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TEN-T Priority Route Improvement Project, Donegal

An Coimisiún Pleanála Case Reference 324272

Response to Submissions ("Section 51 Response Document")



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October 2026

Donegal NRO
Oifig Boichte Naisiunta Dhun na nGall

TETRA TECH

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Acronyms/Abbreviations

Acronyms/ Abbreviations	Definition
A5-WTC	A5 Western Transport Corridor
AADT	Annual Average Daily Traffic
ACP	An Coimisiún Pleanála
AFIR	Alternative Fuels Infrastructure Regulation
AIPP	All-Ireland Pollinator Plan
AISRR	All-Island Strategic Rail Review
AT	Active Travel
BHRC	Borehole Rotary Core
BHS	British Horse Society
CAP	Climate Action Plan
CDP	County Development Plan
CEMP	Construction Environmental Management Plan
CEO	Chief Executive Officer
CFRAM	Catchment Flood Risk Assessment and Management
CIA	Cumulative Impact Assessment
CIRIA	Construction Industry Research and Information Association
CJEU	Court of Justice of the European Union
CPO	Compulsory Purchase Order
CRTN	Calculation of Road Traffic Noise
CVRT	Commercial Vehicle Roadworthiness Testing
DCC	Donegal County Council
DHLGH	Department of Housing Local Government and Heritage
DMRB	Design Manual for Roads and Bridges
EIA	Environmental Impact Assessment
EIAR	Environmental Impact Assessment Report
END	European Noise Directive
EOP	Environmental Operating Plan
EPA	Environmental Protection Agency
ESB	Electricity Supply Board
GCRR	Galway City Ring Road
GGBS	Ground Granulated Blastfurnace Slag
GHG	Greenhouse Gas(es)
HAHMP	Historic and Archaeological Heritage and Miscellaneous Provisions (Act of 2023)
HGV	Heavy Goos Vehicle
ISAA	Information for Screening for Appropriate Assessment

Acronyms/ Abbreviations	Definition
ITM	Irish Transverse Mercator
LGV	Light Goods Vehicle
LLAP	Letterkenny Local Area Plan
LPR	Legal Personal Representatives
LSE	Likely Significant Effects
MAC	Maritime Area Consent
MARA	Maritime Area Regulatory Authority
NBDC	National Biodiversity Data Centre
NIEA	Northern Ireland Environment Agency
NIS	Natura Impact Statement
NPF	National Planning Framework
NPWS	National Parks and Wildlife Service
NRA	National Roads Authority
NRDO	National Roads Design Office
NSAI	National Standards Authority of Ireland
NTA	National Transport Authority
NUTS	Nomenclature of Territorial Units for Statistics (EU)
NWRA	Northern and Western Regional Assembly
OHL	Overhead Line
OPW	Office of Public Works
PAG	Project Appraisal Guidelines
RTN	Road Traffic Noise
SAC	Special Area of Conservation
SAP	Sectoral Adaptation Plan
SCI	Species of Conservation Interest
SFRA	Strategic Flood Risk Assessment
SPA	Special Protection Area
TEN-T PRIPD	Trans-European Network - Transport Priority Route Improvement Project Donegal
TII	Transport Infrastructure Ireland

1.0 Executive Summary

1.1 Overview

This Donegal County Council (DCC) Section 51 Response Document responds to all submissions received in relation to the TEN-T Priority Route Improvement Project (TEN-T PRIPD). The format ensures that the individual issues raised in each submission are addressed.

An Coimisiún Pleanála (hereafter "the Commission") has assigned two separate case numbers to the TEN-T PRIPD or 'Proposed Development'.

Case 324272 relates to the application under section 51 of the Roads Act, 1993 (as amended) to the Commission for approval in relation to a proposed road development, the TEN-T PRIPD. This application includes the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS).

Case 324298 relates to the application for confirmation of the Compulsory Purchase Order (hereafter "CPO") made to the Commission under Section 76 of and the Third Schedule to the Housing Act 1966 (as amended) in relation to the TEN-T PRIPD. This application includes the CPO Schedules and CPO Deposit Maps.

All documents prepared for the Section 51 Application and the CPO to the Commission were published and available for inspection from 15th May 2026. The statutory consultation period commenced on this date.

The period for the receipt of submissions closed at 5:30 p.m. on Friday 10th July 2026, an eight-week period.

On 18th August 2026, the Commission wrote to DCC inviting them to respond to the submissions received by the Commission in relation to the Section 51 Application and the CPO. The Commission separated the submissions into two groups, one for the Section 51 Application and one for the CPO. The Commission granted DCC an extension of time to respond to all submissions by no later than 23 October 2026.

