



An
Bord
Pleanála

Inspector's Report ABP 320352-24

Development	'The Fort Dunree Project' - Conservation led restoration and upgrade of the existing visitor experience at Fort Dunree
Location	Fort Dunree, Dunree, Buncrana, Co. Donegal, F93 C424
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	Development Applications Unit Failte Ireland
Observer(s)	Cathal Friel Cathal Kelly Ciaran and Siobhan Tourish Cllr. Fionan Bradley David Dickson Football Special Ltd Gareth Evans

International Fund for Ireland

James A Sharkey

Marius Harkin

Ramelton Men's Group

Regina McHugh

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Date of Site Inspection

03rd November 2024

Inspector

Donogh O'Donoghue

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1.0 Introduction

- 1.1. Donegal County Council is seeking approval from An Bord Pleanála to undertake the restoration and upgrade of the existing visitor experience at Fort Dunree in County Donegal. Most of the site is not covered by any sensitive natural heritage designations however the north corner of the site overlaps with the North Inishowen Coast SAC to the immediate north. The Lough Swilly SAC, SPA and pNHAs are located to the south and there are several other sensitive sites in the wider area including on the west side of Lough Swilly.
- 1.2. Following a request for a NIS Direction under Article 250(3) of the Planning and Development Regulations 2001 (as amended) the board directed the local authority to prepare a Natura Impact Statement as it considered that the proposed development, either individually and in combination with other plans or projects, would be likely to have a significant effect on the Horn Head to Fanad Head SPA (Site code: 004194), Lough Swilly SPA (Site code: 004075) and Fanad Head SPA (Site code: 004148) in view of the conservation objectives of these sites. Therefore, 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 the above-named European sites.
- 1.3. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare 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 local authority development comprises the conservation led restoration and upgrade of the existing visitor experience at Fort Dunree to provide a state-of-the-art visitor attraction. The proposed development involves the conservation, restoration

and refurbishment of several buildings and structures within the Fort Dunree complex and it will physically link the main elements on site including the Redoubt/High Fort, the Lower Fort and Lough Swilly.

2.2. The site contains approximately 107 no. structures which range in size, scale and function. The proposed development does not relate to or propose works/interventions to every structure or area within the application site. The location of the proposed development is on a site measuring 26 hectares that includes two protected structures, Fort Dunree (RPS 40901813) and Dunree Lighthouse (RPS 40901830).

2.3. The proposed development consists of the following:

- Redoubt Fort/High Fort: construction of a new exhibition space, viewing gallery, comprising an events space, exhibition area, new toilets, staff room, lift and external viewing area. Restoration of the existing buildings and stairs and removal of the non-original first floor structure; reinstatement and partial realignment and upgrading of pathways along the external and internal perimeter of the Redoubt Fort Walls; and works to repair and stabilise the Blockhouses.
- (b) High Guns: restoration of the High Guns and upgrade of pedestrian access.
- (c) Lighthouse: conservation and refurbishment of lighthouse including partial removal of an internal wall and roof repairs. External landscaping including new footpath links between existing paths.
- (d) Lighthouse/Northern Walkway: new projecting walkway, with associated metal guarding and flooring.
- (e) Lower Fort/Lough Swilly Walkway: construction of new walkway with glass and metal balustrades/guarding. Replacement of existing car park with hard and soft landscaping (native vegetation). Provision of two accessible parking spaces. Construction of new drawbridge to allow a new accessible route to the cafeteria and Lower Fort.
- (f) "The Village": conservation and upgrade of four no. block houses with new connecting pathways and repair of existing pathways. Conservation and repair of the three existing metal clad billet buildings. Full restoration of four brick buildings. Two of these buildings to facilitate, souvenir shop, pay station, toilets, store and changing facilities (Welcome Buildings) including the upgrade and extension of existing cafeteria and extended hard standing.

- (g) Infrastructure and Associated Ancillary Works: upgrade of existing vehicular and pedestrian access points and the associated internal road layout. New internal access road to the Welcome Buildings and High Fort to permit access for a wheelchair accessible electric vehicle. Provision of a new carpark with car parking spaces, accessible spaces, EV charging spaces, minibus/camper-van spaces and coach spaces including an accessible drop off point. Replacement and upgrade of wastewater treatment plants, new toilets, fencing, lighting, landscaping, security gate and barriers. Upgrade of electricity and water supply.

2.4. Accompanying documents:

1. Planning Report
2. Design Statement
3. Visitor Experience and Interpretation Development
4. Natura Impact Statement
5. Ecological Impact Statement
6. Archaeological Impact Statement
7. Built Heritage Impact Assessment
8. Heritage Impact Assessment Review
9. Assessment of Development Generated Traffic / Traffic & Transport Statement.
10. Drainage and Water Supply Report
11. Accessibility Report
12. Structural Analysis of Lower Fort Lough Swilly Walkway
13. Mechanical and Electrical Services Report
14. Outdoor Lighting Report
15. Tecsoil Site Assessment
16. Letters of consent from Fort Dunree Military Museum CLG Board and
Commissioner of Irish Lights consenting to the proposal on lands in their charge
17. Notification to Prescribed Bodies

18. Copies of Public Notices

19. Maps and Drawings

3.0 Site and Location

- 3.1. The site is a coastal site located to the north of Buncrana on the Inishowen Peninsula in Co. Donegal. Dunree Head is located on the east side of Lough Swilly, a deep-water fjord, and the surrounding area is rural in character comprising a mix of farms and one-off houses. The site is occupied by a former military barracks at Fort Dunree and access to the site is off local roads via the R238 regional road between Buncrana to the south and Clonmany to the north.
- 3.2. Dunree Fort was built in 1798 to guard against a possible French invasion fleet. The site developed incrementally, and it was modernised in the late 19th Century. It forms one of a series of defensive structures / fortifications built around Lough Swilly and used during the two World Wars. It was abandoned following the end of World War II. The adaption and reuse of the early battery to the west commenced in the 1980's with the military museum opening in 1986 and it has grown over the years with the restoration of stone buildings on the site to form a café and shop.
- 3.3. The circa 26ha site contains many former army buildings and associated structures (c.107), along with the Military Museum and car park. Only a small section of the site is used at present. Many of the buildings and structures are in various states of disrepair and dereliction, and some are covered by built heritage designations (including 2 no Protected Structures & 9 no NIAH designations).
- 3.4. Dunree Head is covered by two sensitive scenic amenity designations (incl. Especially High & High Scenic Amenity). Most of the site is not covered by any sensitive natural heritage designations however the north corner overlaps with the North Inishowen Coast SAC to the immediate north. The Lough Swilly SAC, SPA and pNHAs are located to the south, and there are several other sensitive sites in the wider area including on the west side of Lough Swilly.

4.0 Planning History

- 4.1. ABP 318278 – 23 - NIS Direction on a proposal for the restoration and upgrade of existing visitor centre at Fort Dunree – ABP directed that an NIS was required.

ABP 318279 – 23 - EIAR Direction on a proposal for the restoration and upgrade of existing visitor centre at Fort Dunree – ABP directed that an EIAR was not required.

Ref. 04/4961: Permission granted for alterations & additions to former military units to exhibition units & refurbishment of café for Fort Dunree military museum (PS).

Ref. 02/4743: Permission granted for retention of change of use from abandoned military hospital building to office & exhibition usage.

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:

- North Inishowen Coast SAC (Site code: 002012)
- Ballyhoorisky Point to Fanad Head SAC (Site code: 001975)
- Lough Swilly SAC (Site code: 002287)
- Horn Head to Fanad Head SPA (Site code: 004194)
- Lough Swilly SPA (Site code: 004075)
- Fanad Head SPA (Site code: 004148)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB 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. National Planning Framework

The Project Ireland 2040 National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 2040. It is a framework to guide public and private investment, to create and promote opportunities and to protect and enhance the Irish environment. The NPF creates a shared set of goals for every community across the country which are expressed as 10 no. National Strategic Outcomes.

The Seventh National Strategic Outcome relates to "Enhanced Amenity and Heritage". This promotes investment in well-designed public realm, including recreational infrastructure, amenities in rural areas and activity-based tourism and trails. There is a general requirement to protect and integrate with built, cultural and natural heritage, which has intrinsic value in defining the character of urban and rural areas and adding to their attractiveness and sense of place.

The objectives under this strategic outcome include NSO 7:

- conserve, manage and present our heritage for its intrinsic value and as a support to economic renewal and sustainable employment.
- invest in and enable access to recreational facilities which will be designed and delivered with a strong emphasis on conservation, allowing the protection and preservation of our most fragile environments and providing a wellbeing benefit for all.

