



An
Bord
Pleanála

Inspector's Report

ABP-320948-24

Development	N56 Doonwell to Drumbrick Road Improvement Scheme
Location	Townlands of Kilconnell or Glebe, Procklis, Clonkilly More, Drumbrick, Letterfad
Local Authority	Donegal County Council
Type of Application	Environmental Impact Assessment (EIA) Screening Determination (Application under Section 50 (1) (b) of the Roads Act 1993, as amended.
Applicant(s)	Donegal County Council
Date of Site Inspection	23 rd October 2024
Inspector	Tomás Bradley

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1.0 Introduction

Under the provisions of Section 50 (1) (b) of the Roads Act 1993, as amended an application for an Environmental Impact Assessment (EIA) Screening Determination was made by Donegal County Council (DCC) to An Bord Pleanála ('the Board') as to whether a proposed road improvement scheme on the N56 (National Secondary Road) between Doonwell and Drumbrick, Co. Donegal ('the proposed scheme') would be likely to have significant effects on the environment.

The proposed scheme being managed by the National Roads Office (NRO) on behalf of DCC - it is a local authority development. It should be noted that no planning application has been made at this time. The appropriate application pathway will be determined following a decision from the Board in respect of this application.

DCC is of the opinion that the proposed scheme would not be likely to have significant effects on the environment and an EIA is not required. This is evidenced in an letter submitted to the Board by DCC of 4th December 2024 which is supported by an EIA Screening Report which includes detailed information on likely impacts in Table 4.1 of that report. This is considered in detail in Section 8.0 of this report.

The Board is required to determine whether the proposed scheme would likely to have significant effects on the environment.

2.0 Site Location and Description

The N56 is a national secondary road that runs for approximately 157 km from Donegal Town in south Co. Donegal clockwise to Letterkenny in north Co. Donegal. It provides access to the western region of the county. The proposed scheme relates to a 2.6 km section of the N56 only, between the villages of Kilmacrenan (north of) and Termon Village (south of).

The majority of this section of road has a carriageway width of 5.5 m and no hard shoulder. The pavement of this section of road is in good condition, although at certain locations the road is raised and there is subsidence. The speed limit is 100 km/h at this location. It is noted that there has been one fatal collision on this section of the N56 and, by Transport Infrastructure Ireland (TII) standards, it has a poor road safety record.

There are four local road junctions along this section including the L1192-8, L1442-1, L11924-9, L14422-0 and one regional road junction for the R255. In addition, there are access points to 30 residential properties as well as a number of agricultural access points also. It is noted that there is 5 no. culverts and 1 no. bridge (Procklis Bridge) crossing under the road. There are currently no cyclist and pedestrian facilities. It is noted that at certain sections of the road were previously subject to improvements – this is evident between the L1192-4 to R255 junctions where the previous road alignment still exists.

The site runs parallel to the Drumhuragh River and Lurgy River that flows in a south easterly direction. These rivers form part of the wider Leannan River Special Area of Conservation (SAC) (Site Code: 002176). It is noted that the National Indicative Fluvial Mapping has modelled a medium probability (100 year flood event) at Procklis Bridge and Termon Bridge. However, there are no past flood events recorded.

Water runoff is primarily directed into ditches on both sides of the road. These ditches connect to field drains and watercourses that lead to the Lurgy River, which runs along the northern side of the road. There is also a filter drain extending about 500 meters south of the R255 junction on the northbound lane. At Kilmacrenan village there are no ditches or streams along the road and water infiltrates within the verge. There are 5 no. existing culverts crossing under the existing road within the

site extent. All these culverts drain into small field drains which flow in a northerly direction towards the Lurg River.

There are no built heritage features noted in the site in either the National Inventory of Architectural Heritage or the Sites and Monuments Record (SMR). It is noted that several sites of potential cultural heritage are identified by the applicant in Appendix 2 of the EIA Screening Report and include 19th century features such as bridges, limekilns and houses. The site is not located within Gaeltacht Dún na nGall. However, it is noted the Gaeltacht includes Termon village, just north of the site.

There are a number of single rural dwellings with entrances along this section of road as well as agricultural complexes. At the northern end of the site, there is a commercial complex known as 'The Lagoon', which includes a general store with petrol pumps, restaurant and guesthouse. Termon Gaelic Athletic Association (GAA) has a sports complex in proximity to the junction with the R255.

