

# **Environmental Impact Assessment Preliminary Examination Report**

Donegal County Council

Platforms for Growth

Downings, Co. Donegal

**Compiled by:**

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**for:**

**Donegal County Council**



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## **1.0 Introduction**

This Preliminary Environmental Impact Assessment Report has been prepared by Jessica Devlin BSc. MSc. Project Management and Environmental Services for Donegal County Council.

This report has been compiled to provide the competent authority with adequate information to determine whether or not there is a real likelihood of significant effects on the environment arising from the proposed Platform for Growth: Facilities for water sports activities at Downings, Co. Donegal. The purpose of the report is to determine whether or not it is required to screen the proposed works to establish whether it requires Environmental Impact Assessment and as a result the preparation of an Environmental Impact Assessment Report.

The screening process includes an assessment of the details of the proposal with reference to the relevant EIA legislation including the Planning & Development Regulations as amended by the European Union (Planning and Development,) (Environmental Impact Assessment) Regulations 2018, the EIA Directive 2011/92/EU (as amended by Directive 2014/52/EU) and relevant EU Guidance.

Appropriate Assessment (NIS) has also been undertaken and can be referred to in separate documents.

## **2.0 Statement of authority**

Jessica graduated from the National University of Ireland, Galway in 1997 with a BSc. honours degree in Geology and obtained a MSc. in Applied Environmental Science from Queens University Belfast in 2001. She attained a National Certificate in Eco-Tourism, from Sligo Institute of Technology in 2005 and in 2014 completed Geographical Information Systems for Environmental Investigations, University College Dublin.

Over the years, Jessica has gained a wide range of experience in research, consultancy and project management with particular emphasis on sustainable development in freshwater, marine and coastal environments.

As field scientist with the Queens University Marine Station in Portaferry, Jessica carried out habitat surveys with respect to the decline of salmonid populations in Northern Ireland Rivers. She progressed to research assistant with Queens University and the Department of Agriculture & Rural Development. As project manager for the Donegal County Council - Marine & Water Leisure Programme, she managed projects on sustainable development of the marine leisure product. Jessica also worked with the University College Cork Coastal and Marine Research Centre in partnership with Donegal County Council and the University of Ulster, as manager of the Donegal element of a North West Europe Interreg Project called IMCORE (Innovative Management of Europe's Changing Coastal Resource). For the past 12 years Jessica has been self-employed working as a project manager and environmental consultant, specialising in freshwater, marine, coastal and environmental projects. Her client base is wide reaching from state agencies to community groups, individuals, angling clubs and private developers.

## **3.0 Methodology**

- Liaison with Paul Doherty Architects, Jennings O'Donovan Engineers, Donegal County Council
- Site visit and walkover survey on 19 June 2024 and 21 May 2025
- Desk research

This report has been prepared using the following guidance. A full list of research sources and references can be seen in section 8.

- Interpretation of definitions of project categories of Annex I and II of the EIA Directive, EU, 2015
- Environmental Impact Assessment of Projects Guidance on Screening, EU, 2017.
- OPR Practice Note PN02 Environmental Impact Assessment Screening June 2021

#### **4.0 Legislative context**

Environmental Impact Assessment comes from EU environmental policy. The initial Directive of 1985 and its three amendments have been codified by Directive 2011/92/EU of 13 December 2011. Directive 2011/92/EU has been amended in 2014 by Directive 2014/52/EU. Together these comprise the EIA Directive. The EIA Directive aims to ensure a high level of protection for the environment and human health. It requires that an assessment of the likely significant effects a project will have on the environment is carried out, where relevant, before development consent is given (OPR, 2021).

The EIA Directive is transposed into Irish legislation by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). Both the EIA Directive and Irish legislation set out in detail the entire EIA process (OPR, 2021).