5.7. Climate Action and Low Carbon Development Act 2015 (as amended)

The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 amends the principal act such that Section 15(1) requires:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- a) the most recent approved climate action plan,*
- b) the most recent approved national long term climate action strategy,*
- c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
- d) the furtherance of the national climate objective, and*
- e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

5.8. Climate Action Plan 2024

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland’s Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead the country to meeting its national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. The Plan provides a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development Act 2015 (as amended). The actions include:

- JM/24/1 - Support the economic diversification of the local economy through the development of the regenerative tourism sector.
- JM/24/2 - Support the implementation of local and regional economic strategies.
- JM/24/6 - Support regeneration, repurposing and sustainable development of walking and cycling tracks and trails, and waterways.
- JM/24/9 - Provide publicly accessible vehicle charge point infrastructure at community facilities in the region.

5.9. National Biodiversity Action Plan (NBAP) 2023 - 2030

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

5.10. Regional Spatial and Economic Strategy (RSES) for the North West Region

The RSES for the North West Region acknowledges that further promotion and development of attractions and capacity to capitalise on latent potential in tourism and local enterprise is essential to ensure the sustainable development of the region. The RPOs include the following:

RPO 4.15 - To protect and preserve our Coastal Heritage, archaeological and built heritage, and to restore/regenerate our key coastal assets, including those within state ownership (e.g. OPW) as well as Discovery Points and Signature Points along the Wild Atlantic Way (WAW).

RPO 4.2 – To support the maintenance of, and enhanced access to state lands, such as National Parks, Forest Parks, Waterways together with Monuments and Historic Properties, for recreation and tourism purposes.

RPO 4.5 - To enhance access to our tourist assets, including the development of a Coastal Walking/Cycling Route along the Western Seaboard, which extends generally along the Route of the Wild Atlantic Way (WAW), and incorporates existing resources, such as beaches, ports, harbours, piers and marinas. This coastal route to be subject to a route option analysis, and feasibility study in Counties Galway, Mayo, Sligo, Leitrim and Donegal. Stakeholders will include Fáilte Ireland, NWRA, the relevant local authorities and the public.

RPO 9.1 - Valuing Cultural Heritage by creating appealing places through attractive and imaginative building design, street layout, civic space and public realm design; Developing new offerings in support of existing ventures in the tourism sector, such as greenways, walking trails and other inter-urban connections, based on the wealth of natural and cultural heritage assets and providing links to the Wild Atlantic Way and the Causeway Coast.

5.11. Local Planning Policy

Donegal County Development Plan 2024 - 2030

The site is located to the north of Buncrana on the Inishowen Peninsula. The site occupies un-zoned rural land, and the plan contains policies and objectives for the protection of the environment, cultural heritage and scenic amenity, and the promotion of economic and rural development, including tourism.

Key strategic objectives in the plan include:

Objective S-O-4: To support the development and implementation of a sustainable economic model for County Donegal embracing growth in areas such as innovation, research and development, rural diversification, tourism initiatives, energy advances and the promotion of sustainable start up enterprises as an integral component of accelerating socio-economic growth throughout the County and in a Regional, Cross Border and National context.

Objective S-O-8: To retain, promote, and drive Donegal's position as a premier domestic and international tourism destination, with a focus on developing green, regenerative and sustainable tourism.

Tourism objectives and policies in the plan include the following:

TOU-O-1: To facilitate the sustainable development of Donegal's tourism product as a key economic driver of, and social catalyst for the County, whilst protecting and enhancing the County's landscape, natural heritage, built heritage, and communities from inappropriate development that would detract from the tourism product.

TOU-P-1: a) To support the implementation of the Wild Atlantic Way (WAW) Regional Tourism Development Strategy 2023-2027;

b) To facilitate the development of signature/strategic tourism experiences/attractions which are consistent with the brand identity of the Wild Atlantic Way and other similar initiatives, and attractions, for example as identified in Table 10.1, and are generally in accordance with the policies of this Plan; and

c) To work in collaboration with Failte Ireland to ensure the continued maintenance of the 39 Discovery Points, inclusive of the 3 signature Discovery Points, in Donegal and access routes for all users;

- Fort Dunree is identified as a Discovery Point along the Wild Atlantic Way as set out in Map 10.1

TOU-P-2: Not to permit development which would materially detract from visual and scenic amenities along the route of the Wild Atlantic Way.

TOU-P-3: Not to permit developments which would materially detract from the visual/scenic amenities on the approach roads to, the visual setting of, or the views to be had from, significant tourism attractions.

TOU-P-8: That all development proposals for the creation of new, or the extension of existing Tourist Developments (including Resource Related/Activity based Tourism Product Developments, Campervan/Motorhomes and Touring Caravan Stopover

Sites, Hotels, Guest Houses, Tourism Hostels, Holiday Resorts, Mobile Homes/Static Caravan Parks Camping Sites, and other Tourist Related Developments) shall comply with the following criteria:

- a. The location, siting and design of the development (including associated infrastructure and landscaping arrangements) is of a high quality, integrates successfully with, and does not, either individually or in combination with existing and permitted developments, have an adverse impact on; the scenic quality, visual amenity, rural character, streetscape, vernacular character or built environment of the area.
- b. That there are no significant impacts on designated habitats such as Natura 2000 sites and designated Nature Reserves.
- c. The development does not negatively affect sensitive natural environments.
- d. The development is significantly set back from, and adequately screened from, coastlines, shorelines and riverbanks.
- e. The development will not detract from the visual setting of the coastline or be visually obtrusive from key points along the coastline.
- f. Appropriate boundary treatment, landscaping and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view.
- g. The development will not significantly impact on existing residential amenities.
- h. There is an adequate means of water supply.
- i. There is existing capacity in the public wastewater infrastructure for developments within urban areas or suitable on-site effluent treatment facilities to EPA standards can be provided in rural areas.
- j. The development will not cause a traffic hazard, and the existing road network can safely handle any extra vehicular traffic generated by the proposed development.
- k. Adequate parking provision, access and manoeuvring arrangements (including for touring coaches and motorhomes), and servicing areas are provided in accordance with road safety standards, and the technical standards and policies of this Plan.
- l. The layout of the development provides for a high level of, and prioritises, pedestrian permeability and access.
- m. The development does not create a noise nuisance and will not cause any significant environmental emissions.

n. The development will not have an adverse impact on the built, scenic, or natural heritage of the area including structures on the RPS/NIAH and designated habitats such as Natura 2000 sites and designated Nature Reserves.

o. The development is not located in an area at flood risk and/or will not cause or exacerbate flooding.

p. The development will not compromise the water quality of water bodies within River Basin Districts designated under the Water Framework Directive or hinder the programme of measures contained within any associated River Basin Management Plan.

TOU-P-10: To support Failte Ireland in the development of 'Destination and Experience Development Plans' for the Inishowen Peninsula, West Donegal & The Islands and for South Donegal.

TOU-P-11: To support and protect the built heritage assets that are the focus for tourism development to promote heritage led economic growth and regeneration whilst not adversely detracting from the built heritage assets or their setting. Any proposals shall respect features of the special architectural and historic character by appropriate design, materials, scale and setting.

Transportation - various policies & objectives deal with accessibility, movement, roads, cycleways, footpaths, parking, road safety, connectivity & carrying capacity.

Water & Environmental Services: various policies & objectives deal with water supply, wastewater treatment & waste management.

Policy WW-P-5 - In areas with no public wastewater infrastructure, or where there is inadequate public wastewater treatment capacity or networks, larger developments (including commercial, retail, tourism and community developments) where they are to be maintained in single ownership with a projected PE>10 shall provide effluent treatment by means of an independent wastewater treatment system which comply with the EPA's Treatment systems for Small Communities, Business, Leisure Centres and Hotels manual or any subsequent or updated relevant code of practice. Where limited public wastewater infrastructure may be available, prior to the submissions of

any planning application such developments shall be required to submit a pre-connection enquiry to Uisce Eireann to assess the feasibility of connecting to the public wastewater system.

Flooding: various policies & objectives deal with flood risk management.

Natural Heritage: various policies & objectives deal with the conservation, protection & enhancement of the natural environment, including European & Nationally designated sites (BIO-O-1/BIO-O-2, BIO-P-1/2/3/4/5).