3.0 Proposed Scheme

3.1. Scheme Description

The proposed scheme consists of:

- Upgrade of 1.5 km of the existing national secondary road N56, to a 7.0 m wide single carriageway with 0.5 m hard strips and 2.0 m and 3.0 m grassed verges on the southern and northern verges from approximately 700 m north of Kilmacrenan village to approximately 400 m south of the junction with R255 north of the Lagoon restaurant and bar.
- The incorporation of a 2.6 km long active travel facility comprising a 3.0 m shared use pedestrian and cycle facility on the southern verge, separated from the existing carriageway by a 2.0 m wide grassed separation strip from Kilmacrenan village to the upgraded road tie-in with the R255 junction. It will include a new pedestrian / cyclist bridge adjacent the existing Procklis Bridge comprising a single-span light steel deck beam structure with hardwood timber decking on shallow footings with raised earth embankments.
- A 2 m wide, 400 m long footway on the northern verge from Kilmacrenan village to the Lough Salt junction separated from the carriageway by a 3.0 m grassed separation strip.
- Upgrade of T-junctions at connections to the local roads:
 - L-1192-8 Lough Salt Road
 - L-1442-1
 - L-11924-0 Doonwell Road
 - L-14422-1
 - R255 Glenveagh Road.
- Earthworks including peat excavation and deposition and replacement with suitable fill.
- Drainage comprising pre-earthworks drain ditches, grass-surface water channels, filter and carrier drains and culverts.
- Vehicle restraint systems where required.
- Traffic signs, road markings and other street furniture including tactile paving and revisions to speed limit signage.

- Realignment / relocation of multiple entrances to residential properties and farm accesses to accommodate the wider carriageway and active travel including drainage. Accommodation works will be agreed with landowners during the design phase.

The road will be designed in accordance with TII national road standards, and the active travel measures layout will be designed in accordance with the National Cycle Manual (NTA, 2023). All other road elements, including drainage, vehicle restraint systems (VRS), structures etc. shall be designed in accordance with TII Standards.

3.2. Documents accompanying the Application for Determination

DCC is of the opinion that the proposed scheme would not be likely to have significant effects on the environment and an EIA is not required. This is evidenced in an letter submitted to the Board by DCC of 4th December 2024 which is supported by an EIA Screening Report. However, for clarity, they seek a determination from the Board.

The EIA Screening Report includes information on the following:

- Description of the Project
- Description of the Existing Road
- Legal Information pertaining to the EIA Screening
- Information to carry out a Sub-Threshold EIA Screening

Drawing N56DD-FTC-GA-ZZ-DR-C-0001 to N56DD-FTC-GA-ZZ-DR-C-0010 General Arrangement which is found in Appendix 1 of the EIA Screening Report shows the proposed project layout and Figure 2-1 within the report shows the location plan and extent of the project.

5.0 Planning History

A review of the DCC Planning Portal and the Board's case files was carried out on the 10th of October 2024 to collate any planning history for the site. There was no recent relevant planning history for the subject site, save for the application the subject of this EIA Screening Determination.

There are numerous planning applications for the lands, buildings and structures on each side of the road and on surrounding roads which is to be expected in a such a location. The planning applications largely relate to changes of use and alterations to the buildings and structures. These are all of a modest scale and are noted and considered in the assessment below.

6.0 Policy Context

The Donegal County Development Plan 2024-2030 (DCDP or ‘the plan’) is the relevant plan for the subject site. On the 26th of June 2024, the DCDP came into effect except those parts of the plan affected by the Draft Ministerial Direction. The parts related to the Draft Ministerial Direction are not material to the proposed scheme.

6.1. Specific Objectives in respect of Transport and Mobility

The site is not zoned. However, there are numerous policies in Chapter 8 Infrastructure of the DCDP which support the improvement of existing roads and the principle of sustainable mobility. The N56 Road is considered on the ‘Strategic Road Network’ (Map 8.1.2) and identified for Sustainable Mobility Infrastructure Opportunities (forming part of Strategic Transport Schemes). The following policies and objectives are noted.

Table 1: Relevant Policies of the DCDP	
Ref.	Policy
T-O-2	To secure the development of strategic, coherent and high-quality walking and cycling networks that are integrated with public transport and connected with cultural, recreational, commercial, educational and employment destinations and attractions consistent with the National Outdoor Recreation Strategy, 2023-2027, the Donegal Outdoor Recreation Strategy, and the Donegal networks as identified in the Cycle Connects: Ireland’s Cycle Network Plan and as developed through the Local Transport Plan process.
T-O-4	To provide for safer routes to schools within the County and promote walking cycling and scooting as safe and suitable modes of transport, including as part of local traffic management improvements and An Taisce’s Green Schools Programme.
T-O-5	To retrospectively provide safe walking and cycling infrastructure, segregated from other traffic, in settlements and into settlements from suitable adjacent rural areas accessing cultural, recreational, commercial, educational and employment destinations and attractions.
T-O-10	To safeguard the carrying capacity and safety of National Roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012)
T-O-14	To provide for high quality connectivity within the County in line with the Core Strategy through the promotion of a quality Strategic Road Network as identified on Map 8.1.2.
T-O-15	To protect the corridors and routes and acquire the lands necessary for the transportation improvement projects as identified in Table 8.1A and 8.1B
T-P-11	It is a policy of the Council to support and facilitate: a. the appropriate development, extension and improvement of Donegal’s transport network, including the Strategic Road Network (Map 8.1.2 refers), and roads identified in Table 8.1B in accordance with the Core Strategy and subject to environmental, safety and other planning considerations. b. It is a policy of the council not to permit development that would prejudice the implementation of a transport scheme identified in the Development Plan.