EIA legislation as it relates to the planning process has been largely brought together in Part X of the Planning and Development Acts as amended, and Part 10 and Schedules 5, 6 and 7 of the Planning and Development Regulations as amended. Part 1 of Schedule 5 to the Planning and Development Regulations lists project types included in Annex I of the Directive which automatically require EIA. Part 2 of the same Schedule lists project types included in Annex II. Corresponding developments automatically require EIA if no threshold is given, or if they exceed a given threshold. Developments which correspond to Part 2 project types but are below the given threshold, i.e. '*sub-threshold*' projects, must be screened to determine whether they require EIA or not. This is done by consideration of criteria set out in Schedule 7. These criteria relate to the characteristics of the development, the location of the development, and the type and characteristics of potential impacts.

#### **5.0 Project proposals**

Fáilte Ireland has developed a universal and standardised design for all of the Activity Facility Centres delivered under the Platform For Growth Schemes which can be adapted to suit individual location and site specifications.

The facilities at Downings include showers, toilets, seating, foot washing, a water font, lockers and 2 plant rooms. The area round the facility will be paved.

Wastewater and grey water will be piped north to connect to the existing public network. Surface water will also be captured by the same system.

Footpaths and vehicle access toward the beach will be widened and upgraded and the existing car park realigned to make better use of space.

The existing toilet block will be demolished.

Lighting will be installed in the car ark area and trees will be planted.

See figures 5.1-5.3.