- North Inishowen Coast SAC & pNHA to immediate North
- Horn Head to Fanad Head SPA to West
- Fanad Head SPA to Northwest
- Ballyhoorisky Point to Fanad Head SAC & pNHA to West
- Ballymastocker Dunes pNHA to West
- Lough Swilly SAC, SPA & pNHA to South

Landscape: various policies & objectives deal with the protection and enhancement of the landscape, scenic amenity & protected views (L-P-1/2/3/6/7/8)

- Areas of Especially High Scenic Amenity (EHSA): These are sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development.
- Areas of High Scenic Amenity (HSA): These are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.

Protected Views – Map 11.1 identifies 4 x protected views towards Fort Dunree from the opposite side of Lough Swilly.

Cultural Heritage: various policies & objectives deal with the conservation, protection & enhancement of archaeology & built heritage (AYH-O-1, AH-O-1/AH-O-2, AH-P-1/AH-P-2A, AH-O-3 AH-P-3/4/5).

Protected Structures:

- Fort Dunree RPS no 40901813 (Rubble stone-walled hip-roofed rectangular museum building set inside Napoleonic Battery Fort, built c.1810).
- Dunree Lighthouse RPS no 40901830 (Attached three-bay single-storey lighthouse keeper's house, built 1875, with single-bay lean-to wings to both gables, single bay entrance porch to front, canted bay to west with polygonal lighthouse).

NIAH sites:

- Battery Fort – NIAH Reg No 40901813
- Barracks - NIAH Reg No 40901824
- Pill Box & Watch Tower - NIAH Reg No 40901825
- Redoubt Fort & Battery - NIAH Reg No 40901826
- Guard House - NIAH Reg No 40901827
- Barracks / Hospital / Infirmary / Latrine - NIAH Reg No 40901828
- Lighthouse - NIAH Reg No 40901829
- Light Keeper's House - NIAH Reg No 40901830
- Officer's House - NIAH Reg No 40901831

Other plans and documents:

- People, Place and Policy: Growing Tourism to 2025 (Dept of Transport, Tourism and Sport).
- The Donegal County Council Tourism Strategy 2022-2026.
- Wild Atlantic Way Regional Tourism Development Strategy 2023 – 2027. (Failte Ireland) - Fort Dunree is identified as a Discovery Point along the Wild Atlantic Way. Development initiatives in the strategy include the development and delivery of two iconic attractors e.g., Fort Dunree and Westport House &

Estate (Funding committed to these two projects under Fáilte Ireland's Platforms for Growth Programme).

(a) Donegal Outdoor Recreation Strategy 2023-2029.

(b) Inishowen Peninsula Destination Experience Development Plan - identifies Fort Dunree as one of five "catalyst" projects that has the potential to be a significant attractor and the capacity to offer a range of experiences that will appeal to a spectrum of audiences.

6.0 Consultations

6.1. The application was circulated to the following bodies:

- An Chomhairle Ealaíon
- An Taisce
- Fáilte Ireland
- Heritage Council
- Minister of Housing Local Government and Heritage
- Waterways Ireland
- Inland Fisheries Ireland
- Coras Iompair Éireann
- Minister for Environment, Climate and Communications
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Uisce Éireann
- Transport Infrastructure Ireland
- Environmental Protection Agency
- National Parks and Wildlife Service
- Minister for Agriculture Food and the Marine
- The Office of Public Works
- Loughs Agency

- ESB Networks
- Eir Head Office

6.2. A response was received from Development Applications Unit, Department of Housing Local Government and Heritage outlining the following:

- Welcomes the reuse and enhancement of the site.
- Noted that the Grade 1 Conservation architect expresses concern in relation to several interventions outlined in the Architectural Heritage Impact Assessment (AHIA). Recommends the Local Authority reviews the comments in the AHIA and implements the mitigations identified therein.
- Recommends the local authority retain a Grade 1 conservation architect to guide the implementation of the recommended mitigation measures and
 - Develop the tender and construction documentation as necessary
 - Oversee the construction phase
 - Produce and retain on file a detailed photographic record of the works
 - Ensure works adhere to the principles and guidance contained in the Architectural Heritage Protection Guidelines for Planning Authorities and the Framework and principles for protection of archaeological heritage and policy guidance 1999 published by DoAHG.

6.3. A submission received from Failte Ireland outlined the following:

- Failte Ireland is fully supportive of this project.
- Failte Ireland and Donegal County Council are investing in Fort Dunree through their Platforms for Growth Investment scheme for the development of a compelling visitor experience.
- The delivery of the proposed development is a key strategic product development initiative as set out in the Wild Atlantic Way Tourism Development Strategy 2023-2027.
- The Inishowen Peninsula Destination and Experience Development Plan (DEDP) launched in 2022 builds on a number of destination development

projects that will bring local experiences to life and one of these projects includes the development of a new world class visitor attraction at Fort Dunree.

6.4. Public Submissions

- Cathal Friel
- Cathal Kelly
- Ciaran and Siobhan Tourish
- Cllr. Fionan Bradley
- David Dickson
- Football Special Ltd
- Gareth Evans
- International Fund for Ireland
- James A Sharkey
- Marius Harkin
- Ramelton Men's Group
- Regina McHugh
- WT McCarter

The submissions strongly support the proposed development. They note the proposal would have a positive impact on the wider area with lasting positive benefits for the local community including increased local employment and tangible economic benefits. The proposed design and layout are well thought out and sympathetic to the local natural environment. The submissions outline the importance of the project to tourism in Donegal and that it will act as a catalyst for further tourism investment in the Inishown and wider Donegal area.

7.0 Further Information Request

7.1. Further Information Sought

The request to submit further information was issued on the 28th November 2024. It addressed the following:

- a. The applicant was requested through the submission of fully completed Site Characterisation Reports and technical reports (if required) to demonstrate that the proposed wastewater systems would not result in

any conceivable risk to any surface and/or ground waterbodies including the Lough Swilly Waterbody in achieving their Water Framework Directive's environmental objectives. If satisfactory on-site wastewater proposals could not be achieved, alternative solution(s) to deal with wastewater should be proposed and full details submitted.

- b. Full details to be provided of the existing foul services at the Lighthouse and confirmation that it has adequate capacity to cater for the increased visitor numbers.

7.2. Response to Request

A response was received on the 10th January 2025 with the following:

- A Site Characterisation Form was submitted.
- The applicant made a submission noting that the current small bathroom / toilet in the Lighthouse is to remain in situ with no increase in use. It is not part of the public toilet provision for visitors and not accessible to the public. It will only be used by staff which would be one and very occasionally 2 members of staff working in the Lighthouse on a part time basis.

8.0 EIA Screening

Following the screening process (ABP-318279-23) it has been determined that the proposed development 'The Fort Dunree Project' would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report was not therefore required.

9.0 Assessment

9.1. The likely effects on the environment

- 9.1.1. I consider the main environmental effects (other than those which are considered under Appropriate Assessment) can be addressed under the following headings:

- Site layout and visitor management
- Scenic Amenity

- Cultural Heritage
- Biodiversity
- Wastewater and Surface water / Water Framework Directive

Site layout and visitor management

- 9.1.2. The application includes a document titled 'Assessment of Development Generated Traffic' which establishes the proposed number of vehicles generated by the proposed development thereby allowing an assessment of the impact on the existing road network and the design of the carpark. The report sets out that one of the main key objectives is to grow visitor numbers annually from 14,250 (current) to 114,191 over a 10-year period following opening.
- 9.1.3. Section 3 of the 'Assessment of Development Generated Traffic' outlines the methodology implemented which is based on best practice assumptions taken from similar travel habits across Failte Ireland promoted sites. The report sets out that the vast majority of visitors will arrive by car with 10% of visitors arriving via pre booked coach tours and a further 10% via pre booked minibus tours which are easier to manage with notice provided in advance of arrival.
- 9.1.4. The report notes that the car parking demand based on hourly arrivals and departures confirms that a peak requirement of 2 coach spaces, 3 minibus spaces and 104 car spaces are required. I am satisfied that the proposed car park is not excessive and following a site visit I am in agreement that the general road network is satisfactory to serve the needs of the proposed development.
- 9.1.5. To ensure the site is accessible to the public and to enable interpretation and understanding of the site and its historical context, a number of new pathways and repairs to existing pathways are proposed. The most significant new walkway elements are the proposed walkway around the lower fort (Lower Fort/Lough Swilly walkway) and a new projecting walkway located circa 140m northeast of the existing Lighthouse known as the Lighthouse/Northern walkway.
- 9.1.6. The design statement details the rationale for the proposed location and design of these elements. Due to its location the design of the Lower Fort/Lough Swilly walkway is to look and feel as light touch as possible and includes a cantilever section beyond

the cliff edge. The design approach and construction details are set out in Section 4.1.4 of the Design Statement. The Built Heritage Impact Assessment carried out by Dedalus Architecture sets out in the 'Conclusions & Recommendations' section that *'the proposed walkway to the lower fort is currently assessed as having a neutral impact although requires further site investigations and ongoing detail design development to ensure this.'* The Heritage Impact Assessment Review carried out by Consarc is in agreement with this conclusion. Overall, I am satisfied that the proposed walkway design respects the heritage of the area and the sites historical significance.