6.2. Amenity and Heritage Designations

The site is within an Area of High Scenic Amenity (HSA) designations. It is generally the objective to protect same. There are no built heritage designations within the site.

7.0 Legal Context

Screening is the term used to describe the process for determining whether a proposed scheme requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed scheme and the significance or the environmental sensitivity of the receiving baseline environment.

7.1. Roads Act 1993, as amended

In this instance, an application has been made for an EIA Direction under the Roads Act 1993, as amended. Section 50 (1) (a) of that Act, lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:

50.— (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:

(i) the construction of a motorway;

(ii) the construction of a busway;

(iii) the construction of a service area;

(iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.

Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) sets out the prescribed types of road development for Section 50 (1) (a) (iv).

8. The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be—

(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.

It is stated under Section 50 (1) (b) that if the Board considers that any road development proposed consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

Under Section 50 (1) (d), a road authority is required, in particular, to decide whether or not a proposed road development (again, other than development to which Section 50 (1) (a) applies) would be likely to have significant effects on the environment, where it would be located on a European Site, a nature reserve, land designated as a refuge for fauna or land designated a natural heritage area.

Under section 50 (1) (e), in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board or the road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive.

Section 50 (1A) (a) states that unless the Board is satisfied that a proposed road development (other than development to which section 50(1) (a) applies) would or would not be likely to have significant effects on the environment, it shall require the road authority to provide it with information on the characteristics of the road development proposed and its likely effects on the environment. The remainder of section 50 (1A) sets out requirements for such information should EIA be required, and procedures to be followed subsequently.

The Board should note that this includes a requirement that their determination be made within 90 days from the date on which the road authority has submitted all information required by the Board (except in exceptional cases).

7.2. Planning and Development Act 2000, as amended.

It is also noted that certain elements of the proposed scheme may fall under certain provision of Part X of the Planning and Development Act 2000, as amended.

Schedule 5 (Part 1 and Part 2) of the Planning and Development Regulations 2001, as amended transposes Annex I and Annex II of the amended EIA Directive.

Schedule 7 of the Planning and Development Regulations 2001, as amended, which mirrors Annex III of the EIA Directive, sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings: characteristics of the proposed development; location of the proposed development; types and characteristics of potential impacts.

7.3. EIA Directive 2014/52/EU

EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment, entered into force on 15th May 2014. The EIA Directive 2014/52/EU reaffirms that 'Annex I projects' shall be subject to EIA and that for 'Annex II projects', Member States shall determine whether the project should be subject to EIA on a case-by-case basis or subject to thresholds or other criteria (for example size, location, sensitive ecological areas and potential impact) set by the Member State. The screening determination must be based on the information provided by the developer and if mitigation measures are influential to a screening determination, these must be stated by An Bord Pleanála, as the competent authority, in a screening determination.

Annex III of the EIA Directive sets out the revised criteria for determining whether projects should be subject to an EIA, under three headings as follows:

1. Characteristics of projects

The characteristics of projects must be considered, with particular regard to:

- (a) the size and design of the whole project;*
- (b) cumulation with other existing and/or approved projects;*
- (c) the use of natural resources, in particular land, soil, water and biodiversity;*
- (d) the production of waste;*
- (e) pollution and nuisances;*
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;*
- (g) the risks to human health (for example due to water contamination or air pollution).*

2. Location of projects

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

- (a) the existing and approved land use;*
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:*

- (i) wetlands, riparian areas, river mouths;*
- (ii) coastal zones and the marine environment;*
- (iii) mountain and forest areas;*
- (iv) nature reserves and parks;*
- (v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;*
- (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
- (vii) densely populated areas;*
- (viii) landscapes and sites of historical, cultural or archaeological significance.*

3. Type and characteristics of the potential impact

The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the project on the factors specified in Article 3(1), taking into account:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
- (b) the nature of the impact;*
- (c) the transboundary nature of the impact;*
- (d) the intensity and complexity of the impact;*
- (e) the probability of the impact;*
- (f) the expected onset, duration, frequency and reversibility of the impact;*
- (g) the cumulation of the impact with the impact of other existing and/or approved projects;*
- (h) the possibility of effectively reducing the impact.*

7.4. Relevant Guidance

Following transposition by the EU of Directive 2014/52/EU, guidance document ‘*EIA of Projects - Guidance on Screening*’ (2017) and other documents were prepared on behalf of the European Commission to assist competent authorities, developers and EIA practitioners in the EU Member States. The guidance outlines a stepped approach to the screening process for competent authorities, as well as two checklists to assist in case-by-case screening.

The '*Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-threshold Development*' published in 2003 by the Department of the Environment, Heritage and Local Government, provides guidance on the criteria to be assessed when deciding whether or not a proposed scheme is likely to have significant effects on the environment. More recent guidance is also provided in the '*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*' published in 2018 by the Department of Housing, Planning and Local Government.

8.0 Assessment

Under the provisions of Section 50 (1) (a) of the Roads Act 1993, as amended the Board is required to provide a screening determination as to whether the proposed scheme as detailed in Section 3.0 of this report (with additional information contained in Section 2.3 of the applicant's EIA Screening Report) would be likely to have significant effects on the environment.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type, class and threshold for the proposed scheme;
- Assessment of proposed development under the criteria set out in Annex III of the EIA Directive.

