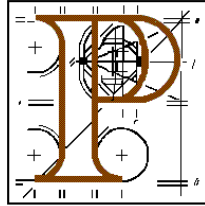


An Bord Pleanála



Inspector's Report

Proposed Development

Recreational facility, Lifford Common, Lifford, County Donegal.

Applicant:

Donegal County Council

Type of Application:

Application for approval under section 177AE of the Planning and Development Act 2000, as amended

Date of Site Inspection:

10th November, 2022

Inspector:

Kevin Moore

1.0. Introduction

1.1. This is an application by Donegal County Council seeking approval from An Bord Pleanála under section 177AE of the Planning and Development Act 2000, as amended, further to its preparation of a Natura Impact Statement relating to the proposed construction of a recreational facility at Lifford Common, Lifford, County Donegal. Stage 2 Appropriate Assessment has been deemed necessary by the Council with regard to potential effects on the River Finn Special Area of Conservation (Site Code: 002301) and the River Foyle and Tributaries Special Area of Conservation (Site Code: UK0030320).

2.0. Site Location and Description

2.1. The 1.7ha site of the proposed development is located on the east side of the N14 Letterkenny Road, approximately 215m north of Applegreen Service Station in Lifford, County Donegal. The site frontage is within the 60kph speed limit control zone for Lifford. The site comprises undulating agricultural lands in grassland use. The River Finn Special Area of Conservation (SAC) is located approximately 1km east of the site and is east of Lifford town centre.

3.0. Description of Proposed Development

3.1. The proposed development comprises:

- (a) A proposed recreational facility, including two sports pitches (one at 7,350sqm and one at 2,400sqm) with associated floodlighting and car parking; and
- (b) Enabling infrastructure works, including a wastewater pumping station and 720m of access roadway. The roads infrastructure includes the provision

of roadway, footpaths, cycleways, associated street lighting, storm drainage, and a new access onto the N14 National Primary Road, inclusive of a right-hand turning lane.

3.2. Details submitted with the application include:

- A Planning Statement
- A schedule of drawings, including an 'Opportunity Site Masterplan'
- Public notices
- Natura Impact Statement
- Preliminary Ecological Assessment Report
- Environmental Impact Assessment Screening
- Archaeological Assessment
- Flood Risk Assessment
- Outline Construction Environmental Management Plan
- Generic Qualitative Risk Assessment
- Outline Invasive Non-Native Species Management Plan
- Noise Impact Assessment
- Lighting Impact Statement
- TII Design Report
- Recreational Facility & Spine Road Traffic Statement
- Drainage Strategy

4.0. Policy Context

4.1. Donegal County Development Plan 2018-2024

Part B Objectives and Policies

Lifford is defined as a 'Layer 2B Strategic Town' due to its proximity to Northern Ireland and its associated cross-border context. It is also the centre for delivery of local authority services.

Strategic Towns are seen to perform special functions and play a critical role in driving growth and development in the County because of their existing special economic function or because there is potential in their existing assets/resources/location or their relationship with other parallel strategies that will boost economic development. The prioritisation of regeneration, renewal and developmental objectives in these towns is a priority over the life of the Plan as it is a critical intervention that will contribute to realising the population ambition for the County. The focus in Layer 2B Strategic Towns is, therefore, to enhance the environment for economic activity and enable their growth.

Community Culture and the Gaeltacht

Objectives include:

CCG-O-5: To preserve, improve and extend amenities and recreational amenities of the county including:

- Maintaining and enhancing our existing playgrounds, parks, and recreational spaces and providing new recreational amenities at sustainable locations.

- Improving the urban environment of our Towns and Villages including through the Council's town and village renewal programme.

CCG-O-10: To utilise funding generated by financial contributions levied under Section 48 and 49 and other provision of the Planning Acts to provide community infrastructure and such as open space and recreational facilities.

Policies include:

CCG-P-1: It is a policy of the Council to consider development proposals for new social and community infrastructure/service-related developments (e.g. healthcare facilities, sheltered housing facilities, nursing homes, residential care homes, sports/recreational facilities, playgrounds, community resource centres, new education facilities, etc) in accordance with the following locational criteria:

(a) At locations within the defined boundaries of settlement framework/urban areas which are within safe walking distance (i.e. via an existing or proposed footpath) of local services and residential areas and which would otherwise promote social inclusion.