DCC has prepared two separate response documents, one in relation to the Section 51 Application (the Section 51 Response Document) and one in relation to the application for confirmation of the CPO submission (CPO Response Document).

A total of 84 submissions were received for the Section 51 Application and a total of 111 were received for the CPO. Of the 111 objections/submissions on the CPO, 77 were common with the Section 51 Application and were treated by the Commission as both a CPO objection and a Section 51 Application Submission. There were 34 submissions unique to the CPO.

This Section 51 Response Document addresses the 84 submissions made on the Section 51 Application (which includes the 77 CPO objections/submissions that were treated as both a CPO objection and a Section 51 Application submission by the Commission).

A separate CPO Response Document addresses the 34 objections made solely in relation to the CPO.

1.2 Section 51 Responses

The 84 Section 51 submissions were categorised into three groups:

- three submissions from State agencies or bodies in Ireland;
- one submission from an agency/ body in Northern Ireland; and
- 80 submissions from individuals and businesses.

The submissions related to one or more of the three sections of the TEN-T PRIPD and raised approximately 242 individual issues. The issues were grouped under a wide range of themes, including access, active travel, air quality, alternatives, appropriate assessment, biodiversity, climate, land-take and CPO matters, cultural heritage, drainage, environmental assessment, cumulative effects, land and soils, landscape and visual

impact, agricultural and non-agricultural material assets, noise and vibration, planning and policy, population, traffic and transport, water and zoning.

DCC has reviewed and responded to each issue raised. Where appropriate, the responses confirm the conclusions of the submitted EIAR and NIS, explain the design and assessment methodology, provide additional information, or identify minor modifications required (which are formally required by DCC) to ensure that the application documentation accurately and completely describes the Proposed Development and its likely effects or to address any issues raised in the submissions.

1.3 Minor Modifications to the Proposed Development

Following its review of the submissions, DCC requests that the Commission, if minded to approve the Proposed Development, do so subject to five minor modifications to the Proposed Development under section 51(6) of the Roads Act 1993, as amended, as set out in greater detail below. The requested modifications arise from matters raised in submissions and the subsequent review of the design and supporting documentation arising from these submissions.

The requested modifications are

- Minor Modification A: works within the River Finn Special Area of Conservation (SAC), including vegetation management at the proposed River Finn Bridge and works associated with the outfall from Attenuation Pond 10;
- Minor Modification B: reshaping of Attenuation Pond 11, ensuring works are outside the River Finn SAC;
- Minor Modification C: a minor watercourse realignment, ensuring works are outside the River Finn SAC;
- Minor Modification D: amendments to the temporary works line for Pier 3 of the River Finn Bridge in Section 1, including the relocation of confirmatory ground investigation boreholes, and relocation of an ESB pole (ensuring works are outside the River Finn SAC); and
- Minor Modification E: removal of part of the proposed landscaping in Section 3 of the Proposed Development arising from a proposed reduction in land acquisition.

These proposed modifications, which are described in detail in Section 3.0 of this Section 51 Response Document, have been reviewed by all the relevant environmental and technical specialists who have concluded that the minor modifications, either alone or taken together, do not alter the conclusions of the submitted EIAR or NIS, including the mitigation measures identified and to be implemented in those documents. This includes a reassessment of potential effects on the relevant qualifying interests (QI) of the River Finn SAC, i.e. salmon and otter.

1.4 CPO Modifications

DCC is also requesting a number of modifications to the CPO boundary and schedule. These changes would reduce the extent of permanent acquisition in certain limited locations, thereby removing land that is no longer required, changing certain permanent acquisitions to temporary where appropriate and updating ownership information.

1.5 Errata

The review of the submissions and application documents identified a number of errata and matters requiring clarification. These have been addressed to ensure that the Commission has a complete and accurate record of the Proposed Development.

In particular, a previous version of the River Finn SAC boundary, predating the boundary update in June 2023, had been shown on a number of engineering drawings. The drawings have been corrected to show the

current SAC boundary. Additional corrections and clarifications address the extent and nature of temporary and permanent works at the proposed River Finn Bridge crossing, the relationship between the Proposed Development and the SAC boundary, and certain descriptions and references within the EIAR and NIS.

1.6 Clarifications

The clarifications address three principal matters: the updated River Finn SAC boundary, the cumulative impact assessment relating to the PR1 project (A5 WTC and the proposed Trunk Road T3 in Northern Ireland), and aspects of the NIS, including terminology and the assessment of wetlands and waterbirds associated with Lough Foyle SPA.

