



An
Bord
Pleanála

Inspector's Report 312985-22

Development	Stranorlar Multi-Use Sports Facility Improvement Project.
Location	Millbrae, Stranorlar, Co. Donegal.
Local Authority	Donegal County Council.
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Department Environment, Climate and Communications, Transport Infrastructure Ireland.
Observer(s)	None.
Date of Site Inspection	24/11/22.
Inspector	Sarah Lynch.

Contents

1.0 Introduction.....	3
2.0 Proposed Development	3
3.0 Site and Location	4
4.0 Planning History.....	4
5.0 Legislative and Policy Context.....	4
6.0 The Natura Impact Statement.....	9
7.0 Consultations	9
8.0 Assessment	10
9.0 Recommendation.....	28

1.0 Introduction

- 1.1. Donegal County Council is seeking approval from An Bord Pleanála to undertake improvement works to a multi-use sports facility known as the Finn Valley Centre at Millbrae Stranorlar adjacent to the River Finn SAC which is a designated European site. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. 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 a 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.

2.0 Proposed Development

- 2.1. The proposed development comprises the upgrading of an extension to an existing grass playing pitch to develop a Synthetic Multi Sport All weather pitch and associated works including floodlighting, site and pitch fencing, all stop netting, site drainage, landscaping, the forming of a flood protection berm and provision of a perimeter grass walking/running track on top of the berm. The proposal will also involve the relocation of an existing underground 10kV cable and connection to an existing on site ESB substation.
- 2.2. **Accompanying documents:**
 - NIS
 - Construction & Environmental Management Plan
 - Ecological Impact Assessment Report

- Plans and particulars demonstrating location and details of proposed works.
- Planning notices.

3.0 Site and Location

3.1. The proposed development will be located to the south of the existing multi-sport facility at Millbrae Stranorlar. The development is located within a grassed area which is currently used as playing pitches. The lands are located at the edge of the town centre and are relatively flat in terms of topography. The site abuts the banks of the River Finn to the south and is partially located within the boundary of the SAC. The lands comprise amenity grassland, hedgerows, wet grassland and treelines. The site is accessed via an existing access from the Millbrae Road to the east.

4.0 Planning History

- 2251228 Permission was granted for the installation of Solar Panels onto roof of athletic club and leisure club.
- 1850302 Retention Permission was granted for a storage building for sports and athletics equipment and permission was granted for construction of an extension to the rear of the building to facilitate changing rooms.
- 1250105 Permission was granted for a first-floor extension to the sports facility

Lands to south of site:

- ABP 304662 – Permission was granted for dredging of material for flood relief works along the River Finn.

5.0 Legislative and Policy Context

5.1. **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).

- 5.2. **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.
- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht 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.
- 5.4. European sites located in proximity to the subject site include:
- River Finn SAC (within the site to the south of the proposed works)
 - Foyle and Tributaries SAC (18km)
- 5.5. **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.

5.6. **Policy Context**

5.7. **Donegal County Development Plan 2018-2024**

5.8. The provision of high quality social and community infrastructure and services such as sports and recreation facilities, walking and cycling routes, parks, public spaces, playgrounds, community resource centres, schools, childcare services and healthcare facilities is crucial to the creation of sustainable communities and in turn a high quality of life. The Council will collaborate with public, private and community organisations in the provision of such infrastructure and services and will directly provide new and maintain existing physical social and community infrastructure such as parks, playgrounds, and public spaces including through inter alia the Council's playground programme, and the Town and Village renewal scheme.

5.9. **CCG-P-4:** It is a policy of the Council that any development proposal for social, community or cultural use (e.g. healthcare facilities sheltered housing facilities, nursing homes, residential care homes, sports/recreational facilities, playgrounds, community resource centres, education facilities, libraries, museums, galleries etc.), in addition to other policy provisions of this Plan, shall be required to meet the following criteria