An assessment of the proposed development against the above criteria is carried out in the sections that follow.

8.1. Assessment of Project Types / Class and Threshold

The proposed development does not fall into the mandatory EIA categories set out in Section 50 (1) (a) of the Roads Act 1993, as amended, the Planning and Development Act 2000, as amended and related regulations.

Table 2: Assessment of Project Types / Class and Threshold		
Section	Type	Assessment
50 (1) (a) (i)	the construction of a motorway;	Not applicable.
50 (1) (a) (ii)	the construction of a busway;	Not applicable.
50 (1) (a) (iii)	the construction of a service area, or;	Not applicable.
50 (1) (a) (iv) (Article 8 (a) of the Roads Regulations 1994.)	the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;	Not applicable.
50 (1) (a) (iv) (Article 8 (a) of the Roads Regulations 1994.)	the construction of a new bridge or tunnel which would be 100m or more in length;	No. It is noted that the proposed development does include the construction of a new pedestrian / cyclist bridge adjacent to the existing Procklis Bridge comprising a single-span light steel deck beam structure with hardwood timber decking on shallow footings with raised earth embankments. The applicant has not provided exact dimensions for said bridge, however, based on plan drawings provided it is estimated that its length would be 12.5-

		15 m and it certainly would not exceed 100 m.
Schedule 5 Part 2 (1) (a) Planning and Development Regulations 2001, as amended	Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.	No. The proposed development involves the removal of an extent of hedgerow, primarily along the N56, comprising less than 2 km. This is significantly below the threshold. Such removal is associated with the road improvements and does not result in the amalgamation or enlargement of existing fields. There will be ground works required in order to prepare the lands for the proposed development, however, this will equate to 1.5 hectares. The development does not involve the recontouring of the lands by, for example, the levelling off hills or by infilling of hollows (by removing or shifting earth or rocks), or other use or drainage works. I note that ground levels in this area do not vary significantly and no significant excavation will be required.
Schedule 5 Part 2 (2) (a) Planning and Development Regulations 2001, as amended	Peat extraction which would involve a new or extended area of 30 hectares or more;	Not applicable. While there is peat soils being excavated for the purposes of the road scheme, it is not for benefit of any extractive industry and certainly would not exceed 30 hectares.
Schedule 5 Part 2 (14) Planning and Development Regulations 2001, as amended	Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	Not applicable. The proposed scheme, as demonstrated in this table is not a project for the purposes of EIA. The demolition due to occur (a disused house) is not likely to have significant effects on the environment, having regard to the reasoning set out in in Section 8.2.1.3 which considers Annex III of the EIA Directive.

On the basis of the information in the table above, a mandatory EIA is not required.

Section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III of the EIA Directive. Annex III groups criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA under three headings.

8.2. Assessment of Criteria set out in Annex III of the EIA Directive

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are under the following headings:

1. Characteristics of proposed development.

2. Location of proposed development.
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

8.2.1. Characteristics of proposed development

8.2.1.1. Size & Design

The proposed development is effectively an improvement of the existing road. The overall design of the road improvements scheme would not be significantly at variance with the established road.

The size of the vehicular traffic elements is limited to 1.5 km of the overall 2.6 km scheme and is significantly below the threshold for road development. It is noted that it will widen the road in parts in order to facilitate a standard 7.0 m width and to maintain two-way traffic in a safe manner. The existing road is narrow with a carriageway width of approx. 5.5 m and no hard shoulder. The proposed scheme will also introduce a 0.5 m hard strip and 2.0 m grassed verges on the share travel facility side and 3.0 m grass verge on the other side. The improvement of junctions and realignment / relocation of multiple entrances to various regional, local and private roads along the proposed scheme is also noted. The design of the junction/access upgrades would not be significantly at variance with the existing designs.

Additional width on the southern extent of the proposed scheme will incorporate a 2.6 km long active travel facility - this will be a shared use pedestrian and cycle facility. The active travel facility is separated from the carriageway by a 2.0 m wide grassed separation strip. It will include a short pedestrian / cyclist bridge adjacent the existing Procklis Bridge that is significantly below the threshold for road development. While a new intervention in the environment, it is relatively modest and would not be significantly at variance with the established road.

It is noted that there is a range of construction related activities including construction compound (on lands which have in part already been treated with compacted stone and gravel), earthworks, peat excavation and deposition, drainage measures to be carried out also which are significantly below the threshold for road development and are generally considered standard practices in the course of any construction scheme.

Similarly, the related traffic signs, road markings, vehicle restraint systems and other road furniture including tactile paving and revisions to speed limit signage are a standard required for roads or their improvement. There is no element of a size or design that is significantly at variance with the existing road.

It also noted that the road will be designed in accordance with TII national road standards, and the active travel measures layout will be designed in accordance with the National Cycle Manual (NTA, 2023). These documents provide standards in size and design across road improvement schemes. On this basis of the proposed scheme according with these documents, I am satisfied that the size and design will be proportional to the environment in which it is located.

