



An  
Bord  
Pleanála

## Record of Meeting ABP-307462-20 5<sup>th</sup> meeting

<b>Case Reference / Description</b>	ABP-307462-20 Ten-T Priority Route Improvement Project, Donegal which improves vital improvements to three sections of the National Road Network.		
<b>Case Type</b>	Pre-application consultation		
<b>1st / 2nd / 3<sup>rd</sup> Meeting</b>	5th		
<b>Date</b>	22/10/21	<b>Start Time</b>	11:00 a.m.
<b>Location</b>	N/A	<b>End Time</b>	12:45 p.m.

### Representing An Bord Pleanála

#### Staff Members

Ciara Kellett, Assistant Director of Planning (Chair)

Sarah Lynch, Senior Planning Inspector

Maeve Flynn, Ecologist

Niamh Thornton, Executive Officer

#### Representing the Prospective Applicant

Vincent O'Malley

Emma Coyle

John McFeely

Eamon Cox

Damien McDermot

Tim Patterson

Paula Kearney
Tatiana Kelley
Gareth McElhinney
Christian Nea
Paul Murphy
<b>Apologies:</b> Liam Ward, Eamon Barry

The meeting commenced at 11:00 a.m.

The Board referred to its previous meeting with the prospective applicant of the 2<sup>nd</sup> September, 2021 and the record of this meeting. The Board asked if the prospective applicant had any comments it wished to make on the record of the meeting. The prospective applicant replied that it had some minor comments to make that it would send via email.

**Presentation:**

The prospective applicant gave a presentation on the biodiversity aspects of the proposed development. The prospective applicant opened with a brief update on the current status of the project. The prospective applicant is now in Phase 3 – Design and Environmental Evaluation. EIAR and NIS documents are being finalised. Outline structures for the EIAR and NIS were presented.

The prospective applicant listed five European Sites likely to be impacted by the proposed development. These are:

- Lough Swilly SAC (site code: 002287),
- Lough Swilly SPA (site code: 004075),
- River Finn SAC (site code: 002301),
- River Foyle and Tributaries SAC (site code: UK0030320), and
- Lough Foyle SPA (site code: 004087).

## **Section 1:**

A summary of the ecological receptors and biodiversity aspects to be considered in Section 1 of the proposed development was given.

Thirty-two ecological receptors are identified in this area and fifteen European Sites lie within the potential zone of influence with the proposed road crossing the River Finn SAC in this section. Four NHAs, sixteen pNHAs and three Nature Reserves are also present within the potential zone of influence. The prospective applicant stated that effort was made to try to avoid impacts to the more significant ecological receptors and to the River Finn SAC.

A map and list of invasive species in the area was presented, with Japanese Knotweed being identified as the most significant of these constraints with extensive areas present within this section of the scheme. The prospective applicant stated that detailed topographical surveys were undertaken, and an Invasive Species Management Plan is being developed as part of the application.

Extensive bat surveys were completed along this section of the scheme. Six bat species were recorded, and the potential impacts include loss of tree roosts, loss of building roosts, loss of commuting and foraging habitat and loss of connectivity.

The prospective applicant presented a list of potential significant direct and in-direct effects on biodiversity. Impacts have the potential to effect otter habitat, salmon populations, badger setts, red squirrel habitat and bat roosts and have an overall potential to give rise to general habitat loss. The prospective applicant gave more detail on the river crossings at specific locations within Section 1 of the scheme, referring to the River Finn Crossing, the Drumboe Lower Stream, Drumboe Burn, Cloghroe River and Teevickmor Burn. Potential bridge designs at these points were presented to the Board's representatives, showing mitigation measures including being set back from the SAC boundary and larger openings to increase light. Drumboe Burn was highlighted as an area of potential significant operational impact.

## **Discussion:**

The Board's representatives asked if re-alignment would be needed at Drumboe Burn. The prospective applicant clarified that some re-alignment would be

necessary, but this is being minimised. The prospective applicant clarified that fish surveys were done at Cloghroe River and Teevickmoy Burn.

## **Section 2:**

This section of the proposed development was described as more urban in nature. Twenty-seven ecological receptors were identified in the study area, four NHAs, nineteen pNHAs and three nature reserves are within the potential zone of influence along with fourteen European Sites, two of which are crossed – Lough Swilly SAC and SPA.

A list and map of invasive species for Section 2 was presented.

Five species of bat were identified during the bat surveys of this section. . It was stated that there would be no direct impact on bat roosts and that the prospective applicant will mitigate loss of habitat and connectivity.

The prospective applicant highlighted the River Swilly Bridge, which crosses the Lough Swilly SAC, and stated that otter habitat is the main ecological constraint here. It was noted that the crossing area comprises Annex I Habitat. It was stated that there would be no instream works.