(b) At alternative locations within settlement framework/urban areas where it is demonstrated that there are no suitable sites available which meet the abovementioned locational criteria in point a) above
...

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.

Infrastructure

Transportation objectives include:

T-O-13: To support the development of new walkways, walking routes, trails greenways and cycleways that maximise the potential for local, regional and all-island walking and cycling networks.

Natural Heritage

Objectives include:

NH-O-2: To comply with Article 6 of the Habitats Directive (92/43/EEC) and have regard to the relevant conservation objectives, management

plans, qualifying interests and threats to the integrity of Natura 2000 sites.

NH-O-3: To maintain the conservation value of all existing and/or proposed SACs, SPAs, NHAs and RAMSAR sites including those plant and animal species that have been identified for protection under the EU Habitats Directive (92/43/EEC), EU Birds Directive (79/409/EEC as amended by 2009/147/EC), the Wildlife Acts (1976-2014) and the Flora Protection Order (2015).

Policies include:

NH-P-1: It is a policy of the Council to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with European and National legislation including: SACs, Special SPAs, NHAs, Ramsar Sites and Statutory Nature Reserves.

Part C Objectives and Policies of the Towns

Lifford Settlement Framework

The site forms part of a wider 'Opportunity Site' on the Framework Map.

The land use zoning objective for 'Opportunity Sites' relating to Settlement Framework Maps is:

"To provide for specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area whilst recognising features of importance that are specific to the site."

5.0. Planning History

5.1. I note from the applicant's Planning Report that two applications for housing developments on the lands were withdrawn.

5.2. ABP-312711-22

An EIAR screening determination was requested by Donegal County Council on 10th February, 2022 under article 120(3)(b) of the Planning and Development Regulations, 2001, as amended. This application was withdrawn on 28th July, 2022.

6.0. Observations

6.1. Transport Infrastructure Ireland

Transport Infrastructure Ireland confirmed that a Design Report and Road Safety Audit were undertaken by the Council in accordance with the requirements of TII Standards. TII recommends that the proposed development is undertaken in accordance with TII Standards, the Design Report and any recommendations included in the Road Safety Audit.

7.0 Assessment

7.1. Screening for Appropriate Assessment

7.1.1. The local authority has submitted an *Appropriate Assessment Screening Report and Natura Impact Statement* as part of the submission for approval to the Board. The Stage 1 AA Screening Report provided a description of the proposed development, identified European Sites within a possible zone of influence of the

development, assessed effects and gave a screening determination. The Screening Determination of the Scoping Report was as follows:

“On the basis of the design information provided by the client, which is considered adequate to undertake a screening determination and having regard to:

- *the nature and scale of the proposed development on fully enclosed land;*
- *the intervening land uses and distance from European sites; and*
- *the weak, indirect and direct hydrological connections with regard to the Source-Pathway-Receptor model,*

It is concluded that the proposed development, individually or in-combination with other plans or projects, is likely to have a significant effect on the above listed European sites, in view of the said sites’ conservation objectives.

An appropriate assessment is, therefore, required to determine if adverse effects on site integrity can be excluded in view of the conservation objectives of the River Finn SAC and the River Foyle and Tributaries SAC.”

The “above listed European sites” were the River Finn Special Area of Conservation, the River Foyle and Tributaries Special Area of Conservation, and Lough Foyle Special Protection Area.

7.1.2. I note the provisions of section 177AE of the Planning and Development Act 2000, as amended. It is the local authority who has determined that appropriate assessment is necessary and it is the local authority who has decided to submit the Natura Impact Statement for approval by the Board. There is no provision under the Act for the Board to reassess the need or otherwise for appropriate assessment. Therefore, in accordance with section 177AE(6) of the Act, the Board is restricted to considering the NIS, the likely effects on the environment of

the proposed development, the likely consequences for the proper planning and sustainable development of the area in which it is proposed to situate the development, and the likely significant effects of the proposed development upon a European site.

7.2. **Appropriate Assessment**

7.2.1. **Background**

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. The local authority has determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the River Finn Special Area of Conservation (Site Code: 002301), the River Foyle and Tributaries Special Area of Conservation (Site Code: UK 0030320), Lough Foyle Special Protection Area (Site Code: 004087), and Lough Foyle Special Protection Area (Site Code: UK9020031). The possibility of significant effects on other European sites has been excluded on the basis of objective information.