- 9.1.7. The projecting Lighthouse/Northern walkway is 28m in length, supported by a steel structure. Its location was chosen in order to minimise impacts on ecology and nesting birds. The location of the projecting walkway with associated metal guarding and flooring located further around the head of the site will also help to evenly distribute visitors around the site.
- 9.1.8. The NIS notes that displacement and disturbance of nesting seabirds from the cliffs close to the Lough Swilly Walkway and Lighthouse Walkway due to increased visitor numbers is unlikely. In any case the EcIA recommends that nesting activity in the vicinity of new walkways is monitored during initial years of operation following redevelopment. I am satisfied with this approach.

Scenic Amenity

- 9.1.9. The application site contains Areas of Especially High Scenic Amenity (EHSA) generally round its coastal boundaries and Areas of High Scenic Amenity further inland.
- 9.1.10. The development plan also includes 4 no. protected views looking towards the site from the opposite side of Lough Swilly. The closest protected view is located over 2km from the nearest part of the application site. The other 3 protected views are located a greater distance away from the site.
- 9.1.11. The applicant in their planning report refers to a number of Landscape objective in the development plan including L-P-3 which seeks to safeguard the scenic context of the county's coastline from inappropriate development save for strategic infrastructure provision. Fort Dunree is identified as a Discovery Point along the Wild Atlantic Way and I note that policy TOU-P-1 in the plan seeks to facilitate the development of

signature/strategic tourism experiences/attractions which are consistent with the brand identity of the Wild Atlantic Way.

- 9.1.12. The proposed development includes a number of elements much of which is the conservation and refurbishment of existing structures. I regard the redevelopment of the Redoubt Fort/High Fort and the provision of the new car park area as the main elements of the proposal that would impact on the scenic amenity of the area.
- 9.1.13. The redevelopment of the Redoubt Fort/High Fort at the highest point on the site as a viewing platform and exhibition space includes a new glazed structure at the upper level. The design statement outlines that the proposal has been designed to minimise the visual impact of the new addition throughout the site by separating the elements from the edge of the Fort Walls and keeping a safe distance around it, thereby allowing users to make the most of the views of the landscape and Lough Swilly.
- 9.1.14. The Design Statement includes a Visual Impact Assessment which was produced to determine the impact of the proposed intervention versus the existing structures. The statement notes that from the lower areas of the site the proposal is not visible or disruptive on the existing skyline and that it only starts to become visible from the High Guns upwards. The Visual Impact Assessment notes that the materials proposed allow for the installation to respectfully communicate with the existing environment.
- 9.1.15. I am in agreement that the glazed nature of the new structure respects the sensitive landscape designations within the site and that the material proposed will reduce the visual impact from lower areas on the site and from the wider area.
- 9.1.16. I also consider that proposal will have no adverse impacts on the protected views from the opposite side of Lough Swilly given the long-distance nature of these protected views.
- 9.1.17. The proposed car park (110 spaces incl. bus spaces) is the most significant individual piece of construction work. It is to be located closer to the site entrance and a new access road (c. 160m) is to be constructed, to tie-in with the existing High Fort Access Road which itself is to be widened to accommodate a wheelchair-accessible mobility bus.
- 9.1.18. The proposed car park and the new section of access road are generally brownfield development, predominantly hard-standing but largely overgrown with willow/gorse scrub and bracken. Substantial vegetation clearance and extensive earthworks and

re-profiling is required. However, I am satisfied the location of the car park on a former hard-standing area as well as the retention of the existing gorse and heavy vegetation surrounding the proposed car park is an acceptable solution. The majority of the car parking spaces will have a gravel finish and where practical no edging is to be installed in order to allow the existing landscaping merge and integrate with the man-made elements.

- 9.1.19. The construction of the new carpark will mean that the existing car parking area located to the front of the existing café will be refurbished as an information space for visitors, spill out space for café and landscaped areas. These works will have positive impact on that part of the site.
- 9.1.20. Overall, I am satisfied that the proposed development has been carefully thought out to respect the sensitive landscape designations within the site and that it does not introduce any obtrusive or unsympathetic features that would give rise to a significant adverse change or alter protected views.

Cultural Heritage

- 9.1.21. In terms of built heritage, the c.26ha site contains many former army buildings and associated structures (circa.107), along with a Military Museum building. Many of the buildings and structures are in various states of disrepair and dereliction.
- 9.1.22. The site contains 9 separate entries in the NIAH as being of regional importance, along with other structures of local historical and cultural significance, including 2 no Protected Structure.
- 9.1.23. The application includes a Built Heritage Impact Assessment, a Heritage Impact Assessment Review and an Archaeological Impact Assessment report.
- 9.1.24. I note the submission from the DAU who welcome the reuse and enhancement of the site but express concerns in relation to several interventions outlined in the Architectural Heritage Impact Assessment (AHIA). They recommend the Local Authority reviews the comments in the AHIA and implements the mitigations identified therein.

- 9.1.25. The Board should be aware that it would appear that this review has been carried out. The application includes a Heritage Impact Assessment Review carried out by Consarc Conservation of the Dedalus Architecture, Built Heritage Impact Assessment.
- 9.1.26. The applicant has set out in the planning report that the Consarc Conservation Heritage Impact Assessment supersedes the Built Heritage Impact Assessment carried out by Dedalus Architecture which is submitted with the application for completeness.
- 9.1.27. A Built Heritage Impact Assessment, dated July 2023, was carried out by Duncan McLaren of Dedalus Architecture, a Grade1 RIAI Accredited Conservation Architect and includes a table which sets out an assessment of the impact of the design proposals on the historic building and landscape elements of the proposal.
- 9.1.28. The assessment was carried out in line with the ICOMOS “Guidance on Heritage Impact Assessments for Cultural World Heritage Properties” and whilst this guidance is designed with reference to World Heritage sites, the methodology is set out in a form that is applicable to different types of heritage and built heritage of varying degrees of importance.
- 9.1.29. The magnitude of impacts are graded: major, moderate, minor, negligible or none and are considered as being either: beneficial, adverse, or neutral. The assessment also includes a section outlining ‘potential mitigation.’
- 9.1.30. The Dedalus Built Heritage Impact Assessment identifies 113 areas of proposed works and in the vast majority of these, the impact is assessed as Beneficial or Neutral, with 11 identified as potentially Adverse and others as Unknown due to the then stage of design development. In the adverse cases the report identifies some possible re-design or mitigation measures for consideration.
- 9.1.31. Following completion of the Dedalus Built Heritage Impact Assessment, the Design Team reviewed and carried out further research, surveys and option studies, concluding some design changes along with further rationale for the proposals.
- 9.1.32. A Heritage Impact Assessment Review, dated July 2024, prepared by Dawson Stelfox of Consarc Conservation, a Grade 1 RIAI accredited conservation practice is submitted with the application.

- 9.1.33. The applicant outlines in their planning report that the Consarc Conservation assessment is an independent assessment of the proposed development and supersedes the Built Heritage Impact Assessment carried out by Dedalus Architecture which is submitted with the application for completeness.
- 9.1.34. Consarc Heritage Impact Assessment again drew on the ICOMOS Guidelines and characterised the impacts of the design proposals as positive/beneficial, neutral or negative/adverse. The Consarc Heritage Impact Assessment placed particular scrutiny of the 11 items in the Dedalus Heritage Impact Assessment identified as potentially adverse impacts.
- 9.1.35. The Consarc Heritage Impact Assessment includes a table which compares the Dedalus Heritage Impact Assessment conclusions with their own conclusions/rationale and proposed mitigation measures to be adopted into the proposal.
- 9.1.36. The overall conclusion in the Consarc Heritage Impact Assessment is that *'the proposed works, including the recommended mitigations, will have an overall beneficial impact on the significance of Dunree Fort, with minor adverse impacts of loss or changes to surviving fabric more than offset by the major benefits in the conservation and repair of the site, its opening up to the public through both accessibility and interpretation, and the establishment of a management structure and sustainable business model which can offer long term care and conservation of the site.'*
- 9.1.37. Of particular note are the works proposed to the Guard House located at the High Fort, (Fort Dunree RPS no 40901813). An option study for alternative proposals to the Guard House was undertaken. The proposed design concept is based on removing the semi-collapsed first floor structure (which was a later addition to the Guard House built with brick and a concrete roof) and adding a new viewpoint structure with an internal exhibition area and both covered and open viewing areas.
- 9.1.38. I am satisfied that the addition of a contemporary glazed structure to the Guard House at the Redoubt/High Fort for use as a viewing platform and which is distinguishable from the original structure and reversible offers a significant feature to the visiting public and is an acceptable and reasonable intervention.

