraints posed by a low bridge in this location in terms of the management of the river in relation to flood alleviation.
- The assessment of impacts on human health is inadequate. In 1997/1998 human health was impacted due to the contamination of Islandmore, which is in close proximity to the proposed site, with the bacterium Brucella Abortus. Donegal Co. Council at the time found evidence of sewage contamination on the land at Islandmore.
- The potential of two sewage plants to contaminate the project area has not been evaluated in the documents. Strabane WwTP flooded in 2015 and this has not been considered even though previous sewage outflows in the area have been recorded to circulate adjacent to the site due to tidal pressures. There is no consideration of storm surge impacts on the sewage works on either side of the river or adjacent to the project site.
- The fishing groynes have not been maintained and have deteriorated and are a source of invasive plants and barriers to the free flow of the river. This has not been considered in the documents.
- Existing infrastructure, flood and disused railway embankments linking Islandmore Bridge and the existing Foyle Bridge were not considered as an alternative to the proposed bridge.

5.0 Planning History

5.1. There are no details of any relevant planning history relating to the site.

ABP 309714 – The proposed development was subject to pre-planning discussions with the Board under section 51A of the Roads Act 1993, as amended. The Board's

representatives raised several issues of concern including potential impacts on landscape, cultural heritage, flood risk, drainage and ecology including the relationship with European sites and biodiversity.

The prospective applicant was advised as follows:

- to consult with NPWS and IFI in relation to potential impacts on European sites.
- To prepare a comprehensive and detailed EIAR 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,
- To prepare a comprehensive and detailed AA Screening/NIS.
- Consideration of in-combination effects on the environment and other existing/proposed developments in the area (including Greenways).
- EIA/AA Screening/NIS should clearly delineate the elements of the development in RoI and NI.
- Public consultation should be as extensive as possible.
- Transboundary consultation required.

6.0 Further Information

6.1. Further information on the application was requested by the Board on February 17th, 2022, relating to the following:

1. Detailed response to the issues raised in the submission from the Department of Housing, Local Government and Heritage. A revised Appropriate Assessment Screening Report and Natura Impact Statement was requested to include updated description of the baseline ecological environment of the River Foyle taking into account current pressures on the River Finn SAC and the potential impacts of a flood event.
2. Detailed description of the construction works for each element of the development and details of mitigation measures proposed to prevent

sediment and other pollutants from entering the watercourse during the construction stage.

3. Details of sequencing of works and duration of each phase.
4. Traffic assessment of the construction stage to include potential cumulative effects with other permitted developments on both sides of the Border.
5. Details of provision for cycling parking, identifying the number of spaces to be provided and an assessment of the adequacy to support the proposed development.
6. An Addendum to the EIAR to ensure compliance with Annex VI (5) and Annex IV (7) clearly outlining the likely significant effects of the construction and operational stages of the development and the mitigation measures proposed.
7. Response to public submission.

6.2. The response to further information was received by the Board on April 28th, 2022 and includes the following documentation:

- Summary of Amendments
- EIAR Addendum
- Updated Plans

6.3. The response states that the EIAR Addendum has been provided to address a change in the design of the project in Strabane which has arisen due to land acquisition issues. It is also noted that a revision has been made to the boundary of the planning application site to take into account temporary bridge construction works within the River Foyle on the Lifford side.

7.0 Further Submissions

7.1. Additional responses were received following the receipt of further information and are summarised below.

The response from the Department of Housing, Local Government and Heritage stated that it had no further comments in relation to nature conservation. The response includes the minutes of a meeting held with the applicant on 31 March

2022. A number of conditions are recommended in respect to archaeological protection.

The Geological Survey of Ireland stated they had no further comments to make on the proposal.

8.0 Responses from Northern Ireland

Details of the application and the further information response were forwarded to the Northern Ireland Planning Service, who circulated it to various bodies. The most recent responses are summarised as follows:

Derry City & Strabane District Council – support the proposed development and acknowledge the cross-community benefits for the wider area.

Dfi Rivers Planning Advisory & Modelling Unit – in their latest response dated September 5th, 2022 stated the following:

- There is no confirmation from the planning authority that this development is considered an exception under FLD1. The planning authority will make the final decision on whether the flood plan, the proposed development and the scale of intensification of use are acceptable.
- The Flood Risk Assessment (FRA) concludes that the proposal will have no measurable effect on flooding elsewhere for the 1% AEP present day flood. Dfi Rivers has no reason to doubt these technical findings within the FRA.
- To mitigate hazard to occupiers/visitors the implementation of a robust Flood Evacuation and Management Plan is proposed and Derry & Strabane District Council will be responsible for the management of this.
- The proposed development causes no new built development or hard boundary treatment that would impede maintenance of watercourses/flood defences versus existing provisions.
- The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible and that the 1 in 100-year event could be contained by below ground storage at existing green-field runoff rate.
- Recommends conditions in the event of permission being granted.

Dfi Roads – in their submission dated September 7th 2022, state that as the proposed development conflicts with the A5 WTC strategic route improvement scheme, the Dfi Roads has significant objection. It is necessary to demonstrate how this conflict can be overcome and not prejudice delivery of the roads scheme. It is noted that discussions are ongoing to address and resolve these matters. It is also stated that as construction traffic is unchanged on the Strabane side, there is no objection.

Loughs Agency – in their most recent submission of August 23rd, 2022 state that it has no objection in principle to the proposed development. It states that the applicant should demonstrate best environmental practice when working close to watercourses. The potential for delirious material to enter a watercourse is of primary concern as a decrease in water quality can cause a significant impact upon the life cycle of various fish species.

Environmental Health Service – raise no objection to the development subject to the implementation of the CEMP and measures regarding construction noise, dust, storage/disposal of waste and control of invasive species. It also refers to impacts on human health associated with the potential remediation of contaminated land and recommends that any remediation works be undertaken and a verification report submitted.

Historic Environment Division - considered the impacts of the proposal on archaeology and built heritage and raises no objection subject to conditions

Northern Ireland Water –the proposed development would not have a significant impact on existing NI Water Infrastructure and there are no issues regarding the progression of the project.

Geological Survey of Northern Ireland - no issues of geological concern arise.

Health & Safety Executive of N. Ireland - no comment to make on the proposed application.

9.0 Legislative and Policy Context

9.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

9.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

9.3. **National nature conservation designations:** The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

9.4. European sites located in proximity to the subject site include:

- River Finn SAC (Site code: 002301).
- River Foyle and Tributaries SAC (Site code:UK0030320).
- Moneygal Bog SAC (Site code:UK0030211).
- Owenkillew River SAC (Site code: UK0030233).
- Lough Foyle SPA (Site code: 004087).
- Lough Foyle SPA (Site code: UK0030233).
- The Maidens SAC (Site code UK0030384).
- Donegal Bay (Murvagh) SAC (Site code: 000133).

9.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate

assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE)(1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE)(2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE)(3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V)(3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE(6)(a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
    - The likely effects on the environment.
    - The likely consequences for the proper planning and sustainable development of the area.
    - The likely significant effects on a European site.

Section 226 of the Planning and Development, 2000 (as amended) - requires that where development is proposed to be carried out by a local authority that is wholly or partly on the foreshore, the local authority shall apply to the Board for approval of the proposed development.

9.6. European Policy

9.6.1. INTERREG & PEACE, Peace Plus Programme (2021-2027)

These programmes are important drivers of regional development in a cross-border context. Through EU-funded co-operation these programmes have facilitated a variety of cross-border and cross community projects. Donegal Co. Council in partnership with Derry City and Strabane District Council successfully secured funding and support for the proposed development.

9.7. National Policy

9.7.1. Project Ireland 2040 - The National Planning Framework (NPF)

The National Planning Framework (NPF) which was published in 2018 is a strategic plan to guide development and investment out to 2040. It promotes ongoing North-South cooperation across a wide range of policy areas. It acknowledges that its implementation in tandem with the Regional Development Strategy for Northern Ireland will assist in addressing many of the challenges that arise in managing growth, economic and social development and environmental quality.

It contains a number of National Policy Objectives which promotes working together for mutual advantage. The following are the most relevant to the proposed development:-

NPO 43: Work with the relevant Departments in Northern Ireland for mutual advantage in areas such as spatial planning, economic development and promotion, co-ordination of social and physical infrastructure provision and environmental protection and management.

NPO 46: In co-operation with relevant Departments in Northern Ireland, enhanced transport connectivity between Ireland and Northern Ireland to include cross-border road and rail, cycling and walking routes, as well as blueways, greenways and pathways.

NPO 50: In co-operation with relevant Departments in Northern Ireland, ensuring effective management of shared landscapes, heritage, water catchments, habitats, species and trans-boundary issues in relation to environmental policy.

9.8. Regional Policy

9.8.1. Regional Spatial and Economic Strategy, Northern Ireland and Western Region

This document is a 12-year strategic regional development framework that will facilitate the delivery of the NPF. It recognises that the continued development of the

economy and coordination of economic and social infrastructure, as well as management of environmental assets and co-funded projects is dependent on strong links with Northern Ireland. Relevant policy objectives include:

RPO 7.9: Promote the provision of high-quality, accessible and suitably proportioned areas of public open spaces and promote linkage with social, cultural and heritage sites and buildings. In this process prioritise access for walking and cycling.

RPO 9.1: Build Inclusive and Compact Places by a) Planning for Inclusive Communities through regional cooperation and collaboration, to support the wider economic and social development agendas of the region and integrating health and wellbeing outcomes across all activities, ensuring that spaces are made available for community use …

RPO 9.2: Invest in Accessible and Connected Places through a) Donegal Co Council, Derry City and Strabane District Council and transport providers working together to deliver programmed and future investment for strategic internal and external transport improvement. This to include consideration of cross-border connectivity-with a particular emphasis on the provision of high quality TEN-T routes, maximising the level of accessibility to the urban core for all sectors of the community and all abilities, with a focus upon supporting a modal shift to walking, cycling and public transport …

Other relevant Regional Policy documents include:

- Framework for Co-operation on Spatial Strategies of Northern Ireland and Republic of Ireland.
- Regional Development Strategy for Northern Ireland.
- North West Strategic Growth Partnership.
- The North West City Region and North west Metropolitan Area Spatial Planning Framework.

9.9. **Local Policy**

The operative development plan is the **Donegal County Development Plan 2018-2024**. There is no adopted Local Area Plan specific to Lifford town and therefore all policy considerations are derived from the overarching County Development Plan.

The site is located outside the town centre but within the town boundary as defined in the county development plan (CDP). The site is located in an area zoned as 'Amenity Area' with the following objective:

'To reserve and enhance land for formal and informal amenity and open space purposes, and to make provision for new recreation, leisure and community facilities.

Relevant Policy TOU-P-9

It is the policy of the Council to

- *Conserve lands zoned Amenity/Green space/Open Space in settlement frameworks/urban areas exclusively for public amenity/recreational use*
- *Protect the routes of, not permit development which would hinder the creation of, and otherwise positively facilitate the development of, future Greenways', walking and cycling routes including those identified in this Plan.*
- *Protect the extent, quality, visual setting and functionality of existing 'Greenways' walking and cycling routes including those identified in the Plan.*

The CPD recognises that Donegal sits within a wider cross border context and aims to work with local authorities and agencies in Northern Ireland to *'unlock the regions full tourism potential'*

The Plan acknowledges the potential for linkages to act as Greenways for walking and cycling tourism. It states that Donegal Co Council will *'continue to protect the routes of such potential greenways through the policies of this Plan and will actively work with all stakeholders to facilitate the development of Greenways and walking and cycling routes throughout the County*'.

The CPD contains a number of objectives (TOU-O-1, 2, 6, 9, 15 & 17) and policies (TOU-P-1 & 2) aimed at developing sustainable tourism.

10.0 Planning Assessment

10.1. Introduction

In accordance with the Section 177AE(6)(a) of the Planning and Development Act, 2000 (as amended) this section of the report is structured to address the following:

- The likely consequences for the proper planning and sustainable development of the area.
- The likely effects on the environment.
- The likely significant effects on a European site.

10.2. **The likely consequences for the proper planning and development of the area.**

I consider that the main issues that arise in terms of the likely consequences for the proper planning and development of the area relate to the following:

- Principle of the development.
- Landscape & Visual Impact.
- Flooding.
- Roads and Traffic.

10.2.1. **Principle of the development**

The proposed development involves the development of a riverine community park on either side of the River Foyle which forms the border between Ireland and Northern Ireland. A new pedestrian bridge will connect the two sides of the park.

I note from the EIAR that the proposed project will be developed in a previously contested area which is now considered to be a neutral space by both communities. The development is designed to enhance connectivity between the two towns on both sides of the border and provide a recreational space for use by both communities. It is designed to encourage both communities to reconnect and to enhance engagement and social interaction for all age groups.

The proposed development accords with European, national, regional, and local policy objectives which seek to foster cross-border cooperation and collaboration. It is supported by overarching international and national objectives to deliver shared infrastructure projects of mutual benefit that supports peace and prosperity within the border region of Ireland and Northern Ireland and is driven by EU-funded programmes (INTERREG & PEACE) which are important drivers of cross border and cross community projects.

At a local level, through the provisions of new recreation and leisure facilities, the proposed development accords with the zoning provisions of the development plan.

The provision of enhanced social and recreational facilities in Lifford will also support a local policy objective to conserve the site for exclusively public amenity/recreational use. Through the provisions of increased leisure and recreational facilities with onward connections to existing/proposed greenways in both jurisdictions, the proposed development will act as a catalyst for cross border sustainable tourism in accordance with the policies and objectives of the plan. It will also positively support the implementation of a local planning objective to develop tourism and recreational activities that will harness the potential of the River Foyle.

I consider that the proposed development will benefit the Region as a whole, promoting cross-border connectivity and maximise accessibility to amenities for both communities. I would therefore conclude that the principle of the development is acceptable in this area subject to other environmental considerations which are considered in more detail below.

10.2.2. **Landscape and Visual impact**

The landscape and visual impact of the proposed development is assessed in Chapter 14 of the EIAR. The chapter is supported by Appendix 14-1 which includes ZTV maps and identifies the location of the viewpoints for the photomontages.

The site is located to the northeast of Lifford town centre and is designated as an Area of Moderate Scenic Amenity (Map 7.1.1) in the development plan. These landscapes are described as follows:

'*Areas of Moderate Scenic Amenity are primarily landscapes outside Local Plan Area Boundaries and Settlement framework boundaries that have a unique, rural and generally agricultural quality. These areas have the capacity to absorb additional development that is suitably located, sited and designed subject to compliance with all other objectives and policies of the Plan'*

Objective NH-O-5 - *'To protect, manage and conserve the character, quality and value of the landscape having regard to the proper planning and development of the area, including consideration of the scenic amenity designations of this plan, the preservation of views and prospects and the amenities of places and features of natural, cultural, social or historic interest'.*

Policy NH-P-7 – *Within areas of 'High Scenic Amenity' and 'Moderate Scenic Amenity' as identified on Map 7.1.1: 'Scenic Amenity', and subject to the other*

objectives and policies of the Plan, it is the policy of the Council to facilitate development of a nature, location and scale that allows the development to integrate with and reflect the character and amenity designation of the landscape'.

On the Lifford side the site consists of flat grassland with fields separated by hedgerows. There are some small structures including a spectator stand associated with the coursing grounds, small sheds and dug outs associated with the playing pitches. The riverside embankment provides a visual buffer from the river. Views into the site from the east, west and south are limited both by this embankment, existing vegetation and the existing built form of the town. There are more open views from the north.

The proposal is to develop a community park on both sides of the river connected by a pedestrian and cycle bridge. The existing riverside embankment will be retained and reconfigured to accommodate the proposed development. The majority of the works will be at ground level including roads, parking, play areas, outdoor events area, slip way to river, riverside walk, paths and cycleways etc, with limited potential for significant adverse impacts on landscape or the visual amenities of the area.

A small number of buildings/structures are proposed on the Lifford side of the site including the community resource building, new spectator stand, maintenance shed and substation building. Due to their height and limited footprint, none of these buildings have the potential to generate significant adverse landscape or visual effects. The location, design and variety of external finishes proposed ensure the buildings are low impact and sit comfortably within the park setting. Their impact will be highly localised and largely confined to the immediate environs of the proposed park.

The EIAR considers the construction phase impacts in the context of landscape, impacts on the River Foyle (SAC), impacts on road users, residents, pedestrians, and on recreation. The impacts identified with the potential to affect these receptors are associated with noise, dust, traffic, disturbance and pollution, which will be short term and capable of effective mitigation.

Following the completion of the project there will be permanent changes to the landscape character on both sides of the site associated with the change of land use to recreational use, which is considered beneficial. The only prominent built elements

will be the community building and new bridge. Views into the site will continue to be contained by the exiting built fabric of the town, the retention of the river embankments, trees/hedgerows and additional landscaping. There are no designated scenic views or routes that would be impacted by the proposed development.

In terms of landscape and visual effects, the most significant element of the entire proposal is the new bridge. The bridge will span the river which is the most important feature in the landscape in this location, with wide open views to the north and across the river to Strabane. The bridge would have a steel truss design would be c 5m tall would have an overall length of 115m.

The bridge would be located north of a bend in the river and would therefore not be dominant in views of the river from the existing Lifford Bridge to the south. From the town of Lifford it will be screened by existing buildings. The greatest potential impacts will occur close to the bridge and from accessible stretches on both sides of the river. A series of photomontages (12 no.) illustrate the views from publicly accessible locations at varying distances from both the Lifford and Strabane sides of the River Foyle. In the majority of these views there will be no significant effects due to vegetative screening, distance and landform.

The bridge will introduce a new built element into the area which will have effects on the landscape and the visual amenities of the area. I accept these effects have been mitigated to a degree by the uniform and simple design of the bridge (stated to have taken inspiration from the historic railway that existed in the area), and its functional relationship with the river.

Having assessed the entire proposal from various locations on both sides of the river, I accept that the site has the capacity to absorb the proposed development without resulting in significant adverse impacts on the landscape or visual amenities of the area. I consider that the proposed development, due to its scale and purpose for amenity and leisure purposes is capable of effective integration and is not inconsistent with the character of the area and the amenity designation of the landscape.

I would therefore conclude that the proposed development in its entirety is acceptable in this location, is not at variance with the landscape policies and objectives of the development plan and is acceptable in terms of its visual effects.

10.2.3. **Flooding**

The submission from PE Lusby raises the issue of flooding. The concerns raised relate to flooding north of Lifford, the potential for morphological change in the Foyle system that would increase flood increase, reliance on data from the A5 Western Transport Corridor Flood Risk Assessment, impacts of flooding on sewage treatment plants and the constraints posed by a low bridge on watercourse maintenance.