7.2.2. **Natura Impact Statement**

The *Stage 2 – Appropriate Assessment (NIS)* followed the appropriate assessment screening in the document entitled *Appropriate Assessment Screening Report and Natura Impact Statement*. The NIS assesses the possible effects on the River Finn SAC, the River Foyle and Tributaries SAC, and Lough

Foyle SPAs, it sets out a range of mitigation measures, assesses significant effects after mitigation, and draws conclusions.

The Conclusion of the NIS is as follows:

“With the proposed mitigations, any adverse effects on Natura 2000 sites will be avoided. It is not deemed necessary to continue to Stage 3 of Appropriate Assessment to examine alternative ways of achieving the objectives of the project without affecting the integrity of the European sites.”

7.2.3. Appropriate Assessment

Introduction

This assessment considers all aspects of the proposal which could result in significant effects, as well as the mitigation measures designed to avoid or reduce any adverse effects. The assessment has had due regard to the applicant’s submitted Natura Impact Statement, Preliminary Ecological Assessment Report, and Flood Risk Assessment.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

Observations on Land Use and European Sites

I note the following:

- The site is not within or adjacent to any European site. Therefore, there is no risk of direct effects on any such sites.
- The site forms part of a number of fields on the north-western side and outskirts of Lifford. The town centre of Lifford is located to the west of the confluence of three rivers – River Finn, River Mourne and River Foyle.
- The northern site boundary consists of drainage ditches. The ditches flow to the River Deelee approximately 400m to the north and from there into the River Finn approximately 900m downstream.
- The River Finn flows out from Lough Finn in County Donegal and then due east towards Lifford and its confluence with the Mourne and the Foyle Rivers. The Mourne River rises north-west of Newtownstewart in Northern Ireland and converges with the River Finn and River Foyle east of Lifford. The River Foyle flows north from the confluence of the Finn River and Mourne River east of Lifford in County Donegal and west of Strabane in County Tyrone. From here it continues to the City of Derry, where it discharges into Lough Foyle. The centre of the River Foyle is the boundary between Northern Ireland and the Republic of Ireland.
- The River Finn Special Area of Conservation in the vicinity of Lifford primarily consists of the west side of the waterbody and narrow sections of the western bankside. It concludes to the north in the vicinity of the settlement of Carrigans, which is approximately 16km north of Lifford.
- The River Foyle and Tributaries Special Area of Conservation commences at its southern end to the west of Cloghcor in County Tyrone at the confluence of the Burn Dennet River with the River Foyle. Cloghcor village is approximately 7km north of Strabane.

- The River Finn SAC is contiguous with the River Foyle SAC along the border.
- The Lough Foyle SPAs are located approximately 30km north of the site.
- With the loss of the United Kingdom to the European Union due to Brexit, it is understood that the sites in Northern Ireland that formed part of the Natura 2000 network are no longer part of it. This assessment will, however, consider the likely significant effects on those sites within the existing network as well as those previously in it.

European Sites

The following sites are subject to appropriate assessment:

- River Finn Special Area of Conservation (Site Code: 002301),
- River Foyle and Tributaries Special Area of Conservation (Site Code: UK 0030320),
- Lough Foyle Special Protection Area Site Code: 004087), and
- Lough Foyle Special Protection Area (Site Code: UK9020031)

The development site is located approximately 570m west of the River Finn SAC at its closest point and approximately 600km west of the River Foyle.

The Qualifying Interests of these sites are set out in the Stage 1 – Screening of the applicant’s *Appropriate Assessment Screening Report and Natura Impact Statement*.

The qualifying features of conservation interest and conservation objectives for the European sites are as follows:

River Finn Special Area of Conservation (Site Code: 002301)

Qualifying Features

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

Blanket bogs (* if active bog) [7130]

Transition mires and quaking bogs [7140]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

Conservation Objectives

To restore the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains, Northern Atlantic wet heaths with *Erica tetralix*, Blanket bogs (* if active bog), and Transition mires and quaking bogs.

To maintain the favourable conservation condition of Atlantic Salmon and Otter.

River Foyle and Tributaries Special Area of Conservation (Site Code: UK 0030320)

Qualifying Features

The habitats and/or species for which the SAC are designated are:

- Atlantic Salmon *Salmo salar*,

- Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitricho-Batrachion* vegetation, and
- Otter *Lutra lutra*.