- 9.1.39. The works to Dunree Lighthouse (RPS no 40901830) will not affect the character of the structure and are a series of repairs to the existing fabric, roof replacement and electrical upgrades with the intension of using the Lighthouse as an interpretative space to tell the storey of the Great Lighthouse of Ireland.
- 9.1.40. The application includes an Archaeological Impact Assessment. There are no archaeological sites or monuments (SMR) recorded within the redline boundary of the application site and the site is not located within the zone of notification associated with any SMR.
- 9.1.41. However, the application site is located within a wider archaeological landscape noting 13 SMR's within a 2km study area. Therefore, the site is deemed to within an area of moderate archaeological potential and the AIA recommend mitigations including pre-construction archaeological test trenching and supervision in line with national legislation be implemented. I agree with this assessment.
- 9.1.42. Overall, I am satisfied that that the proposed development will protect and enhance the cultural heritage of the area and that there will be many positive consequences to the scheme. In the interest of clarity, should the board be minded to grant permission I recommend a condition be attached to any grant of permission that the mitigation measures identified in the Consarc Heritage Impact Assessment Review be implemented in full and the works be overseen by a Grade 1 conservation architect.

Biodiversity

- 9.1.43. The application is accompanied by an Ecological Impact Assessment (EclA) which describes the existing biodiversity and ecological characteristics of the site.
- 9.1.44. The Ecological Impact Assessment (EclA) includes a classification of habitats on site according to the Fossit scheme. It reports vegetation from three broad habitat types – the dry heathland and acid grasslands dominates the elevated sections to the north and east, the overgrown scrub and non-native/ornamental complex surrounds the developed areas to the south and west, and the rocky sea cliffs (both exposed and vegetated) around the coastal boundaries to the north and west.
- 9.1.45. Although a small portion of the north section of the 26ha site overlaps with the boundary of the North Inishowen Coast SAC, I note that this portion is located at a

considerable remove from the existing buildings and structures and well away from the footprint of the proposed works. In general terms, new development and redevelopment is confined to previously developed parts of the site.

- 9.1.46. The applicant states that the project benefits greatly from the reuse of existing structures and previously developed/disturbed areas and proposals for the more sensitive parts of the site, such as the cliff edges/faces and heathland, were screened for acceptability and feasibility at an early stage.
- 9.1.47. Overall, I am satisfied that the project proposals are concentrated in areas of the site that have previously been developed and are dominated by the lower value vegetation such as gorse and bracken rather than the higher-value areas of heathland, acid grassland, and sea cliff habitats.
- 9.1.48. Section 2 of the EclA sets out that the site was assessed for habitat suitability and surveyed for protected and notable wildlife on several occasions between June 2022 and August 2023. This included otters, badgers, bats, and marine wildlife. Given the nature of the site including sea cliffs, open heathland as well as the many disused and abandoned buildings I consider suitable roost habits for bats and sea birds may exist on site.
- 9.1.49. The site was surveyed for bat activity and roosting, during the 2022 active season. The methodology is set out in sections 2.67 - 2.72 of the EclA. All buildings and structures within the site were inspected to identify potential roost features (PRFs), locate evidence of roosting bats, identify actual bat roosts and/or roost access points (if possible), and inform the overall assessment of bat roosting potential.
- 9.1.50. In summary Three species – Leisler's bat *Nyctalus leisleri*, Common pipistrelle *Pipistrellus pipistrellus* & Soprano pipistrelle *Pipistrellus pygmaeus*, were regularly observed, detected and recorded within the site particularly on warm and calm evenings. Bats were absent, or activity was greatly reduced, when conditions at the site were unfavourable.
- 9.1.51. The surveys noted that no roosting was observed, no patterns of movement or behaviour that might suggest roosting within the site were noted, and no clustering of echolocation calls at or close to sunset or sunrise was revealed through the analysis of contemporaneous ultrasound recordings.

- 9.1.52. The survey results are set out in Section 2.118 in the EclA and note that it seems very likely the *Pipistrellus* spp. roost nearby, but further inland, and exploit the foraging resource over the open heathland, grassland and scrub at the site on dry and calm evenings. The net effect of proposed development will be the loss of some scrub and overgrown vegetation around previously developed sections of the site and the loss or refurbishment of several derelict structures, but the open heathland and grasslands will be unaffected.
- 9.1.53. Overall, the bat survey in Section 2.119 of the EclA concludes that no roosts will be damaged or destroyed, and no high-quality foraging or commuting resources will be lost or degraded, and the development proposals meet the legislative requirements and will not result in any significant adverse impacts on any local populations.
- 9.1.54. The EclA sets out that the site was assessed for habitat suitability and surveyed for birds during the breeding season of 2022 and 2023 and the wintering season of 2022/23 with further observations made in May 2024. The numerous derelict and disused building as well as the open heathlands provide nesting opportunities on site.
- 9.1.55. The methodology is set out in Sections 2.43 and 2.44 of the EclA.
- 9.1.56. Several *hirundine* nesting boxes are proposed throughout the site to compensate for nesting sites and opportunities lost to development.
- 9.1.57. The survey results confirmed or strongly suspected 4 no. species (*F. glacialis* R. *tridactyla* C. *grille* and *P. aristotelis*) to be nesting in close proximity to the Lower Fort walkway and Lighthouse walkway. The EclA recommends construction works at the site including the two walkway sites to be programmed and timed to avoid damaging active nests and disturbing nesting birds.
- 9.1.58. No mitigation is proposed for the potential displacement of nesting seabirds at the two walkway sites due to increased proximity to human activity as this is considered unlikely to occur. The EclA notes that should any nest sites be abandoned during construction work (noting that this will be avoided through programming) or immediately thereafter, reoccupation is likely as birds become habituated to the walkways.
- 9.1.59. The implications for Horn Head to Fanad Head SPA, Lough Swilly SPA and Fanad Head SPA are addressed and set out in detail in the NIS. It is necessary for the board to conclude that the proposed development is in accordance with the proper planning

and sustainable development of the area only if it also passes the rigorous tests under Appropriate Assessment.

- 9.1.60. Section 2.21 of the EclA discusses invasive species with no high impact non-native species recorded on site but a few species identified as low/medium impact according to *Invasive Alien Species in Ireland* are present on site. The EclA recommended that these be removed during the works and that control is progressed during the ongoing management of the site.
- 9.1.61. The applicant has set out that the landscaping proposals have been reviewed with the primary aim of ensuring that invasive and potentially invasive species are not inadvertently introduced to the site. The EclA recommends that the final planting proposals are reconsidered at detailed design stage in line with the recommendations provided in paragraphs 2.27 -2.35 of the EclA. I am satisfied that this approach will help to protect the rich biodiversity on site.
- 9.1.62. Section 2.12 of the EclA notes that otters are undoubtedly present in Lough Swilly and are known to move around the coast of Dunree from time to time. Surveys found no evidence of regular, habitual activity on site. Regular activity is likely to be confined to foraging the near shore waters at the foot of the sea cliffs and its unlikely that otters venture up into terrestrial sections of the site with any regularity, if at all.
- 9.1.63. The EclA outlines in Section 2.132 that a surprisingly low diversity assemblage of other terrestrial wildlife comprising Hedgehog, Irish Hare, Fox and Rabbits have been recorded in the vicinity of site. No badger setts and no conclusive field evidence of regular badger activity was found within the site. Fox, Hedgehog and Rabbit are present but no evidence of any other protected or notable terrestrial wildlife was found at or close to the site.
- 9.1.64. The EclA notes in Section 2.135 that a reasonable density and diversity of common terrestrial invertebrates (butterflies, moths, bumble bees, wasps, flies, spiders, beetles, shield bugs, ladybirds, hoverflies, midgets) exist on site.
- 9.1.65. Marine mammals are regularly present in Lough Swilly and in coastal waters off north Donegal. The EclA outlines in section 2.128 that noise disturbance is widely accepted as one of the main threats to marine mammals. Noise/vibration would be an issue if piling is required as part of the construction mythology. The EclA goes onto state that it is very unlikely that piling will be required at the site although this has yet to be

confirmed. Should piling be needed, risk to marine mammals can be managed in a reasonably straight forward manner through the implementation of a Marine Mammal Protocol (MMP) which is a standard scheme of mitigations developed in accordance with NPWS guidance.