Chapter 9 of the EIAR provides an assessment of the proposed development on the water environment including flood risk. A Site-Specific Flood Risk Assessment was carried out and is contained in Appendix 9-1 of the EIAR. An Addendum to the EIAR (Appendix 9-1) was provided in response to the further information request.

The proposed development is transboundary and the dominant hydrological feature and source of flooding is the River Foyle which forms the jurisdiction boundary. The effects of the development on flooding is therefore assessed for the entire project.

The site adjoins the River Foyle a short distance downstream of the confluence of the River Mourne and the River Finn. The River Foyle is tidal at this location, and I note from the EIAR (section 9.5.1) that the development site on both sides of the river have been artificially raised which includes flood embankments, with more extensive land raise on the Strabane side.

The Lifford site is relatively flat with low points c.2m OD close to the riverbank. Site levels generally lie between 6mOD and 2mOD and typically fall from south to low lying land in the north. The embankment is set back 30m from the river's edge and rises to a height of c.5.0mOD. The central area of the site has been raised to an elevation of 4.8mOD to improve drainage in the area for greyhound coursing. In addition to the River Foyle, there is a surface water feature that drains to a watercourse to the north. The watercourse discharges to the River Deele and ultimately into the River Foyle to the north.

On the Strabane side topography generally lies between 6mOD and 1mOD and the riverside embankment has a typical crest height of 5-6m with an additional embankment associated with a disused railway line lying between 4-5mOD. There

are a number of watercourses within the site including the Park Road Drain and Nancy Burn, which discharge to the River Foyle.

The development site lies within a floodplain and fluvial flooding is identified as the main flooding risk associated with the site. The embankments are noted to have crest heights higher than predicted water levels in the River Foyle. The primary source of flooding at the Lifford site is from the River Deele to the north and not from the River Foyle, which is separated from the site by flood defences. The flood water backs up into the River Deele and flows into the low-lying floodplain to the north behind the riverside defences. Flooding on the Strabane side is stated to be predominantly as a result of overtopping of flood defences and the A5/N14 embankment upstream of the site.

The OPW CFRAM mapping indicates that the Lifford site is impacted by the 10% AEP (10-year event) and substantially inundated for the 1% AEP (100-year) and greater magnitude floods. The data from Northern Ireland indicates that the Strabane site is also significantly affected by the 1% AEP floodplain and that much of the site would be affected in this event. The site is also substantially affected by 0.1% AEP flood event.

The proposed development will result in changes to the site which includes development that could displace floodwater and cause flooding elsewhere. The works include raising land within the site associated with the proposed buildings, car parking, roads, paths and amenity areas, realignment of a section of the flood embankment on the Lifford side, the provision of a new bridge (with bridge pier on the river side of the Lifford flood embankment) and earthworks/land re-grading associated with accommodation works to the north of the Lifford site.

The Site-Specific Flood Risk Assessment considers existing flood conditions and the effects the proposed development is likely to have on flooding both within the site and in the wider environment, for different flood events and taking into account climate change. Flood modelling was conducted and it confirms that the lands will remain subject to extensive flooding, but there is no measurable affect attributable to the development outside the site in either jurisdiction.

Having established that the site remains subject to extensive flooding, the EIAR considers the appropriateness of the proposed development in this area. Under the

guidance provided in the '*Planning System and Flood Risk Management Guidelines for Planning Authorities'* (2009), the majority of the Lifford site is located in Flood Zone A (high probability of flooding with a smaller portion located in Flood Zone B (moderate probability of flooding). The proposal follows the sequential approach outlined in the guidelines by siting development of highest vulnerability (community hub building) where risk of flooding is lowest (southwest). The amenity areas/play areas would fall within 'Water compatible' development and would be considered appropriate in both Flood Zone A and B.

The location of the community hub building classed as 'Less Vulnerable Development' is located in Flood Zone A, which under the guidance triggers the requirement for a Justification Test. The proposed development satisfies all of the criteria of the Justification Test in that the lands have been designated for amenity uses, the proposal has been subject to an appropriate flood risk assessment which indicates that the proposed development will not increase flooding to lands elsewhere and appropriate flood risk mitigation will be incorporated into the development.

Given the significant flood risk to the site, consideration has also been given to flooding of the site for less extreme events than those required by the planning guidelines. Figure 5-1 (Appendix 9-1) shows that in terms of risk to users/occupants, the community hub, play areas and outdoor events space are unaffected by predicted high probability flooding.

On the Strabane side, the site is located in an area governed by Policy FLD 1[1] (fluvial flood plain) where development is not permitted unless the applicant can demonstrate that the proposal constitutes an exception to this. The submission from Dfi Rivers Planning Advisory & Modelling Unit states that no confirmation has been received from the planning authority confirming that the proposal is an exceptional case. This is a policy consideration for Derry City & Strabane District Council.

A range of measures are proposed to mitigate flood risk to the proposed development include the following:

[1] Planning and Flood Risk - Revised Planning Policy Statement 15 (DOENI, September 2014)

- The finished floor level of the community hub building (5.1m) will be at sufficient level to prevent damage up to a 0.1% AEP + Climate Change floods.
- Use of flood resilient materials and fixtures to mitigate damage to fixtures, fittings and finishes.
- Boundary treatments will be of a type that permit free passage of floodwater, to avoid impounding or re-routing floodwater and flow paths on the site.
- Landscaping will include flood resilient construction and use of flood resilient materials and finishes.
- Mitigation of hazard to occupiers/visitors through the implementation of a robust Flood Evacuation and Management Plan (Preliminary FEMP in Appendix E).
- Consideration in management plan of the storage and handling of chemicals, fertilisers and other contaminants to prevent risk to the environment. Where chemicals are to be stored on site in the proposed maintenance building the Flood Management Plan will require removal of chemicals stored on site or other safe storage at a flood resilient location prior to a flood.

The Flood Evacuation and Management Plan will provide for the appointment of a . Flood Warden responsible for ongoing monitoring of potential flood information and onward communication to site users in the case of a flood event. The plan would set out evacuation procedures/routes in the event of a flood.

The failure of the embankments would present an additional risk of increased flooding. It is noted that there is currently no reliable information available on the condition of the embankments. Measures are proposed to reduce embankment/flood defence failure. These include the maintenance/increase in the crest levels of the existing embankment levels on the Lifford site, informed by ongoing consultation to suit the ongoing design of the OPW/Donegal Co. Council sponsored Lifford Flood Relief Scheme. The embankments will also be subject to detailed geotechnical assessment and design to ensure that they are structurally sound and adequate to accommodate the paths, tracks and associated traffic. The works affecting the embankments will be subject to Section 9 authorisation from the OPW and the

embankments will be adopted by Donegal Co. Council and maintained as part of the Riverine Park.

In response to the issues raised in the observer's submission, additional consideration has been given to the potential for significant morphological change within the River Foyle and effects on flooding (Addendum to EIAR -Appendix 9-1). The analysis of morphological change over time within this reach of the River Foyle indicates that while there is evidence of morphological change (movements of sandbanks and riverbank mobility) both upstream and downstream, the channel location, width and form immediately adjacent to the proposed site appears to be generally static.

It is recognised however, that significant new sediment deposition would reduce in-channel capacity in the River Foyle, which in turn would increase the depth of flooding on the Lifford site. Given the pre-existing acknowledged flood risk to the Lifford site, the consequences of additional flood depths or increased flood frequency is not a significant additional risk and similar mitigation measures would be effective.

The observer has concerns in relation to the low bridge construction and potential future impact on the maintenance of the river. The proposal is to construct a clear span structure between flood embankments on both sides of the river. The soffit level will be 6.03m OD which is stated to be in accordance with the technical requirements of both the OPW and the Department for Infrastructure (DfI) in Northern Ireland. This level is designed to ensure that it is above flood levels and makes provision for climate change effects. The bridge with an overall width of 3m (between pedestrian parapets) will not inhibit future maintenance of the river channel.

The observer contends that reliance is placed on the flood risk assessment for the A5 motorway (which was considered inadequate), which is refuted by the applicant. I note that the applicant actively engaged with the OPW in relation to available flood data and to ensure that the proposed development is compliant with the objectives of the Lifford Flood Relief Scheme, currently being prepared.

The observer refers to the potential impacts of flooding on sewage treatment plants with sewage outflows into the River Foyle. The Lifford WwTP lies upstream of the development and is currently being expanded and upgraded to comply with the

discharge requirements of the Urban Wastewater Treatment Directive. I note from applicants rebuttal that the upgraded facility will include a system to manage most regularly-occurring flood events. It will include a stormwater holding tank involving settlement at the head of the WwTP. Once the stormwater storage capacity is exceeded the excess inflow will overflow to the River Foyle via the outfall. The Strabane facility is located downstream of the works and has already been upgraded and stated to have a good compliance record. It is not considered to pose a significant impact on the river in the baseline condition.

Assessment

I accept that the flood risk assessment is comprehensive and addresses the concerns raised by the observer. Flooding is currently a feature of the site and it is accepted that this will continue. High probability flooding (10% AEP) will impact on the site entrance and car parking areas, but the elements of the development of greatest significance in terms of risk to users including the community hub, play areas and outdoor events space will be unaffected. Floods of higher magnitude will result in more significant inundation.

However, the development is designed to be as resilient as possible to flooding effects. The community hub building will be sited at an elevation that is not susceptible to flooding including for the 0.1% AEP. The soffit of the proposed bridge is designed to be above predicted river flood levels and take account of climate change. I accept that together with other mitigation measures (noted above) the potential impacts from flooding to site users and property will be reduced. Comparison of the pre and post development flood model datasets indicates that potential for significant flooding outside the site in either jurisdiction is not likely to arise.

The formalised use of the site as public amenity lands is likely to increase the number of people using the site. Subject to the development of a properly designed and well executed Flood Evacuation and Management Plan as proposed, I consider that the risk to users can be minimised.

10.2.4. **Roads and Traffic**

Access to the Lifford site is currently via Station Road and from there via a poorly surfaced road that runs parallel to the River Foyle providing access to the existing

coursing club and playing pitches. On the eastern side of the flood embankment there is a gated agricultural access which also runs parallel with the river, providing access to the river agricultural lands to the north of the site.

The main roads in the vicinity of the site are Bridge Street, Main Street and Butcher Street which lead into Foyles View and from there to Station Road. The N15 runs to the south and extends from the Three Coins Roundabout across the Lifford Bridge and connecting into the A38. The N15 extends westwards from the roundabout in the direction of Letterkenny.

The proposed development will be accessed from Station Road. Access to the relocated coursing grounds will be redirected via the new access arrangements to the proposed park. This will also provide access to the existing agricultural lands to the north.

The new access road will extend off Station Road running to the east of the Co. Council offices and to the rear of the existing community centre adjacent to the western boundary. The roadway will form a loop around a landscaped area providing access to the car and cycle parking spaces. A total of 74 no. on site car parking spaces will be provided including 6 no. disabled spaces and 2 no. bus parking spaces on the Lifford side. The vehicular access will be fitted with lockable gates which will be integrated with the perimeter fence line. The proposed slip way will also have provision for parking boat trailers.

On the Strabane side, the A5 route runs along the eastern boundary and connects into the ASDA Roundabout to the south. The site access will from an existing spur on the roundabout that previously served a halting site. The A38 extends south from the roundabout connecting into the ROI across Lifford Bridge.

A Traffic Statement is included in Appendix 12.1 of the EIAR, which was amended in response to the further information request. The main issues raised related to construction phase impacts on the local road network and the potential for cumulative effects with other permitted development on both sides of the border. It also considers the alteration to the car park location on the Strabane side of the site which be relocated from the north-east to the south side of the site with the entrance remaining at an existing spur ASDA Roundabout.

The original proposal was considered the optimal solution to reduce Riverine Community Park infrastructure within the planned A5 Western Transport Corridor (WTC) Vesting Boundary but could not be progressed due to unsuccessful landowner negotiations. The two-way access road originally proposed along the eastern boundary to connect the site entrance with the car park will no longer be required. It will be replaced by a pedestrian cycle route to be provided as part of the Strabane North Greenway.

It will include an additional 4 car parking spaces and I less bus space than originally proposed, bring the total to 125 car parking spaces, 11 disabled bays and two loading/bus bays. It is noted that there are improvements proposed to the A5 and considering the proposed alignment and vesting boundary of the upgrade, once complete, access arrangements to the park from the riverine community park from the Strabane side will change. However, the option to maintain the entrance to the riverine community park in proximity to the entrance presented within the proposal has been supported by the Riverine and A5WTC Project Teams.

The amended Traffic Statement (Appendix 12-1 of Addendum to EIAR) assesses the roads and traffic implications of the proposed development within both jurisdictions. To establish existing baseline conditions Manual Classified Turning Counts were conducted on May 13th, 2021. However, some of the data was captured during Covid-19 restrictions and when the results were compared with historic data were found to be very low especially in Lifford and therefore considered inconclusive. To overcome this issue, it was decided to use the baseline traffic from a previous historic survey for the Three Rivers Project which was recorded in 2013 and already factored up to 2023 (opening year of the proposed community park). The data from permanent counters were checked with the factored data to confirm that the data used for the baseline traffic flows is reliable.

The Three Rivers Project flows demonstrated that the PM peak represented the more onerous peak hours in terms of baseline traffic. This historic data was used for the assessment and the development traffic was added and factored up to 2028 and 2038 using TII growth factors. The peak hour for the proposed development is 14.00-15.00 on a Sunday. The proposed development traffic will therefore be at its peak when the baseline traffic is significantly less than the PM peak.

Information on baseline queuing during site visits and spot surveys undertaken in August 2021 on three junctions in the vicinity of the site (Fig 7). Observed queuing was very light on the Sunday site visit (Table 1) and attributable to controlled pedestrian crossing points between Bridge Street and the Three Coins Roundabout (N15/Bridge Street). There was a marked increase in weekday queuing (Table 2) compared to a Sunday with the controlled pedestrian crossing points between Bridge Street and the Three Coins Roundabout also causing the queues.

The likely traffic generated by the proposed development is considered in Section 7 of the amended Traffic Assessment. Traffic generation from the proposed development was estimated by surveying similar parks[2]. Lurgan Park (Co. Armagh) and Wallace Park (Co. Down) were chosen as these are located next to/within centres of population and considered to have similar offerings to the proposed development including major event. The surveys were undertaken over two weekends and surveyed the number of cars parked with the car parks and the surrounding network. The surveys indicate that the peak period occurs on Sunday between 12:00-15:00, with 14:00 and 15:00 being the peak hour.

The TRICS database was used to determine trip generation and peak hours for the refreshment area and community centre and used in conjunction with the survey information to determine the total trip generation by the development. Table 5 of the Traffic Statement provides an estimate of the proposed traffic generation associated with the proposed development which in the peak hour (Sunday 14:00-15:00) would result in 38 no. arriving and 33 no. departing the site and 142 no. parked vehicles.

In terms of traffic distribution, the assessment uses a gravity model to determine how the traffic generated by the proposed development will be distributed on the receiving road network. In accordance with TII guidance the assessment considers the opening year and assessment years of 2028 and 2038, representing 5 and 15 years after the opening year with TII central growth rates applied.

Junction 10 software was used to model junction performance and capacity. Three junctions close to the site entrance were modelled. These included Junction 2 (N15/Bridge St) and Junction 3 (Main St/Bridge St) which although not considered

[2] [2] The TRICS database was not used as it provides a single entry with no indication of the facilities within the park or how it could relate to the proposed development.

congested are predicted to experience a >5% increase in traffic flows in the opening year. Junction 4 (Main St/Butcher St) did not indicate any signs of congestion was modelled as it is the closest junction to the Lifford park entrance.

The modelling indicates (Table 9) that Junction 2 (N15/Bridge St) is approaching saturation prior to the addition of the proposed development at opening year and subsequent years of assessment. However, the baseline traffic is significantly lower during the peak hour for the proposed riverine park and as such it is concluded that the junction will operate well within existing capacity during the peak hour of the proposed development. The modelling concluded that Junction 3 and 4 have ample capacity and no increase in queuing is expected at these junctions during the opening year or subsequent years.

It is anticipated that there will be c 150,000 users of the park per year of which c 29,000 will be related to the community pavilion. In addition, several major events will take place on the open area during a typical year and this will be manged under an Event Management Plan specific to the event.

In response to further information (Item 5) the location of cycle parking has been identified (Drawing 1383-TPHC-ZO-XX-DR-LA-2001). A total of 36 no. spaces are proposed at ‘dwell’ locations adjacent to the community hub building, in proximity to the formal play areas and at the slipway.

Potential impacts and mitigation measures

Construction impacts are considered in Section 10 of the updated Traffic Statement, which provides a more detailed assessment in response to the request for further information. It provides details of the number of daily trips that will be generated by each phase of the development and predicted distribution on the local road network. Two construction compounds will be established. On the Lifford side the compound will be located on the existing coursing grounds with access from the local road network (Bridge Street, Main Street and Foyle View). On the Strabane side, the previous halting site will be used with vehicular access off the roundabout. The CEMP provides further details on the construction compounds.

The construction phase which is anticipated will take c 9 months will result in additional construction related traffic on the road network. The impacts would be

associated with additional HGV's transporting materials, earthworks machinery, fuel trucks, light goods vehicles and cranes for lifting bridge structure components.

The additional traffic associated with construction has the potential to result in impacts associated with delays and disruption to road users, road safety issues, inappropriate parking of construction related vehicles along the route of the work and soiling of the public road network. There will also be oversized and heavy loads associated with the bridge structure being delivered and the cranes for the bridge lift.

The bridge structure will be delivered to the Lifford side of the site in several parts up to 30m in length and will be assembled on site and lifted into place. The haul route for the bridge sections will be subject to consultation with the Roads Authority and in consultation with the Garda Siochana and the Police Service of Northern Ireland.

The volume of additional traffic will vary during this period. The main elements of construction are the bridge, community pavilion, the playparks and cut/fill of material. As the elements of construction are not large in terms of physical buildings or heavy civil engineering, a large number of operatives will not be required during construction. There will be a requirement to import fill and other construction material. The revised Traffic Assessment provides details of the anticipated construction programme and the duration of each phase (Appendix F) and details of cut/fill volumes and locations for both parts of the project are provided in Appendix G. It is expected that the cut/fill balance will require the import of c 15,000m3-25,000m3 of materials in a worse-case scenario. This is the volume of imported material that will be required over the entire construction period and will be required at different phases and can be programmed to avoid concentrated HGV movements.