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 *Callitricho-Batrachion* vegetation
- Otter *Lutra lutra*

to favourable condition.

Lough Foyle Special Protection Area (Site Code: 004087)

Qualifying Interests

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]

Mallard (*Anas platyrhynchos*) [A053]
Eider (*Somateria mollissima*) [A063]
Red-breasted Merganser (*Mergus serrator*) [A069]
Oystercatcher (*Haematopus ostralegus*) [A130]
Golden Plover (*Pluvialis apricaria*) [A140]
Lapwing (*Vanellus vanellus*) [A142]
Knot (*Calidris canutus*) [A143]
Dunlin (*Calidris alpina*) [A149]
Bar-tailed Godwit (*Limosa lapponica*) [A157]
Curlew (*Numenius arquata*) [A160]
Redshank (*Tringa totanus*) [A162]
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
Common Gull (*Larus canus*) [A182]
Herring Gull (*Larus argentatus*) [A184]
Wetland and Waterbirds [A999]

Conservation Objectives

To maintain the favourable conservation condition of each of the bird species listed.

To maintain the favourable conservation condition of the wetland habitat in Lough Foyle SPA as a resource for the regularly occurring waterbirds that utilise it.

Lough Foyle Special Protection Area (Site Code: UK9020031)

Qualifying Interests

Bewick's Swan wintering population

Whooper Swan wintering population

Golden Plover wintering population Bar-tailed Godwit wintering population

Light-bellied Brent Goose wintering population

Great Crested Grebe wintering population

Cormorant wintering population

Greylag Goose wintering population

Shelduck wintering population

Wigeon wintering population

Teal wintering population

Mallard wintering population

Eider wintering population

Red-breasted Merganser wintering population

Oystercatcher wintering population

Lapwing wintering population

Knot wintering population

Dunlin wintering population

Curlew wintering population

Redshank wintering population

Waterfowl Assemblage wintering population

Habitat Extent Roost sites wintering population

Conservation Objectives

To maintain or enhance the population of the qualifying species

To maintain or enhance the range of habitats utilised by the qualifying species

To ensure that the integrity of the site is maintained;

To ensure there is no significant disturbance of the species and

To ensure that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species

Additional Objectives are:

Waterfowl Assemblage wintering population - Maintain species diversity contributing to the Waterfowl Assemblage.

Habitat Extent - Maintain or enhance the area of natural and semi-natural habitats used or potentially usable by Feature bird species. (2056.13 ha intertidal area) subject to natural processes.

Habitat Extent - Maintain the extent of main habitat components subject to natural processes.

Roost sites wintering population - Maintain or enhance sites utilised as roosts.

Relevant Aspects of the Proposed Development

The proposed development comprises a recreational facility and enabling infrastructure. The recreational facility would provide two sports pitches and associated floodlighting and car parking. The enabling infrastructure works would include a wastewater pumping station, 720m of access roadway with footpaths, cycleways, associated street lighting, and storm drainage, and a new access onto the N14 National Primary Road.

The following is noted:

- The site is within the same catchment and is hydrologically connected through drains to the River Deelee to the north of the site, which flows into the River Finn SAC.
- The site is within the same catchment and is hydrologically connected through drains to the River Deelee to the north of the site, which flows into the River Foyle and Tributaries SAC ca. 5.5km downstream.
- The potential indirect impacts arising from the proposed development are identified in Table 3 of the applicant's *Appropriate Assessment Screening Report and Natura Impact Statement*. These are accepted as being the relevant potential impacts at the construction and operational phases.
- I note that the proposed development includes the provision of a gravity-fed wastewater pumping station and that there is no building proposed in the scheme before the Board. The wastewater from any potential future clubhouse would be pumped to Lifford Wastewater Treatment Plant which discharges to the River Foyle. The applicant has acknowledged that the treatment plant is currently operating beyond its capacity but that it is undergoing a major upgrade at present and that a second facility is being built to cope with future increased volumes. It has been submitted that the new facilities are likely to be operational by the time of construction of the

proposed development. It is my understanding from publicly assessable Irish Water information that the new treatment plant is under construction. It must be acknowledged that the provision of the treatment plant upgrade is not under the control of the applicant. It is accepted, however, that the upgrade works are likely to be completed before the completion of the proposed development. A restriction on the use of a clubhouse facility prior to the completion of the treatment plant works could be a requirement of planning permission for a proposed changing facility by way of a condition. However, a changing facility or any other building do not form part of the development before the Board and such a provision would be premature. I do not propose to further examine the likely effects arising for European sites from the discharge of wastewater from a clubhouse.