- 9.1.66. Overall table 3.7 of the EclA concludes that subject to the application of mitigation measures the residual impact of the proposed development will be none or unlikely. Having reviewed the information set out on file I am satisfied that the EclA provides a detailed, robust and thorough consideration and overall conclusion of all matters pertinent to an EclA. I see no reason why the proposed development subject to mitigation measures as set out in the EclA would significantly adversely impact on local ecology.

Wastewater and Surface water / Water Framework Directive

- 9.1.67. The site is located on the shores of Lough Swilly. Lough Swilly is a high ecological status coastal waterbody which achieved 'Good Status' in the 2016-2021 Water Framework Directive (WFD) monitoring cycle. However, its environmental objective is 'High Status', and Lough Swilly is therefore considered to be 'At Risk' of not achieving necessary targets. As set out in the EPA report, Cycle 3 HA 39 Lough Swilly Catchment, May 2024, significant issues are nutrients, and the Lough is under pressure from several sources including domestic wastewaters, urban run-off and urban wastewaters.
- 9.1.68. The application includes a Drainage and Water Supply Report detailing the surface water and foul drainage strategies and a Site Suitability Assessment carried out by Tecsoil Site Assessment Ltd. The TecSoil assessment sets out that it was not possible to carry out standard trial hole and percolation tests at the site due to the lack of soil depth and gaining safe access for a digger.
- 9.1.69. The site is underlain by a Slieve Tooley Quartzite Formation – a whiteish quartzite bedrock with pebble beds. Groundwater vulnerability is classified as extreme – rock at or near surface, but the TecSoil assessment notes that the shattered bedrock on site appears to be providing a very good natural drainage and that the vegetation within both areas earmarked for the disposal of final wastewater consist predominantly of

Fern and Perennial Grasses both of which are good visual indicators of good natural drainage.

- 9.1.70. The proposed development includes the replacement of the 2 existing wastewater systems on site with 2 no new package wastewater plants. It has been determined that the capacity of the existing operational treatment plant on site is not sufficient for the projected increase in annual visitor numbers. The new plants will be installed and located at the same locations as the existing infrastructure.
- 9.1.71. It is an objective to grow visitor numbers to the site annually from 14,250 (current) to 114,191 over a 10-year period following its opening. The TecSoil Site Assessment Ltd estimates the wastewater loadings based on 1283 visitors per day and 20 no staff. The 1283 visitors per day is the projected potential number of visitors on a weekend day in the month of August. I am satisfied this figure would be the maximum number of visitors that would visit the site on any one day and generally throughout the year the daily visitor numbers would be much less.
- 9.1.72. It is proposed to route much of the site to a proposed treatment plant to the south of the site, adjacent to the existing treatment plant. The High Fort facility will gravitate to a separate smaller treatment plant located at the location of an existing disused/obsolete septic tank. The areas proposed for development are at no significant risk of coastal flooding and the site as a whole is not at any significant risk from fluvial flooding.
- 9.1.73. Based on the visitor and staff numbers the proposed wastewater treatment at the lower site location will serve the majority of the site and will have a capacity to serve a population equivalent of 267. The proposed wastewater treatment at the High Fort location will have a capacity to serve a population equivalent of 52. The capacity of the plant at the High Fort is slightly undersized as it is incorrectly based on daily visitor numbers of 205. It should be based on visitor number of 257 (i.e 20% of the total daily visitor numbers of 1283). Overall, the treatment plants are generally designed in accordance with the wastewater loadings rates as set out in Table 3, Recommended wastewater loading rates from commercial premises in the EPA Manual for Small Communities, Business, Leisure Centres and Hotels.
- 9.1.74. The TecSoil assessment goes onto note that due to the extreme groundwater vulnerability and the lack of infiltration across the site it is proposed that all materials

relating to the disposal of effluent will have to be imported. Sand Filter wastewater will discharge to a 900mm bed of imported soil with a percolation rate in the 5 – 20 range. At both proposed plants, cleaned effluent will be pumped intermittently from the pumping chamber to mono-grade raised sand polishing filters enclosed by impermeable panels. Due to the sloping nature of the site, gabions or GRP impermeable panels with drainage outlets are recommended to effectively retain the imported material.

- 9.1.75. As part of the further information request the applicant was requested to submit fully completed Site Characterisation Reports and technical reports (if required) to demonstrate that the proposed wastewater systems at both locations would not result in any conceivable risk to the Lough Swilly Waterbody in achieving its Water Framework Directive's environmental objectives.
- 9.1.76. The applicant submitted a Site Characterisation Form carried out by Design ID. The submitted Site Characterisation Form has a number of very basic omissions and faults. It does not include any photos of the site and of the subsurface percolation test holes undertaken. It does not include a sketch map showing where the subsurface percolation test holes were carried out. It also sets out that the availability of water to carry out the tests was constrained and as such the testing comprised one round of infiltration tests rather than the required three tests. In addition, the report does not include any site-specific cross section drawings of the proposed polishing filters which is particularly important given the sloping nature of the site and the proximity to Lough Swilly.
- 9.1.77. Consequently, it is unclear from the information submitted where the subsurface percolation tests were carried out. It would also appear that only one location was tested, and this was not carried out in accordance with EPA Code of Practice (2021) due to a lack of access to water. Also, the size of the subsurface percolation tests holes vary significantly with one being 1.2m in length which is considered excessive. In addition, no trial hole was excavated on either site. It should be noted that the lower site is located adjacent to the main access road into the site and the upper site could possibly be got at from the existing extensive pathway network particularly from the southern side of the site. It is also noted that the drainage report makes the case that the siting of the systems has allowed for access for a sludge tanker and maintenance equipment.

- 9.1.78. The details around the requirement for a discharge licence is also vague and unclear. The Site Characterisation Form set out that due to the presence of rocky outcrops across the site a Water Pollution licence will be required from Donegal County Council. The Licence to Discharge is more than likely required due to the volume of effluent being generated at the site.
- 9.1.79. In relation to the second point in the Further Information request the applicant has not provided any assessment of the existing system in operation at the Lighthouse. The applicant has just noted that the bathroom in the Lighthouse will not be accessible to the public and will only be used by one and very occasionally 2 staff members on a part time basis. Again, at the very minimum an assessment including photographs of the existing system at the Lighthouse should be provided.
- 9.1.80. In conclusion the applicant has not demonstrated that both sites can deal hydraulically with the volumes of wastewater proposed for each polishing filter location. Moreover, references to imported soils lack clarity regarding the infiltration point and there is a lack of evidence including maps, drawings and photographs to support the conclusions reached. Overall sufficient information has not been provided to demonstrate the suitability of the site for effluent treatment without posing a risk to Lough Swilly. As the applicant has failed to demonstrate that the wastewater treatment systems comply with the Wastewater Treatment Manual for Small Communities, Business, Leisure Centres and Hotels (EPA), I do not consider the proposed development complies with Policy WW-P-5 and TOU-P-8 of the Donegal County Development Plan 2024 – 2030.
- 9.1.81. In relation to surface water drainage the existing underground gravity infrastructure and trenches will be refurbished and re-used where possible and outfall drains will use the existing drains or follow the same route. A SuDs approach to surface water management will be incorporated utilising a variety of common drainage systems. Overall surface water (clean water) will continue to discharge to Lough Swilly through a series of gullies, ditches and pipework. I am satisfied that the proposed surface water arrangements will not give rise to a conceivable risk to water deterioration, subject to adherence to best construction practices.