It is predicted that 15 HGV movements/day on average will take place on the Lifford side which will rise to 30 HGV movements in relation to crane ballast in preparation for the bridge lift. HGV levels on the Strabane side are expected to be considerably lower with 2-4 HGV/day except for the short period during the construction of the car park where HGV numbers will increase to 20-30 HGV's/day for approximately a week.

The number of other vehicles (fuel trucks, light goods vehicles such as cars, vans, 4 x 4's used by the workers and supervisory staff involved in construction), is expected to be low (c 10 one-way trips per day to the construction compound and 20 (one-way

trips) for staff. The distribution of construction traffic will be subject to the awarded contractor but likely to have a balanced approach along the N14/N15. No significant HGV movements are likely to occur during the AM or PM peak.

Standard protocols will be observed to protect local amenities and ensure that the integrity of the local road network is protected. This will include effective management of construction traffic in consultation with local authorities, controls on the hours of construction and effective site management to prevent soiling of the local road network It is also proposed to develop a Construction Travel Plan to ensure employee vehicle use is kept to a minimum with the use of mini-buses and shared vehicle trips.

Section 11 of the updated assessment considers the potential impacts on pedestrians and cyclists on both sides of the Border. The footpaths proximate to the site on the Lifford side are narrow with no segregated facilities for pedestrians and no dedicated cycle facilities. There is a controlled crossing point on the N15 between Bridge Street and the Three Coins Roundabout providing safe crossing facilities. Due to the low levels of traffic in the vicinity of the site, no mitigation is considered necessary.

On the Strabane side users will be approaching from the east and will need to cross the A5 to enter the park. There is a controlled crossing on the A5 Bradley Way. There are uncontrolled crossings at the ASDA roundabout, A38 Lifford Road and Railway Street roundabout. To improve safety for pedestrians and cyclists across the A5 and A38 Lifford Road, controlled crossings will be provided. This will include upgrading the existing pedestrian crossing on the A38 Lifford Road to a controlled toucan crossing and the provision of a new toucan crossing on the A5 Barnhill Road c.100m north of the roundabout.

It is concluded in the Traffic Statement that the local network can accommodate the proposed development without significant detriment to existing conditions and no residual impacts will arise.

Assessment

I consider that the revised Traffic Statement submitted in response to further information is comprehensive and addresses the matters raised. While the proposed development will attract additional traffic into the area on both sides of the Border,

which the local road network has the capacity to absorb. The main impacts will arise during the construction stage and subject to the proposed mitigation measures no residual impacts are likely to arise. It is intended that the proposed development will host a number of significant events each year and each event t will be subject to a bespoke Events Management Plan containing mitigation measures to reduce traffic impacts on the road network.

The development which is designed to encourage active travel and permeability throughout the Lifford and Strabane sides of the park and onward travel to existing/proposed greenways is positive in terms of promoting sustainable travel modes. Changes to pedestrian crossings will be introduced to facilitate safe movement of pedestrians and cyclists.

I note that there are issues to be resolved on the Strabane side of the site, specifically the conflict that exists between the proposed development and the A5 WTC strategic route improvement scheme. I note from the DfI Roads submission, discussions are ongoing to resolve the issue, which is a matter for Derry City & Strabane District Council to address.

11.0 Environmental Impact Assessment

11.1. Introduction

A pedestrian cycle bridge is proposed as part of the overall project. As the bridge exceeds 100m in length it falls within the definition of a road development which requires mandatory EIA in accordance with section 50(1)(a) of the Roads Act 1993, as amended. The proposed park which involves works within the foreshore of the River Foyle was submitted to the Board under section 226(1) and section 177AE(3) of the Planning and Development Act 2000, as amended. The EIAR assesses the entirety of the project within both jurisdictions.

Directive 2014/52/EU amending the 2011 EIA Directive was transposed into Irish legislation on September 1st, 2018 under the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. The EIAR was submitted to the Board on September 30th, 2021 and is therefore assessed under the provisions of the amending Directive.

The EIAR submitted with the application consists of three volumes: -

- Volume 1: Non-Technical Summary
- Volume 2: EIAR Main Text.
- Volume 3: Appendices for the EIAR (including all technical reports).
- Volume 3b: Appendices (Appendix 7.4 to 14.1).

A revised EIAR (Addendum EIAR and associated appendices) was submitted to address the issues raised by the Board in the further information request. It also addresses a change in the red line boundary of the application site (Fig 1-1 Addendum of EIAR) and the changes made to the carpark on the Strabane side of the site. The revised EIAR and Addendum EIAR are considered in the Assessment.

The changes on the Strabane side include the relocation of the proposed car park, and changes to internal road network. The lands proposed for the original car park to the northeast side of the site will not be developed in any way resulting in a reduction of the development area on the Strabane side from the 7.8 ha to 6.7ha.

11.2. **Compliance with legislation**

The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 Directive, which include:

(a) population and human health,

(b) biodiversity, with particular attention to the species and habitats protected under Directive 92/43EEC and Directive 2009/147/EC,

(c) land, soil, water, air and climate,

(d) material assets, cultural heritage and the landscape,

(e) the interaction between the factors referred to in points (a) to (d).

Chapter 1 & 2 of the EIAR provide an introduction and a discussion of the need for the proposed development. Chapter 3 provides a detailed description of the proposed development and Chapter 4 is concerned with screening, scoping and consultation in respect of the proposal. The alternatives considered by the applicant are discussed in Chapter 5. Policy considerations and cumulative impacts and

interactions are discussed in Chapter 6. The environmental factors listed in Article 3(1) of the Directive are discussed in Chapter 7 to Chapter 14 of the EIAR.

Article 3(2) of the Directive requires the consideration of effects deriving from the vulnerability of the projects to risks of major accidents and/or disasters that are relevant to the project concerned. This is addressed in Chapter 15 of the EIAR. The proposed development is located within a floodplain and the vulnerability of the project to flooding is considered in Chapter 9. (Lands Soils & Water). The flood risk assessment contained in Appendix 9-1(revised in EIAR Addendum).

The EIAR complies with Article 5 of the Directive and Schedule 6 of the Planning and Development Regulations 2001, as amended. It provides a comprehensive description of the project comprising information on the site, design, size and other relevant features of the project (Chapter 3). It describes the likely significant effects of the project on the relevant environmental media (Chapters 7 -14) and it provides a description of the measures envisaged in order to avoid, prevent or reduce and, if possible offset likely significant effects on the environment.

The Directive requires that the description of likely significant effects should also include an assessment of cumulative impacts that may arise from the proposed development in combination with other plans or projects. This is addressed in Chapter 15.

The EIAR includes a Non-Technical Summary of the information referred to in Article 5 (a) to (d) and additional information specified in Annex IV. The Non-Technical Summary is concise and comprehensive and is written in a language that can easily be understood by a lay member of the public.

In compliance with the provisions of Article 5(3), the EIAR tabulates the inputs and qualifications of the study team and contributors under Section 1.6. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality.

Details of the consultations entered into by the applicant as part of the application are set out in Chapter 4 (Screening, Scoping and Consultation). Consultation with the public was facilitated by a Project Animator with community involvement from the initial concept stage through to the final design. A Community Sub Group was established which met fortnightly and provided a platform for interaction between the

design team and the community. It is stated that the project has incorporated many of the community suggestions and positively influenced the design.

It would appear that the public has been facilitated to engage with the project at an early stage which has been effective. The application has been accessible to the public by electronic and hard copy means with adequate times afforded for submissions in accordance with the requirements of Article 6 of the Directive.

There is no reference to any technical difficulties being encountered in the preparation of the EIAR. In terms of the content and scope of the EIAR, the information contained in the EIAR (and revised EIAR) generally complies with article 94 of the Planning and Development Regulations 2001, as amended.

I am satisfied that the information provided in the EIAR (as revised in the Addendum EIAR) is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.

11.3. Alternatives

Under the provisions of Article 5(1)(d) of the 2014 Directive it is a requirement that an EIAR contain:

"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment".

Chapter 5 of the EIAR considers Alternatives in terms of the following:

- 'Do nothing' Alternative
- Alternative Locations
- Alternative Layout and Design of Key Elements

The 'Do Nothing' Alternative was discounted on the basis of the established need for the development as set out in Chapter 2 of the EIAR. The proposed development offers an opportunity for the development of shared cross community/cross border recreational space in a previously contested area, which is now perceived as a neutral space by both communities. It will provide a safe recreational area for

community interaction and social engagement in the area which is supported by both communities on both sides of the border, connected by the proposed bridge.

The site was chosen based on the availability of suitable sites close to each other on both sides of the border which are of suitable scale to provide an amenity of this size and significance. Both sites also benefit for their proximity to the town centres of Lifford and Strabane and access to the River Foyle which forms the border between the two jurisdictions. In terms of alternative locations, it is stated in the EIAR that lands along the border were investigated by both councils and lands to the south of Lifford/Strabane were eliminated for further consideration due to designated in the Donegal Co. Development Plan as a corridor for a future roads project.

Various iterations to the design and layout of the park were considered in the EIAR together with residual environmental factors. The final proposal emerged following consideration of potential conflicts/opportunities with other development (Table 5-1), alternative layout/design proposals (Table 5-2) and statutory consultations (Table 5-3). The final design on both sides of the border was then assessed for environmental effects and no significant residual effects have been identified.

The observer queried why the existing Lifford Bridge and disused railway embankments linking it with Islandmore Bridge to the north were not considered as an alternative to the proposed bridge location. Islandmore Bridge lies to the north of the site and originally carried the Dundalk to Derry railway line which closed in 1965. The bridge is no longer in use and its deck and parapets have been removed.

I accept applicant's position that the use of this route is not a feasible alternative due to the distance between the riverine site and the old railway bridge (c 2km), the works required to the disused bridge, the distance (c1.5km) required to access another bridge which spans an additional 100m of the River Foyle and the southwards journey to reach the Lifford side of the site (c 3.75km) and crossing over the River Deele. The total traversed length of this alternative to connect the Lifford/Strabane sides of the site would be c7km.

I consider that this is not a feasible alternative location to the current proposal. I accept applicant's argument that the bridge location is positioned to ensure best connection between both sides of the park. It will be easily accessible to both Lifford and Strabane and achieve the overarching objective of the proposal which is to

enhance connectivity and foster interaction between both communities on both sides of the Border.

I would conclude that the matter of examination of alternatives has been satisfactorily addressed in the EIAR. I consider that the level of detail is reasonable and commensurate with the project. It indicates how the proposed development evolved and how it was adjusted to take into consideration environmental effects. I am satisfied that the process is robust and that the requirements of the Directive are complied with.

11.4. Likely Significant Effects on the Environment

This section of the EIA identifies, describes and assesses the potential direct, indirect and cumulative effects of the project under each of the environmental factors referred to in Article 3(1) of the Directive. The assessment follows the headings used in the EIAR which are as follows:

- Population and Human Health
- Biodiversity
- Land, Soils & Water
- Air & Climate
- Noise & Vibration
- Material Assets
- Cultural Heritage
- Landscape & Visual Impact
- Cumulative Impacts, Interactions & Major Accidents and Disasters.

11.5. Population and Human Health

EIAR summary

Chapter 7 of the EIAR considers these environmental factors for both Lifford/Strabane in the context of land use and settlement patterns, population, religion, ethnicity, religion and foreign languages, employment, deprivation and tourism and amenity. The potential impacts on population and human health arising

from other environmental factors (air pollution, water and land contamination etc) are considered in other chapters of the EIAR.

Potential impacts during construction phase

The construction stage is unlikely to have any significant effects on population demographics. There are likely to be positive effects associated with construction and direct /indirect jobs within the local community in both towns. The development will be carried out by two separate contractors, spreading the economic benefits to both communities.

Other construction related impacts (traffic, noise, vibration, air quality) with the potential to impact on population and human health are discussed in other chapters of the EIAR. The construction stage is expected to have broadly similar effects on Population and Human Health on both sides of the Border

Potential impacts during operational phase

Positive outcomes for population and health and well-being are predicted from the completed development. The park with connecting bridge will provide a valuable recreational asset for both communities and will promote social interaction and integration. The proposal is predicted to be positive in terms of bringing communities together in a shared place, in what was previously a contested area and is now considered to be a neutral space.

On the Lifford side, the proposal will generate long-term job opportunities associated with the new community pavilion building. The upkeep of the park and knock-on secondary effects for local services and facilities will create employment opportunities in both towns. It is also anticipated that the development will operate as a catalyst for increased tourism, attracting more visitors to the area, increased tourism spend and employment opportunities.

Mitigation

There will be potential impacts on Population and Human Health associated and the construction stage of the project (noise, vibration, traffic, air and water quality) and these are discussed in the relevant chapters of the EIAR. Once operational the impact of the proposal on population and human health is assessed as entirely

positive associated with the delivery of a high-quality open space for amenity and recreational purposes for both communities. No mitigation is therefore required.

Residual impacts

Residual impacts are assessed as long-term and beneficial on population and human health in both Lifford and Strabane.

Assessment

I consider that the proposed development is positive in terms of impacts on population and human health for the reasons outlined above. I consider that the relocation of the car park on the Strabane side of the site from its original location proximate to a dwelling will reduce potential noise and air impacts on this sensitive receptor during both the construction and operational stages of the development.

The observer raised concerns regarding impacts on human health from brucellosis which is stated to have occurred on Islandmore to the north (downstream) of the site associated with sewage contamination. The proposed development includes proposals to connect the proposed community hub building to the municipal treatment plant, which will replace the existing soakpit on the site. The Lifford wastewater treatment plant which is located upstream of the site is being upgraded to ensure compliance with the Urban Wastewater Directive and that the quality of the effluent discharging into the River Foyle is to an acceptable standard. I note from applicant's rebuttal that the Strabane wastewater treatment plant downstream of the site has been upgraded and has a good compliance record.

I would therefore appear reasonable to conclude that the proposed development either on its own or in combination with discharges from the existing wastewater treatment plants serving both towns does not pose any significant risk to human health.

I consider that the information provided in the planning application documents is sufficient to allow the impacts of the proposed development in its entirety to be fully assessed. I am satisfied that the impacts identified on population and human health would be avoided, managed or mitigated by the measures forming part of the proposed scheme. I am, therefore, satisfied that the proposed development would not have any direct, indirect or cumulative significant adverse effects on population and human health.

11.6. Biodiversity

EIAR Summary

Chapter 8 of the EIAR (and Addendum EIAR) provides an assessment of the proposed development on biodiversity. The chapter should be read in conjunction with Appendix 8-1 to 8-13 in Volume 3 of the EIAR, which are referred to as relevant below.

Baseline conditions were established from desktop studies using recognised databases and other sources of information in both jurisdictions, supported by field surveys. The field surveys were conducted during 2020/2021 and were used to identify habitat types, features of terrestrial ecological interest and the occurrence/potential occurrence of protected species including badger, bats, otter and smooth newt. Bird and bat surveys were conducted to determine the species presence and activity across the site. Freshwater invertebrate surveys were also conducted at specific locations. Details of the baseline surveys are contained in Appendix 8-3 in Volume 3 of the EIAR (and Addendum EIAR).

Habitats

The Lifford side of the site comprises improved grassland, fringed by treelines, hedgerows and woodland areas. There is a drainage ditch along the northern section of the site which is a tributary of the River Deele. Due to the dominance of improved grassland and the use of the site as coursing grounds, this side of the site contains a lower variety of habitat types. The Strabane side supports more diverse habitats comprising wet grassland, improved agricultural grassland, wet woodland and hedgerows and treelines. The River Foyle separates the two sections of the site and is fringed by reed and large sedge swamp.

The habitats are shown in Figure 4.1 of Appendix 8-3. The majority of the habitats are evaluated as of 'Local Importance - Higher Value, with the exception of the river and fringe vegetation which is evaluated as of 'International Importance' and is designated as an SAC.

Species

Two badger setts were recorded, one on either side of the site. The Lifford site is deemed to be inactive and potentially abandoned due to the lack of physical

evidence of badger activity, and the absence of latrines, tracks, bedding etc. The sett on the Strabane side of the site comprises a large main sett and subsidiary/outlier setts with evidence of badger activity in the wider area.

The otter surveys which included targeted walkover surveys, vantage point surveys and the use of trail cameras (Appendix 8-6) confirmed that the species is present and active along the banks of both sides of the river. The majority of activity was recorded on the Strabane side. No holts were recorded but both sides of the site are considered to provide important foraging/hunting ground for otter.

The results of the bat surveys are contained in Appendix 8-7. On the Lifford side, the site is open and exposed with two rows of Lawson Cedar on the western side which join a small area of coniferous woodland on the northern site boundary. The line of trees separating the western area from the rest of the site and two existing buildings on the site will be removed to make way for the development.

The trees were assessed and confirmed to offer low potential for roosting bats. Static bat detectors placed on the site over a two-week period revealed a high level of activity indicating that the treeline is important for bats commuting across the site and accessing the foraging areas associated with the riverbanks and wider areas of the site. The buildings to be removed include the spectator stand associated with the coursing grounds and a small shed located close to the northern boundary. Both buildings were assessed for bat roost potential and with no evidence of bat activity externally or internally, it is concluded that these structures support negligible roosting potential for bat species in the area.

On the Strabane there are extensive areas of wet woodland with dense tree growth and larger more mature trees growing along the site's entrance pathway. Seven mature trees were identified and assessed for roosting potential. Due to the lack of potential roosting features and no evidence of bat activity/presence the trees are assessed as having low roosting potential.

Bat activity surveys were conducted to determine the presence, abundance and activity of bats on the site. The surveys included transect and static detector surveys, which are described in Appendix 8-8. The surveys revealed that bat activity was high across the site. No bats were observed emerging from any trees during the transect walks indicating that the site is primarily used for foraging and commuting.

There is no suitable newt habitat on the Lifford side of the site and no newt surveys were therefore conducted on this side of the site. Appendix 8-9 contains detailed of the newt surveys conducted on the Strabane side of the site, which contains areas of potential suitable habitat. The surveys included daytime and night-time surveys and . no evidence of newts was detected during the surveys.

Birds

Breeding bird surveys and non-breeding winter surveys were conducted on both sides of the site. The results of the breeding bird walked transect surveys are detailed in Table 4 of Appendix 8-10. A total of 30 bird species were recorded, the majority of which are listed as 'Green' and not of conservation concern. The riparian area would support its own riverine breeding bird species such as grey heron, sand martin, cormorant, mallard and common gull. Buzzard and long-eared owl have also been identified on the site with the latter identified as breeding on the site within the conifer treeline in the western area on the Lifford side.