- (a) It is compatible with surrounding land uses existing or approved

- (b) It will not have a significant impact on adjacent residential amenities.
- (c) There is existing or imminent programmed capacity in the public water waste infrastructure for developments within urban areas or suitable on-site effluent treatment facilities to EPA standards can be provided in rural areas. (d) It does not cause a traffic hazard and the existing road network can safely handle any extra vehicular traffic generated by the proposed development.
- (e) Adequate parking provision, access arrangements, manoeuvring and servicing areas are provided in line with technical standards and policies of this Plan.
- (f) The layout of the development provides for a high level of, and prioritises, pedestrian permeability and access.
- (g) It does not create a noise nuisance and will not cause any significant environmental emissions.
- (h) The location, siting, and design of the development including associated infrastructure and landscaping arrangements is of a high quality and does not have an adverse impact on the host landscape, rural character, or visual amenities of the area (for developments in rural areas), does not have an adverse impact on/successfully integrates with the streetscape, vernacular character or built environment of the area (for developments in urban areas).
- (i) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (j) It does not have an adverse impact on the built, scenic, or natural heritage of the area including structures on the RPS/NIAH and Natura 2000 sites;
- (k) It is not located in an area at flood risk and/or will not cause or exacerbate flooding;
- (l) It does not compromise the water quality of water bodies with River Basin Districts designed under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.

5.10. **Seven Strategic Towns Local Area Plan 2018-2024**

5.11. **Policy SO2:** To enhance and develop Ballybofey-Stranorlar by 2024 so as to enhance its reputation as a sporting centre of excellence and as a key centre of recreation and hospitality for the County. In addition, the Twin Towns will have an enhanced reputation also as an attractive place to live and work on foot of expanded residential and retail facilities and on foot also of strategic infrastructural improvements to the town.

5.12. The proposed development lands are zoned within the plan for leisure, sport and recreation uses and lands adjacent to the river are identified for open space and recreation uses. The following is relevant to the development site:

Policy BS-TR-3: It is a policy of the Council to consider development proposals within Masterplan Area 1: Railway Road/Finn Valley Complex Lands where they would comply with the following policy framework:

3. Leisure Centre Site: The Leisure Complex and all-weather football pitches have marked the already successful development of this area. Any further expansion and development of sporting, recreational and community uses within this area shall be encouraged and supported. Future development within this area should have particular regard to and address car parking, adjoining vehicular and pedestrian/cycle routes and afford a degree of latent surveillance.

5. Sporting, leisure and recreational site Sporting, leisure and recreational uses only, shall be supported and encouraged at this location. Any application shall make provision for the retention of existing vegetation and mature trees particularly along the southern and eastern boundaries. Particular regard must be had along the interface with the SAC lands to the South and East and the Public Recreation Area to the west of the site. The proposed new road along the north of the site is an important linkage throughout the masterplan area and as such treatment along this boundary should be innovative and of a high quality whilst also offering a degree of latent surveillance. Given the encroachment of the River Finn flood zone into this area, proposals shall not comprise housed or occupied structures. These lands may be used in part to accommodate public utilities or facilities ancillary to the general sport and recreational use on adjoining lands.

5.13. **Implementing the National Flood Risk Policy 2018**

Ballybofey / Stanorlar is identified as a relief scheme that is planned.

5.14. **Ballybofey/Stranorlar Regeneration Strategy**

The proposed multi-sport facility has been secured under the Shared Spaces theme of the Peace IV Programme for the development of a future all weather multi-sport facility in Stranorlar. Donegal County Council will also be providing match funding in respect of this project which will be the first of this scale in the County.

6.0 **The Natura Impact Statement**

6.1. Donegal County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

6.2. The NIS was accompanied by an Ecological Impact Assessment Report.

7.0 **Consultations**

7.1. The application was circulated to the following bodies:

- Department of Environment, Climate and Communications
- Department of Culture, Heritage and the Gaeltacht
- Irish Water
- National Parks and Wildlife Service
- The Heritage Council
- An Taisce
- Transport Infrastructure Ireland
- Loughs Agency

- EPA

Responses were received from Department of Environment, Climate and Communication and Transport Infrastructure Ireland.

7.2. **Department of Environment, Climate and Communication** – In respect of waste the Local Authority should consult directly with their Regional Waste Management Planning Officer regarding development of the final plans.