1.7 Cumulative and In-Combination Assessments Update

In response to issues raised in the review of the submissions, and to ensure the Commission has up-to-date information, DCC have completed an update to the Cumulative Impact Assessment (CIA) for the Proposed Development to include applications submitted to DCC, ACP and NI planning register since the finalisation date for cumulative impacts / in combination effects in the EIAR/NIS (November 2025).

The updated cumulative assessment for EIA Directive purposes used the methodology described in Chapter 19 of Volume B of the EIAR. The assessment concluded that none of the newly identified projects, taken cumulatively with the Proposed Development on a pairwise assessment and on an overall cumulative assessment, would give rise to any likely significant cumulative effects. The CIA considered the scale, location, duration, the localised nature of construction activities and the mitigation measures proposed for these projects. The overall cumulative assessment considered all the newly identified projects, all of the projects set out in the EIAR and the Proposed Development.

A similar exercise was undertaken for the NIS in-combination assessment under the Habitats Directive, which considered relevant plans and projects with potential pathways to the River Finn SAC, Lough Swilly SAC, River Foyle and Tributaries SAC, Lough Swilly SPA and the Lough Foyle SPAs. The assessment concluded that none of the new or updated plans, in-combination with the Proposed Development pairwise or overall cumulatively with all other plans and projects, will have any adverse effect on the integrity of any European Site, taking into account their published detailed Site-Specific Conservation Objectives (SSCOs) for those sites. There is no reasonable scientific doubt in relation to this conclusion.

1.8 Conclusion

Overall, DCC considers that the submissions have been fully reviewed and responded to, that the proposed minor modifications and CPO modifications should be approved, and that all matters set out in the application documents and in this Section 51 Response Document provides the Commission with sufficient information to determine the Section 51 Application and associated CPO and conduct an EIA and AA.

2.0 Introduction

Donegal County Council (DCC) applied in May 2026 under section 51(2) of the Roads Act, 1993 (as amended) to An Coimisiún Pleanála (ACP or the Commission) for approval in relation to a proposed road development, the TEN-T Priority Route Improvement Project (TEN-T PRIPD). The Commission reference for the Section 51 Application is case **324272**[1].

At the same time, DCC submitted a Compulsory Purchase Order (hereafter "CPO") to the Commission for confirmation under Section 76 of and the Third Schedule to the Housing Act 1966 (as amended) in relation to the TEN-T PRIPD. The Commission reference for the CPO is case **324298**[2].

The Commission wrote to DCC on 18th August 2026 inviting DCC to make submissions in relation to the submissions/ objections made as part of the statutory public consultation on the TEN-T PRIPD. DCC's responses are due by no later than 23 October 2026.

In this Section 51 Response Document, DCC has individually responded to all submissions received by the Commission in relation to the Section 51 Application. The format of this document ensures that the individual issues raised in each submission are addressed. A separate CPO Response Document has been prepared as detailed in Section 2.3 below.

2.1 The TEN-T Priority Route Improvement Project, Donegal

The TEN-T Priority Route Improvement Project, Donegal (hereafter "the TEN-T PRIPD" or "Proposed Development") consists of three sections of targeted multi-modal route improvement within County Donegal, namely:

- Section 1 N15/N13 Ballybofey / Stranorlar Urban Region
- Section 2 N56/N13 Letterkenny to Manorcunningham
- Section 3 N14 Manorcunningham to Lifford / Strabane / A5 Link.

The Proposed Development is illustrated in Figure 2.1. The Proposed Development provides approximately 4.4 km of Type 1 dual carriageway, 30.9 km of Type 2 divided road, and 3.1 km of Type 3 divided road, as well as over 42 km of single carriageway roads, seven major river bridges, junctions, and other associated infrastructure.

The Proposed Development includes approximately 63 km of a new, fully segregated Active Travel (AT) network alongside the road infrastructure (see Section 4.5.4.2 of Chapter 4 of Volume B of the EIAR). These AT facilities are widely integrated with the existing cycle/pedestrian ways and links to key destinations including schools and community facilities. The AT network will contribute towards the roll-out of an inter-urban cycle network enabling greater levels of cycling and walking amongst leisure users, tourists and commuters. The AT network also integrates with the existing and proposed regional and national greenway network to widen the network of high-quality cycling infrastructure to promote safety, comfort and increase participation in cycling, in accordance with the objectives of the National Cycle Network Plan.