Winter non-breeding bird surveys were carried out between November 2020 and March 2021. Bird abundance and activity levels were observed to decline during the winter period including the common resident species of passerine birds associated with the treelines, hedgerows and woodland habitats located on the site. Whooper Swan was observed migrating to/from their breeding grounds and wintering sites. Vantage point and transect surveys confirmed small flocks of whooper swan on two occasions (December 2020 and January 2021) and during the transect surveys whooper swan was observed flying from the north to the south-east over the river corridor during the November walkover surveys and flying over the study area in a south-east to north-west direction during the March walkover surveys.

A collision risk assessment was carried out to determine the risk of inflight collisions between birds and the proposed new bridge (Appendix 8-11). Of the 44 crossings observed, 50% were at collision height. However, the risk assessment is acknowledged to have limitations due to tight deadlines. It is considered that further vantage point surveys throughout the year would yield a greater survey sample population and reflect a reduced collision risk percentage across a greater diversity of species utilising the avifauna commuting corridor. Whooper Swan is not

considered to be at risk of collision as they would have flown well above the estimated bridge height as they migrated to over-wintering grounds.

The proposed bridge will site at approximately the same height as the existing Lifford Bridge. However, it will be taller in order for the single span design to maintain structural integrity. The bridge will be static with no mechanical moving parts or reflective surfaces that would attract or confuse birds. It is concluded in the EIAR that the proposed bridge structure with no central piers does not present a significant collision risk as commuting birds can freely pass under or over the bridge structure.

Aquatic Environment

Due to tight time frames no fish surveys were carried out within the River Foyle close to the site. Fish activity was noted through observation and including jumping salmon. Harbour seal has been observed coming upstream and has been sighted within the stretch of the River Foyle included in the proposed development.

The EIAR states that there is a lack of historical survey data from the Lough's Agency regarding this section of the River Foyle, but that substantial historic data exists for its surrounding catchments which are hydrologically linked and utilised by fish species such as salmon for spawning. This includes in-depth investigations into fish species within the river systems carried out as part of the planning process for the proposed A5 road development. Despite the lack of data for the River Foyle itself, the survey data collected illustrates the importance of the River Foyle for migrant species such as Atlantic salmon.

Invasive Species

Both sides of the site support invasive plant species, with lower abundances on the Lifford side. The species occur along the riverbank and immediate adjoining terrestrial habitats include Himalayan balsam, Giant hogweed, and Japanese knotweed (Fig 4.2).

Potential impacts on species on both sides of the site

Badger –the main potential for impacts on this species would occur on the Strabane side associated with a main badger and annex/subsidiary setts located within 25m of the proposed bridge landing site. The badger sett identified on the Lifford side of the

site is no longer active and appears to be abandoned. There is potential for loss of foraging habitat for badger on both sides of the site.

Otter – Otter activity was noted on both sides but most significant on the Strabane side. No holts were identified but the site is considered to provide important foraging/hunting grounds for the species. The main impacts would be associated with loss of foraging habitat, pollution of water bodies and river systems, disturbance to fish stocks impacting on prey items as well as sound and light pollution.

Bats – Bats may potentially be heavily impacted by the proposed development through the loss of habitats on both sides of the site. The felling of trees and vegetation will remove foraging and commuting habitat. The removal of vegetation and existing structures may also impact on potential roost sites. Lighting may also act as a deterrent but may also draw insects towards the lighting creating a feeding station which would leave bats more susceptible to predation.

Newt – There are no predicted impacts on newt on the Lifford side of the site. On the Strabane site it is noted that during previous surveys for the A5 development, a strong population of newts was identified on the site and it is assumed that newt may return to the area in the future.

Birds - There is potential for disturbance to bird species associated with the loss of habitat, sound and light pollution. There is potential for disturbance to a long-eared owl nest located within the coniferous forest on the Lifford side. There is also potential for impacts on hunting opportunities for certain species such as Grey Heron due to the proposed bridge structure and works along the river banks.

Fish – The main impacts are associated with the release of silt/sediment and other pollutants to water courses, light and noise pollution and vibration impacts during the construction stage.

Invasive species – There is an extensive presence of invasive species on both sides of the site with a heavy concentration on the riverbanks. The proposed development could result in the spread of these species further downstream and deeper inland throughout the site.

Mitigation Measures for species on both sides of the site

The EIAR (and EIAR Addendum) refers to mitigation measures (Schedule of Mitigation Measures - Appendix 1-2) for the construction/operational stages to address impacts on all wildlife. Measures are proposed to protect wildlife using the site during construction including covering/fencing of excavations to prevent ingress, rodenticides for pest control will not be used and appropriate storage of chemicals or potentially harmful substances.

Best practice measures will be adopted to reduce potential disturbance to fauna including controls on noise/vibration (control of noise associated with machinery, limits on hours of construction) dust (suppression measures) and lighting (control on type/direction).

Should any priority species be discovered, all work will cease pending consultation will ecologist on how to proceed. The EIAR also sets out specific measures for priority species which are as follows:

Badger – Although the badger sett on the Lifford side of the site is currently abandoned, it may become active again. The sett will remain untouched and no works will take place within 25m.

On the Strabane side the originally proposed pathway traversed the main badger sett. Design changes means that the proposed pathway construction is now beyond its 25m exclusion zone. Due to the proximity of the proposed bridge landing site to the main badger set and the potential for vibration effects during construction, it is proposed to use continuous flight auger piling which is considered to have less impacts than standard percussion piling. Annex setts will be temporarily closed for the duration of the works under licence from NIEA.

The relocated car park will be constructed on an old concrete area formerly used as a halting site, which lies within 100m of the badger sett. It is proposed to use less vibration intensive methods to remove the concrete and that continuous monitoring of vibration levels be carried out throughout the development process to ensure that it stays within recommended limits.

To reduce potential disturbance to badger when the park is on operation, buffer planting will be provided to shield proximal areas of the sett from view and to prevent access by the public. Compensatory planting will be carried out to recreate foraging

habitat that may be lost. Badger gates will be installed at regular intervals along the eastern boundary to allow access to foraging lands beyond the site.

Otter –A 15m buffer will be retained as a buffer between the development and surrounding watercourses to reduce potential impacts. A Surface Water Management Plan will be prepared and implemented to avoid potential impacts on water courses and water quality. A small culvert or ledge structure would be worked into the bridge landing areas to allow otter free land access across the areas where the bridge joins the banks of the River Foyle (Appendix 8-6).

Compensation planting will be provided on both sides of the site using native riverine species for the restoration of the river bank habitats temporarily damaged and lost during the construction works and to recreate foraging habitat. This would include increasing the size of the corridor of reed and large sedge swamp habitat which is heavily used by otters and to compensate for the loss of habitat associated with the bridge landing and jetty. Fencing design will provide unrestricted access to the site for foraging and commuting otter.

Bats –Lighting to be kept to the minimum level required for safety in order to minimise impacts on bats that forage and commute through the site. This would include controls on direction and intensity to control light spill, adaptive lighting with presence/absence controls to minimise the length of time open areas are lit up during the hours of darkness and motion controls around buildings.

Newt – No mitigation is required on the Lifford side due to the absence of suitable habitat. It is assumed that the species will return to the Strabane side of the site in the future and it is recommended that a surface water management plan should be developed to prevent impacts on waterbodies and potential habitat for newt populations in the future.

Birds – The recommendations for bird species are as follows:

- the long-eared owl nest be left undisturbed and intact within the coniferous treeline.
- As works are proposed within 150m of the owl nest site appropriate wildlife licensing will be required and the works conducted outside the breeding season.

- Replacement raptor boxes be installed under the supervision of a qualified ecologist within 200m of the area as a mitigation/compensatory measure to ensure that long-eared owl has replacement nesting.
- Prohibition on the use of rodenticides for pest control due to the presence of long-eared owl and buzzard on the site.
- No trees/hedgerows will be removed during the breeding season. Replacement planting will provide additional foraging/nesting habitat.

Fish – The River Foyle is an important aquatic habitat and an important migratory route for fish including salmon. Mitigation measures include the following and are described in more detail in Appendix 8-12:

- works only conducted between May-September outside of the salmon run season.
- use of silt fencing/traps to capture sediment. Surface water discharges collected and treated prior to discharge to remove potential contaminants.
- maintenance of 10m buffer between high-risk construction activities (concrete mixing/washing, stockpiling of materials/waste) and the watercourse.
- biosecurity protocols for Asian Clams and other invasive species.
- controls on bridge lighting.
- preparation of a Surface Water Management Plan.
- best practice measures for the safe storage of hydrocarbons, pollutants, and the management of spills
- The development of a SuDS scheme on the Strabane side of the site to reduce the potential for pollutants and hydrocarbons in run-off from the relocated position of the carpark on the old halting site which may contain contaminated ground.

Invasive Species – An Invasive Species Management and Control Plan has been developed and will be implemented within the project site. The measures proposed to reduce the spread of these species are standard best practice for each of the species identified (Appendix 8-13).

Residual Impacts

Following mitigation no residual impacts are predicted on biodiversity on either the Lifford or Strabane sides of the site.

EIAR Conclusion

The conclusion reached in the EIAR is that subject to mitigation and continued monitoring throughout the construction process the proposed project can be developed successfully with minimal impacts to biodiversity in the area.

Assessment

The proposed development will result in habitat loss, which is considered to be generally of low ecological value on the Lifford side of the site. On the Strabane side the habitats are more diverse and of greater ecological significance. It is proposed to retain some treeline and other features including wetlands on this side of the site and to provide replacement habitat which will continue to provide refuge and important foraging and commuting habitat for mammals and birds that use the site.

The species likely to be most significantly impacted during the development of the site are otter, badger and bats associated with loss of habitat, disturbance and loss of prey due to a potential deterioration in water quality. I accept that the measures proposed are adequate to mitigate these impacts.

The majority of birds identified on the site are common species and not of conservation concern. The retention of existing trees/hedgerows and other features including the wetlands on the Strabane side and the provision of compensatory planting will provide suitable foraging habitat. Whooper Swan use the site for seasonal/daily migrations and the proposed bridge does not present a significant collision risk for this or other species that use it as a commuting corridor.

The River Foyle is of significant ecological significance, being part of an SAC and supporting a number of habitats/species of conservation interest. While no fish surveys were carried out to support the EIAR, data collected from the surrounding catchments highlights the importance of the River Foyle as a migratory route for Atlantic salmon and other fish species. No instream structures are proposed which would create a barrier to fish movement or migratory routes. Some works will take place with the watercourse during the construction phase and I accept that the

mitigation measures proposed which are standard and best practice to protect water quality will reduce the potential for significant effects on the River Foyle and the habitats and species it supports.

Invasive species are widespread throughout the site with higher concentration on the Strabane side. There is potential for the construction stage of the development to result in the spread of these species. Subject to the preparation and implementation of Invasive Species Management Plan, I consider that these impacts can be effectively mitigated.

I note that following the response to further information, the Department of Housing, Local Government and Heritage did not raise any further issues regarding biodiversity and nature conservation. The Lough's Agency's stated in its submission of 23/8/22 that it had considered the information submitted and raised no objection to the proposal subject to protection of the aquatic environment.

I have considered all of the submissions made in relation to Biodiversity and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. I consider that the information provided in the EIAR, which is supported by a range of surveys is sufficient to allow the impacts of the proposed development to be fully assessed. I consider that the impacts identified would be avoided, managed or mitigated by the measures proposed and suitable conditions. I am, therefore, satisfied that the proposed development would not have an unacceptable direct, indirect or cumulative impact on biodiversity in the area.

11.7. Land Soils & Water

Introduction

The potential impacts of the development on land, soils and water are assessed in Chapter 9 of the EIAR, as revised in the EIAR Addendum.. This chapter should be read in conjunction with Appendices 9-1 to 9-11 in Volume 3.

The EIAR describes the baseline environment using information from a desk top study and site investigations, including soil, groundwater and surface water sampling and ground gas assessment

The Lifford side of the site lies on the western banks of the River Foyle. The topography is relatively flat with elevations provided by the embankments adjacent to the river and relatively recently raised areas towards the central southern section of the site. The bedrock is a metamorphosed sandstone which was not encountered at a depth of 20m below ground level. Superficial deposits across the site comprise c 2m of alluvium, as a mixture of clay silt and sand deposits above c 18m of Fluvioglacial Sand and Gravel. These conditions have been confirmed by various intrusive investigations (Appendix 9-6 and 9-7). The low permeability alluvium layer overlying the thick gravel deposits are in hydraulic continuity (and respond to the tidal cycle) within the River Foyle.

There are areas of Made Ground on the site associated with the flood defence embankments, historical railway at the southwest access corridor and clay infill in the central area. It is acknowledged that this Made Ground which will be disturbed during the site development works may be a potential contamination source (Appendix 9-6).

Surface water features identified within the site include an area of wet ground in the northwest corner which connects into a stream that runs across part of the northern section of the site before turning north and discharging into the River Deele, which ultimately flows into the Foyle and Faughan Estuaries (transitional water body).

Groundwater elevations are noted to be within the River Foyle's tidal cycle range and vary across the site. All surface water run-off is expected to discharge directly, or indirectly (via the River Deele) into the River Foyle.

Ground investigations conducted on the site indicate no sources of soil or water contamination that would render the site unsuitable for the proposed development. (Appendix 9-6). The site in its current state is not causing pollution to water or land. The results indicate that no remedial works to soils on the Lifford side of the site are required to facilitate the proposed development. In the groundwater samples, there were minor exceedances above Drinking Water Standards for two metals (nickel, arsenic), which are considered likely to be naturally occurring since no significant development has taken place on the site. These exceedances are not considered likely to have any impact on human health as there are no groundwater abstractions or private water supplies within 1km of the site.

Ground gas monitoring conducted on the site indicates that that majority of the site is classified as *Very Low Risk* requiring no ground gas remediation measures. The area where the proposed community hub building is proposed is classified as *Low Risk,* with minimal protection measures required.

The Lifford Wastewater Treatment plant discharges to the River Foyle upstream of the site and improvements are underway to increase the capacity of the works and improve discharge quality.

The site is located within a floodplain and is at risk of fluvial flooding. The potential impacts of flooding on the site are discussed above (Planning Assessment) and are not repeated here. The overall conclusion reached is that the proposed development causes no change to predicted flood extents or flow routes outside the site.

Table 9-10 of the EIAR identifies the receptors that have the potential to be impacted by the proposed development. The most sensitive receptor is the River Foyle due to hydrological connectivity with the proposed site arising from potential impacts on surface/ground water quality and its designation as an SAC.

The majority of construction activity associated with the bridge crossing will take place on the Lifford side of the site including piling of bridge landing footings at the riverbank, construction platform at bridge site, construction of temporary crane pad extending into the river channel to accommodate the crane required to lift the bridge into place

The Strabane side of the site lies on the eastern banks of the River Foyle. It displays largely similar geological and soil conditions to the Lifford site. The site comprises a sequence of Made Ground, Alluvium and Gravel Deposits. Bedrock is over 20m below ground level. Groundwater within the gravels is in hydraulic conductivity and supplies baseflow to the River Foyle. Groundwater within the Made Ground and Alluvium is hydraulically independent from the water in the Gravels and the River Foyle. Table 9-22 of the EIAR identifies the receptors that have the potential to be impacted by the proposed development. The most sensitive receptor is the River Foyle due to hydrological connectivity with the proposed site arising from potential impacts on surface/ground water quality and its designation as an SAC.

There has been more extensive land raise on the Strabane side of the site, initially to create a level surface for the railway and supporting infrastructure and subsequent

modifications following the decommissioning of the line. There is a small area of contaminated ground in the location of the former railway Engine House and a short distance to the north along the eastern boundary. Soil testing revealed the presence of copper, lead, asbestos and arsenic which are buried and not causing and pollution to land or waters. However, through cut and fill operations and potential increases to exposure, the risk of pollution increases. Ground gas monitoring indicates that the site is classified as *Very Low Risk* and with no enclosure structures proposed on this side of the river, no ground gas remediation measures are required.

The site investigations revealed some evidence of groundwater contamination from past railway uses upgradient of the development, but this is noted not to be persistent downgradient. It is not considered that it poses any significant risk to the River Foyle.

The main water features are the Nancy Burn and Park Road Drain. Other water features on the site include field drains and a raised pond and all water features flowing from the site eventually discharge into the River Foyle. The site in its current state is not causing pollution to off-site or on-site receptors. The Strabane Wastewater Treatment Works lies to the north and downstream of the site and is noted to have a good compliance record.

The site is located within a floodplain and is significantly affected by the 1% AEP floodplain. The site is also by localised pockets of surface water flooding for the 0.5% AEP pluvial event.

The development will involve the creation of a public amenity space and biodiversity enhancements with vehicle, cycle and pedestrian access and a new car park. It will be connected to the park on the opposite side of the River Foyle by the new pedestrian/cycle bridge. The relocated position of the carpark is to the south of the site in the area of the former halting site. The proposal will retain as much of the wetland habitat as possible and the construction of an elevated boardwalk to minimise disruption to existing habitats, planting and wildlife.

Potential impacts during construction on both sides of the site

The construction stage will involve a range of activities on both sides of the site as described in the EIAR (and EIAR Addendum) with the potential to impact on land, soil and water. These activities include site clearance, soil stripping/excavation,

earthworks, construction of drainage networks/settlement lagoons, construction of material deposition areas/soil repositories, direct disturbance of river banks and watercourses, with the potential for the mobilisation of sediments and pollutants (hydrocarbons, oil, cement) to the water environment.

Ground conditions will be exposed during construction, but it has been established that the ground is not contaminated on the Lifford side and will not be harmful when exposed. The risks are more significant on the Strabane side and a remediation programme will be required in two areas of contaminated soils (60m3 of materials). Gas control measures would be required for the community hub building on the Lifford side. No specific risk to ground or water is expected from the construction of the foundations, below ground services and above ground level structures such as road surfacing.

There is a risk to watercourses from the works associated with the mobilisation of sediments and the spillage of fuel and chemicals/construction material. The main risk is to the directly connected River Foyle (likely major impact) and indirectly via the River Deele on the Lifford side and the Nancy Burn and Park Road drain on the Strabane side. This risk pathway is solely from surface run-off and not through the ground as the low permeability nature of the alluvium and flow through the underlying gravels will prevent any direct impact on water quality in the river.

The creation of new impermeable surfaces used for the construction site (buildings, roads and hardstanding) as well as soil compaction may increase the rate and volume of surface water run-off, leading to increased flood risk and increased effects of erosion and scour in downstream watercourses.

Works will take place within and adjacent to the River Foyle on the Lifford side of the site. These will include the construction of the slip way into the river, realignment of the flood embankment close to the river bank, installation of a temporary pad into the river to support the lifting crane which will be used to lift the bridge into place, installation of a temporary piled concrete working area on the river bank (which will extend into the river) immediately adjacent to the crane pad and associated geotechnical investigation works close to the river channel to inform the construction works. No in-water works are proposed on the Strabane side of the site.