7.3. **Transport Infrastructure Ireland** – no observations to make

7.4. **Public Submissions**

- None

8.0 **Assessment**

8.1. Under the provisions of Section 177AE (6) of the Planning and Development Act, 2000 (as amended), the Board is required to consider the following in respect of this type of application:

- The likely consequences for the proper planning and sustainable development of the area;
- The likely effects on the environment; and
- The likely impact on any European sites.

The likely consequences for the proper planning and sustainable development of the area

8.2. As outlined above consent is sought by Donegal County Council for works including the upgrading of and extension to an existing conventional grass pitch to develop a synthetic multi use sport all weather pitch. The proposed synthetic multi use pitch will be approximately 150mx106m in area and will be surrounded by a raised embankment with a grassed walking/running track on top, vehicular access with a demountable flood barrier, pitch fencing, ball stop netting, and flood lighting will also form part of the proposed development.

8.3. Whilst the Donegal County Development Plan supports the development of sports and recreational facilities in general within the County, the development of the proposed site is specifically referred to and supported within the Seven Strategic Towns Local

Area Plan 2018-2024. The site is identified within this plan for the development of recreational and sporting facilities, and as mentioned within the Ballybofey/Stranorlar Regeneration Strategy, the development of the all-weather pitch has been secured under the Shared Spaces theme of the Peace IV Programme. It is clear, therefore that the proposed development is strongly supported by Donegal County Council at a policy level. Having regard to the policy provisions of the Donegal County Development Plan, the Seven Strategic Towns Local Area Plan 2018-2024 and the Stranorlar Regeneration Strategy, I am satisfied that in principle, the proposed development accords with the proper planning and sustainable development of the area.

8.4. The likely effects on the environment

- 8.5. The proposed works will require the excavation of c. 4000m³ of soil which will be stored on site and reused for the development of flood protection berms surrounding the pitches. The proposed synthetic pitch will comprise geotextile sheeting, a 250mm layer of crushed stone, followed by 150 mm thick layer of finer crushed stone. A 20 mm closed cell shock pad formed of interconnecting tiles will then be installed above the crushed stone with the final layer comprising a synthetic grass carpet.
- 8.6. A 7 metres wide running track will be constructed on top of the flood berm using the excavated material and additional material as required.
- 8.7. Given the location of the proposed pitch within Flood zone A and in such close proximity to the River Finn (65m) which has an abundance of habitats and species within and surrounding it and the location of the site at the towns edge bounded to the north by a mix of development which includes residential, I consider there to be a number of issues which have the potential to impact the surrounding environment. Such matters are considered hereunder.

Spread of Japanese Knotweed and Himalayan Balsam

- 8.8. It is of note that stands of both Himalayan Balsam and Japanese Knotweed have been recorded along the banks of the River Finn to the south of the proposed development site. Such species are considered to be high impact invasive species listed under the third schedule of the European Communities Regulations 2011. The spread of such species can directly impact water quality and sedimentation levels within watercourses. I note in relation to the proposed works that the stands of plants

recorded are located 65 and 75 metres from the proposed works area and as such are significantly removed from the proposed development.

- 8.9. The applicant has submitted an Invasive Species Management Plan within which a zone of disturbance of 7 metres has been identified. It is proposed to provide a buffer of 7 metres around these plants to prevent the spread of seeds or rhizomes. A pre-construction survey will be carried out to identify any new stands of invasive plant species. Fencing will be installed at the southern end of the site to protect these plants from interference and all personnel will be made aware of their presence and the restrictions applicable. I note that no materials will be stored within 20 metres of the southern boundary of the site and disinfection zones will be identified for machinery and personnel to be cleaned down prior to entering and leaving the site. An ecological clerk of works will also be employed to oversee and monitor the implementation of this plan.
- 8.10. Thus, given the separation distance from the proposed works and the protective measures proposed I am satisfied that the proposed works would not result in any spread of these invasives and as such the proposed development would be in accordance with the provisions of the third schedule of the European Communities Regulations 2011.