The size and the design of the road improvement scheme which effectively widens the existing carriageway width is not considered significant in the context of the existing road and the criteria set out for mandatory EIA for road developments.

8.2.1.2. Potential for Cumulative Impacts with other Existing and/or Approved Projects

The development is not associated with any significant loss of habitat (see Section 8.2.1.4) or pollution (see Section 8.2.1.6) which could act in a cumulative manner to result in significant negative effects to any environmental receptor including the Lurg River which is a Natura 2000 site. It is also worth noting that the development is not associated with any significant generation of traffic which could act in a cumulative manner to result in significant negative effects to the surrounding road network. The road network is relatively permeable in this area and any displacement or delay of traffic during construction would be minimal in the context of the road network and volume of traffic which uses it. This applicant has clearly evidenced this information in Table 4.1 of the EIA Screening Report submitted.

In any case, should the construction of the proposed development occur in tandem with other development and in particular other road schemes or traffic intensive developments like quarrying for example, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (i.e., no significant structures, 2.6 km length of road) and the location of lands to be developed (outside of any settlement and sparsely populated area);

- the location and distance to the other existing and/or approved projects and the likelihood of temporal overlap of construction works between projects (on the basis of planning history search carried out in the context of this report);
- the implementation of standard and best practice construction and operation measures (including a Sediment Control Plan (SCP), an Environmental Operating Plan/Construction environmental Management Plan (EOP/CEMP), a Resource and Waste Management Plan (RWMP), and a Construction Traffic Management Plan (CTMP)).

It is considered unlikely that significant cumulative impacts with other existing and/or approved projects would arise.

8.2.1.3. Nature of any Demolition Works

There is a single dwelling that requires demolition identified in the General Arrangement Drawing (Sheet 7 of 10). It is a modest, traditional, two room cottage that is part of a wider farm complex. While it is largely intact, it is disused and located in close proximity to the existing road. The demolition waste produced would be minimal relative to the wider scheme. The house, while of a vernacular, holds no particular built heritage designation and is relatively common feature in rural Donegal.

While the applicant has not provided any material information about this dwelling, on the basis of a site visit, consideration of relevant built heritage designations and its modest size and scale I am satisfied that its demolition would not give rise to any significant impact to the environment.

8.2.1.4. Use of Natural Resources

There will be no significant use of natural resources, except for the lands, soil (including peat) and vegetation that exists in the area within or directly adjacent to the existing alignment of road. These may require removal to facilitate the proposed improvement scheme.

In parts, the scheme will require widening to a maximum width of 18 m over the existing minimum width of 5.5 m. Over the entire scheme, this equates to approximately 1.5 hectares of groundworks and less than 2 km of hedgerow. Again, this is significantly below the relevant threshold and I am satisfied that the impact on

land, soil and vegetation is not likely to be significant subject to the implementation of standard and best practice construction and operation measures (including SCP, EOP, RWMP, and CTMP).

In terms of the impact on biodiversity, and given the proximity of Natura 2000 sites, I note the applicant's submission that an Appropriate Assessment will be required. The applicant, correctly in my opinion, screened in the need for Appropriate Assessment, due to the nature of the works and on the basis of a clear source-pathway-receptor. The Board should note, however, that the applicant has not argued that EIA is required on the basis of potential adverse impacts on Natura 2000 sites. This is a reasonable conclusion given there is no instream works proposed and the applicant is satisfied that there is a reasonable possibility of effectively reducing potential impacts to Natura 2000 sites through AA.

Aside from the lands within the Natura 2000 sites, the site itself does not have any specific natural heritage designations. However, I am conscious that the area may be used by mammals, birds and other species – particularly the hedgerows, trees and areas of scrub. The surveys carried out on site do not identify any significant use by any species including bat (lack of suitable habitat), otter (no evidence of commuting), and badgers (no sett within the site). In terms of birds, the trees and hedgerows may be used for foraging and breeding but there is no evidence of any species of special conservation interest. The use of the site by any species is limited in any case given the existing use as national secondary road that is well trafficked by vehicles. In terms of species protection, strict measures will be put in place for the protection of badgers, otters, red squirrel, bats and avifauna. Any works required will need to be done so under licence in any case. Subject to the implementation of standard and best practice construction including adherence to legal requirements under the Wildlife Act, I am satisfied that there will be no significant impacts in respect of biodiversity.

Overall, I am satisfied that the proposed scheme will not have a reliance on, or result in the depletion of natural resources, during either the construction or operational phases. Having regard to the limited groundworks and removal of peat and the measures to be employed for the protection of species and habitats, I am satisfied that the proposal will not have a significant impact on land soil water or biodiversity.

8.2.1.5. Production of Waste

During the construction phase, construction waste will be generated including demolition waste and excavated material from the site. The construction will essentially result in the production of inert waste with the removal of rock and overlying soil and subsoil. This is not anticipated to be of any significant level and will be managed through standard construction practices and methodologies including a RWMP which the applicant intends to implement.