The risk from sedimentation and spillages from these in-river works including the construction, operation and de-construction of the temporary crane pad and temporary works area with associated permanent piling is considered to be a likely major negative impact on the River Foyle.

Works to existing surface watercourses, including the installation of a bridge on the River Foyle, has the potential to cause obstruction to flow and may alter conveyance capacities, potentially causing temporary restriction in watercourse channels, affecting upstream water levels and increasing flood risk resulting in a major negative impact during the construction stage. The infilling of a minor drainage ditch/excavation of a replacement ditch on a new alignment on the Lifford side of the site has the potential to cause a localised obstruction to flow and alter local drainage capacities resulting in a likely minor negative impact.

The installation of the slipway, fishing points, culvert and drainage system outfalls can cause damage to bank side riparian habitats. Disruption of the channel banks has the potential to mobilise sediment releasing material into the watercourse, however the quantity of material mobilised is expected to be limited and result in a moderate negative impact.

The construction compounds on both sides of the site are not proposed to be defended against flooding during a major flood event. These facilities would include oil and chemical storage, refuelling facility, biosecurity washing area, welfare facilities, storage and offices. While the contractor is obliged to carry out all activities in accordance with relevant pollution prevention and good practice guidelines and procedures, there may be some residual pollution during a flood event.

However, it is stated in the EIAR that in the event of a major flood large parts of the wider environment including numerous pollution sources would be affected. The river systems would be in full spate, providing significant pollution potential. Whilst cumulative effects of the numerous on-site pollution sources may be discernible, any possible pollution risk arising from the small-scale storage of chemicals and oils at the construction compounds during a flood event would be immeasurably small in the wider environment. The risk of pollution arising from the site during a flood event is considered a negligible impact.

Operational phase impacts

The main potential impacts identified during the operational stage of the bridge include the following:

- Small fuel/oil spillages from vehicles and the storage of small volumes of fuel/lubricants in the maintenance depot on the Lifford side.
- Potential leakages via the subsurface piped system connecting the hub building/maintenance depot and new spectator stand with the wastewater treatment plant located to the south-east of the site via low permeability ground.
- Increase in volumes and run-off rate of surface water
- Works in watercourses associated with increased accumulation of sediment, direct loss of bankside/riparian habitat.
- Flooding - risk of pollution during a flood associated with in-site storage of chemicals and oils at maintenance compound and spectator stand which will be undefended in the event of a major flood.
- Displacement of flood water – the development will result in development within a floodplain with the potential to result in loss of flood storage and re-routing of floodwaters.
- Works effecting existing flood defences – works on the embankments have the potential to cause a deterioration in defence condition and introduce a new flood pathway.

Mitigation measures for both sides of the site

Construction stage

A range of mitigation measures are proposed to avoid, reduce or offset any potential adverse impacts to land, soil and water. These are documented in Chapter 9 of the EIAR and in the Schedule of Mitigation Measures (Appendix 1-2 and 1-3).

The mitigation measures include the preparation of a Construction & Environmental Management Plan (CEMP) detailing all of the measures that will be implemented during the construction phase covering all potentially polluting activities, including those caused by erosion and flood risk. The CEMP will form part of the site induction for all site operatives.

An Outline CEMP is provided in Appendix 3-1. An outline Surface Water Management Plan (SWMP) and Outline Water Quality Monitoring Programme are provided in Appendix 9-11.

The EIAR identifies the following:

- Earthworks/Excavations – to minimise the risk of erosion, topsoil stripping will be undertaken on a phased basis and dust control measures will be implemented including water suppression and use of covers/screens. Bare surfaces will be restored by seeding and planting throughout the construction period and existing topsoil shall be retained for reuse within the site. Removal of vegetation from the riparian corridor shall be limited and where possible a vegetated buffer zone shall be maintained.

  A buffer zone of 15m will be provided from watercourses (100m from River Foyle) restricting the range of construction activities which can routinely be undertaken to reduce risk of pollution events or sedimentation. Construction activities that will be undertaken in the buffer zones will be subject to additional controls and authorisations to control the potential migration of sediment, chemicals, fuel/oils etc into watercourses. (silt fencing/traps/cut-off drains, drip trays, controls on fuel/oil bowers, controls on permitted activities - no storage of chemicals, storage of soil/cement/wastes, no welfare facilities etc)

- Silt Management Drainage Features – Construction runoff water will be passed through treatment facilities prior to outfall to the receiving watercourse. These will include a combination of temporary settlement lagoons, SuDs ponds and proprietary sediment removal tanks. It is also proposed to install silt fences, check dams, bunds and other sediment trap structures as appropriate. Non-engineering solutions and green engineering (e.g. vegetation, geotextile matting) will also be employed. These features will be appropriately sited and regularly inspected and maintained to ensure their efficiency and efficacy.

- Timing/Phasing of Works –Specific construction works will be restricted to certain times to help minimise erosion and reduce sediment controls required

for the site. The Programme of Works will have regard to restricted time periods e.g., known migration/spawning periods.

- Stockpiling – Unnecessary stockpiling of materials will be avoided to reduce the amount of contaminated runoff generated. Areas of stockpiling/material deposition areas will be appropriately lined and located outside the buffer area for watercourses. The areas will be covered/dampened during dry weather to prevent spreading of sediment/dust.
- Works on watercourses – Works to existing watercourses (such as the installation of temporary or permanent culverts or bridges) have the potential to cause an obstruction to flow and may alter conveyance capacities, causing temporary restrictions in watercourse channels, affecting upstream levels and increasing flood risk. Works will be carried out in accordance with best practice to prevent run-off from entering the watercourse, reduce risk of erosion and not increase flood risk. Crossing design shall be based on hydrological calculations to ensure they are appropriately sized to accommodate flows and not result in flooding.
- Concrete, cement and grout – Quick setting products will be used for structures that are on or near to watercourses. Any concrete mixing and washing area would be located 10m from watercourses and have settlement and re-circulation systems for water re-use. Appropriate protection shall be put in place to prevent spills entering the channel where pouring is required within 10m of a water feature or over a water feature. Wash water would not be discharged to the water environment but would be disposed of appropriately through containment and disposal to an authorised waste disposal site.
- Chemical Storage – Bunded storage areas will be provided with 110% storage capacity. The storage area will be located on an impervious base on stable ground at a low risk of flooding and >10m from any watercourse.
- Refuelling/Storage of Fuels – All refuelling will take place at designated refuelling area within the construction compound with spillage kits available
- Construction Compounds – Located >15m from watercourses and at least 100m from the River Foyle SAC. Measures will be implemented to manage

silt laden water runoff. Water will be directed to treatment facilities and will not discharge directly to nearby watercourses. All wastewater from the construction facilities will be stored for removal off site for disposal and treatment.

- Wheel Washes/Plant Washes – Wheel wash facilities will be provided at the site exit to prevent soil and other material from being deposited on the road network. To prevent the spread of invasive species and pathogens, high pressure steam cleaning of all plant/machinery will be conducted prior to use adjacent to waters.
- Monitoring – Periodic visual water quality assessments to be carried out by the appointed Environmental Clerk of Works (EcOW). A Pollution Prevention Plan (PPP) will be prepared by the contractor and will set out remedial actions in the event that increased turbidity in a watercourse or where a leak/spill is suspected.
- An outline Water Quality Monitoring Programme (Appendix 9-11) has been developed which sets out locations and sampling schedules for appropriate surface water quality and groundwater sampling points. This will be used to monitor any degradation of water quality during the works.
- An Invasive Species Clerk of Works will oversee works involving the clearance, transfer and treatment of all invasive species and materials potentially contaminated with invasive species.

Operational Stage

Mitigation measures during the operational stage are also influenced by flood management on a site subject to fluvial flooding

Building Infrastructure - The hub building will be raised above the flood levels. For buildings including the maintenance depot and spectator stand not raised above the flood plain, chemical and fuel storage volumes will be kept to a minimum and controls implemented to minimise the pollution risk in the event of a major flood event. This would include the storage of high risk materials within the building in watertight secondary containment.

Surface Water Management/Infrastructure – The risk to the site and elsewhere as a result of surface water flooding and increased impermeable surfaces will be manged through appropriate surface water management strategies including SuDS. The proposed strategies are outlined in the Sustainable Drainage Strategy (Appendix 9-3) which includes SuDS components that will attenuate runoff to greenfield rates and treat surface water to remove pollutants washed from hardstanding areas.

Flood risk – In terms of land use, the proposed development on the Lifford side is located in Flood Zone A and B and has been assessed as 'water compatible' and 'less vulnerable' development. The community hub building would be susceptible to flood water damage and is to be sited at a level that is resilient to the 0.1% AEP (Climate Change) flood extent, which exceeds the normal flood protection standard for such development. All other development will include flood resilient construction methods/flood resilient materials and finishes. Landscape and boundary treatment within flood zones will be a type that allows free passage and avoids displacement of flood water. Risk to users of the site will be managed through a Flood Excavation and Management Plan.

The site-specific flood risk assessment confirms that the proposed development causes no change to predicted flood extents or flow routes outside the site and no measurable effect to flood levels outside the site. No additional mitigation is therefore required.

The proposed new bridge will be a clear span structure with a single pier outside the banks of the river channel and will not have adverse effects on flooding elsewhere.

Works to the embankments will be subject to detailed geotechnical design and subject to OPW authorisation. On the Lifford side these works will be informed by ongoing work by OPW/Donegal Co. Council to develop Lifford Flood Relief Scheme. The Riverine Project is intended to be complimentary to the outcome of that project. Donegal Co. Council will adopt and maintain flood defence embankments as part of the proposed development. On the Strabane side the embankment upgrades will be subject to Dfi Rivers authorisation.

Drainage Strategy – Infrastructure and buildings will be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5%.

Works on Watercourses – Surface water will discharge via storm outlets to watercourses. Outfall design will comply with good practice to prevent risk of erosion and impacts on the watercourse banks.

Residual Impacts

The residual impacts of the construction and operational stages of the development on the Lifford side of the site are set out in Table 9-11and 9-12 and for the Strabane side in Table 9-23 and 9-24 respectively of the EIAR. The overall conclusion is that subject to the implementation of the mitigation measures for both phases of the development residual impacts will not be significant.

Assessment

I accept that the construction and operation of the proposed development has the potential to impact on the receiving land, soil and water environment on both sides of the site. I accept that the greatest potential for significant impacts is associated with the construction stage and the potential mobilisation of sediment and other pollutants into the water environment. The River Foyle forms the common boundary between the two sites and is the most sensitive environmental receptor, being an important habitat for resident and migratory fish species, and part of an SAC.

I accept that the potential impacts can be effectively mitigation by the measures outlined in the EIAR. This will be achieved by the implementation of proven and effective best practice measures to cover all phases of the development and by the by the design of the surface water system incorporating attenuation. I accept that the site will remain subject to flooding but is not likely to contribute to, or increase the risk of flooding elsewhere..

I note that the initial concerns raised by DAERA in Northern Ireland regarding the perceived lack of assessment of potential land contamination close to the site associated with a railway line and other potential historical contaminating activities. A subsequent response refers to the Preliminary Risk Assessment and Generic Quantitative Risk Assessments prepared by MCL Consulting Ltd in support of the application (Appendix 9-5 & Appendix 9-6), which assesses the potential risk from ground and groundwater contaminants to human health and environmental receptors. No unacceptable risks to environmental receptors have been identified. The DAERA raise no objection to the development subject to conditions.

I have considered all the submissions made in relation to land, soil and water and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. I consider that the information provided in the EIAR, which is supported by a range of site investigations, which were undertaken in accordance with best practice guidance, and are comprehensive and proportionate, is sufficient to allow the impacts of the entire proposed development to be fully assessed. I consider that the impacts identified would be avoided, managed or mitigated by the measures proposed and suitable conditions I am, therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impact on land, soil and water in the area.

11.8. **Air & Climate**

Introduction

This chapter of the EIAR was revised to take account of the new car park location on the Strabane side of the site. No significant change in air/climate related impacts are predicted as a result. The car park will be relocated to the south side of the site from its previously proposed position at the north eastern corner and at a greater distance from the nearest receptor.

The air quality impact assessment was undertaken with reference to the Air Quality Standard Regulations (S.I 180 of 2011) and Air Quality Standard Regulations (Northern Ireland) 2010.

Background sources of pollutants in the vicinity of the study area on both sides of the site include traffic, domestic and industrial emissions. No baseline air quality surveys were considered necessary. Reference is made to various sources to quantify the existing air quality in proximity to the proposed development including EPA data for Lifford and the Derry City & Strabane Council Air Quality Management Area.

The Lifford site is located in Zone D as denoted by the EPA for the assessment and management of air quality. Concentrations of air quality pollutants in this zone are very low and well below the relevant air quality limits. The site is located outside the former Strabane Air Quality Management Area and background levels of pollutants are also below the relevant air quality limit values. No air quality management areas are currently declared in the area.

Potential Impacts

Construction

The main emissions that will occur during the construction stage with the potential to impact on air and climate is identified as dust. There will also be emissions associated with construction traffic. The most potentially sensitive receptors on both sides of the site are shown in Figure 10-2 and summarised in Table 10-6.

The proposed development has been assessed in accordance with the Guidance on the Assessment of Dust from Demolition and Construction (IAQM) 2014, which provides a framework for the assessment of risk. Under the guidance activities on construction sites are divided into four types (demolition, earthworks, construction and trackout) and the potential dust emissions magnitude is defined for each activity. This is considered in conjunction with the defined sensitivity of the area (in terms of sensitivity of people to dust soiling, risk of health effects due an increased exposure to PM_{10} and harm to ecological receptors) to define the risk of impacts.

Table 10-9 of the EIAR sets out the criteria used in the determination of the dust emission magnitude associated with each activity. The activities identified with the greatest potential for generating dust emissions are earthworks and trackout. Using the criteria set out in the IAQM guidance the sensitivity of the area to dust soiling effects and human health effects is defined (Table 10-11 & 10-12).

The sensitivity of people to dust soiling associated with the construction activities on the site is assessed as ‘Medium’ to ‘Low’ due to the low number of sensitive receptors close to the site. The sensitivity of the area to human health effects is assessed as ‘Low’ due to existing good air quality and low PM_{10} concentrations which are well below the relevant air quality limit. The sensitivity of the area to ecological impacts during construction is assessed as ‘High’ due to the proximity of the site to the SAC.

Table 10-16 provides a summary of the risk of dust soiling, impact on human health and ecological impact associated with each of the construction activities. The greatest risk will be to ecological receptors associated with earthworks and trackout activities. The risk to human health is assessed as Low (earthworks/trackout) to Negligible (demolition/construction) and the risk of dust soiling is Medium (earthworks) to Low (demolition/construction/trackout).

There will also be emissions associated with vehicle movements to/from the site with the potential to impact on air quality. The construction stage is estimated at 9-12 months. It is estimated that there will be approximately 2 HGV movements per day on the Strabane side and 14 movements per day on the Lifford side. When compared with the Environmental Protection UK and the Institute of Air Quality Management (IAQM) Guidance criteria for requiring air quality assessment, this indicates that these construction HGV movements will not have a significant impact on air quality. Due to the short term and temporary nature of the construction phase there will be a short term and very localised negligible impact on air quality.

With regard to climate impact, the short-term nature of the construction stage will not result in noticeable impacts on climate. Based on the nature and scale of the proposed works the impact on climate is considered to be Imperceptible.

Operational phase

The development has been designed to be as energy efficient as possible. community resource building is orientated to maximise solar gain for space heating and the use of a green sedum roof or similar has been proposed for energy efficiency and positive impacts for pollinating insects.

Road traffic and space heating may give rise to CO_2 and N_20 emissions. Emissions from heating systems in a relatively small community resource building will not result in a significant impact on local air quality. The operational AADT traffic flows will not result in a significant impact on local air quality. There will be no significant change in local traffic flows as a result of the development and having regard to the small-scale nature of the project the impact on national greenhouse gas emissions is insignificant in terms obligations under the EU 2020 and national targets. The impact of the operational stage of the development on climate is assessed as long-term and Imperceptible.

Mitigation for both sides of the site

A suite of mitigation measures are proposed to mitigate potential impacts during construction. These include general measures that apply to the entire site as well as measures specific to the four activities that will take place during construction:

- development and implementation of a stakeholder communication plan that includes community engagement,
- development and implementation of a Dust Management Plan
- site management in accordance with established best practice including maintenance of records of all dust and air quality complaints and measures taken to reduce emissions.
- Monitoring - daily on-site and off-site inspection.
- Preparing and maintaining the site – locate machinery and dust generating activities as far away from receptors as possible, erect solid screens/barriers around dust generating activities or the site boundary, fully enclose the site or specific operations where there is a high potential for dust production.
- Operating vehicles machinery - impose a maximum speed limit of 15mph on surfaced and 10mph on unsurfaced haul roads and work areas, implement Travel Plan to encourage sustainable travel modes, avoid the use of diesel or petrol powered generators, vehicles switch off and not idling while stationary.
- Operations - use of wheel wash facility, dust suppression techniques, maintenance of adequate water supply for dust/particulate matter suppression/mitigation, use of enclosed chutes and conveyors and covered skips etc.

No mitigation is considered necessary for the operational phase of the development.

In Combination/Cumulative Effects

No other project with a potential for significant local or national air quality or climate impacts has been identified in Lifford or Strabane which would act in combination with the proposed development to generate significant impacts on air/climate.

EIAR Conclusion

The proposed development will not have an adverse impact on air quality or climate in the vicinity of the site and there will be no significant impacts on residents in the area.

Assessment

I accept that the potential for significant effects on air and climate are minimal due to the relatively small-scale construction effort associated with the proposed development. I accept that the greatest potential for significant impacts arises during the construction stage but the mitigation measures outlined in the EIAR are well established and standard best practice on construction sites. I accept that the potential for significant effects on air/climate during the operational stage is not significant, but that the proposed bridge, which is designed to encourage walking/cycling will have positive effects on air/climate.

No specific issues have been raised in the submissions regarding potential impacts on air quality and climate. I consider that the information provided in the EIAR is sufficient to allow the impacts of the entire proposed development to be fully assessed. I am, therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impact on air or climate in the area.

11.9. Noise & Vibration

The potential impacts of the proposed development on the noise environment are described and assessed in Chapter 11 of the EIAR. It describes the assessment methodology, the guidance used for assessing significance and the potential noise and vibration impacts on sensitive receptors associated with both the construction and operational stage of the development on both sides of the site.