Potential Indirect Impacts

The potential indirect impacts on the referenced European sites are identified as follows:

Construction Phase

- Vegetation clearance
- Surface water runoff from soil excavation, infill and landscaping
- Change to groundwater flow and volume due to impact on groundwater and from dewatering
- Storage of excavated and construction materials near waterways
- Spreading of an invasive species that is present on site (Himalayan balsam)

Operational Phase

- Draining of surface water containing contaminant or sediment
- Changes to water/groundwater due to drainage or abstraction
- Presence of people, vehicles and activities
- Potential for accidents or incidents

Potential for Significant Effects on European Sites

River Finn Special Area of Conservation

It is first noted that the temporary adverse effects on water quality resulting from silt-laden waters at the construction phase would have no known effects on Northern Atlantic wet heaths with *Erica tetralix*, Blanket bogs, and Transition mires and quaking bogs which are qualifying features of the SAC. It is understood that a reduction in water quality can affect biotic conditions and, thus, effect conditions for Atlantic salmon and Otter. It is also understood that soil disturbance and vegetation clearance associated with the construction works could facilitate the spread of invasive species along waterways which are present on the application site which could increase the rate of spread along the River Foyle further downstream.

At the operational phase, it is understood that water quality could be affected due to contaminated surface waters arising from hydrocarbons or from pitch maintenance. Spillage incidents could arise from the pumping station and/or sewage network but no buildings are proposed as part of the scheme before the Board. It is accepted that changes in water flow could affect conservation objectives of the site. However, it is acknowledged that the volumes of water

discharging into the River Foyle from this site would be small and would be unlikely to cause any effects which could be termed 'significant'.

River Foyle and Tributaries Special Area of Conservation

The potential water quality effects and spread of invasive species at the construction phase referenced above are also applicable to the River Foyle and Tributaries SAC. However, and as is noted in the applicant's NIS, More Island is at the confluence of the River Deele and the River Foyle. This potentially means that there would be less likelihood of this SAC being affected by the proposed development when compared to the River Finn SAC.

At the operational stage, the same water quality impacts referenced above for the River Finn SAC would be applicable to this SAC also.

Lough Foyle Special Protection Areas

These SPAs are located some 30km north of the site. It is not considered that the effects from the construction works relating to water quality and invasive species could potentially have any significant indirect effects on the Species of Conservation Interest at these SPAs due to the separation distance and dilution that would occur.

At the operational phase, the limited indirect hydrological connectivity is again noted and the likelihood of no significant effects due to separation distance, intervening land uses, and dilution. Therefore, water quality in the SPAs from runoff contaminants from the site would not be negatively affected by such contamination.

I further note that the site of the proposed development does not support any known habitat for the Special Conservation Interest (SCI) species for which the

SPAs are selected and the ground and vegetation clearance would not potentially affect any such habitat.

7.2.4. Mitigation

The applicant's NIS details the range of mitigation measures intended to be employed as part of the construction and operational phases of the proposed development. They present as basic good management/work practices. They relate to pre-construction measures, erosion and sediment control, storage of materials, the disposal of wastes, the application of Sustainable Urban Drainage Systems (SuDS), pollution prevention around the proposed wastewater pumping station, and the implementation of an invasive species management plan. These measures constitute suitable, robust, comprehensive and necessary measures and I consider that they would culminate in the avoidance of any adverse impacts on the integrity of the European sites at the construction and operational phases.

7.2.5. Potentially Significant Cumulative Effects

In light of the nature and extent of the proposed works and scale of operation relating to the proposed development, its location outside of any European site, and the mitigation measures proposed to be employed to address water-related impacts and the spread of invasive species, it is reasonable to determine that there would be no significant effects on any European sites arising from the proposed development. It appears reasonable, therefore, to conclude there is no potential for any other plan or project to adversely affect the integrity of any European site in combination with the proposed development.

7.2.6. Residual Impacts

I submit that, if the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying interests of River Finn Special Area of Conservation, River Foyle and Tributaries Special Area of Conservation, and Lough Foyle Special Protection Areas.