Water Quality

- 8.11. The proposed works will essentially facilitate additional land drainage at times of flood, I note from the information submitted that existing land drainage within the development site is to be decommissioned with the exception of the 1200 metre diameter surface water sewer. The existing drainage to the west of the site will be rerouted around the proposed pitch via a new 1200m diameter culvert. The diverted drainage ditch will then discharge back to its original course, the existing 1200m culvert via a new manhole before exiting the site and joining the main surface water sewer on the Millbrae Road which discharges to the River Finn at an outfall on the eastern side of the Dreenan Bridge.
- 8.12. It is of note that salmon redds are known to be present at Dreenan Bridge, protection of water quality is therefore of significant importance at this location. Impacts to salmon will be examined within the Appropriate Assessment section of this report and will therefore not be repeated hereunder.

- 8.13. Water quality at Dreenan Bridge has been designated a poor status with a Q value of 3. In order to protect water quality in relation to the proposed drainage system, I note that proposed French drains are to be wrapped in geotextile membrane to prevent ingress of soil and rubber crumb from the pitch entering the surface water drainage system. Water from the pitch will be directed to a stone soak away under the pitch which will be designed to cater for a 1:30 year storm event, accounting for a 20% climate change contribution. In addition, an overflow connecting to the existing storm water sewer network will be installed and will have a restricted flow of 21/s/Ha. Prior to outfall to the stone soakway, surface water will be directed towards a catch pit manhole and bypass an interceptor to prevent hydrocarbons from maintenance vehicles or debris entering the soakaway.
- 8.14. With regard to the construction of the development I note that works will occur near to a drainage ditch along the southwestern boundary of the site. There is potential for sediment to be carried to the River Finn via this ditch.
- 8.15. The Water Framework Directive status of the River Finn at the location of the proposed works is poor in relation to both the ecological and chemical status of the river. Risks are identified within the sub catchment assessment from overgrazing, land drainage and agriculture. The Water Framework Directive seeks to protect/enhance all waters (surface, ground and coastal waters) and achieve "good status" for all waters in the country and prohibits development that would prevent this from being achieved or would result in the degradation of water quality. I consider, based on the information provided with the application and measures proposed to upgrade the existing surface water drainage system on site and the installation of interceptors and the prevention of debris from entering into the waters that the proposed development would not negatively impact the quality of waters within the River Finn and as such the proposed development is acceptable in this regard.

Flooding

- 8.16. The development site is located within flood zone A and B as indicated within the strategic flood risk assessment carried out for the Seven Strategic Towns Local Area Plan 2018-2024 and the lands are subject to further investigations which are currently under way in relation to the CFRAM Final Flood Risk Management Plan for the area.

A flood risk assessment has been carried out for the proposed site and accompanies the documents submitted for the proposed development.

- 8.17. Site specific hydraulic modelling indicates that the majority of the proposed development site is located within flood zone A. The proposed development was assessed against the mid range future scenario which includes the 20% increase in flow.
- 8.18. It is important to note that the proposed development is a water compatible development and as such the principle of this development is accepted within flood zone A. However, due to the sensitive nature of the proposed synthetic pitch and the surrounding ecological environment specifically the River Finn SAC, it is proposed to protect the pitch from flooding. A flood barrier is proposed in the form of a berm surrounding the proposed pitch. The proposed berm will not only protect the proposed pitch from flood damage but will also protect the ingress of rubber crumb into the River Finn during times of flood.
- 8.19. Flood modelling carried out by the applicant indicates that the proposed defences will increase flood levels locally by c. 0.08 metres. Predicted flood events mapped within figure 4.7 of the Flood Risk Assessment indicate that the changes to flood levels are negligible and as such the proposal will not result in adverse impacts to the existing hydrological regime or flood risk elsewhere.
- 8.20. Having regard to the proposed flood protection measures and the findings of the hydraulic modelling, I am satisfied that the proposed development will not exacerbate flooding in any significant manner within the surrounding area, as such the proposed flood berms are an acceptable form of development in this instance. It is important to note that the site specific flood risk assessment states that the development site is not susceptible to pluvial, ground or coastal forms of flooding, no further examination of these sources of flooding where therefore required.

Biodiversity

- 8.21. In relation to biodiversity it is of note that the applicant carried out a site walkover and ecological surveys on the 7th and 8th April and 22nd June 2021. Surveys related to botanical, mammal, aquatic habitat, bat, ornithological and invasive species. I note from the survey findings that no species such as otter, badger, bat or other protected species were identified as using the site. Furthermore, the proposed development site

is not suitable habitat for species such as badger, bat or otter. In addition, the use of the site by other small protected mammals species such as hedgehog, pygmy shrew, Irish Stoat, or Irish hare is considered unlikely due to the availability of high value habitat within the surrounding environment. It is important to note that the lands are currently used for playing pitches and as such are subject to significant levels of noise disturbance from people utilising the facility.