On this basis there is no significant production of waste.

8.2.1.6. Pollution and Nuisances

During the construction phase there will routine construction related pollution and nuisance generated including noise and vibration, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining residential and commercial properties. There is also an indirect impact on the surrounding roads as a result of any traffic disruption. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures.

During the operational phase there will be some pollution and nuisance associated with the use of the improved scheme, owing mainly to noise, light and traffic. However, this would be similar to that existing. The operational phase may see increased numbers of people using the site also due to the installation of the shared travel facility. There is also an indirect impact on the surrounding roads and access as a result of any traffic disruption. However, this would impact would be negligible in my opinion given the modest scale of the proposed development and the sparsely populated nature of the receiving environment.

A key impact would be any pollution entering the watercourses and in turn the Lurg River which is a Natura 2000 sites and part of the Lough Swilly Catchment (39) and the Leannan Sub-catchment (Leannan_SC_020). However, the potential for such pollution can be extensively managed controlled as part of the standard and best practice construction measures (including SCP, EOP, RWMP, and CTMP).

I am satisfied that there is no significant impacts to the environment from pollution and nuisances.

8.2.1.7. Risk of Major Accidents and/or Disasters including those caused by Climate Change

The proposed project will be constructed in accordance with the Safety, Health and Welfare at Work Act 2005 (as amended) and the requirements of the Health and Welfare at Work (Construction) Regulations 2013 as amended and any other relevant Health and Safety legislation.

The applicant also notes that this section of the road has a poor road safety record on the basis of TII standards and the need for and design of the proposed scheme is effectively to reduce risks of accidents through improved road safety for all road users. In this respect it would likely have a positive impact on major accidents.

Having regard to the characteristics of the proposed development and its location it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change.

8.2.1.8. Risk to Human Health

During the construction and operation phases risk to human health arising from pollution and nuisances listed in Section 8.2.1.6 would be controlled through the SCP, EOP, RWMP, and CTMP and as part of the standard and best practice construction and operation measures. There are no methodologies proposed that I would consider outside of the standard construction practices.

I am satisfied that there is no significant risk to human health.

8.2.2. Location of Proposed Development

8.2.2.1. Existing and Approved Land Use

The proposed development is effectively an improvement of the existing road. The widening of the road will in physically change residential (amenity garden areas) and agricultural (grass and scrub) uses which exist on either side of the existing road to a transportation use. Such a change would not be detrimental to the enjoyment of the residential or agricultural uses in the context of the existing road and its relationship to these land uses currently. This demolition of a house (General Arrangement Drawing (Sheet 7 of 10)) is noted in Section 9.2.1.3, however again, I am satisfied that this would not impact the existing or approved land uses given its current underutilised state.

At operation phase the land uses on either side of the road would largely continue as they exist, albeit, with marginally reduced area and due to their boundaries being set back from the current locations. The introduction of the shared travel facility is not considered to materially change this view and would only compliment and be compatible with existing uses.

Given the linear nature of the proposal and its limited scope, I do not consider that the impacts on existing and approved land use will be significant.

8.2.2.2. *Relative abundance, availability, quality and regenerative capacity of natural resources*

The documents submitted by the DCC to support the proposed development set out details of the natural resources and its environmental sensitivity in the area. Within the site there will be no significant use of natural resources as set out in Section 8.2.1.4.

During the construction and operation phases risk to abundance, availability, quality and regenerative capacity of natural resources arising from pollution and nuisances listed in Section 8.2.1.6 would be controlled as part of the standard and best practice construction and operation measures.

The location of the proposed development is such that the natural resources used in the proposed development is limited and there would be minimal ongoing use of natural resources from the proposed use of the site.

8.2.2.3. *The absorption capacity of the existing natural environment*

Table 4.1 of the EIA Screening Report submitted by the DCC set out details of the natural resources and its environmental sensitivity in the area. There are no coastal zones, marine environments, mountain and forest areas, nature reserves and parks or densely populated areas in proximity that could be significantly impacted by the proposed scheme.

The site is adjacent to the River Lurg which is a riparian areas and area classified in the Leannan River SAC (002176) under legislation as a Natura 2000 site pursuant to Directive 92/43/EEC and Directive 2009/147/EC.

The site is also within the Lough Swilly Catchment (39) and the Leannan Sub-catchment (Leannan_SC_020). The site crosses the River Lurg, and there are five

existing culverted crossings for field drains. The Lurgy River was rated with a Moderate WFD status for the monitoring period from 2016 to 2021, while the Lough Swilly groundwater body received a Good WFD status during the same timeframe. The groundwater GSI vulnerability along the proposed project varies from Moderate to High and Extreme concerning contamination risks.

In respect of landscapes and sites of historical, cultural or archaeological significance. The landscape holds a 'High Scenic Amenity' designation in the DCDP, however, there are no scenic views or prospected noted. There are also no sites of historical, cultural or archaeological significance.

While the site holds protections (the Natura 2000 site) and designation (high scenic amenity landscape) under legislation and policy and are considered to be environmentally sensitive, I am satisfied that given the localised and controlled nature of the proposed scheme they have capacity to absorb it subject to standard and best practice construction and operation measures.