The nearest sensitive receptors to the proposed development are identified in Figure 11-1 of the EIAR. A daytime and nigh-time survey was conducted on May 11th, 2021 to establish baseline noise levels. The location of the 3 no. noise monitoring locations, stated to be at the nearest residential properties to the site, are shown on Fig 11-1. Two were located on the Lifford side of the site and one on the Strabane side.

The results of the noise survey at each monitoring location are presented in Table 10-8. It indicates that existing daytime and night-time noise levels were dominated by road traffic noise. The highest daytime background noise levels of approximately 59 dB L_{Aeq} / 54 dB/L_{A90} were recorded at NML1 near R1 and R2 on Park Road Strabane, which is attributed to the relatively constant traffic flows on the A5. Lower background noise levels of approximately 47-50 dB L_{A90} /44 dB L_{A90} were recorded

on the Lifford side of the site. This is attributed to the relatively sheltered nature of the site and lower road traffic noise.

The results of the baseline noise monitoring surveys indicate that the noise levels at sensitive receptor locations in the area of the proposed works are broadly in accordance with the WHO Guidelines for Community Noise, recommended daytime levels of 50-55 dB(A) for outdoor living areas and the external night-time level of 45 dB(A).

Construction Impacts

There is no statutory guidance in Ireland or Northern Ireland relating to the maximum permissible noise levels that can be generated by the construction phase of a development. There are indicative levels of acceptability for construction noise, such as contained in the NRA (now TII) *'Good Practice Guidance for the Treatment of Noise during the Planning of National Road Schemes'* (March 2014) as outlined in Table 11-1 of the EIAR.

Guidance on assessing the significance of noise effects from construction activities is taken from BS5228-1:2009=A1:2014 *'Code of practice for noise and vibration control on construction and open sites-Noise'.* Under this guidance noise sensitive locations are designated into a specific category (A, B or C) based on existing ambient noise levels in the absence of construction activity. This then sets a threshold noise value that, if exceeded, indicates a significant noise impact is associated with the construction activity (Table 11-2 of EIAR).

The ambient noise levels have been determined through the baseline noise survey and rounded off to the nearest 5dB. As the ambient noise levels in the area of the proposed construction works are approximately 50-60dB L_{Aeq} during daytime, the noise sensitive receptors fall into category A. If the specific construction noise activity exceeds the appropriate category value (e.g 65dB $L_{Aeq,T}$ during daytime period) then a significant effect is deemed to have occurred.

The construction phase will include a number of activities that have the potential to produce noise impacts. These include site clearance/excavation, infilling/levelling, bridge and construction works, general construction works and traffic.

Table 11-9 provides details of typical noise levels from construction activities based on the sound power output of various plant at a distance of 10m. Table 11-10

provides details of predicted worst-case construction noise levels at noise sensitive locations at various distances from the proposed works. The highest predicted noise levels will be experienced at NSR1 (Park Road Strabane) to the north east of the site) due to proximity to the works e.g., 61dB(A) at 100m from the works. The worst-case scenario assumes all plant will be operating simultaneously and that no screening which would attenuate noise exists between receptor and source, which will not be the case.

The data indicates that in a worst-case scenario, the daytime construction noise limit of 65 dBL_{Aeq}, 12 hour will be achieved at the nearest residential properties. Noise from construction works will also fluctuate throughout the course of a typical working day as well as over the course of construction. It is acknowledged that in some of the works areas the predicted worst-case 1-hour construction noise levels may be in excess of the recommended maximum noise level of 70dB L_{Aeq}/80 dB LA_{Max} at 1m from the façade of the nearest residential properties as outlined by the TII Guidance (March 2014).

Vibration can cause human discomfort and structural/cosmetic damage to buildings and structures. The EIAR contains a vibration risk assessment which identifies the main sources of vibration. It details the various standards used as guidelines and recommendations for the measurement, analysis and assessment of low frequency ground vibration and its impact on vibration-sensitive receptors. It also suggests mitigation measures to reduce potential impacts.

Piling activities which are likely to cause ground vibrations will take place on both sides of the site. A badger sett identified c 40m from the proposed piling activity on the Strabane side is identified as the nearest vibration-sensitive receptor. On the Lifford side there is a residential property 200m from the proposed piling activity and a cinema at 250m.

Operational Noise Impact

There will be an increase in vehicle movements per day to the proposed development on both sides of the site This will result in small changes in traffic flows on the roads surrounding the site, ranging from <1% to <5%. Considering that a doubling or halving of traffic flows will result in a just perceptible change of 3 dB(A),

the increase in flows associated with the proposed development will be insignificant in terms of perceptible changes in noise levels.

The main end use of the project is for recreational purposes. No significant operational noise impacts will therefore arise. Any live music concerts or festival consisting of over 5000 people in the open area on the Lifford side will require an event licence which will be subject to noise limits and closing times. The 'design' of the major live music event will acknowledge the proximity of residential receptors. It will look at the stage orientation and use predicted noise level contours to assess how the sound will spread out. These measures will ensure that occasional events do not cause a significant noise impact. For events with less than 5000 people, any additional noise that may be generated by the facility may be subject to assessment within an activity-specific management plan to be submitted and approved by the environmental regulator prior to the event taking place.

Mitigation Measures

A suite of best practice mitigation measures are proposed to reduce noise and vibration impacts associated with the proposed development on both sides of the site.

The measures to be implemented during construction include the following:

- Working hours restricted to daytime hours, except with prior agreement of the relevant local authority.
- Speed limits enforced on all site traffic.
- Selection of plant/machinery having due regard to the need for noise control.
- Positioning of potentially noisy plant as far away as possible from noise sensitive receptors.
- Use of perimeter hoarding, earth mounds and /or stockpiles of material as a physical barrier between the source and the receptor.
- Mechanical plant fitted with effective exhaust silencers, machine shut down when not in use, compressors fitted with properly lined and sealed acoustic covers.

- Employee training to reduce noise. Responsible and trained person present on the site to act upon queries and complaints from the public.
- Noise monitoring if required.
- Agreed working hours for piling activities for less sensitive times or days.
- Use of minimal vibration piling equipment (CFA drill). Alternative low vibration method for removal of hardstand not involving the use of rock hammers or similar percussion methods.
- Determine action and limit values based on the baseline vibration survey and available guidance from international standards.
- Vibration monitoring.

In Combination/Cumulative Effects

No other projects which could act in combination with the proposed development to generate significant cumulative noise and vibration impacts has been identified.

EIAR Conclusion

The assessment of construction noise impacts from the proposed development has indicated that construction noise limit criteria will not be exceeded at the nearest residential properties during daytime. Very occasionally elevated construction noise may occur when heavy construction activity occurs in close proximity to noise sensitive receptors. The construction impacts will be short term and will not be significant. The works will extend over a period of 9-12 months which means that noise sensitive receptors will not be exposed to continuous construction noise during the construction period. Appropriate mitigation measures are outlined and once implemented, the residual impacts from the construction period will not be significant.

There will be no significant noise sources associated with the general operation of the park and the traffic volumes generated will not create a significant noise impact. No mitigation measures are considered necessary.

Appropriate methods of piling and concrete removal and additional mitigation as recommended will ensure that vibration levels do not exceed unacceptable levels at sensitive receptors.

Assessment

The main change identified in the Addendum EIAR is the reduction in noise levels during construction at residential properties on Park Road due to the relocation of the car park on the Strabane side of the site.

I accept that the construction of the proposed development has the potential to increase noise and vibration related impacts. However, the construction phase is relatively short and not all of the machinery will be operating simultaneously. Subject to the mitigation measures proposed, which are standard best practice, I accept that the potential impacts are capable of effective mitigation and will not therefore result n significant adverse effects on sensitive receptors. No specific issues have been raised in the submissions regarding potential impacts on the noise environment on the Lifford side of the site. The Environmental Health Service of Northern Ireland raise no objection subject to the implementation of the CEMP and measures regarding construction noise.

The Environmental Health Service (N. Ireland) referred to potential noise impacts from major outdoor events on residential property across the river in Strabane. Such events are subject to licensing arrangements which requires consultation with prescribed bodies (which would include transboundary consultation) and facilitates submissions from the public. Individual events will be assessed to determine potential impacts that may arise (noise, traffic management etc) and an Event Management Plan will be drawn which will contain mitigation measures to reduce noise levels and minimise impacts on sensitive receptors. Subject to the implementation of these measures, I do not consider that significant adverse noise effects are likely to arise.

There will be vibration impacts associated predominantly with piling activities. The most significant impacts are likely to occur on the Strabane side of the site associated with a badger sett located c 40m from the works. Subject to the mitigation measures proposed and appropriate monitoring, I consider that the impacts are not likely to be significant.

I consider that the information provided in the EIAR, which is supported by an appropriate noise survey, is sufficient to allow the impacts of the entire proposed development to be fully assessed. I consider that the impacts identified would be avoided, managed or mitigated by the measures proposed and suitable conditions. I

am, therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impact on the noise environment.

11.10. **Material Assets**

Chapter 12 of the EIAR considers the potential impacts of the proposed development on Material Assets in the context of Roads & Traffic and Build Services. It identifies relevant material assets that are within the vicinity of the site, or will be utilised by the development.

Roads & Traffic

The potential impacts of the development on the roads and traffic are considered above under the Planning Assessment (Section 9) and are therefore not repeated here. A Traffic Statement was prepared and concludes that the local road network can accommodate the proposed development without significant impacts on existing conditions. The construction of the development will take place over a 9-12 month period and is expected to have a minimal impact on the local road network. Oversized loads will be subject to risk assessment.

All significant events to be held at the proposed development will be subject to an Event Management Plan which will contain mitigation measures to reduce the traffic impact on the local road network.

Built Services

On the Lifford side of the site the existing spectator stand and ancillary accommodation to the rear will be replaced. Foul water from the existing welfare facilities is currently managed via a soakaway. New wastewater treatment facilities are proposed for the proposed community pavilion, the maintenance compound and the welfare facilities at the East Donegal Coursing Club. The waste will be directed to wastewater infrastructure (gravity sewer, rising main and a pumping station) to be provided in the maintenance compound which will discharge to the Lifford WwTP. Surface water is largely to be captured and dispersed through ‘soft green’ Sustainable Urban Drainage Systems (SuDS). The proposed development will be connected to the public mains water.

Electricity cables traverse the site in a south-southwest direction from the riverside towards the Co. Council offices. A new enlarged electricity substation will be

provided adjacent to the existing Lifford WwTP. It will serve the existing/proposed wastewater treatment works, the Lifford side of the community park and the coursing grounds. The overhead electricity cables will be diverted underground. Telecom infrastructure to facilitate the development and CCTV provision on the bridge will be provided. The dedicated bin/waste storage area will be provided within the footprint of the community pavilion. It will provide recyclable and general waste bins which will be managed by Donegal Co. Council.

On the Strabane side of the site, part of the proposed development site previously operated as a halting site. It is assumed that utilities (water, wastewater and electrical supply) suppled to the site have been disconnected. Overhead electricity cables traverse the site. There is currently no waste management within the site. The site is in private ownership and there is no direct vehicular access. Previous access from the A5 Barnhill Road Roundabout to the site is blocked by a series of bollards to prevent unauthorised access.

Potential Impacts during Construction

The construction phase on both sides of the site will require temporary wastewater, ICT and electrical supply, which will be provided by the contractor. Connection to the local water supply will be made on agreement with Irish Water/NI Water. Construction works associated with the diversion of the overhead cables and the provisions of the electrical substation on the Lifford side of the site are subject to details design and ESB requirements. The potential impact from the construction phase of the proposed development on the local utility networks on both sides of the site is likely to be short term and low.

The construction phase will require removal off-site of waste material from construction activities on both sides of the site. This has the potential to impact on the local waste disposal network. The impact is assessed as likely to be short term and moderate.

Potential Impacts during Operation

The operational stage is likely to result in a slightly increased demand on water services and wastewater systems on the Lifford side, the impact of which is likely to be long term and low. The potential impact from the operational phase on the electricity supply, including diversion of overhead cables and provision of new sub-station on the Lifford side is expected to be long term and of benefit. On the Strabane side the potential impact is expected to be long term and low. The potential impact on municipal waste disposal is likely to be a marginal increase in demand, which is assessed as long-term and moderate.

The proposed development aims to host a number of major events in a typical year with anticipated visitor numbers of 3,000 per event. Bespoke Event Management Plans specific to the events will be required to assess impacts and propose mitigation impacts on built services (water, electricity etc). The potential impact from the event phase is likely to be short-term.

Cumulative Effects

The cumulative effects of the proposed development on foul and surface water disposal, water supply, electrical supply, ICT and municipal waste will be considered by the relevant utility providers and are not anticipated to be significant.

Mitigation Measures

Mitigation is achieved in the first instance by design. The project design considered a range of options to ensure an energy and thermal efficient design and layout which considered topography, orientation and surrounding features.

Mitigation will be achieved during construction through the implementation of the CEMP, including the implementation of a traffic management plan in order to protect local amenities and the operation of the road network. The provision of utilities to be carried out in accordance with the recommendations of the relevant statutory bodies and water shall be metered.

No mitigation measures are considered necessary during the operational phase of the development.

Conclusion

Subject to the proposed mitigation measures no residual impacts on material assets are predicted on either site. The proposed development is unlikely to have any

significant impacts on local water, electricity or ICT network. The predicted wastewater generation will be adequately accommodated in the local foul sewer network and the proposed development will be designed to comply with the provisions of SuDS and is therefore unlikely to have any residual impacts in terms of surface water drainage.

There is potential for the construction stage to cause potential disruption to local natural and human material assets. The implementation of the mitigation measures would ensure that there is unlikely to be any significant residual impact.

Assessment

I consider that the information provided in the EIAR, is sufficient to allow the impacts of the proposed development on material assets to be fully assessed. I am, therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impact on material assets in the area.

11.11. **Cultural Heritage**

Chapter 13 of the EIAR provides an assessment of the proposed development on the cultural heritage of the area. It describes the methodology used in the assessment and the legal framework relating to the management of the cultural heritage resource in both jurisdictions. Chapter 13 should be read in conjunction with (Appendix 13-1 to 13-4 in Volume 3).

This chapter of the EIAR was amended in response to the further information request and the issues raised by the NWPS, and the EIAR Addendum includes an Underwater Archaeological Impact Assessment.

Baseline information was provided from a desk top study using recognised databases, historic cartographic sources, and from field investigations. A total of 19 (12 within the Republic of Ireland) recorded archaeological sites are located within the study area (1km of the site boundary) as shown in Appendix 13-2 of Volume 3. None of these recorded sites are located within the development site. No upstanding monuments were identified during the field surveys.

On the Lifford side of the site, part of the proposed access is located with the Zone of Notification for the Historic town of Lifford (DG071-008). An examination of the

excavations database revealed that the majority of excavations carried out in the Lifford area produced nothing of archaeological significance.

On the Strabane side, there are a total of 37 Industrial Heritage Record (IHR) sites located within the study area, the majority of which are associated with the railway heritage of the town. Five of these sites are located within the proposed development site. The excavations associated with the Strabane Bypass produced evidence for prehistoric features including the remains of a ring-barrow, an area of possible Neolithic activity and several possible hearths (Appendix 13-4).

There are no Architectural Conservation Areas within or adjacent to the proposed site. The NIAH sites and Protected Structures within the study area in the vicinity of Lifford are listed in Table 13-10 and the Listed Buildings in Strabane (Table 13-11). These structures are largely associated with the urban area of both towns, and none occur within the development site.

Potential impacts during construction

Access to the development on the Lifford side of the site is located within the Zone of Notification for the Historic town of Lifford (DG 071-008). However, this area has already been impacted by surface treatments and ground reduction. While it is not anticipated that new surface treatments will impact on previously unrecorded archaeological deposits in the area, mitigation measures to protect the archaeological resource will be required.

There are no recorded archaeological sites on the Lifford site and none were identified during the desk top study or the field investigations. The evidence of previous archaeological excavations in the area suggests a low potential to uncover significant archaeological material. However, it is acknowledged that this type of riverine environment may have been an ideal location for archaeological sites that require water resources such as fulachta fia. In addition, riverine landscapes have been proven to preserve organic materials such as wood, including logboats within damp soils. Mitigation measures will therefore be required to avoid/reduce impacts on potential archaeological material that may exist on the site.

Regarding indirect effects, the access road to the site will be located partly within a Zone of Notification but will not include any above ground structures that have the potential to result in a visual impact on the historic environment of Lifford. The

development will also involve the construction of building/structures on a greenfield site.

There are no buildings/structures of architectural merit located on or within close proximity of the site that could be impacted by the proposed development.

On the Strabane side of the site, there is no physical evidence of four of the five Industrial Heritage Sites recorded. The area where the sites are located consists of concrete and asphalt ground surface formerly used as a halting site. The remnants of a bridge and the railway embankment was identified during the field surveys and the project has been designated to avoid the removal of the bridge and to preserve (in situ) the remains of the other IHR sites.

There are no recorded archaeological sites within the proposed development site. There is potential for direct impacts on previously unrecorded sub-surface archaeology during the construction stage and mitigation will therefore be required.

There are no predicted indirect effects on the archaeological/architectural resources of Strabane associated with the construction stage which will be screened by the A5 motorway, its boundary treatment and large retail units in the area.

Operational Phase

No direct or indirect impacts on the archaeological or architectural resource on the Lifford or Strabane sides of the site are predicted during the operational stage.

Mitigation measures

There is potential for direct impacts on subsurface archaeological features during the construction phase of the development, both within the Zone of Notification and in greenfield areas on the Lifford side of the site. To mitigate impacts it is recommended that archaeological testing/ monitoring be carried out by a suitably qualified archaeologist and under license from the National Monuments Service.

No mitigation measures are considered necessary during the operational stage as archaeological/architectural features will be effectively screened from the proposed development by the built form of the town.

Of those recorded on the Strabane side of the site, the only Industrial Heritage Record site identified during the field surveys is a Bridge (IHR 00017:054:00). To protect the structure, it is recommended that it be fenced off during construction works and any subsequent works required be carried out under advice from a conservation specialist.

Due to the scale of the project, the potential for impacts on sub-surface archaeology is acknowledged and mitigation will include archaeological monitoring. There are no identified likely significant direct /indirect impacts on the cultural heritage resource during the operational stage and accordingly no mitigation is considered necessary.

Transboundary Impacts

The works associated with either side of the site will have no direct negative impact on the archaeological/architectural resource on the opposite side. Potential impacts in a transboundary context are likely to be indirect and be of a visual nature, or impact on the setting of a cultural heritage site. Due to the location of protected/listed buildings within the urban fabric of the respective towns and the distance to recorded monuments, the potential for indirect negative impacts on these resources in a transboundary context is considered to be negligible.