- 8.22. I am satisfied based on the surveys undertaken and the use of the lands for sports that the proposed development would not give rise to any significant impacts to protected species as outlined above. The potential impacts to species is therefore not considered to be significant.
- 8.23. In addition to the foregoing, the current lands are under grass and as mentioned above used for sports pitches. The habitat value of these lands is therefore low. Existing treelines and hedgerows may provide limited habitat to foraging and breeding birds, however there is an abundance of suitable habitat within the general area and the area of the grass and trees to be removed is not significant in this context.
- 8.24. In conclusion, the lands are currently used for sports pitches which are subject to noise and disturbance. The lands are also within the development boundary of Stranorlar and are zoned for development. As such, based on the findings of the surveys carried out, the current use of the site and the level of disturbance currently experienced at the site, I am satisfied that the proposed development would not have any significant impacts upon biodiversity of the site or the surrounding area. Any trees to be removed will be felled outside of the bird breeding season and significant impacts to birds will therefore be avoided. Impacts to aquatic species will be examined under the Appropriate Assessment Section of this report and will not be repeated hereunder.
- 8.25. With regard to dust and noise generation, given the limited nature of the proposed works I am satisfied that impacts arising from such matters can be adequately dealt with by way of condition, should the board be minded to grant permission.

Access

- 8.26. There are no changes to the current access and parking arrangements for the development. I note that a signalised pedestrian crossing is present connecting leisure centre with the Scoil Mhuire National School providing a safe crossing point for

pedestrians and construction traffic will utilise the bottom of the car park and will be segregated from the public parking area.

- 8.27. Access into and out of the site is onto the Millbrae road and sight lines are adequate in both directions. No traffic impacts are expected to arise from the proposed development.

Noise & Dust

- 8.28. Noise will be associated with the construction phase of the development arising from the use of excavators and other construction machinery. It is of note that there are no dwellings directly adjacent to the proposed development site. The site is used for indoor and outdoor activities at present and is directly accessed off a busy traffic route. The area is therefore not located within a 'quiet' area. Construction noise will be limited in duration and will only occur within permitted daytime hours. Should the Board be minded to grant permission, I recommend a condition is imposed which restricts construction hours accordingly.

- 8.29. With regard to dust emissions, of significance is the excavation of 4000m³ of material to facilitate the proposed pitch and the storage of this material within the site. Whilst the stockpiling of materials is common place within construction sites, it is nonetheless necessary to control dust arising from same. Dust emissions have the potential to impact patrons of the existing leisure facility and attendees of the adjacent school.

- 8.30. I note that the excavated materials will be stored in the area of the existing car park away from watercourses. It is stated that excavations will not be carried out in times of heavy rain and measures have been proposed to protect water quality, however, should the Board be minded to grant permission I recommend conditions to ensure that stockpiled materials are wetted down or covered with tarpaulins if necessary to prevent dust from entering the surrounding area, and therefore protecting patrons of the existing sports facility and the neighbouring school.

- 8.31. The local authority should also take all measures possible to ensure the stability of the berm during construction in order to prevent any movement of materials during times of flood.

- 8.32. **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
- The Natura Impact Statement
- Appropriate Assessment

8.33. **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 competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

Natura Impact Statement

8.34. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several 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.

8.35. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- An examination of aerial photography and maps.
- Ecological surveys of the proposal site and surroundings including an invasive species survey. Site surveys were carried out on the 6th & 7th April and 22nd June 2021.
- Consultations with the National Parks and Wildlife Service.