8.2.3. Types and Characteristics of the Potential Impact

8.2.3.1. Nature, magnitude and extent of the impact

The extent of the impact in terms of geographical area and the size of the population likely to be directly impacted is limited to the immediate area of the site which includes several residential and agricultural uses. There may be downstream impacts on designated sites owing to the hydrological connections to the River Lurgy which is an Natura 2000 Site also. Wider traffic patterns may also be impacted in the short term, particularly to users of the national road network seeking to access population centres like Letterkenny from the north of Co. Donegal.

However, the nature, magnitude and extent of the impacts are not considered significant on the basis of the limited scope of the road improvement and likely time it would take complete such works.

Population and Human Health

The site is in a rural area and in the context of its sparse population the proposed scheme will not have a significant effect on demography, lifestyles or employment. The proposed scheme would assimilate into the wider populated area and town.

The existing residential uses will see an impact to the amenity of their front gardens, however, given their location adjacent to the existing road it is likely to be negligible and no significant impacts will arise. There will be a temporary impact on access to the residential, agricultural and commercial receptors in the area in particular the Lagoon Complex. These will be short term. Vehicular access and egress to all residential and commercial property will remain largely unchanged. Access and egress will be improved with safer junctions. A permanent impact will occur to the dwelling to be demolished. However, I am satisfied that it will not be significant as set out in Section 8.2.1.3.

During the construction and operation phases risk arising from pollution and nuisances listed in Section 8.2.1.6 would be controlled as part of the standard and best practice construction and operation measures. The populated areas are not considered to be environmentally sensitive and have capacity to absorb the impacts from the proposed development which are short term and temporary.

Any traffic impacts would be temporary and short term also. During construction these would be management through a CTMP. Any local traffic disruptions / diversions that may occur during the construction phase as a result of the works would be temporary and short-term also. During the operation phase there may positive impact on the population as a result access and proximity to the share travel facility. The proposed development is likely to have a positive impact for vulnerable road users, in particular pedestrians and will facilitate safer movement between Kilmacrenan and Termon village where only a trafficked road currently exists.

It is considered unlikely that significant impacts would arise on population and human health.

Biodiversity

There are nine European sites within 15 km of the proposed project. Of these, six are Special Areas of Conservation (SACs) and three are Special Protection Areas (SPA's). There are four proposed Natural Heritage Areas (pNHAs). The site is directly adjacent to the Lurg River which is part of the Leannan River SAC (002176). The proposed scheme will result in a loss of land within the Leannan River SAC to the proposed scheme in particular hedgerows, treelines and wet grassland.

However, given the nature and scale of works and the standard construction measures to be implemented, the applicants evidence that there are no protected or endangered flora species or invasive species within 2km of the study area and therefore, impacts on the areas protected under legislation resources are unlikely.

This section of the SAC, which is directly adjacent to and overlapping with the proposed project, is not documented as used for otter commuting. No evidence of otters was found during ecology surveys for the proposed project. With mitigation, no significant effects to otters are anticipated.

There are the hedgerow, shrub and treeline habitats around the site and there may be degradation of same, through pollutant events and root compaction. This may result in disruption to mammals, birds and other species. However, given the location of these habitats adjacent to the existing road, these are not expected to be significant.

Pollutants from motor vehicles may enter the surface water drainage network during operation – this is to be expected in such any location where motor vehicles are present. This is a relatively minor change in traffic patterns is not considered to increase or decrease the likelihood of pollutants entering the surface water drainage network.

While the areas protected under legislation are considered to be environmentally sensitive, they have capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

On this basis it considered unlikely that significant impacts would arise on biodiversity.

Land, Soil, Water, Air and Climate

During the construction phase, there is a potential for the release of sediment and/or surface water runoff to land and/or water bodies due to the nature of the construction activities. The presence of the Lurgy River and surface water drains creates possible routes for pollutants to enter surface waters. Additionally, there may be impacts on groundwater from excavation activities during the construction phase.

However, the applicant is satisfied that no water will be taken from rivers or streams during the construction phase, nor will it be pumped directly into the Lurgy River or

surface water drains. In addition, EOP will include a procedure for responding to any leaks or spills that may occur during this phase, along with best practices to minimise the risk of pollutants entering nearby watercourses, land, or groundwater. On this basis the likelihood of accidents or incidents causing oil and chemical spills is low. The applicant will also ensure that contractors will be required to implement a SCP to address potential impacts during construction.

In the operational phase, runoff will be managed using filter drains and proposed over-the-edge ditches. The drainage system will employ nature-based solutions, including grassed water swales, filter drains, and over-the-edge drainage, directing water to existing field drains.

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise on land and soil.

Material Assets, Cultural Heritage and the Landscape

There will be a visual impact associated with the proposed development. It will be a new design for the road and will bring about a noticeable change in the environment.