Following my appropriate assessment of the proposed development and with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of these European sites in view of their Conservation Objectives. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

7.2.7. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Finn Special Area of Conservation, River Foyle and Tributaries Special Area of Conservation, and Lough Foyle Special Protection Areas, or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. The conclusion is founded on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures in relation to the Conservation Objectives of the European sites;
- Assessment of in-combination effects with other plans and projects; and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Finn Special Area of Conservation, River Foyle and Tributaries Special Area of Conservation, and Lough Foyle Special Protection Areas.

7.3. **Third Party Submissions**

7.3.1. I note that Transport Infrastructure Ireland has confirmed that a Design Report and Road Safety Audit were undertaken by the Council in accordance with its requirements and recommends that the proposed development is undertaken in accordance with its standards, the Design Report and the recommendations included in the Road Safety Audit. The Design Report is set out in Appendix 11 of the submissions to the Board. Section 7 of the report alludes to a Stage 1 Road Safety Audit having been carried out in April 2022. The applicant submits that all comments / recommendations were accepted by the Design Team. The requirements of TII will be met if the proposed development accords with the provisions contained within these reports.

7.4. **Likely Effects on the Environment**

7.4.1. My considerations are as follows:

- I acknowledge that the proposed recreational facility would be developed on a site in Lifford in an area where it is intended to accommodate a development of this nature.

- The proposed development would provide and enhance the recreational facilities of Lifford, meeting the needs of and improving amenities for the resident population.
- With due regard to the appropriate assessment undertaken earlier, the proposed development would not adversely affect the integrity of any European sites. Furthermore, having regard to the extent of the local authority's provisions, including those set out in the Ecological Impact Assessment, it is reasonable to determine that an extensive array of mitigation measures is being provided to minimise adverse impact on natural habitats and flora and fauna at, and in the vicinity of, the site and protective measures are being employed to address the potential for invasive plant species affecting the site and beyond.
- The proposed recreational facility would not have any significant unacceptable direct or indirect impacts on land and soils, with due regard given to the planning context for this land, the compatibility of the development with the intended land uses, and the limited land area affected by the proposed works.
- The proposed development would not have any significant unacceptable direct or indirect impacts on water, having regard to the siting of the proposed development, the drainage and pollution prevention measures being provided, the water and wastewater provisions being made, and the restriction of the development to open space uses.
- In recognising the siting of the proposed pitches and parking within a fluvial floodplain, the nature of the development in the context of *The Planning and Flood Risk Management – Guidelines for Planning Authorities* (i.e. being a water-compatible development) is acknowledged. I also acknowledge that the proposed development does not include the provision of any buildings. It is noted from the applicant's Flood Risk

Assessment that the proposed development would result in an increase in floodplain storage at the site and, as a result, the proposal would have a beneficial / neutral impact on flooding elsewhere. It is intended that the finished floor level of the proposed pumping station would provide more than 1000mm freeboard to the 0.1% AEP flood level and that much of the site and the access roads are within Flood Zone C, i.e. where the possibility of flooding is low. The applicant proposes to develop a Flood Management Plan. The proposed development would be in accordance with OPW guidance.

- The proposed development, being an outdoor recreational use, would not have any significant, notable or unacceptable direct or indirect impacts in terms of air quality and climate at this settlement location.
- The proposed development has been designed to adequately accommodate vehicular, cycle and pedestrian access at this location. The proposal, therefore, would not have any significant unacceptable direct or indirect impacts on the road network or, indeed, on any other material assets at this location.
- The site has been the subject of an archaeological assessment carried out on behalf of the local authority in consideration of the proposed development. A walk-over archaeological survey did not identify any features indicative of sub-surface archaeological remains. Licensed archaeological testing of the site would be undertaken prior to the commencement of development. There is no other known impact that could potentially arise for cultural heritage.
- In terms of landscape and visual impact, it is noted that the site of the proposed development is within a designated Opportunity Site at a location designated for the use proposed. The recreational facility would be on a low-lying part of the landholding, set back from public roads and

established residential properties. The site is not of any notable landscape or visual sensitivity. The proposed development would have no known adverse landscape or visual impact.