Assessment

The Department of Housing, Local Government and Heritage (National Monuments) considered that the potential impacts on underwater cultural heritage had not been sufficiently addressed in the EIAR. Due to the proximity of the Recorded Monument (Zone of Archaeological Potential for Lifford town) and the density of log boat discoveries in the River Finn and River Foyle, the area is considered to be an area of archaeological potential.

The proposed bridge will be constructed over the River Foyle and connect the two sides of the site. The works will involve deep foundations and substantial ground reduction works on both sides of the river. The works have the potential to uncover and impact on previously unrecorded underwater material.

An Underwater Archaeological Impact Assessment (UAIA) was submitted in response to further information (Appendix 13-5). The UAIA focused on an 800m long

section of intertidal foreshore and riverbank including the location of the proposed slipway and bridge at Lifford and a 600m long section of intertidal foreshore and riverbank, including the location of the bridge abutment at Strabane. Two fragments of logboats were identified on the foreshore upstream/downstream of the works area for the bridge. These fragments were noted not to be in-situ finds having been washed downstream during recent flooding. A metal detection survey was carried out at impact locations and nothing of archaeological interest was recorded.

The DAU in their response raised no issues subject to archaeological test excavations, recording and monitoring which I consider can be adequately addressed by condition should the Board me minded to grant approval for the development. I also note that the Historic Environment Division (Northern Ireland) are satisfied that no significant impacts are likely subject to conditions.

I consider that the information provided in the EIAR, is sufficient to allow the impacts of the proposed development to be fully assessed. I am, therefore satisfied that subject to the mitigation measures proposed, the proposed development would not have any unacceptable direct, indirect or cumulative impact on cultural heritage in the area.

11.12. Landscape

Introduction

The landscape and visual impacts of the proposed development are described and assessed in Chapter 14 of the EIAR. It describes the assessment methodology and relevant guidance and policy in both jurisdictions. It describes the existing environment and potential impacts arising from the construction and operational stages of the development and measures proposed to mitigate these impacts.

The potential impacts of the development on the landscape and the visual amenities of the area are considered above under the Planning Assessment (Section 9) and are therefore not repeated here. Due to the small scale and localised nature of the development and the landscaping proposals, which includes retention of existing screening and new planting, I accept that there will be negligible impacts on the

receiving environment on both sides of the site. The most significant visual impact will be created by the new bridge. However, due to its location north of a bend in the river and the design of the bridge the impact will be highly localised. There may be glimpses from the existing bridge towards the site but this will not be dominant in that view or from other locations in the wider environs.

I consider that the applicant has substantially addressed the issues raised in the further information request. I accept that the relocated car park will not increase the magnitude of impacts on the landscape or the visual amenities on the Strabane side of the site. I consider that the information provided in the EIAR, is sufficient to allow the impacts of the proposed development to be fully assessed. I am, therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impact on the landscape and visual amenities of the area.

Cumulative Impacts, Interactions & Major Disasters

Chapter 15 of the EIAR considers the potential for cumulative impacts from the proposed development in combination with other development as well as the interaction between potential impacts on different environmental receptors. It also assesses the impacts arising from the vulnerability of the project to risk of major accidents and/or disasters that are relevant to the project.

The EIAR considers existing and proposed development in the vicinity of the site on both sides of the border which would be likely to act in combination with the proposed development to generate significant effects. This includes current planning applications, development that been granted planning permission as well as other proposals in the area, including the Lifford Flood Relief Scheme and the North West Greenway Network on the Lifford side of the site and the A5 Western Transport Corridor and the Strabane Northern Greenway on the Strabane side. It includes consideration of the relocated position of the car park on the Strabane side of the site, which is within the A5 Western Transport Corridor (WTC) Vesting Boundary.

Table 15-1 provides details of the planning history in the immediate Lifford area of the site. There is only one record of a planning application on the subject site and this relates to drainage works to the main playing pitch, provision of a new septic tanks and construction of a hard core car park, which was granted permission in 2013.

Developments in the vicinity of the site include upgrade works to the Lifford WwTP located to the southwest of the site, which I note (Irish Water) were scheduled for completion in summer 2022. The EIAR refers to a range of mitigation measures included as part of the WwTP upgrade works to minimise the risk of flooding to the wastewater treatment works and the flooding effect of the proposed development has been minimised by design and minimise potential cumulative flood impacts .

There is a scheme being developed to alleviate flooding in Lifford (Lifford Flood Relief Scheme). The EIAR refers to close communication between the project team and the OPW which has enabled the design of the project to be complimentary to the objectives of the FRS with no cumulative effects.

The North West Green Way Network project will deliver 46.5km of cross border greenway by 2021, across three routes. Route 3 Lifford to Strabane has been considered within the assessment due to its proximity to the proposed development. The greenway will be provided within and as part of the proposed development. The EIAR refers to consultations between the project team and the Greenway teams to ensure the projects are co-ordinated and a consistency of approach to surface, edging and lighting is adopted. It is intended that these projects will complement each other.

Table 15-2 provides details of committed development in the vicinity of the Strabane site. A mixed use cross border development, known as the Three Rivers Project, was permitted in 2014. The flood risk assessment carried out in respect of the proposal concluded that the mitigation measures proposed would provide an overall reduction in flood to Strabane and Lifford areas. It is not anticipated that there will be any cumulative flood risk between the two developments.

In terms of traffic, the Three Rivers Project identified that existing facilities can accommodate the trip generation associated with the proposed development with associated mitigation works. The Transport Statement for the Riverine Project confirms that there are no residual traffic impacts relating to the project. It is not therefore anticipated that there will be any cumulative traffic impacts between the two projects.

In terms of noise impacts, the Three Rivers Project assessment of road traffic noise indicated that the majority of routes within the study area will experience traffic flow

increases of less than 25% as a result of the development. This equates to a noise level increase of less than 1dB which is imperceptible. As the Riverine project is also anticipated not to generate significant operational noise, no cumulative noise or traffic impacts are predicted.

There are proposals to construct and replace the preliminary treatment of the Strabane wastewater treatment works. The works are downstream of the proposed development and therefore there is no risk of the project disrupting the dispersion of effluent from the WwTP. The most significant potential impact to the WwTP is an increased risk of flooding. However, the Flood Risk Assessment carried out in respect of the proposed riverine project confirms that the proposal will have no measurable effect on development elsewhere. No cumulative impacts are anticipated.

The application site also forms part of the North-West Greenway project. The Greenway at the Strabane Bypass (A5) will be located on the opposite side of the A5 from the proposed development. Connectivity between the two projects will be provided by way of a toucan crossing which will facilitate the safe movement of cyclists and pedestrians between the proposed development and the Greenway. The two projects will work positively in tandem with no negative cumulative effects.

The site boundary on the Strabane site will include part of the A5 Road Realignment associated with the A5 Western Transport Corridor (A5 WTC). The original location of the carpark was designed in order to minimise the amount of riverine park infrastructure within the A5 WTC Vesting Boundary. However, the lands are in private ownership and could not be acquired which resulted in the relocation of the proposed car park to the former halting site. There are matters outstanding in relation to the future alignment of the A5 WTC but it is intended that connectivity to the riverine development would be maintained during and post A5 development.

In addition to the North West Greenway project, the Strabane North Greenway is also being developed and extends through the proposed development's red line boundary. Ongoing dialogue between the two project teams ensures that the connections between Riverine Community Park and the Strabane North Greenway are coordinated and that a consistent approach is adopted to edging, surfacing and lighting.

Impact Interactions

Table 15-3 provides a matrix of significant interactions likely to occur between the various environmental media and Table 15-4 provides a summary of those interactions.

Major Accidents and Disasters

The main risks associated with the project are identified in Table 15-5 and these include floods (impacts on people, property and road users), road accidents and spillage of hazardous material (impacts on road users and aquatic environment), building failure or fire (impacts on building users), utilities and containment failure (impacts on SAC) and plant disease (impacts on land-users and biodiversity).

Subject to the implementation of the mitigation measures proposed, significant residual impacts are not predicted arising from any of these events.

11.13. **Reasoned Conclusion**

Having regard to the examination of the environmental information contained above, and in particular to the EIAR and the further information provided by the applicant and the submission from prescribed bodies, observers and the Planning Service of Northern Ireland in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows.

- **Population and Public Health**: Positive impacts associated with the provision of a shared connected recreational space for both communities on both sides of the Border.
- **Biodiversity:** Habitat loss associated with construction will impact on habitats of generally low ecological value with no rare or protected species recorded**.** Potential impacts to habitats and faunal species, aquatic fauna, avian species and bats would be mitigated by the implementation of the measures during the construction and operational phases of the development as set out in the revised Environmental Impact Assessment Report
- **Landscape and Visual Amenities:** The proposed development will not give rise to any significant impacts on the landscape and visual amenities of the

area. The bridge is the most significant element of the proposal and its effects are highly localised and mitigated by its uniform and simple design.

- **Land, Soils and Water (Flooding)**: The proposed development is located within the floodplain of the River Foyle and fluvial flooding is a feature of the site. While the site will continue to experience flooding post development, it has been determined that it will have no measurable effect on flooding elsewhere. Subject to the implementation of the suite of mitigation measures proposed and the development of a properly designed and well executed Flood Evacuation and Management Plan as proposed, the risk to users is minimised.
- **Cultural Heritage**: The potential impacts on cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features/deposits that may be identified.
- **Material Assets (Roads & Traffic):** The main impacts will occur during the construction stage which will be short-term and temporary and will be mitigated by the measures set out in the revised Environmental Impact Assessment Report, including a Traffic Management Plan. Impacts during the operational stage would be negligible and not impact significantly on the adjoining road network. The proposed bridge will make a positive contribution in terms of promoting active travel modes and improvements to pedestrian facilities will be positive in terms of pedestrian safety.

This reasoned conclusion is up to date at the time of completion of this report.

12.0 Appropriate Assessment

12.1. The likely significant effects on a European site

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Screening the need for Appropriate Assessment
- The Natura Impact Statement
- Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive:

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The proposed development is not directly connected to or necessary for the management of any European site and is therefore subject to the provisions of Article 6(3).

Screening the need for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e., screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

The applicant carried out an appropriate assessment screening exercise, which is contained in Appendix 8-1 of the application documentation The screening report identifies European 8 no. sites within the zone of influence of the proposed development. The DAU submission considered that Lough Swilly SPA should be screened in for consideration in the NIS as Whopper Swan and geese species (supporting Lough Swilly SPA populations) are known to feed and commute on the Foyle River system. The revised Screening for Appropriate Assessment therefore included consideration of 9 no. sites as follows:

- River Finn SAC (Site code: 002301).
- River Foyle and Tributaries SAC (Site code:UK0030320).
- Moneygal Bog SAC (Site code:UK0030211).
- Owenkillew River SAC (Site code: UK0030233).
- Lough Foyle SPA (Site code: 004087).

- Lough Foyle SPA (Site code: UK9020031).
- The Maidens SAC (Site code UK0030384).
- Donegal Bay (Murvagh) SAC (Site code: 000133).
- Lough Swilly SPA (Site code: 004075).

The rationale for inclusion of the sites in the screening assessment is as follows:

Four sites were identified with a 15km zone of the proposed development:

- River Finn SAC (Site code: 002301).
- River Foyle and Tributaries SAC (Site code:UK0030320).
- Moneygal Bog SAC (Site code:UK0030211).
- Owenkillew River SAC (Site code: UK0030233).

The River Foyle discharges into Foyle Lough which creates hydrological connectivity between the development and the following sites;

- Lough Foyle SPA (Site code: 004087).
- Lough Foyle SPA (Site code: UK9020031).

The Northern Ireland Environment Agency advised that European sites for which Grey Seal and Harbour Seal are features of Qualifying Interest should also be considered for significant effects. The following sites were identified:

- The Maidens SAC (Site code UK0030384)
- Donegal Bay (Murvagh) SAC (Site code: 000133)

Lough Swilly SPA was included as Whooper Swan which are an SCI for the site, use the river corridor as a refuge site, commuting corridor and navigational route

The revised Stage 1 Screening Assessment concluded that there is no potential for significant effects on the Owenkillew River SAC (UK0030233) which is located upstream of the works (13.9km), or on Monegal Bog SAC (Site code:UK0030211) due to distance (13.6km) and the absence of viable ecological vectors. These European sites were therefore eliminated for further assessment, which I consider reasonable as no source-pathway-receptor linkages have been established.

The applicants revised Stage 1 Screening Assessment concluded that there was the potential for significant effects on the 7 no. remaining sites requiring further assessment. I have reviewed the information and note the following.

The Maidens SAC (Site code UK0030384) which is designated for Grey Seal is located 108km east of the site and Donegal Bay SAC (Site code 000133), which designated for Harbour Seal is located 46km to the west. The revised Screening Report refers to potential ex-situ disturbance effects should the species use this River Foyle for foraging/feeding. There is reference to occasional sightings of Harbour Seal along this stetch of the river.

I consider that the potential for ex-situ effects is a highly unlikely scenario given the habitat conditions and the distance from the seals normal distribution. There is no potential for impacts on haul-out sites or disturbance to foraging seals. While seals may occasionally travel up rivers in search of food this would be an uncommon event and would be restricted to individuals and not of population significance. I would therefore conclude that there is no likelihood of significant effects on The Maidens SAC (Site code UK0030384) or Donegal Bay SAC (Site code 000133) and these two sites can be eliminated for further assessment.

Lough Foyle SPA is part of the larger cross-border Lough Foyle Complex and is selected as an internationally important wetland site that supports international populations of wintering waterbirds, including Whooper Swan, Light-bellied Goose and Bar-tailed Godwit. Site specific conservation objectives have been published for the site which is the maintain the favourable condition of the species for which the site is selected. The development site is connected to the SPA via the River Foyle. The AA Screening Report refers to potential ex-situ disturbance impacts on Whooper Swan associated with suitable feeding habitat on the site and surrounding lands and indirect ex-situ impacts associated with a deterioration in water quality from the works and impacts on aquatic vegetation and food sources. I note that small flocks have been observed occasionally using the site and flying along the river corridor to access feeding grounds to the south.

Having regard to the limited use of the surrounding lands by Whooper swan, their opportunistic grazing habits, the significant distance between the site and the SPA (32km downstream) and the diluting effects of the intervening waters, I consider that

the potential for significant ex-situ effects, which would affect populations and the distribution of Whooper Swan within the SPA is remote. I would therefore conclude that Lough Foyle SPA (Site code: 004087) and Lough Foyle SPA (Site code UK9020031) can be eliminated for further assessment.

Lough Swilly SPA (Site code:004075) is of conservation interest for wintering waterbirds and supports international important numbers of Whooper Swan, Greenland White-fronted Goose and Greylag Goose. There is no hydrological connection between the SPA and the development site, removing the potential for impacts on aquatic vegetation and food sources.

The SPA is also at a remove from the site (16.6km) and I consider that it can also be eliminated for further assessment for the same reasons as outlined above for Lough Foyle SPA. Having regard to the occasional use the site by Whooper Swan, I would consider that the potential for ex-situ impacts that would affect populations and the distribution of Whooper Swan associated with the SPA are not likely. I would also note that the proposed bridge does not present a collision risk for Whopper Swan who use the site as a commuting corridor and navigational route. were observed flying at greater heights.

Based on my examination of the revised NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the River Finn SAC (Site code :002301) and the River Foyle and Tributaries SAC (Site code: UK0030320). The development site is located partially within both SAC's and as the potential for significant effects cannot be ruled out, these two sites are brought forward for further assessment. The remaining sites can be screened out from further assessment due to distance, lack of connectivity and the absence of viable ecological connections between the proposed development and these European sites.

It is therefore reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that 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, Moneygal Bog SAC (Site code:UK0030211), Owenkillew River SAC (Site code: UK0030233), The Maidens SAC (Site code: UK0030384),Donegal Bay SAC (Site code: 000133), Lough Foyle SPA (Site code: 004087), Lough Foyle SPA (Site code UK9020031), and Lough Swilly SPA (Site code 004075) in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

No measures designed or intended to avoid or reduce any harmful effects on a European site have been relied upon in this screening exercise.

Natura Impact Statement

The Stage 1 Screening Assessment concluded that a Stage 2 Appropriate Assessment was required as significant effects could not be ruled out on European sites. A Natura Impact Statement (which was revised in response to further information) was prepared and is included in Appendix 8-2 of the application documentation. The NIS outlined the methodology for assessing potential impacts on the habitats and species within the European sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following:

- A desk top study included a review of available data bases (NPWS, National Biodiversity Data Centre, EPA, GSI, OSI and ecological reports and literature)
- Field surveys -including habitat surveys, otter, bird surveys and invasive species surveys during 2020/2021.
- Consultation with DAU, OPW, Inland Fisheries Ireland, Birdwatch Ireland and EPA, Loughs Agency.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not

individually or in combination with other plans and projects adversely affect the integrity of any European site.

Having reviewed the revised NIS and the supporting documentation, including information supplied in response to the further information request, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided and they are summarised below. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment - Stage 2

The AA Screening report submitted with the application concluded that it was not possible to rule out the potential for significant effects on 7 no. European sites: Having reviewed the revised Stage 1 Screening Report, I have concluded that five of these sites, The Maidens SAC (Site code:UK0030384), Donegal Bay SAC (Site code: 000133) Lough Foyle SPA (Site code:004087), Lough Foyle SPA (Site code:UK9020031) and Lough Swilly SPA (Site code: UK9020031) can be excluded for further assessment on the basis that there is no likelihood of significant effects.

I accept that it is not possible to rule out the potential for significant effects on the following European sites :

- River Finn SAC (Site code: 002301)
- River Foyle and Tributaries SAC (Site code:UK0030320)

A description of each site follows together with a table that provides details of the European sites', their qualifying interests and potential impacts likely to arise.

River Finn SAC (Site code: 002301) – The site comprises the entire freshwater element of the River Finn and its tributaries and also includes Lough Finn where the river rises. The spawning grounds at the headwaters of the Mourne and Derg Rivers, Lough's Derg and Belshade and the tidal stretches of the Foyle north of Lifford to the border are also part of the site. There are many towns along the river including Lifford, Castlefinn, Stranolar and Ballybofey.

The Finn system is one of Ireland's premier salmon waters. It is also important for Otter, which is widespread throughout the system. The site supports important

populations of species listed on Annex 11 of the E.U. Habitats Directive and several habitats listed on Annex 1.