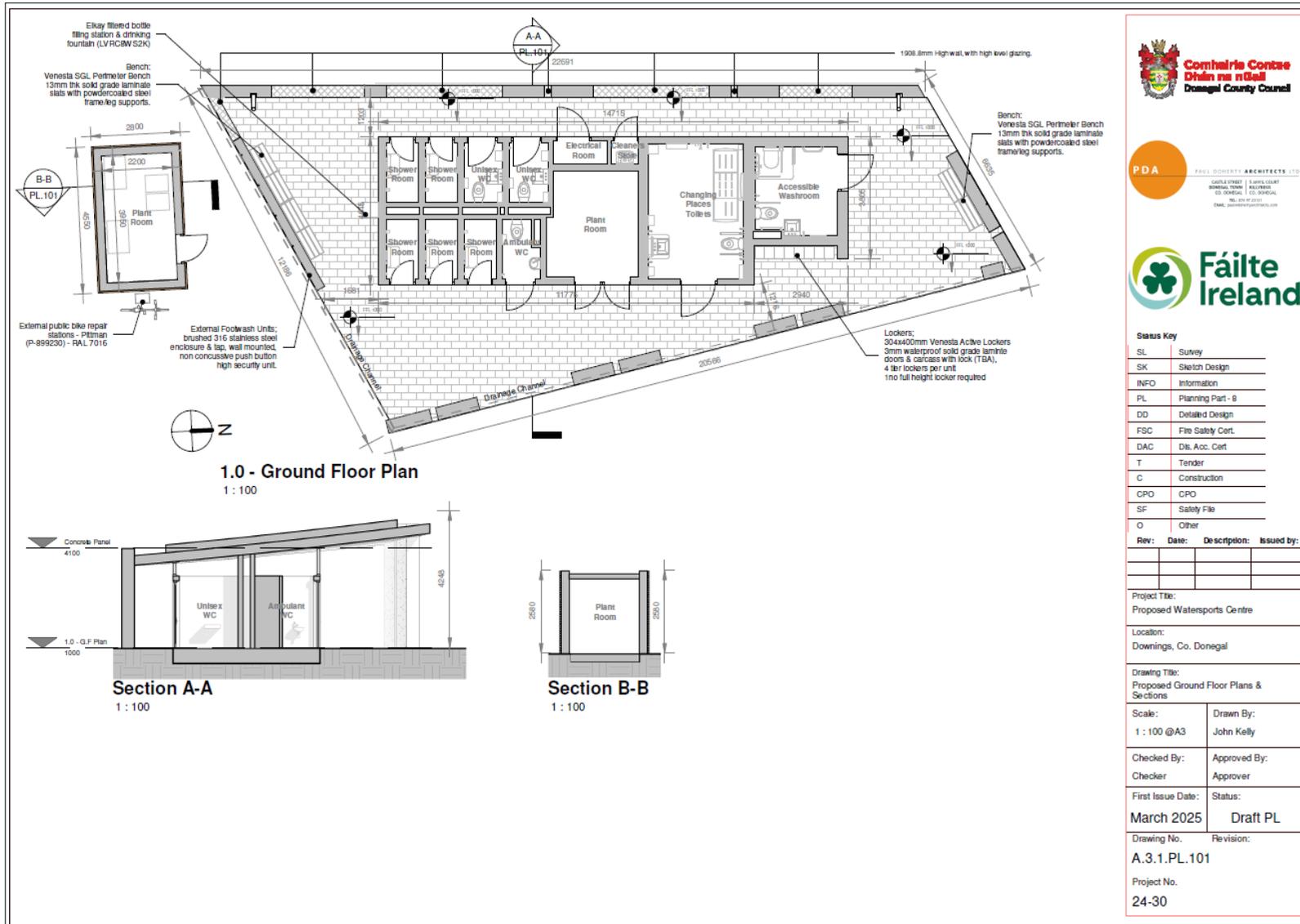


Figure 5.1 Proposed ground floor plans and sections as supplied by Paul Doherty Architects Ltd. (Not to scale).