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

- 9.2.1. In terms of the principle of the development the proposal aims to re-imagine and enhance the unique heritage assets at Fort Dunree to deliver a contemporary visitor experience that aligns with modern tourism requirements.
- 9.2.2. I consider from the public submissions that there is strong policy support for the development and that support emanates from national, regional and local policy provisions.
- 9.2.3. At national level the NPF sets out objectives relating to a strong economy supported by enterprise, innovation, and skills and to conserve, manage and present our heritage for its intrinsic value and as a support to economic renewal and sustainable employment (NSO 7). I agree that the broad thrust of this strategic objective is to support tourism development in the area.
- 9.2.4. Failte Ireland's policy support is evidenced in its submission to the Board. Fort Dunree is identified as a Discovery Point along the Wild Atlantic Way and one of Failte Ireland's development initiatives for the region is the delivery of an iconic attractor at Fort Dunree with funding committed to this project under Fáilte Ireland's Platforms for Growth Programme.
- 9.2.5. In the Inishowen Peninsula Destination and Experience Development Plan (DEDP), launched in 2022, Fort Dunree is identified as one of five catalyst projects within the strategy as it has the potential to be a significant visitor attractor and has the capacity to offer a range of experiences that will appeal to a spectrum of audiences.
- 9.2.6. I note from the applicants planning report that at a regional level Fort Dunree is not specifically referenced in the Regional Spatial Economic Strategy for the North West but it is noted that it is located in the very north of the North West Regional Assembly region along the Wild Atlantic Way national tourism route. I consider strong support for the proposed development lies in RPO 4.15, RPO 4.2 and RPO 4.5 which refers to the enhancement of access to tourist assets, the promotion of local heritage and culture and the regeneration of key coastal assets, including those within state ownership (e.g. OPW) as well as Discovery Points and Signature Points along the Wild Atlantic Way.

- 9.2.7. Fort Dunree is one of 150 Discovery points/Iconic sites positioned along the Wild Atlantic Way (WAW) which are notable for their seascape location, natural and heritage assets. I note the applicant's planning report references additional regional policy objectives related to the built and natural heritage and protection of sensitive coastal landscapes, and I agree that the proposed development is in line with these objectives.
- 9.2.8. The development plan has a number of policy objectives, notably TOU-P-1, TOU-P-10 and TOU-P-11 relating to the development and sustainable improvement of tourist services, infrastructure, transport networks and amenities associated with the Wild Atlantic Way. The site contains an existing tourist facility and is identified as a Discovery Point along the Wild Atlantic Way tourism route. There is explicit support for the development of strategic tourism experiences/attractions which are consistent with the brand identity of the Wild Atlantic Way as identified in Table 10.1 in the development plan. Table 10.1 in the development plan outlines the key tourism attractions in County Donegal with Fort Dunree included.
- 9.2.9. Taking into account the general thrust of the written submissions I consider it evident that the proposed development will act as a catalyst to grow tourism revenues and be a key economic driver in the wider catchment. In terms of impact locally it is envisaged that the upgrading of the site will ensure that there is a longer dwell time by visitors resulting in positive social and economic spins offs for the wider Inishowen Peninsula which is relatively isolated and lacking in local employment.
- 9.2.10. The local authority's submission to the Board describes the need to deliver a contemporary visitor experience that aligns with modern tourism requirements and unlocks Fort Dunree's tourism potential and delivers a range of social, environmental and economic benefits to the local area, the Inishowen Peninsula and County Donegal. I agree with those sentiments that the proposed redevelopment is warranted. I accept that construction of a new exhibition space, new toilets, new car park, upgrading of café, pathways, new walkways and restoration and refurbishment of the existing buildings are a necessary element of that response.
- 9.2.11. I therefore conclude that the proposed development is acceptable in principle and that it will meet the aims of sustainable development and the proper planning in this area.

I am satisfied that the proposed development is in keeping with the national, regional and local policy provisions for the site and area.

9.3. The likely significant effects on a European site:

9.3.1. 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

9.3.2. 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.

9.3.3. The Natura Impact Statement: The application was accompanied by an NIS entitled Natura Impact Statement, Fort Dunree, Dunree Head, Buncrana, Co Donegal, July 2024, prepared by Mr Gareth Grindle, which describes the proposed development, the project site and the surrounding area.

9.3.4. Appropriate Assessment Screening – Following the screening process (ABP-318278-23) it was determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development 'The Fort Dunree Project' individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the *possibility* of significant effect):

- Horn Head to Fanad Head SPA (Site code: 004194)
- Lough Swilly SPA (Site code: 004075)
- Fanad Head SPA (Site code: 004148)

ABP screening direction (ABP-318278-23) notes that the project would not be likely to have a significant effect on the Horn Head to Fanad Head SPA, Lough Swilly SPA and Fanad Head SPA via surface water pathways thereby ensuring no adverse impacts on prey species or food resources. The screening determination also excludes potential for in-combination effects with other plans and projects including agricultural and residential developments on the above named SPA's via surface water pathways.

9.3.5. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites (listed above) 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 potential indirect impacts, in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

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

- An Bord Pleanála Screening Direction (ABP-318278-23)
- A desk top study.
- Site surveys and building inspections as part of the ecological assessment of the site.
- The site was assessed for habitat suitability and surveyed for birds during the breeding seasons of 2022 and 2023 and the wintering seasons of 2022/23 and further observations made in May 2024.
- An examination of aerial photography and maps.
- Information published by the National Parks and Wildlife Service.

9.3.7. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures *'significant adverse impacts on the qualifying interest and overall site integrity of Horn Head to Fanad Head SPA, Lough Swilly SPA & Fanad Head SPA are very unlikely to arise as a result of the project, either alone or in cumulation/combination with other plans, projects and activities. In terms of the conservation objectives, the project will not result in disruption or disturbance to the*

bird species listed as Special Conservation Interests that would prevent maintenance or interrupt/delay restoration of favourable conservation condition.'

- 9.3.8. 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 Sections 4.7 - 4.9, of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.4. Appropriate Assessment

- 9.4.1. I consider that the proposed development for the restoration and upgrade of an existing visitor experience is not directly connected with or necessary to the management of any European site.
- 9.4.2. Having regard to An Bord Pleanála's direction (ABP-318278-23), 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 site (SAC/SPA)	Qualifying Interests	Distance
Horn Head to Fanad Head SPA (Site code: 004194)	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>	Circa 2km to the west

European site (SAC/SPA)	Qualifying Interests	Distance
Lough Swilly SPA (Site code: 004075)	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Greenshank (<i>Tringa nebularia</i>) [A164]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	Circa 9km to the south

European site (SAC/SPA)	Qualifying Interests	Distance
Fanad Head SPA (Site code: 004148)	Corncrake (<i>Crex crex</i>) [A122]	Circa 7km to the north-west

9.4.3. Based on my examination of the NIS report and supporting information (including the information contained in the EclA), 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 having regard to the precautionary principle, it is considered appropriate to carry out a Stage 2 Appropriate Assessment for the European sites referred to above.

9.4.4. In conclusion, having regard to An Bord Pleanála's direction (ABP-318278-23), the nature and scale of the proposed development, the proximity of the subject site to the European sites, the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the supporting documentation regarding the degree of interconnection between qualifying interests and habitat types within the affected European sites, it is considered the proposed development has the potential to affect 3 no. European sites having regard to their conservation objectives, and that progression to a Stage 2 Appropriate Assessment is required.

9.5. Stage 2 Appropriate Assessment

- **Horn Head to Fanad Head SPA/site code: 004194**

Description of site: Comprises a number of separate sections along the north coast of Donegal including the west side of Lough Swilly, circa. 2km west of Fort Dunree. The site includes the high coast areas, sea cliffs and sand dunes. Sea cliffs are present along virtually all the site. It is of high importance for Chough and Peregrine, and it supports an internationally important assemblage of breeding seabirds along with a good diversity of other wildfowl species.

The NIS details:

- An appraisal of QI species within Lough Swilly and at Dunree Head.
- Three QI species (*F. glacialis*, *R. tridactyla* and *P. aristotelis*) were confirmed or strongly suspected to be actively nesting at Dunree Head in proximity to areas proposed for development.
- The few pairs of *F. glacialis*, *R. tridactyla* and *P. aristotelis* that nest on the cliffs close to the Lower Fort seem to be well habituated to human proximity and activity.
- For birds nesting close to the Lighthouse Walkway, the nests are mostly out of sight, in well protected and inaccessible cliff-side locations.
- Any disturbance or disruption that might occur to the few pairs nesting close to the Lough Swilly Walkway or the Lighthouse Walkway during the construction phase, assuming construction works were allowed to take place with no regard for nesting seabirds, is unlikely to result in significant adverse impacts in terms of the SPA populations as a whole and/or the overall site integrity of the Horn Head to Fanad Head SPA.
- With mitigation, i.e. Construction Environmental Management Plan (CEMP) detailing appropriate project programming to avoid the nesting season, no adverse impacts occur.
- Increased visitor numbers are expected to occur gradually over several years, leaving scope for habituation and therefore long-term abandonment and displacement of nest site is considered very unlikely.
- These species do regularly nest in secure cliffsides in proximity to human activity and the viability of these cliffs as a nesting resource is unlikely to change as visitor numbers increase.
- Even if it was the case that seabirds cease nesting at these locations, displacement is unlikely to be significant in terms of the integrity of the SPA populations due to the small numbers of pairs potentially implicated relative to the overall population sizes, the range of coastal nesting opportunities available and the fact that the nests that maybe displaced are situated well outside the designated SPA.