- With regard to impact on residential amenity, I note the various reports submitted with the application to the Board, including the Flood Risk Assessment, the Outline Construction Environmental Management Plan, the Noise Impact Assessment, and the floodlighting and road lighting design details. The significant set back of the proposed development from residential properties, the limited nature of the impacts of the development beyond the site, and the measures proposed to mitigate any potential adverse impact indicates that the proposed development would not have any known significant impacts on the residential amenities of properties in the area.

7.4.2. Overall, I submit to the Board that the proposed development would likely have significant positive environmental impacts and would constitute sustainable development.

7.5. **Likely Consequences for Proper Planning and Sustainable Development of the Area**

7.5.1. I submit to the Board that the principle of the proposed development can reasonably be viewed as being wholly compatible with the relevant provisions set out in the Donegal County Development Plan 2018-2024. I acknowledge the following:

- The site forms part of a wider ‘Opportunity Site’ in the Lifford Settlement Framework Map. The land use zoning objective for ‘Opportunity Sites’ relating to Settlement Framework Maps is:

“To provide for specific development opportunities that are appropriate in terms of mix of use and compatibility with the wider area whilst recognising features of importance that are specific to the site.”

- Plan Map 15.17 relating to the Lifford Settlement Framework states that the Opportunity Site has potential for a mixed-use development including proposals of an economic and employment generating nature. A masterplan for the overall broad layout of land use types is required. I note that a Masterplan has been provided in the application (Drawing LIF-MCA-ST1-00-DR-C-1002- Opportunity Site Masterplan-S2-P5). The site for the pitch development falls within that part of the plan area that is zoned “Green zone (Open Space / Sport / Recreational)”. The proposed land use is wholly compatible with this zoning provision. The access road provisions and associated enabling infrastructure are wholly in keeping with the provisions of the Masterplan.
- The proposed development would be compatible with Policy CCG-P-1 of the County Development Plan in that it is a development proposal for a sports/recreational facility which would be located within the defined boundaries of the Lifford Settlement Framework Plan area and within safe walking distance of local services and the town’s residential areas.
- Policy CCG-P-4 of the Development Plan requires development proposals for social, community or cultural use (including sports/recreational facilities) to meet a range of criteria. My considerations on how the proposed development would meet with these criteria are as follows:
 - The proposed development would be compatible with surrounding existing and approved land uses, being within an area on the edge of Lifford which has been designated as an Opportunity Site that provides for the proposal.

- The proposed development would not have a significant impact on residential amenities in this area, being well set back from the public road and away from established housing in the area.
- I note again for the Board that the proposed development does not include any building. I acknowledge the wastewater treatment upgrade that is ongoing in Lifford at present and the likely completion of this before the proposed development would be completed. I know of no constraints in relation to water supply. I conclude that there would be adequate capacity in the public water / waste infrastructure for the proposed development and that suitable support wastewater infrastructure would be provided as part of the development.
- The proposed new access onto the N14 national route, located within the speed limit control zone for Lifford, is designed to meet with the requirements of Transport Infrastructure Ireland and TII has indicated its satisfaction with such a proposal. It is not anticipated that the proposed pitch development would generate significant volumes of vehicular traffic onto and off the national route, with estimates placed at 20 vehicles per day during the week and 30 vehicles per day at the weekend. It is further understood that the pitches would constitute replacement pitches and that the traffic generated would effectively be a redistribution of traffic from the south-east of Lifford. It is not anticipated that the proposed development would cause a traffic hazard. It is acknowledged that the existing road network can safely accommodate the extra vehicular traffic generated by the proposed development.
- The proposed access arrangements have been designed in consultation with TII to accommodate development within the Opportunity Site and so are understood to be more than adequate to

accommodate this first phase of development at the Opportunity Site. 33 parking spaces and 15 cycle spaces are proposed to serve the development. The proposed development provides parking in excess of the requirements set out under the Donegal County Development Plan (30 parking spaces per primary pitch and a minimum of 5 cycle spaces). The site will also provide safe access for pedestrians and cyclists. It is determined that adequate parking provision, access arrangements, manoeuvring and servicing areas are provided in line with technical standards and policies of the County Development Plan.