In addition, the Proposed Development includes a total of eight park and share/cycle facilities (modal hubs) that are integrated into the proposed new road infrastructure and the AT network (see Section 4.5.4.3 of Chapter 4 of Volume B of the EIAR). There are three locations provided in Section 1, one in Section 2 and four in Section 3. These park and share/cycle facilities provide motorists with locations to park their own car and car share with other motorists or avail of public transport (public bus) in order to complete an ongoing journey or park their car while they utilise the active travel facilities for commuting, exercise or amenity usage. Similarly, pedestrians or cyclists can use the facilities as part of their journeys. The park and share/ cycle

[1] Available: https://www.pleanala.ie/en-ie/case/324272

[2] Available: https://www.pleanala.ie/en-ie/case/324298

facilities are equipped with car parking spaces, cycles stands and picnic areas. Provision for HGV and bus parking are also provided within the Lifford and Pluck Roundabout park and share / cycle sites.

Therefore, the Proposed Development includes and promotes AT and responds to the need to promote physical and mental health benefits, and to encourage a modal shift towards cycling and walking modes of transport in the area. The Proposed Development is also designed to integrate with the public transport network to support to modal shift away from private cars to public transport, and incorporates sustainable design and significant climate adaptation and resilience outcomes.

Further, as set out in detail in Chapter 13 (Climate) of Volume B of the EIAR:

- There is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.
- The delivery of 63 km of shared pedestrian/ cycle facilities as an integral part of the Proposed Development provides a positive climate impact and equates to 7% of the national target for the advance roll-out of 1,000 km walking/ cycling infrastructure as well as connectivity to National Cycle and Greenway Networks.
- The Proposed Development will result in an estimated 688 daily cycling trips and an estimated 7,236 pedestrian daily trips, and the commuting and education aspects of these journeys will result in an emissions saving from this modal shift of 1,723 tonnes CO_2e per annum.

The analysis set out in Chapter 13 (Climate) of Volume B of the EIAR demonstrates that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the Climate Action and Low Carbon Development Act, 2015, as amended. Further, Section 3.5.4 of Chapter 3 of Volume B of the EIAR also demonstrates how the Proposed Development delivers on climate action policy, goals and actions.

A full and complete description of the Proposed Development is provided in Chapter 4 of the Environmental Impact Assessment Report (EIAR) submitted with the Section 51 Application.

County Donegal is one of the most peripheral counties in Ireland, situated at the northwest of the island with vast shoreline on the Atlantic coast. Donegal has only one direct Irish/ EU main transport connection along the N15 TEN-T Road via Sligo.

There is no railway network within County Donegal and therefore, road transport is the only feasible transportation option for people, goods and services in the county.

The scale of infrastructure deficits within the North-West region of Ireland is exemplified by the fact that the European Commission's Regional Competitiveness Index found that the Northern and Western Region of Ireland's transport infrastructure was ranked 218th out of 234 NUTS 2 Regions examined in the index, with Donegal a part of the Northern and Western Region of Ireland. The information was captured in the Northern & Western Regional Assembly's (NWRA) "Regional Infrastructure Tracker" (https://www.nwra.ie/wp-content/uploads/2024/07/regional-investment-tracker-10-07-2024.pdf).

The Proposed Development aims to address the current sub-standard road transport infrastructure in the county by targeting improvements to critical sections of the existing road network (N13, N14, N15 and N56,) which radiate from its principal town of Letterkenny (a Regional Centre in the National Planning Framework).

As highlighted in the submissions from Northern & Western Regional Assembly (see Section 5.4), Derry City and Strabane District Council (see Section 6.2), IBEC (see Section 7.29), and Letterkenny Chamber of Commerce (see Section 7.53) the Proposed Development is recognised as critical infrastructure and a "regional priority" to support the sustainable economic and social development of Donegal and the wider North West region and is consistent with the policies and objectives of local, regional and national plans, including the National Planning Framework and National Development Plan, as well as European policy under the TEN-T Regulations.