- No pre-emptive mitigation is proposed for potential displacement of nesting *F. glacialis*, *R. tridactyla* and *P. aristotelis* as it is considered unlikely to occur.
- The NIS also considered further the Red-billed chough *Pyrhacorax pyrrhacorax*, which are associated with rocky sea cliffs, providing breeding and roosting sites.
- No *P. pyrrhacorax* nest sites were confirmed at Dunree Head during surveys undertaken and none were observed within or over Dunree Head.
- As such it is very unlikely that the redevelopment of the site will destroy any *P. pyrrhacorax* nests or nesting locations or disturb any actively nesting pairs – as works will be programmed and timed to avoid the nesting season across the site and no adverse impacts will occur.

Conservation Objectives

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Potential direct effects:

- None – site is not with or adjacent to the SPA

Potential indirect effects:

- Potential for disturbance/disruption during construction stage impacting protected birds frequenting the site.
- Potential for displacement of protected birds frequenting the site due to increased visitor numbers and changing pattern of visitor movement within the redeveloped site.

Potential in-combination effects:

- Section 4.48 of the NIS sets out that there are no other pending or permitted developments or tourism projects of a similar scale within or close to the cumulative zone of influence. I have carried out an up-to-date review of permissions granted in the general area.

- I am satisfied that this is a self-contained project at a relatively isolated and well defined site.
- I am satisfied that there are no in-combination impacts to the SPA that can be considered at this time.

Mitigation measures:

- A Construction Environmental Management Plan (CEMP) will set out the requirements to programme works to avoid breeding/nesting season.

Residual effects/Further analysis:

- None expected to arise

NIS Omissions:

- None noted

Suggested related conditions:

- Construction Environmental Management Plan (CEMP) setting out the requirement to programme works to avoid breeding/nesting season to be agreed prior to development commencing.

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 measure outlined above.

- **Lough Swilly SPA/site code: 004075**

Description of site: Lough Swilly is a long sea inlet, situated on the west side of the Inishowen Peninsula in north Co. Donegal. The SPA comprises the inner part of Lough Swilly circa 9km south of Fort Dunree. The SPA is of major ornithological importance for wintering waterbirds, with three species occurring in numbers of international importance and 18 occurring regularly in numbers of national importance. The site is regularly used by more than 20,000 waterfowl and as such is of international

importance. Additionally, it holds nationally important breeding populations of three species (Sandwich Tern, Common Tern & Black-headed Gull). The site is used by a good range of Annex I bird species.

The NIS details:

- Surveys suggest that wintering birds are not present regularly/or in significant numbers at or very close to Dunree Head.
- Birds that tend to winter offshore may use the nearshore waters and find shelter near Dunree Head during storms or strong onshore winds but are otherwise rarely seen in the area. Others may forage in the waters and shoreline infrequently.
- As such the potential for significant disturbance to wintering QI species is limited.
- Seabirds that winter on Lough Swilly are likely to be habituated to a certain extent, to onshore activity in certain areas, including at Dunree Head which is a long-established active tourism destination.
- Given the size of Lough Swilly and the open natural seascape, the range at which construction phase works and operational phase activities at Dunree Head might result in disturbance to wintering birds is limited to the water and in very close proximity to areas of new development.
- Beyond the construction phase, wintering birds are unlikely to be disturbed by activity at Dunree Head as visitor numbers and activity will be low during the winter months and will be particularly low during periods of stormy wintery weather when birds may move closer to the shore for shelter.
- It is concluded that the occasional disturbance of QI species that maybe present on the open water close to the Lough Swilly Walkway or the Lighthouse Walkway from time to time is unlikely to result in significant adverse impacts in terms of the SPA populations as a whole and/or the overall site integrity of Lough Swilly SPA.

Conservation Objectives

- To maintain the favourable conservation condition of (the bird species listed) in Lough Swilly SPA, which is defined by (population trend and distribution) attributes and targets.
- To maintain the favourable conservation condition of the wetland habitat in Lough Swilly SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by the attributes (habitat area) and targets.

Potential direct effects:

- None – site is not with or adjacent to the SPA

Potential indirect effects:

- Potential for disturbance/disruption during construction stage impacting protected birds frequenting the site.
- Potential for displacement of protected birds frequenting the site due to increased visitor numbers and changing pattern of visitor movement within the redeveloped site.

Potential in-combination effects:

- Section 4.48 of the NIS sets out that there are no other pending or permitted developments or tourism projects of a similar scale within or close to the cumulative zone of influence. I have carried out an up-to-date review of permissions granted in the general area.
- I am satisfied that this is a self-contained project at a relatively isolated and well defined site.
- I am satisfied that there are no in-combination impacts to the SPA that can be considered at this time.

Mitigation measures:

- A Construction Environmental Management Plan (CEMP) will set out the requirements to programme works to avoid breeding/nesting season.

Residual effects/Further analysis:

- None expected to arise

NIS Omissions:

- None noted.

Suggested related conditions:

- Construction Environmental Management Plan (CEMP) setting out the requirement to programme works to avoid breeding/nesting season to be agreed prior to development commencing.

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 measure outlined above.

- **Fanad Head SPA/site code: 004148**

Description of site: Comprises two areas of extensively managed grassland on the Fanad Head peninsula on the north coast of Co. Donegal, circa 7km north west of Fort Dunree. The principal habitat present is grassland but small areas of scrub and wetlands also occur. Fanad Head SPA is of high ornithological importance as it supports a nationally important population of Corncrake, a globally threatened species. Corncrake is also listed on Annex I of the E.U. Birds Directive.

The NIS details

- At over 8km from Dunree Head and on the other side of Lough Swilly there is no potential for disturbance or disruption of breeding birds within the SPA.
- There is no history or indication that *C. crex* are present at or close to Dunree Head.
- There is no operational *source-pathway-receptor* mechanism for adverse impacts on the site integrity of Fanad Head SPA as a consequence of

disturbance or disruption to qualifying species during the construction or operational phases.

Conservation Objective

- To restore the favourable conservation condition of Corncrake for this SPA.

Potential direct effects:

- None – site is not with or adjacent to the SPA

Potential indirect effects:

- None – at over 8km from Dunree Head and on the other side of Lough Swilly there is no potential for disturbance or disruption of qualifying bird.

Potential in-combination effects:

- Section 4.48 of the NIS sets out that there are no other pending or permitted developments or tourism projects of a similar scale within or close to the cumulative zone of influence. I have carried out an up-to-date review of permissions granted in the general area.
- I am satisfied that this is a self-contained project at a relatively isolated and well defined site.
- I am satisfied that there are no in-combination impacts to the SPA that can be considered at this time.

Mitigation measures:

- None

Residual effects/Further analysis:

- None expected to arise

NIS Omissions:

- None noted.

Suggested related conditions:

- None

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 objective.

9.6. Appropriate Assessment Conclusions:

- 9.6.1. It is considered the potential impacts on European sites arising from the proposed development relates primarily to disturbance during both construction and operation.
- 9.6.2. In terms of impacts on the SPA's due to construction work I am generally satisfied that the mitigation measures proposed are sufficient to alleviate any concerns over adverse impacts to the SPA feature species and populations. The Construction Environmental Management Plan (CEMP) will set out the requirements to programme the works to avoid breeding/nesting season. This will serve to protect nesting birds (whether SPA species or not) throughout the site and will have a safeguard effect on the large and distributed breeding populations present around the coast of northern Donegal.
- 9.6.3. In terms of the operational stage the projected increase in visitor numbers is expected to occur gradually over a number of years, leaving scope for habituation and as such long-term abandonment and displacement of nest sites is unlikely. No pre-emptive mitigation is proposed for potential displacement as it is considered unlikely to occur.
- 9.6.4. Having regard to the foregoing assessment and the nature of the proposed development, 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. 004194 or site no. 004075 or site no. 004148, or any other European site, in view of the site's Conservation Objectives.

10.0 Recommendation

On the basis of the above assessment, I recommend that the Board refuse the proposed development subject to the following reason:

Having regard to deficiencies in the Site Characterisation Form the Board cannot be satisfied, that effluent from the development can be satisfactorily treated and/or disposed of on site in a manner that would not give rise to the risk of pollution to surface water and/or ground water. The proposed development would, therefore, be prejudicial to public health and would negatively impact on the Lough Swilly waterbody achieving the relevant water quality status required under the Water Framework Directive.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Donogh O' Donoghue
Planning Inspector

12th February 2024