- The proposed development provides for footpaths and pedestrian access within the site and for appropriate linkage to the public footpath network beyond the site. The layout of the development would provide for a high level of, and prioritises, pedestrian permeability and access.
- I note the location of the proposed development whereby it would be set back from the public road and from residential properties in the area. I further acknowledge the applicant's Noise Impact Assessment which has demonstrated that the proposed development would not generate any rise in background noise levels. I further note the wastewater infrastructure provisions being made to facilitate the proposed development. Having regard to these provisions and to the nature of the intended uses, it is reasonable to conclude that the proposed development would not create a noise nuisance and would not cause any significant environmental emissions.
- The proposed pitch development would be located at the eastern end of the site and in a low-lying area. The land rises to the west. The development would be well set back from the public road to the west. The topographical characteristics of this area facilitates the integration of the proposed development such that it would not form a prominent

development. Ultimately, the further development of the Opportunity Site in accordance with the Masterplan would likely significantly screen a development of this nature. Boundary hedging to the east is proposed to be retained and reinforced, which will further aid in screening the proposed development. It is, therefore, considered that the location, siting, and design of the development would not have an adverse impact on this landscape on the edge of Lifford or on the visual amenities of the area.

- The proposed development is being designed in accordance with a Masterplan for the Opportunity Site. The location at the rear of the Opportunity Site on the low-lying area and the retention and reinforcement of the eastern boundary hedgerow would ensure that appropriate boundary treatment and means of enclosure would be provided. There are no known areas of outside storage requiring screening from public view.
- The proposed development would not adversely impact on the built, scenic, or natural heritage of the area or on Natura 2000 sites. I refer the Board to the appropriate assessment undertaken earlier. I note that the site lies within the settlement framework for Lifford and the proposed development would be sited and the use would be in keeping with the provisions set out in the Masterplan for the lands.
- I note that the proposed pitches and associated parking would be located within a fluvial floodplain. The proposed development can be determined to be a water-compatible development. I acknowledge that *The Planning and Flood Risk Management – Guidelines for Planning Authorities* advises that water-compatible developments include amenity open space, outdoor sports and recreation and essential

facilities such as changing rooms. No buildings are proposed as part of the development before the Board.

- I note that there is no building proposed as part of the scheme before the Board. I further note the SuDS provisions being made to handle surface waters and the drainage arrangements being made to accommodate the proposal within an area that is designated for the use that is now proposed. It is intended that storm drainage would not exceed current greenfield runoff rates. It is not anticipated that the pitch development and accommodating infrastructure would 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.

Having regard to the above considerations, it is reasonable to conclude that the proposed development would meet with the requirements of Policy CCG-P-4 of the County Development Plan

- The proposed development would be compatible with Objective CCG-O-5 of the Development Plan, improving and enhancing the recreational amenities of the area.

Further to the above, the proposed development would not be in conflict with transportation objectives such as Objective T-O-13, which supports the development of new walkways and cycleways, and natural heritage objectives such as Objectives NH-O-2 and NH-O-3, which seek to protect Natura 2000 sites and maintain their conservation value.

7.5.2. Overall, having regard to the land use provisions clearly set out in the Masterplan and the Lifford Settlement Framework, which form part of the Donegal County Development Plan, and which expressly support the provision and accommodation of a development of the nature proposed, one must reasonably conclude that the proposed development is in accordance with the proper planning and sustainable development of this area.

8.0 CONCLUSION AND RECOMMENDATION

I conclude that:

- (a) subject to full implementation of the mitigation measures set out, the proposed development would not result in significant adverse environmental effects and, in particular, would not adversely affect the integrity of European sites in the vicinity, and
- (b) the development is in accordance with statutory development plan policies and provisions and constitutes proper planning and sustainable development of the area.

I recommend that the Board approves the application for the reasons and considerations below and subject to the conditions set out.

REASONS AND CONSIDERATIONS

Having regard to the provisions of:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011,

- (c) the provisions of the Donegal County Development Plan 2018-2024,
- (d) the nature and scale of the works, and
- (f) the submissions and observations made in connection with the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment and would otherwise be in accordance with the proper planning and sustainable development of the area.

APPROPRIATE ASSESSMENT

The Board agreed with the appropriate assessment and conclusions contained in the Inspector's report that the River Finn Special Area of Conservation (Site Code: 002301), the River Foyle and Tributaries Special Area of Conservation (Site Code: UK 0030320), Lough Foyle Special Protection Area (Site Code: 004087), and Lough Foyle Special Protection Area (Site Code: UK9020031) are the European sites for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment, the Board adopted the report of the Inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 8th day of June 2022, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement submitted with the application.

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

Kevin Moore
Senior Planning Inspector

14th November, 2022