- 8.36. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not result in adverse effects on the integrity of any Natura 2000 site.
- 8.37. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 5 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).
- 8.38. **Appropriate Assessment**
- 8.39. I consider that the proposed development of a synthetic all weather playing pitch and running track is not directly connected with or necessary to the management of any European site.
- 8.40. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects

European sites considered for Stage 1 screening:

European Site Name & Code	Distance	Qualifying Interest	Source-pathway-receptor	Considered further in screening
River Finn SAC 002301	Site boundary overlaps with SAC boundary	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] Blanket bogs (* if active bog) [7130] Transition mires and quaking bogs [7140]	Direct hydrological link.	Yes - Potential for significant effects arising from disturbance of Salmon breeding

		Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]		grounds as a result of increased sedimentation of the river, contaminated surface water, runoff from construction and operation and potential to disturb otters. Potential to spread invasive species.
Croaghonagh Bog SAC 000129	C. 10km southwest	Blanket Bogs (Active) [7130]	No pathway exists	No
Moneygal Bog SAC (UK0030211)	C. 10.5km southeast of the site	Active Raised Bog	No pathway exists	No
Lough Foyle SPA 004087	45km	Red-throated Diver (Gavia stellata) [A001] Great Crested Grebe (Podiceps cristatus) [A005] Bewick's Swan (Cygnus columbianus bewickii) [A037] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052]	River Finn discharges to River Foyle	No The potential for impact arising from the spread of invasive species is unlikely given the distance from the SPA.

		<p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Eider (<i>Somateria mollissima</i>) [A063]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Foyle and Tributaries SAC (NI) UK0030320</p>	c. 14.7km	<p><i>Lutra lutra</i></p> <p><i>Salmo salar</i></p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</p>	<p>River Finn discharges to River Foyle</p>	<p>Yes -</p> <p>There is potential for impact arising from the spread of invasive species and pollution event from spillage or</p>

				release of sediments during works.
--	--	--	--	------------------------------------

8.41. Based on my examination of the NIS report and supporting information including, the ecological report, the CEMP and the plans and particulars, 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 and the Foyle and Tributaries SAC which are two of the European sites referred to above.

8.42. The remaining European sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore reasonable to conclude that 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 European Site No(s) 004087, UK0030211 and 000129 in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

8.43. **Relevant European sites:** The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
1.River Finn SAC	Salmo salar (Salmon) Lutra lutra (Otter) Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)	Directly adjacent to works area and within the

Site Name	Qualifying Interests	Distance
	Northern Atlantic wet heaths with Erica tetralix Blanket bogs (* if active bog) Transition mires and quaking bogs	application boundary.
2. Foyle and Tributaries SAC	Salmo salar (Salmon) Lutra lutra (Otter) Water courses of plain to montane levels with the Ranunculus fluitans and Callitricho-Batrachion vegetation	c. 14.7km downstream of development boundary.

1. River Finn SAC/site code: 002301

Description of site:

- 8.44. This site comprises almost the entire freshwater element of the River Finn and its tributaries the Corlacky, the Reelan sub-catchment, the Sruhamboy, Elatagh, Cummirk and Glashagh, and also includes Lough Finn, where the river rises. The spawning grounds at the headwaters of the Mourne and Derg Rivers, Loughs Derg and Belshade and the tidal stretch of the Foyle north of Lifford to the border are also part of the site.
- 8.45. The Finn system is one of Ireland's premier salmon waters. Although the Atlantic Salmon (*Salmo salar*) is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the E.U. Habitats Directive. The site is also important for Otter (*Lutra lutra*), another species listed on Annex II of the E.U. Habitats Directive. It is widespread throughout the system.
- 8.46. A number of salmon redds have been identified within the River Finn near to the proposed development boundary at Dreenan Bridge. These spawning gravels are identified within the Site's Conservation Objectives as attributes of the SAC and the conservation objective target for this particular attribute is 'no decline'.

8.47. Similarly, as otter are known to frequent the banks of the River Finn, crouching areas are an attribute of this SAC. The target for these attributes is also for no decline to occur.

8.48. It is important to note at this juncture that Salmon and Otter are the two qualifying interests of this site with the potential for impacts to arise in relation to and will therefore be considered in more detail below. Other qualifying interests are either upstream of the development or significantly removed by reason of distance.

Conservation Objectives

- To maintain the favourable conservation condition of Atlantic Salmon in River Finn SAC.
- To maintain the favourable conservation condition of Otter in River Finn SAC.