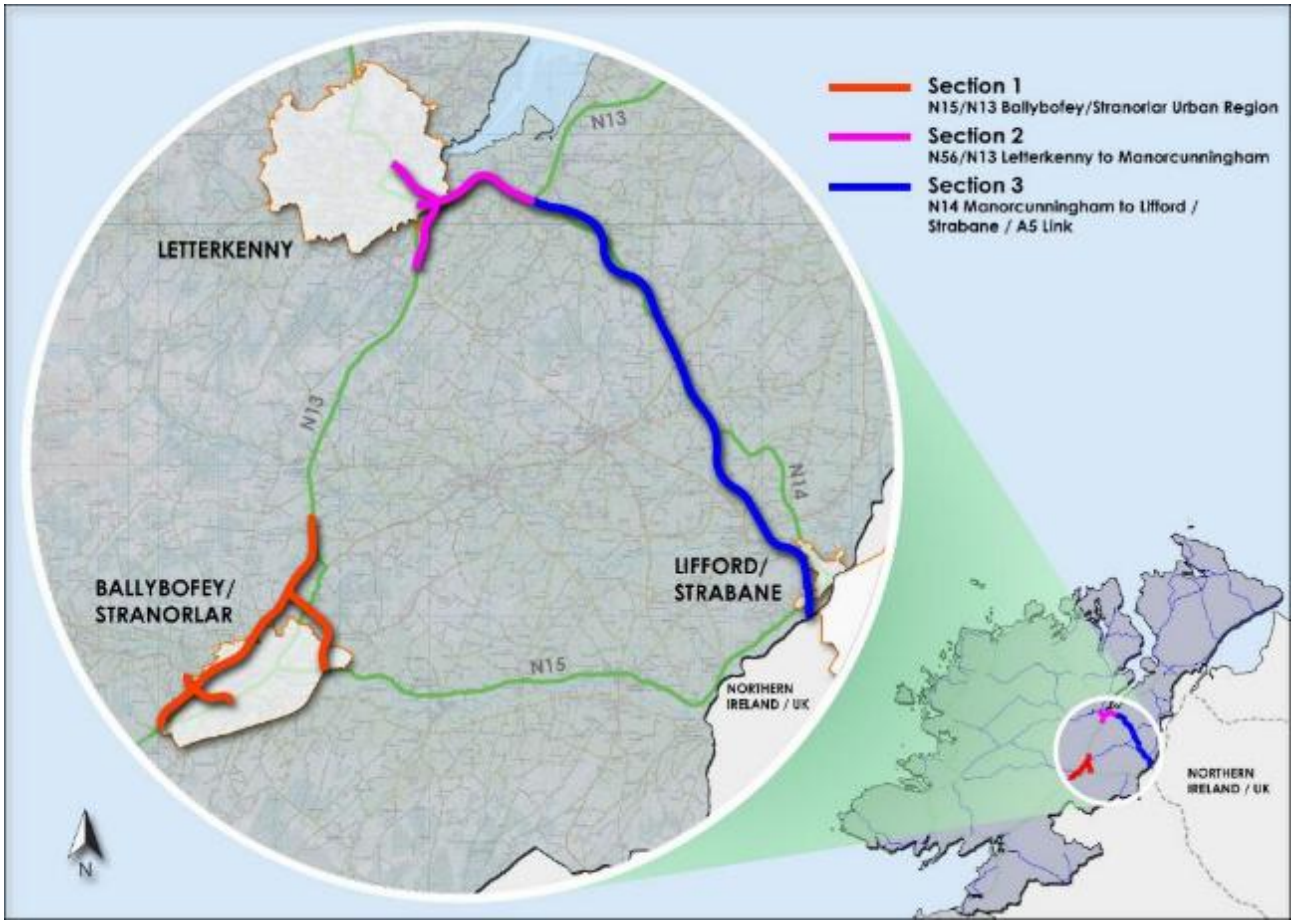


Figure 2.1 The TEN-T PRIPD

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2.2 Statutory Consultation

All documents prepared for the Section 51 Application and the CPO to the Commission were published and available for inspection from 15th May 2026. The statutory consultation period commenced on this date.

The period for the receipt of submissions closed at 5:30 p.m. on Friday 10th July 2026, an eight-week period.

Any prescribed body and interested party were able to make submissions within this period.

2.3 Invitation to Respond to the Submissions

On 18th August 2026, the Commission wrote to DCC inviting it to make submissions on the submissions/ objections received by the Commission in relation to the Section 51 Application and the CPO. The Commission provided all CPO objections for case number 324298 via electronic transfer while all submissions on the Section 51 Application were made available on the Commission's website under case number 324272.

There were two distinct categories of submissions provided by the Commission, namely:

- Submissions on the Section 51 Application (including EIAR and NIS)
- Objections on the Compulsory Purchase Order (CPO)

Responses have been prepared to all of the submissions/ objections in this Section 51 Response Document and the CPO Response Document.

A total of 84 individual submissions on the Section 51 Application were received by DCC from the Commission, noting that duplicate submissions were only counted once. In terms of this Section 51 Response Document, of these 84 submissions, 77 of these submissions were also provided to DCC by the Commission as part of the CPO objections and are identical. To avoid unnecessary repetition, the responses to those 77 submissions, which were treated as both Section 51 submissions and CPO objections by the Commission, are only contained in this Section 51 Response Document.