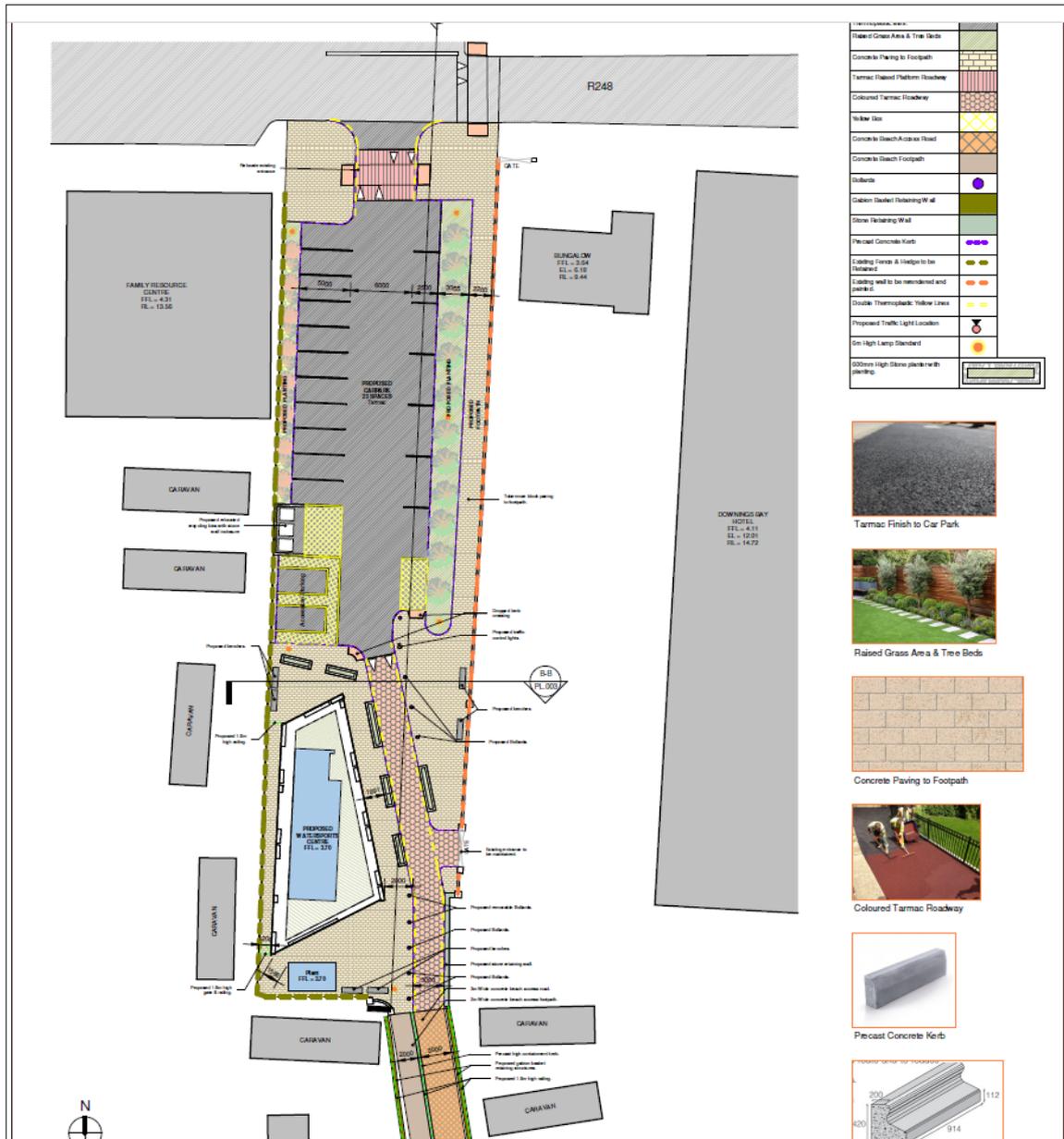


Figure 5.2 Platform for Growth: Downings extract from site layout plan, as supplied by Paul Doherty Architects Ltd. (Not to scale).