The prospective applicant stated that three years of wintering bird surveys had been carried out on Lough Swilly SPA, with primary areas of bird activity found downstream. Otter activity was found in the mudflats. The prospective applicant stated that there is ample connectivity for otters available.

The inclusion of a water attenuation pond was highlighted at N13 Rossbracken, which was stated will have a net positive impact.

## **Discussion:**

The Board's representatives asked if construction works would encroach into the SAC boundary . The prospective applicant confirmed that this is under consideration at present but it is not anticipated that works would encroach into the SAC and adequate mitigation measures would be employed to protect the designated site.

### **Section 3:**

The prospective applicant stated that the landscape of Section 3 of the proposed development is predominantly agricultural. Fifteen sites were identified as Key Ecological Receptors in this section. Four European Sites and three sites of National Importance were identified within the potential zone of influence. Two of these European sites will be crossed by the proposed road development, The River Finn SAC and the River Foyle and Tributaries SAC.

The prospective applicant stated that there was little evidence of badger and otter. Winter Whooper Swan activity was recorded at the Swilly Burn floodplain; these sites were avoided during option selection.

The proposed development intersects twenty-one watercourses in total. It was stated that the water quality is generally poor in the area, with limited fisheries value, but that the prospective applicant is designing the scheme to enable improvements to water quality.

Examples of a number of ecological receptor sites were presented by the prospective applicant and included reference to Ballyboe/Drumoghill, Slievebuck and Feddyglass/Tullyrap . The prospective applicant stated that there is a mix of habitats within these areas and the phase 3 design of the development will seek to minimise impacts. Opportunities to provide improvements to habitats and water quality will form part of the design. A 1km realignment was noted as the most significant part of this section. Modifications to road design at Murlough will be included in the application to reduce impacts.

The applicant noted that the bridge at the River Finn Crossing within this section, which was previously approved by An Bord Pleanála, is being retained in this design proposal. An updated cross-section will incorporate the active travel network. Final design of the bridge is still in development. The prospective applicant stated that there would be no requirement for in-stream works at the bridge and that the bridge piers will be located within the floodplain with a small permanent loss of wet grassland habitat within the SAC.

Regarding invasive species along Section 3 it was noted that Himalayan Balsam is widespread throughout, and Japanese Knotweed was recorded at two locations

within the CPO lands and one location outside the CPO lands. Asian Clam is present within the lower Swilly Burn.

Six species of bat were recorded in the area with five roosts within the footprint of the scheme.

**Discussion:**

When questioned about the water quality at Feddyglass, the prospective applicant clarified that the water quality was very poor, possibly due to intensive farming and wastewater run off. The Board's representatives commented that it was positive that the prospective applicant is designing for an improvement in water quality and advised to be clear in the application documents as to the cause of the poor water quality, and the potential of the proposed development to give rise to improvements.

The prospective applicant clarified that electrofishing was not carried out at the Feddyglass location.

The Board's representatives advised the prospective applicant to be cognisant of the Water Framework Directive when preparing the application documentation.

**Mitigation Measures:**

The prospective applicant intends to mitigate potential impacts by avoidance, by prevention, by reduction and by remedy/offsetting. Examples of the implementation of these options of mitigation were given.

The prospective applicant stated that a barn owl survey had been undertaken for the project. Although no barn owls were recorded the prospective applicant stated that they are future proofing for potential barn owl migration to the area.

The prospective applicant stated that the design of the proposed development is seeking to prevent a nett loss in biodiversity and highlighted that habitat mitigation areas had been identified in Section 3, for habitat creation, which would result in a nett gain.

**Discussion:**

The Board's representatives commented that it was positive that the prospective applicant is designing the scheme for no nett loss in biodiversity and that nett gain

will be seen in some areas. The Board's representatives recommended that this be included in the cumulative impacts section of the EIAR.

### **General Discussion:**

The Board's representatives highlighted the importance of monitoring, to ensure that all mitigation measures are working.

The Board's representatives suggested quantifying habitat loss and degradation at sites in the interest of clarity.

The Board's representatives mentioned the new European Commission guidance on appropriate assessment, advising that the prospective applicant follow this new guidance as much as possible and highlighted that in combination effects must now be taken into account in the screening stage.

The Board's representatives advised the prospective applicant to clarify the timeframe for new landscaping/hedgerows to become effective in their mitigation measures.

The prospective applicant stated that they intend to complete the design process by the end of 2021 and to lodge an application with the Board in Q1 of 2022.

### **Conclusion:**

It was agreed that one more meeting may be held before closure of the pre-application process at which procedural issues for lodging the application can be discussed. The record of the instant meeting will issue in the meantime and the prospective applicant can submit any comments it may have. The onus is on the prospective applicant to request a further meeting or close the pre-application consultation process.

The meeting concluded at 12:45 p.m.

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**Ciara Kellett**

**Assistant Director of Planning**