In respect of the landscape character and setting of this area, the design would largely assimilate with its surrounds given it largely follows the existing road. It is appreciated that the landscape holds a 'High Scenic Amenity' designation and the site runs adjacent to a riverine area. While the designation and location is noted and an impact may arise, it is considered that, based on the design of the proposed development, the existing pattern of development in the area and the site visit carried out, the landscape at this location would have the capacity to absorb the proposed development.

There are no closed or cultural important features present within the proposed footprint or within the red line boundary. There are RMP and sites of archaeological significance are located near the proposed project. In total, six sites included in the Record of Monuments and Places (RMP) were identified within 500m of the site. There are two areas along the scheme where recorded archaeological sites were identified. When considering the size and design of the road improvement scheme which incorporates replacement hedgerow planting, it is considered that upgrade and associated improvements will assimilate into the landscape and not significantly impact the setting of any protected structures and SMR and would not be visually

obtrusive and would not, interfere with the character same or form an obtrusive or incongruous feature.

There will be a permanent loss of a material asset. A permanent impact will occur to the dwelling to be demolished. However, I am satisfied that it will not be significant as set out in Section 8.2.1.3.

Having regard to the characteristics and location of the proposed development, it considered unlikely that significant impacts would arise on material assets and cultural heritage and the landscape.

Traffic and Transport

The development is not associated with any significant generation of traffic which could result in significant negative effects to the surrounding road network. The road network is relatively permeable in this area and any temporary displacement of traffic during construction phase would be minimal in the context of the wider region. It is also noted that the road in its current form is considered a high collision location and the proposed development is likely to have a positive impact in terms of safety.

Having regard to the characteristics and location of the proposed development, it considered unlikely that significant impacts would arise in relation to traffic and transport.

Interaction between the factors

There is potential for interactions between various environmental factors particularly land and soil water and biodiversity. These would be controlled as part of the standard and best practice construction and operation measures. On this basis it considered unlikely that significant impacts would arise from the interaction between factors.

8.2.3.2. *Probability, intensity and complexity of impacts*

Temporary noise, light, dust and traffic impacts may arise. Having regard to the nature and scale of the proposed development, the nature of the environmental impacts are not complex or intense.

Having regard to the nature and scale of the proposed development and noting the measures outlined in documentation it is considered that the nature of the

environmental impacts during the construction and operation phase are not particularly complex or intense.

8.2.3.3. Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts, will be of short duration and limited frequency.

8.2.3.4. Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

8.2.3.5. Cumulation of Impact

Having regard to Section 8.2.1.2 it considered unlikely that significant cumulative impacts would arise.

8.2.3.6. Possibility of effectively reducing impact

The implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

8.2.4. Conclusion

Overall, I am satisfied that the proposed development would not be likely to have significant effects on the environment. Once operational, the proposed scheme is likely to have a positive impact on human beings, population and traffic and transport through the introduction of the shared travel facility and a safer road network.

There are numerous negative impacts that could arise during the construction phase, which include air and dust (dust generation and exhaust emissions to air from plant and construction traffic), noise, vibration and light (emissions in relation to construction activities), construction traffic (increased traffic movements and traffic disruptions), biodiversity (loss of hedgerows, vegetation and scrub), material assets (demolition of a dwelling). However, I am satisfied that these can be considered not significant due to the nature and duration of the works and environmental controls and mitigation measures that will be in place during the construction of the proposed scheme.

The primary negative impacts that could arise relate to water and biodiversity during the construction phase owing primarily to the proximity of the proposed scheme to the River Lurg. Any pollution events which lead to discharges to groundwater or surface waters would likely find its way to the river which is an Natura 2000 site. However, again I am satisfied that these can be considered not significant due to the nature and duration of the works and environmental controls and mitigation measures that will be in place during the construction of the proposed scheme. The controls and measures include a SCP, an EOP/CEMP, a RWMP, and a CTMP which will, in addition to the implementation of standard best practice methodologies during the construction and operation phase, result in a reasonable possibility of effectively reducing potential impacts.

9.0 Recommendation

Having regard to the above assessment, including the EIA Screening Report submitted by the applicant, it is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, an EIA is not required. It is therefore recommended that DCC be advised that the preparation and submission of an EIAR is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- the criteria set out in Section 50 (1) (a) Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994 and the information provided in Annex III of EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment;
- the criteria set out and the information provided in Schedule 5 and Schedule 7A of the of the Planning and Development Regulations 2001, as amended;
- the documents 'EIA of Projects - Guidance on Screening' (2017) issued by the European Commission and 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development' issued by the Department of Environment, Heritage and Local Government in August 2003;
- the limited nature and scale of the proposed development which seeks to improve a limited section of an existing road and does not meet any of the relevant thresholds for Environmental Impact Assessment;
- the location of the site on lands adjacent to the existing road, the existing pattern of development adjacent to the existing road;
- the limited potential for significant impacts arising from the proposed development due to the absence of any significant environment receptors.
- the submission made by the applicant requesting a determination, which included an Environmental Impact Assessment Report and the report and the recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, an Environmental Impact Assessment is not required.

Professional Declaration

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.

Tomás Bradley,

Senior Planning Inspector

25th October 2024