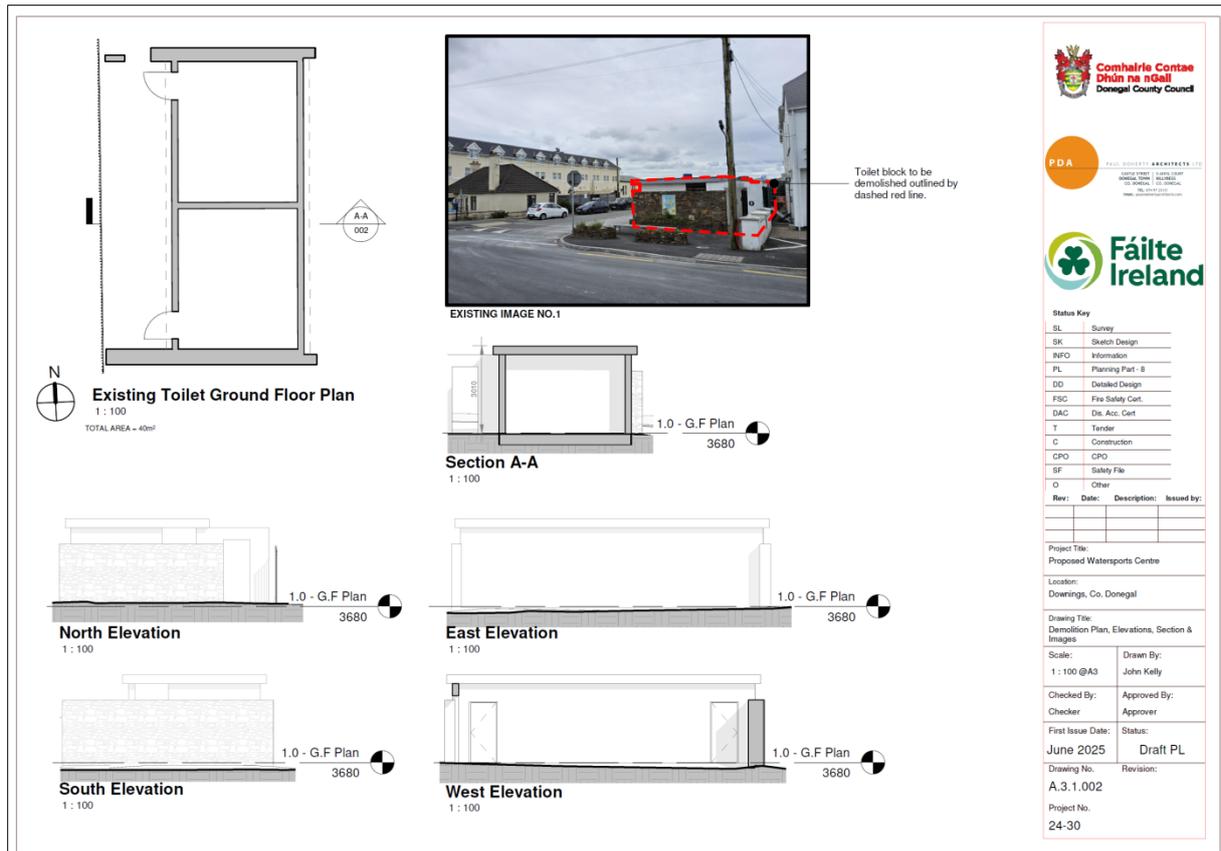


Figure 5.3 Existing Toilet Building to be demolished as supplied by Paul Doherty Architects Ltd. (Not to scale).

## 6.0 Screening Considerations

### 6.1 The concept of 'project'

Article 1(2) of the EIA Directive defines 'project' as: 'the execution of construction works or of other installations or schemes. The definition of 'project' has been complemented by the Court, which concluded that 'demolition works come within the scope of Directive 85/337 and, in that respect, may constitute a 'project' within the meaning of Article 1(2) thereof' (C-50/09, paragraphs 86-107). The Court concluded that demolition works cannot be excluded from the scope of national legislation enacting the EIA Directive. Based on case law, and in order to ensure a high level of protection of the environment, the amended EIA Directive provides that the screening procedures and environmental impact assessments should take account of the impact of the whole project in question and, where relevant, demolition phases (Annex II A, point 1 (a), and Annex IV, point 1 (b) and 5(a)). In rulings related to the EIA Directive, the Court has consistently emphasised the fundamental purpose of the Directive as expressed in Article 2(1), i.e. that those projects 'likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects'.

The proposal meets the criteria and is considered a project in terms of the EIA Directive.

### 6.2 Class of Development

The objective of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (the Environmental Impact Assessment, or EIA, Directive) is to ensure that projects that are likely to have a significant effect on the environment are adequately assessed before they are approved. Annex I and II to the Directive list the projects that fall under its scope (EU, 2015). The projects referred in Annex I and II must be interpreted in the light of the concept of 'project' (Article 1(2) and the general objective

of the EIA Directive (Article 2(1)). The wording of the EIA Directive indicates that it has a wide scope and broad purpose (EU, 2015).

In terms of Irish Regulation Part 1 of Schedule 5 to the Planning and Development Regulations lists project types included in Annex I of the Directive which automatically require EIA. Part 2 of the same Schedule lists project types included in Annex II. Corresponding developments automatically require EIA if no threshold is given or if they exceed a given threshold. Developments which correspond to Part 2 project types but are below the given threshold i.e. a 'sub threshold' development, must be screened to determine whether they require EIA or not. This is done by consideration of criteria set out in Schedule 7.

It must first be determined whether the project is of a type or class that requires EIAR, see table 1.

**Schedule 5 Part 1: The proposed project does not correspond to any of the projects listed in Schedule 5, Part 1 or Part 2 of the Planning and Development Regulations.**

The project does not therefore meet this criteria under Schedule 5, Part 1 or Part 2 and is not a sub threshold development.

**Schedule 5 Part 2: The project has also been considered under Schedule 5, Part 2, 14. Works of Demolition:** It is proposed to demolish a small toilet block in the existing car park.

As discussed previously a project must be considered in its entirety, therefore the demolition phase of the project must also be considered.