A separate CPO Response Document on the responses to the objections made solely on the CPO has also been prepared. There are 34 standalone objections to the CPO (that are not duplicated in the Section 51 submissions) which are responded to in the separate CPO Response Document.

This Section 51 Response Document provides DCC's responses in relation to the issues raised in each individual submission made to the Commission. Refer to Section 4.0 below for further details on the process of identifying the issues in each submission.

2.4 Request for Minor Modifications

In responding to the submissions on the Section 51 Application, DCC has identified a number of matters that necessitate minor design modifications to the Proposed Development as submitted in the Section 51 Application made in May 2026. These arise from the submission made by Walter P. Toolan on behalf of Mr Kee where it pointed out that it appeared that works relative to the River Finn Bridge Crossing were within the River Finn SAC when the NIS indicated otherwise. This is discussed further in Section 3.0 below. On examination, it became clear that the engineering drawings at this location used in the EIAR and NIS used an old SAC boundary for the River Finn SAC and as a result, certain minor modifications to the design of Attenuation Point 11 (re-shaped the size of the pond to ensure it is fully outside of the River Finn SAC boundary), a minor route change for a watercourse, the relocation of the temporary works line for Pier 3 of the River Finn Bridge, minor works relative to Attenuation Pond 10, relocation of an ESB pole and some vegetation management at the River Finn Crossing are required and the Commission is hereby requested to approve these minor modifications which are described in Section 3.0 Minor Modification to the Proposed Development.

These minor modifications have required certain drawings included in the Section 51 Application to be updated. These updated drawings are direct replacements for the previous versions of those drawings in the

EIAR and NIS respectively. The updated drawings are included in Appendix 1 of the Section 51 Response Document. A list of drawings to be replaced in the EIAR and NIS is also provided in Section 3.0 and are listed in Table 3-2 and Table 3-3 below. These tables are also included in Appendix 1 for ease of navigation of these replacement drawings.

Arising from these minor modifications a number of drawings, where the matters the subject of the minor modifications happen to appear in the background details of those drawings are for completeness also updated. These are explained in Section 3.0 below and are contained in Appendix 2 to this Section 51 Response Document.

Separately, in reviewing the drawings in light of the proposed minor modifications set out above, errors were identified on certain drawings and photomontages as explained in Section 3.5.4 below. The corrected versions of these drawings and photomontages are included in Appendix 2.

Finally, for ease of reference and to simply explain the minor modifications set out in Section 3.0 below a number of explanatory drawings have been included in Appendix 3.

2.5 Errata & Clarifications

In responding to the submissions, DCC has identified a number of errata required in the Section 51 Application documents namely the EIAR and NIS along with certain issues that require clarification. These errata and clarifications are described in Sections 8.0 (Errata) and 9.0 (Clarifications) respectively.

These errata and clarifications have resulted from a review of the Section 51 Application documents arising from issues raised in the submissions, along with certain changes as a result of the minor modifications described in Section 3.0 below, which also arose from the submissions, specifically the submission from Walter P Toolan on behalf of Mr. Kee.

These errata and clarifications are provided so that the Commission has full and complete details of the Proposed Development.

2.6 Structure of this Response to Submissions Report

This document is structured as follows:

- Section 3.0 Minor Modifications to the Proposed Development provides details of minor modifications to the Proposed Development that DCC are requesting the Commission to make if they are minded to grant approval for the Proposed Development.
- Section 4.0 Categorisation and Themes Raised in the Submissions provides an overview of the categories and themes raised in the submissions.
- Section 5.0 Responses to State Agencies/ Bodies in Ireland details the responses to submissions made by three state agencies and bodies in Ireland, namely, the Development Applications Unit (DAU) in the Department of Housing, Local Government and Heritage, the Maritime Area Regulatory Authority (MARA), and the Northern and Western Regional Assembly (NWRA).
- Section 6.0 Response to Agency/ Body in Northern Ireland details the responses to the one submission made by Derry City and Strabane District Council in Northern Ireland.
- Section 7.0 Responses to details the responses to the remaining 80 submissions made by all other Individuals/Businesses.
- Section 8.0 Errata contains a list of the errata in the EIAR and NIS.
- Section 9.0 Clarifications contains clarifications arising from issues raised in the submissions.
- Section 10.0 Cumulative and In-combination Assessments contains updated information on these assessments.
- Appendix 1A provides revised EIAR Volume D drawings resulting from the minor modifications to the Proposed Development.