Potential direct effects:

8.49. The proposed development boundary will encroach into the defined boundary of this SAC. The extent of terrestrial habitat for otter extends to 10m from the rivers edge, proposed works will be in excess of 65 metres from the river edge. No direct impacts are anticipated in relation to this qualifying interest. No in channel works are proposed and therefore no direct disturbance or loss of fresh water habitat or salmon are expected.

8.50. Having regard to the foregoing, no direct impacts are expected.

Potential indirect effects:

- the potential for deterioration in water quality as a result of works on site, excavation, stockpiling or hydrocarbon spillage, and /or as a result of spreading invasive plant species such as Japanese Knotweed and Himalayan Balsalm due to increases in sedimentation as a result of such spread.
- Spread of invasive plant species throughout the Natura 2000 network as a result of works.

2. Foyle and Tributaries SAC

- 8.51. Similar to the River Finn the River Foyle is an important salmonoid The SAC includes the River Foyle and its tributaries including part of the River Finn which lies within Northern Ireland, the River Mourne and its tributary the River Strule (up to its confluence with the Owenkillew River) and the River Derg, along with two of its sub-tributaries, the Mourne Beg River and the Glendergan River. In total, the area encompasses 120km of watercourse. Of particular importance is the population of Atlantic Salmon, which is one of the largest in Europe and Otter which is found throughout the system
- 8.52. The area is also important as a river habitat. In their upper catchments, the rivers are all fast-flowing spate rivers with dynamic flow regimes characterised by sequences of rapid, riffle and run.
- 8.53. The River Foyle below Strabane is slow-flowing and is influenced by a tidal regime, rising and falling with the tidal cycle. Aquatic plants in the channel are extremely limited, particularly in the more saline areas; here, fucoids make up the main component.

Conservation Objectives

To maintain (or restore where appropriate) the

- Atlantic Salmon *Salmo salar*
- Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation
- Otter *Lutra lutra*

Salmon - Maintain and if possible, expand existing population numbers and distribution (preferably through natural recruitment), and improve age structure of population. Maintain and if possible enhance the extent and quality of suitable Salmon habitat - particularly the chemical and biological quality of the water and the condition of the river channel and substrate.

Otter - Maintain and if possible increase population numbers and distribution. Maintain the extent and quality of suitable Otter habitat, in particular the chemical and biological quality of the water and all associated wetland habitats.

Watercourses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation - Maintain and if possible enhance extent and composition of

community. Improve water quality Improve channel substrate quality by reducing siltation. Maintain and if feasible enhance the river morphology.

Potential direct effects:

8.54. The proposed development boundary is significantly removed from the Foyle and Tributaries SAC, direct effects are therefore not expected.

Potential indirect effects:

- the potential for deterioration in water quality as a result of works on site, excavation, stockpiling or hydrocarbon spillage, and /or as a result of spreading invasive plant species such as Japanese Knotweed and Himalayan Balsalm due to increases in sedimentation as a result of such spread.
- Spread of invasive plant species throughout the Natura 2000 network as a result of works

Potential in-combination effects:

Potential in combination effects will be considered for both of the foregoing sites collectively as the River Finn is a tributary of the Foyle. Section 6 of the NIS submitted considers the potential, for in combination effects and refers to 2 no. projects and 2 no. plans which have the potential to give rise to such effects.

The Projects identified relate to the St. Joseph's Pumping station, outfall and rising main and the Gaelscoil development which consists of a new school building c. 90 metres to the north east of the proposed development site. Both projects identified a potential for works to give rise to impacts to the qualifying interests of the River Finn SAC. Mitigation measures will be implemented in relation to each of these projects which will prevent sedimentation to the river or the release of chemicals to the river which would impact the qualifying interests present in the river at this point. Given that mitigation measures will prevent any impacts from arising, I am satisfied that cumulative effects will not arise in relation to these developments.

The development is also considered in combination with the policies and objectives of the Donegal County Development Plan 2018-2024 and the Seven Strategic Towns Local Area Plan 2018-2024. The County Development plan includes reference to policies and objectives which seek to protect European sites and watercourses. All

new plans and projects within the county must adhere to these policies and objectives which will ensure that developments will not result in any significant effects on biodiversity.