*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.*

The demolition works do not facilitate the development of a Part 1 or Part 2 project, and it has been demonstrated that the project is not a sub threshold development because the project does not meet Part 1 or Part 2 of Schedule 5 criteria. Therefore a further assessment of whether a sub threshold project is likely to have a significant impact on the environment (having regard to the criteria set out in Schedule 7) is not required.

**The project does not meet the criteria for a Schedule 5, Part 2 project of the the Planning and Development Regulations, and is not considered to be a sub threshold development.**

Criteria	Options	Assessment of Platform for Growth Downings
Is it a project in the context of the EIA Directive	No: Not subject of EIA Directive, No screening required, No EIA required.  Yes: Subject of EIA Directive, follow next steps	Yes
Is the project listed in Schedule 5 Part 1 or does it meet or exceed the thresholds in Part 2, of the Planning Regulations?	Yes: No screening required, EIA is mandatory.	Schedule 5, Part 1 =NO Schedule 5 Part 2 = NO Schedule 5, Part 2, 14. Works of Demolition 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. = Project does not meet Part 1 or Part 2 criteria demolition does not facilitate part 1 or part 2 project= NO
Is the project Sub-threshold	Yes: Proceed to step 2 Preliminary Examination	If the project <b>is not</b> of a class of development in Schedule 5, Parts 1 and 2, it is not 'sub-threshold development', and no EIA or EIA screening is required. The conclusion should be documented and no further action is required. <u>The project is not a sub threshold development=</u> No EIA or EIA screening required

Table 1. Project Assessment using guidance from OPR Practice note PN02 Environmental Impact Assessment.

## **7.0 Conclusion**

This EIA prescreening assessment has been carried out in accordance with the Planning and Development Regulations as amended 2001- 2021 (which give effect to the provisions of EU Directive 2014/52/EU). Based on all available information, and taking account of the scale, nature and location of the proposed development, it is the opinion of the author that the preparation of an EIAR is not a mandatory requirement (under Part 1 or Part 2 of Schedule 5 of the Planning and Development Acts 2001).

The project does not fall under projects listed in Schedule 5, Part 1 or Schedule 5, Part 2. The development is not a sub-threshold development. Therefore a further assessment of whether a sub threshold project is likely to have a significant impact on the environment (having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations as amended 2001-2021) is not required.

Taking account of the scale, nature and location of the proposed project and based on the above information, the overall probability of impacts on the receiving environment arising from the proposed project is considered to be low. An Appropriate Assessment has been completed and has concluded that, after mitigation, no significant effects are likely to arise (Devlin, 2025).

It is concluded that there is no requirement for an Environmental Impact Assessment Screening to be carried out for the proposed platform for growth project at Downings, Co. Donegal, and there is no requirement for an Environmental Impact Assessment Report to be prepared.

## 8.0 References and sources

The following research documents/ sources were used in the preparation of this report:

- Dept. of Environment Heritage and Local Government (2009) Appropriate Assessment of plans and projects, Guidance for planning authorities.
- Devlin, J. (2025) Appropriate Assessment Screening and NIS, Donegal County Council Platforms for Growth Downings, Co. Donegal.
- Donegal County Council (2024) Donegal County Development Plan 2024 – 2030.
- European Union (2015) Interpretation of definitions of project categories of Annex I and II of the EIA Directive.
- European Union (2017) Environmental Impact Assessment of Projects Guidance on Screening.
- European Commission Environment DG (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites*, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC November 2001.
- NPWS (2014) Conservation Objectives: Sheephaven SAC 001190. Version 1. National Parks and Wildlife Service.
- NPWS (2022) Conservation objectives for Horn Head to Fanad Head SPA [004194]. First Order Site-specific Conservation Objectives Version 1.0. Department of Housing, Local Government and Heritage.

### Online Sources accessed Jun 2025

- [www.opr.ie](http://www.opr.ie)
- [www.NPWS.ie](http://www.NPWS.ie)
- [www.lawreform.ie](http://www.lawreform.ie)