- Appendix 1B provides revised NIS Appendix 2 drawings resulting from the minor modifications to the Proposed Development.
- Appendix 1C provides a new drawing illustrating the management and removal of trees as part of Minor Modification A.1.
- Appendix 2 provides consequential changes to drawings resulting from the minor modifications to the Proposed Development.
- Appendix 3 provides explanatory drawings relating to the minor modifications to the Proposed Development.
- Appendix 4 is the List of Errata.
- Appendix 5 provides the updated CPO documentation relating to the CPO Modifications.

2.7 Information Relied on in this Submission

The information presented in this document relies on the documents comprising the Section 51 Application and the CPO submitted to the Commission. These are:

Section 51 Application Documents (Case Number 324272)

- Environmental Impact Assessment Report, comprising:
  - Volume A Non-Technical Summary
  - Volume B Main Report
  - Volume C Technical Appendices
  - Volume D Drawings.
- Natura Impact Statement, including 13 appendices.
- AA Screening Report and Determination
- Natura Impact Statement, including 13 appendices.
- AA Screening Report and Determination
- Chief Executive Order
- Location Maps
- Supplementary Information submitted to the Commission:
  - Options Selection Report
  - Separate Document Containing All Mitigation Measures_Ch21_EIAR
  - Biodiversity No Net Loss Report
  - EIA Portal Notification
  - Cover Letter.
  - Notices, including newspapers and prescribed bodies in Ireland and Northern Ireland.

CPO Documents (Case Number 324298)

- Cover Letter
- CPO Deposit Maps
- CPO Schedules
- CEO Order
- Newspaper notices
- Landowner notice
- An Post Register Section 1 (letters to landowners sent by registered post).
- An Post Register Section 2 (letters to landowners sent by registered post).
- An Post Register Section 3 (letters to landowners sent by registered post).

3.0 Minor Modifications to the Proposed Development

3.1 Request for Minor Modifications to the Proposed Development

DCC has undertaken a full review of the submissions made to the Commission. During that review and in preparing responses to the submissions and in particular arising from the submission made by Walter P. Toolan on behalf of Mr Kee, DCC has identified a number of minor modifications required to the Proposed Development that are required to address the issues raised (as explained in Section 3.2 below). These minor modifications are set out in this section of the Section 51 Response Document.

In the context of the EIA and AA to be conducted by the Commission on the application for approval of the Proposed Development it is noted that the Commission has the necessary jurisdiction to consider modifications to a proposed road development pursuant to section 51(6) of the Roads Act 1993 (as amended).

Indeed, the Commission is expressly empowered under Section 51(6) of the Roads Act 1993 (as amended) to "approve a proposed road development, with or without modifications and subject to whatever environmental conditions (…) it considers appropriate".

Accordingly, it is clear that the Commission has jurisdiction to modify the proposed road development, whether on the application of DCC, or otherwise.

In this regard, DCC is proposing some minor modifications to the Proposed Development and **requests** that the Commission approve the Proposed Development with these proposed minor modifications, namely:

- **Minor Modification A** – Works within the River Finn SAC Boundary, consisting of
  - A.1 Management and Removal of Vegetation at the Proposed River Finn Bridge; and
  - A.2 Works for the Outfall from Attenuation Pond 10
- **Minor Modification B** – Attenuation Pond 11 Re-shaped
- **Minor Modification C** – Watercourse Realignment
- **Minor Modification D** –
  - D.1 Temporary Works line for Pier 3 of the River Finn Bridge in Section 1 (including relocation of confirmatory GI Boreholes; and
  - D.2 ESB Pole Relocation
- **Minor Modification E** –Removal of some proposed landscaping arising from a proposed CPO Modification.

These proposed minor modifications are more fully described further below.

An assessment of these proposed minor modifications has been conducted by all relevant experts and this is set out in the following sections of this Section 51 Response Document. That review has concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a re-assessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, being completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the application documentation and specifically in the NIS to address any potential adverse effects on these QIs.

Further, DCC notes that no additional lands are required to facilitate the proposed minor modifications beyond those lands already included in the CPO as submitted to the Commission for confirmation.

3.2 Why Minor Modification are Required and Requested

Minor modifications to the Proposed Development are required due to the finding that an old River Finn SAC boundary was used in certain of the engineering drawings presented with the Section 51 Application documents.

In this regard, the NPWS periodically release updates to nationwide SAC boundaries. Minor updates were made to the River Finn SAC boundary in June 2023. When overlaid with the previous version of the River Finn SAC boundary, the 2023 update shows a shift in the boundary by a few metres in certain areas along the length of the SAC thus necessitating these minor modifications. This issue arose with the drawings because the boundary prior to an update from NPWS in June 2023 was used in drawings prepared using computer aided design (CAD) software whereas drawings prepared using geographical information system (GIS) software presented the correct, current 2023 River Finn SAC boundary.