Ballybofey-Stranorlar is one of the seven towns included within the Seven Strategic towns Local Area Plan. This plan also includes policies and objectives that are associated with the protection with the natural environment, European sites and watercourses. A stage 2 NIS was carried out in relation to this plan and any potential impacts on Natura 2000 network have been mitigated against through iterative development and inclusion of appropriate policies and objectives as identified. It is concluded that coupled with the above and that the proposed development for a synthetic pitch will not have any adverse effects on the conservation objectives of any European site alone, there is no potential for any in combination effects to any European site. I am satisfied based on the foregoing that proposed development will not give rise to in combination effects.

Mitigation measures:

Mitigation measures are set out in section 5 of the NIS and include the following:

Management of Sedimentation

- It is proposed to utilise silt fences along the southern boundary of the proposed development as well as along open sections of the drainage ditch and around large stock piles of material.
- Excavations will not be carried out at times of heavy rain.
- Excavations will be covered.
- Stockpiled material to be stored in existing car park away from river and drainage ditch.
- Additional material for flood embankment will be taken in as needed and not stockpiled on site.
- All machinery will be maintained and checked to prevent hydrocarbon spills, use of dedicated refuel areas, drip tray and double skinned bowser to be used for refuelling in the event that machinery can not be moved.
- Concrete will be mixed off site and delivered in dry weather.
- Waste to be removed off site.
- Construction of flood embankment first, to protect site from flood.

- Instream works within the drainage ditch will be carried out with the use of a cofferdam to prevent sediment from entering the River Finn.
- No machinery to be stored within 50 metres of the ditch.

Management of Invasive species

- All machinery will be cleaned and inspected on entry and exit to the site.
- No construction works will occur outside of the proposed site boundary including in proximity to the River Finn.
- Preconstruction surveys to identify any new stands of invasive plants.

Disturbance and rubber crumb

- Lighting will be placed to prevent overspill.
- Boot cleaners will be placed at all pedestrian entrances to prevent crumb entering surrounding lands.
- Old crumb will be replaced and disposed of accordingly.
- Pitches will be regularly maintained.

Residual effects/Further analysis:

- After mitigation, no residual effects remain.

NIS Omissions: None noted.

Suggested related conditions: Preconstruction surveys to be carried out.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

8.55. Appropriate Assessment Conclusions

8.56. Having regard to the information provided with the application, including the Natura Impact Statement, and in light of the assessment carried out I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not

adversely affect the integrity of the European site no. UK0030320 or site no. 002301, or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS and the carrying out of pre-construction surveys.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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,
- (d) the conservation objectives, qualifying interests and special conservation interests for the River Finn SAC (002301), the Foyle and Tributaries SAC (NI)(UK0030320).
- (e) the policies and objectives of the policies and objectives of the Donegal Development Plan, 2018-2024, and the Seven Strategic Towns Local Area Plan 2018-2024.
- (f) the nature and extent 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 Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,

- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Finn SAC (site code: 002301) and the Foyle and Tributaries SAC (site code: UK0030320), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely River Finn SAC (site code: 002301) and the Foyle and Tributaries SAC (site code: UK0030320), in view of the site's conservation objectives. The Board considered 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.

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.

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 give rise to a risk of pollution, would not seriously injure the amenities of property in the vicinity, would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures [set out in the Natura Impact Statement] or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 5 of the NIS, shall be implemented in full or as may be required in order to comply with the following conditions.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

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

- a. Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the European Sites

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. No excavation of construction works should take place during period of heavy rainfall or in periods of flood.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

6. The County Council and 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 the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in section 5 of the NIS. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

8. A pre-construction survey shall be carried out to determine the presence of any invasive plant species. In the event that invasive plant species are found prior to or during works at the development site, these areas shall be fenced off for the duration of the construction works.

Reason: In the interest of nature conservation and mitigating ecological damage associated with the development.

9. Any material stockpiles shall be appropriately covered and managed in a manner which prevents the generation of dust or the transfer of dust within the site and surrounding area. Details of dust management shall be submitted to the Local Authority prior to the commencement of development.

Reason: In the interest of environmental protection.

Sarah Lynch Senior Planning
Inspector

24th March 2023