The entire site is located in Co Donegal. Site specific conservation objectives have been published for the site which is to restore the favourable conservation condition of Oligotrophic waters, Northern Atlantic Wet Heaths, Blanket Bogs (Active) and Transition Mires, and to maintain the favourable conservation condition of Salmon and Otter in the SAC.

River Foyle & Tributaries SAC (Site code: UK0030320) – The site has been designated as a Special Area of Conservation because it contains habitat types and/or species which are rare or threatened within a European context. It contains Annex 1 habitat (water courses of plain to montane levels) and Annex 11 species (Salmon, Otter).

European Site	List of Qualifying interest /Special conservation Interest	Connections	Potential Impacts
Lough Finn SAC (002301)	Oligotrophic waters Wet heath Blanket Bogs * Transition Mires Atlantic Salmon Otter	Direct/indirect as the development is partially located within the site	Habitat loss Disturbance of species Deterioration in water quality Spread of invasive species
River Foyle & Tributaries SAC (UK0030320)	Water courses of plain to montane levels Salmon Otter	Direct/indirect as the development is partially located within the site	Habitat loss Disturbance of species Deterioration in water quality Spread of invasive species.

Appropriate Assessment

The following provides an objective assessment of the implications of the proposed development on the European sites based on the scientific information presented in the NIS.

Potential impacts during construction

The construction stage of the development involves a range of activities with the potential to impact on European sites. Some activities will be undertaken on the river banks and within the river channel and the SAC's. These include site investigation works and works associated with the construction of the bridge (pier/abutments), slipway, temporary crane pad, temporary working platform and associated development. The main potential impacts identified in the NIS that could give rise to significant adverse effects are associated with the following:

- Direct habitat loss/fragmentation.
- Potential for sediment/silt and other pollutants to enter the SAC's.
- Noise disturbance from machinery and drilling activities.
- Spread of invasive species.

Habitat loss/fragmentation

The clearance of vegetation will result in the permanent loss of riparian habitat associated with the construction of the bridge landing points and the jetty. There would also be disturbance of sections of the river bed associated with development of the proposed slipway and the construction of the temporary crane platform and working platform.

The River Finn SAC is selected for 4 no. habitat types none of which occur in the vicinity of the site. There will therefore be no direct effects on any qualifying habitat arising from the proposed development. There is potential for indirect effects on 'Watercourses of plain to montane levels with the *Ranunculion Fluitantis* and *Callitricho-Batrachion vegetation,)* which is a qualifying interest of the River Foyle and Tributaries SAC, arising from a deterioration in water quality.

Release of sediment/silt and other pollutants

There is potential for the discharge of silt, sediments, mud substrates and pollutants (cement and fuel/oil spillages) associated with construction resulting in a deterioration in water quality with the potential for significant adverse effects on water dependent habitats and species (Salmon and Otter) for which the SAC's are selected. The proposed car park on the Strabane side of the site will be located on a former halting site with the potential for surface water run-off containing pollutants and hydrocarbons to enter surface water and the River Foyle.

Noise/Visual Disturbance

The works will result in noise and increased human activity. Piling works will be required for the works associated with the construction of the bridge with the potential to result in vibration impacts. This has the potential to impact on Otter that use the site and salmon within the River Foyle.

While otter activity levels were noted to be high throughout the site, no holts or natal dens were observed within 1km of the works. The works have the potential to result in temporary disturbance of the species and displacement from foraging areas. The River Foyle is important for spawning salmon and vibration effects could adversely affect salmon eggs and fry.

Spread of non-native invasive species

Three invasive plant species have been identified on the site including Japanese knotweed, Himalayan balsam and Giant hogweed. The construction works on both sides of the site have the potential to result in the spread of invasive species with impacts on the qualifying habitats/species of the SAC.

Mitigation measures during construction

It is accepted that the potential exists for significant adverse effects on qualifying habitats and species during construction in the absence of mitigation.

Habitat loss/fragmentation

The only qualifying habitat with the potential to be significantly impacted by the proposed works is 'Watercourses of plain to montane levels with the *Ranunculion Fluitantis* and *Callitricho-Batrachion vegetation',* downstream of the site. The potential for significant adverse effects on this qualifying interest of Lough Foyle &

Tributaries SAC would be mitigated by the measures proposed to protect water quality set out below.

Release of sediment/silt and other pollutants

The NIS sets out standard type mitigation measures that will be employed during construction throughout the site to protect water quality. These measures which are standard and proven best practice cover all aspects of the construction phase including (soil stripping/storage/stockpiles, excavation works, dewatering, collection/ treatment of surface water discharges, concrete management, materials handling, management of fuel, oils and refuelling operations, road maintenance/wheel wash facilities and biosecurity and invasive species management).

In addition to these measures and to provide additional protection to the water environment and ultimately to the qualifying interests of the SAC's, buffer zones will be implemented near watercourses, including the River Foyle and surface water features within the site. These will be used to prevent high risk polluting activities (ground disturbance/excavations/vegetation stripping /application of chemicals, oil/chemical storage, concrete mixing/washout, vehicle parking/servicing, stockpiling of materials, placement of welfare units) being carried out close to high risk polluting pathways linked to the SAC. These will include a 15m buffer to all watercourses/areas of standing water and a 100m buffer to the River Foyle SAC.

The buffer zones will be marked out on the ground and silt fencing will be placed around the perimeter to prevent sediment laden water and other pollutants from entering the River Foyle and other watercourses, including the Roughan Stream on the Lifford side of the site and the Nancy Burn and Park Road drain on the Strabane side, all of which discharge eventually to the River Foyle.

Some of the construction work will of necessity be undertaken in close proximity to some watercourses and within the buffer zones. This will include:

- Excavation and piling works to install bridge abutments.
- Works to construct/deconstruct a temporary working platform on the river bank on the Lifford side of the site (ground stripping, piling, concreting and breaking out).

- In-river construction and de-construction of crane pad for the installation of the bridge (rock armour, geotextiles, granular fill emplacement).
- Widening and realignment works to riverside embankments and former railway embankments.
- Infilling of watercourse channel and re-routing of watercourse (Roughan Stream) on the Lifford side of the site.
- Earthworks around wetlands and watercourses, including removal of hardstanding, installation of SuDS system and interceptors, laying of new carpark surfacing (Stabane).
- Excavation/removal of invasive plant species.
- Ancillary works including vegetation cut back, landscaping, installation of lighting, fencing and gates

To mitigate potential impacts and any resultant adverse effects, silt fences will be installed where possible between the activity and any downslope watercourse. Where this is not possible a shallow cut off trench downslope of the activity will be installed to trap sediment before it reaches the watercourse and silt traps will be installed in any minor watercourse downstream of the works. Standard mitigation measures will be deployed to control oil/fuel spills, clean up measures etc in the case of accidental spills.

An Ecological Clerk of Works (ECoW) will be appointed to oversee the works and specialist equipment and pollution prevent response methodologies will be installed to mitigate impacts (silt traps, bunded fuel bowser, spill kits, plant nappies, biodegradable lubricants etc).

The construction of the bridge will require the provision of a temporary works platform on land adjacent to the Lifford riverbank, extending into the river channel and the SAC. The platform will be required to accommodate a crane which will be used to lift the bridge spans into place. The proposed jetty on the Lifford side will also extend into the river channel and the SAC.

Best practice measures will be employed during construction to reduce the potential for the discharge of silt/sediment to the watercourse, including the use of geotextile tarp material on the riverbank before the works platform is constructed, use of

geotextile separation membranes, cofferdams and silt traps/curtains to act as a barrier against sediment migration. No works will take place within the river channel between the months of May and September to avoid the salmon spawning season.

The site is located within a flood plain and the construction compounds on both sites of the site are not proposed to be defended during a major flood event. These facilities will include oil and chemical storage, vehicle/machinery refuelling area, biosecurity washing area, welfare facilities general storage and offices. While the contractor is obliged to carry activities in accordance with relevant pollution prevention and good practice guidance and procedures, it is acknowledged that there will be some degree of residual pollution risk during a flood event. In the event of a major event, the risk of pollution is assessed as negligible due to the diluting effects of the river systems which would be in full spate.

Noise/Visual Disturbance

There is potential for significant effects on qualifying interests of the SACs (Otter, and Salmon) during construction arising from noise, vibration and disturbance associated with the works. These impacts could cause Otter to avoid the area and impact on migrating salmon.

The measures proposed to protect Otter during construction include:-

- Restriction on work hours which will cease before the species which are crepuscular and nocturnal are most active.
- Creation of buffer zone near watercourses to protect water quality and ultimately prey resources.
- Limit high risk polluting activities within the buffer zones to protect water quality.
- Exclusion fencing around the perimeter of the halting site area on the Strabane side of the site to prevent injury to otter during the works
- Re-instatement of disturbed habitat using native riverine species to re-create foraging habitat used by Otter including increasing the size of the corridor of reed and large sedge swamp habitat located along the riverine corridor which is noted to be heavily used by otters in the area.

The measures proposed to protect Salmon during construction include;

- Works within the river channel shall not take place between the months of May and September to avoid the spawning season.
- Standard and specific mitigation measures within buffer zones to protect water quality.

Spread of Invasive species

Best practice measures to prevent the spread of invasive species will be contained in an Invasive Species Management Plan which will form part of the CEMP.

Potential impacts during operation

Mitigation is achieved by the overall design of the bridge which comprises a single span structure, with no instream piers with the potential to impact on spawning habitat or migratory salmon. The reinstatement of riparian habitat, including reed and sedge habitat which provides key habitat for Otter will reduce the potential for significant effects on the species. The public pathways will be set back from the river's edge a small culvert/ledge structure will be worked into the bridge landing areas to allow otter free land access where the bridge makes contact with the River Foyle. Subject to these mitigation measures significant adverse effects on Otter are not likely to arise.

The location of the site within a flood plain creates the potential for the area to be inundated during flood events and for pollutants to enter the water environment. The completed development will include a Maintenance Depot/Compound facility which incorporate welfare facilities for staff and storage of chemicals used for the upkeep of the park (bleach, pesticides, lubricating oils, de-icer etc) and site maintenance/management vehicles. The depot will not be raised above flood level.

To mitigate the potential for significant effects, a number of measures are proposed including storing high risk materials inside the building in watertight secondary containment to prevent release during flooding. It is proposed that the storage , of oils, fuels pesticides and potentially polluting materials such as road salt will be kept to a minimum. It is acknowledged in the NIS that this impact cannot be fully mitigated but will be reduced by the measures proposed.…

New stormwater management measures will be provided on both sides of the site, incorporating SuDS and appropriate interception to prevent contaminants from entering the River Foyle during the operational stage. On the Strabane side at the proposed car park will be located on the former halting site with the potential for hydrocarbons and other pollutants to enter surface water. The SuDS system will comprise hardstanding areas incorporating areas of permeable surfacing which allows infiltration of run-off waters into a permeable substrate. The substrate will be hydraulically sealed from the underlying made ground (under the permeable substrate) using an impermeable membrane to prevent down migration of run-off into the underlying groundwater system. The infiltrated run-off which will provide SuDS source control for sediments and pollutants will discharge via interceptors to the Park Road drain along the site boundary.

Cumulative impacts

The NIS refers to the potential for cumulative impacts with other developments in the locality. In terms of the baseline environment, it is noted that the cessation of illegal gravel extraction downstream of the site and the upgrade works to the treatment plants on both sides of the river will contribute to improved water quality. At the time of inspection, the upgrade works to the Lifford WwTP were underway and scheduled for completion in June 2022. There is therefore no potential for cumulative construction stage impacts with the proposed riverine development.

Assessment

I accept that the greatest potential for significant effects arises during the construction stage of the development is associated with the possible discharge of silt, sediment and pollutants to the River Foyle. Unmitigated, such effects could result in adverse effects to the integrity of the European sites in view of their conservation objectives, many of which are reliant on maintenance of water quality. I consider that these impacts can be effectively managed by the mitigation measures proposed, which include both standard best practice supported by more stringent supervised measures within the buffer zones, I consider that these measures will be sufficient to ensure that there are no adverse effects on the integrity of Lough Finn SAC and Lough Foyle & Tributaries SAC, in view of the sites' Conservation Objectives.

Conclusion on Appropriate Assessment

Having regard to the nature of the proposed development and the mitigation measures proposed, the information presented with the application, including the Natura Impact Statement which I consider is adequate to carry out an assessment of the implications of the proposed development on the integrity of European sites, I consider it reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the River Finn SAC (Site code: 002301), River Foyle and Tributaries SAC (Site code:UK0030320or any other European site, in view of the site's Conservation Objectives. There is no reasonable doubt to the absence of such effects.

This conclusion is based on:

- Standard and proven mitigation measures to prevent possible construction related contaminates from entering the River Foyle adjacent to the site.

13.0 Recommendation

Having regard to the foregoing, I recommend that approval be granted for the proposed development for the reasons and considerations set out below, subject to compliance with the attached conditions and in accordance with the following Draft Order.

14.0 Reasons and Considerations (Draft Order)

In coming to its decision, the Board had regard to the following:

(a) 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.

(b) Directive 92/43/EEC (The Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (The Birds Directive) which sets out the requirements for the Conservation of Natural Habitats and Wild Fauna and Flora throughout the European Union.

(c) the policies and objectives of the Donegal County Development Plan 2018-2024.

(d) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,

(e) the conservation objectives, qualifying interests and special conservation interests for the River Finn SAC (Site code:002301) and River Foyle and Tributaries SAC (Site code: UK0030320),

(f) the nature, scale and limited duration of the proposed works as set out in the application for approval,

(g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the revised Natura Impact Statement,

(h) the submissions and observations received in relation to the proposed development and the responses to further information,

(i) the report of the Inspector.

Appropriate Assessment: Stage 1

The Board considered the revised Natural Impact Statement and all other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites.

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the River Finn SAC (Site code: 002301) and the River Foyle and Tributaries SAC (Site code: UK0030320) are the only European sites for which there is a possibility of significant effects and which, must therefore be subject to Appropriate Assessment.

Appropriate Assessment: Stage 2

The Board considered the revised Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the

proposed development for the European Sites in view of the sites' conservation objectives, namely the River Finn SAC (Site code: 002301) and the River Foyle and Tributaries SAC (Site code: UK0030320) The Board concluded that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European Sites

iv. the views contained in the submissions

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives and there is no reasonable doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

(a) the nature, scale, location and extent of the proposed development,

(b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application, including the further information,

(c) the submissions received during the course of the application, and

(d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and Human Health**: Positive impacts in terms of the provision of enhanced open space and recreational facilities which benefit both communities on both sides of the Border.
- **Biodiversity**: Habitat loss associated with construction will impact on habitats of low ecological value with no rare or protected species recorded. Potential impacts to habitats and faunal species, aquatic fauna, avian species and bats would be mitigated by the implementation of the measures during the construction and/or operational phases set out in the revised Environmental Impact Assessment Report
- **Land soil and water** (Flooding): The site will continue to be subject to fluvial flooding but will not increase flood risk on the site or contribute to flood risk elsewhere.
- **Material assets** (Roads & Traffic): will be mitigated during construction by the measures set out in the revised Environmental Impact Assessment Report and Traffic Assessment. The impacts during the construction stage will be short term, temporary and capable of effective mitigation. Traffic during the operational stage will be accommodated without significant adverse effects on the road network.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the EIAR, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Having considered the totality of the Environmental Impact Assessment Report, associated documentation submitted with the application and the report of the Inspector, the Board concluded that any likely significant effects on the environment would be mitigated by the mitigation measures proposed by the applicant.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not pose a risk to water quality, would not contribute to flooding on the site or increase flood risk downstream, would not seriously injure the amenities of property in the vicinity and would not adversely impact on the cultural, archaeological and built heritage of the area. The proposed development accords with international and national objectives to deliver shared infrastructure projects of mutual benefit within the border region of Ireland and Northern Ireland and is in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further plans and particulars received by the Board on the 28th day of April, 2022 except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the

planning authority, these details shall be placed on file and retained as part of the public record.

Reason: In the interests of clarity and the proper planning and sustainable development of the area and to ensure protection of the environment.

2. The mitigation measures and monitoring commitments identified in the revised Environmental Impact Assessment Report and other plans and particulars submitted with the applications shall be implemented in full.

   Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the development.

3. The mitigation measures contained in the revised Natura Impact Statement shall be implemented in full.

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

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory authorities, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the revised Environmental Impact Assessment Report, the revised Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

   - Method Statement for each phase of the work, including sequencing and timing, noise management measures and construction hours.
   - Traffic Management Plan including works programme, access/egress measures,
   - Surface Water Management
   - Invasive Species Management Plan
   - location of the construction compound including the area identified for the storage of waste

- containment for all construction related fuel and oil within a specifically constructed bund to ensure that fuel spillages are fully contained
- details of how it is proposed to manage any excavated materials
- emergency response plan
- proposals in relation to public information and communication
- specific proposals on how the measures outlined in the CEMP will be measures and monitored foe effectiveness.

The Construction and Environmental Management Plan shall be retained on file as part of the public record

Reason: In the interest of protecting the environment.

5. Construction works shall be confined to between 08.00 and 18.30 hours Monday to Friday inclusive and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

   Reason: To safeguard the amenities of property in the vicinity.

6. No development shall take place at or in the River Foyle between the 1st Day of October and the 30th day of October in any one year, unless otherwise agreed with the Lough's Agency

   Reason: In the interest of nature conservation and to ensure protection of the European sites.

7. The County Council or any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

8. A suitably qualified freshwater ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of the mitigation measures relating to

ecology set out in the revised Natura Impact Statement. The ecologist shall be present during the construction works. Upon completion of the works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on the file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

9. The local authority, or any agent acting on its behalf shall retain the services of a suitably qualified and experienced bath specialist to survey the site for the presence of bat roosts, prior to commencement of development. In the event that any roosts are identified, the national parks and Wildlife Service shall be consulted regarding how best to deal with such roots. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service.

   Reason: In the interest of protecting ecology and wildlife in the area.

10. The local authority, or any agent acting on its behalf shall retain the services of a suitably qualified and experienced ecologist to survey the site for the presence of badger, prior to commencement of development. In the event that any setts are identified, the National Parks and Wildlife Service shall be consulted regarding how best to deal with such setts. The removal of any setts identified shall be carried out only under licence from the National Parks and Wildlife Service.

    Reason: In the interests of protecting ecology and wildlife in the area

11. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard the developer shall-

    (a) employ a suitably qualified archaeologist who shall access the site and monitor all excavation and site works, and

    (b) provide suitable arrangements acceptable to the Department of Housing Local Government and Heritage for the recording and removal of any archaeological material which is considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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.Breda Gannon
Senior Planning Inspector

21st November 2022