As briefly mentioned above, this issue was identified arising from the submission by Mr. David Kee (see Section 7.18 of this Section 51 Response Document). This submission raised the issue of a pier and piles/ pilecap of the River Finn Bridge which appeared to be within the River Finn SAC boundary. DCC can confirm that the bridge pier and piles/ pilecap are not within the 2023 SAC boundary. However, an old boundary line of the SAC (pre-June 2023) was used in some of the engineering drawings. Also, on one drawing, EIAR Drawing 4.13 River Finn Crossing (N15R024) (Steel Multi-Girders), the outline of the River Finn bridge piers was incorrect and an older, superseded version of the pile and pilecap foundations at the piers for the River Finn Bridge Structure in Section 1 were shown which are larger in size than the proposed piers. This error in relation to the outline of the bridge pier and piles/ pilecap has been corrected in the updated EIAR Drawing 4.13 in Appendix 2 of this Section 51 Response Document. Also, due to the change in the SAC boundary, certain of the temporary works associated with the construction of the bridge pier and piles/ pilecap would have encroached on the 2023 SAC Boundary. As explained more fully in Section 3.3.4.1 and Section 3.5.4 below, the temporary works line has been moved to ensure it is outside of the 2023 SAC boundary. This therefore explains the submission on behalf of Mr. Kee in relation the River Finn Bridge.

Therefore, DCC is proposing minor modifications to the design of the Proposed Development so as to avoid works within the River Finn SAC boundary, save some minor works consisting of management and removal of vegetation, and minor works at the outfall for attenuation pond No. 10 (which said minor works are documented under Minor Modification A).

Minor Modifications A, B, C, and D are all in Section 1 of the Proposed Development. Although the River Finn SAC boundary also changed at the crossing point of Section 3 (i.e. the N14/N15 to A5 Link), the area of the SAC at that location reduced and so in fact any works at this location are further away from the SAC. Therefore, no minor modifications are required at this location arising from the correction of the SAC boundary.

Further, as a consequence of a proposed modification to the CPO, a minor modification (being Minor Modification E) to the Proposed Development is proposed to amend the proposed landscaping at one location in Section 3 of the Proposed Development as detailed below.

There have been no updates to the QIs of the River Finn SAC and the June 2023 boundary for the River Finn SAC remains current as of the date of preparation of this report.

Minor Modifications A, B, C, D and E that DCC request the Commission to make if they are minded to grant approval for the Proposed Development are detailed below.

3.3 Minor Modifications to Section 1 Ballybofey/ Stranorlar Urban Region of the Proposed Development

3.3.1 Minor Modification A – Minor Works Within the River Finn SAC Boundary

In reviewing the River Finn SAC Boundary, certain minor works are required within the River Finn SAC boundary associated with two elements of the Proposed Development at this crossing location, namely:

- The management and removal of certain species of vegetation underneath and adjacent to the proposed and oversailing River Finn bridge deck and electrical overhead wires.
- Works for the outfall from Attenuation Pond 10.

3.3.1.1 A.1 Management and Removal of Vegetation at the Proposed River Finn Bridge

Works within the River Finn SAC to manage and remove vegetation will consist of the following activities:

a) Enabling works prior to the commencement of construction works on the bridge deck (temporary and permanent) involving the removal and management of certain trees/tree-groups within the River Finn SAC. This is to enable and facilitate the construction works for the bridge deck that will oversail the River Finn SAC. This work is also required to facilitate the diversion of overhead electrical overhead lines (110 kV and 38 kV) running parallel to the proposed bridge; and
b) Facilitating the enhancement of the woodland habitats bordering the river consistent with the submitted proposals set out in the submitted Biodiversity No Net Loss (NNL) Report and Invasive Species Management Plan (refer to Appendix C4.04 in Volume C of the EIAR).

The woodland habitat within the SAC at the location of the bridge crossing constitutes two woodland habitat types – conifer woodland (WD4) and riparian woodland (WN5). Only WN5 is identified as an Important Ecological Feature (IEF) and assessed within the EIAR. The loss of habitat WN5 Riparian Woodland at the crossing point of the River Finn in Section 1 is specifically addressed on pages 9-81 to 9-82 of Chapter 9A of Volume B the EIAR.

While the EIAR describes and assesses the impacts and effects of this habitat loss, there is no explicit assessment of the management and removal of vegetation within the River Finn SAC at this location in either the EIAR or NIS. An explanatory drawing showing the location of the vegetation management and removal under the River Finn Bridge is provided in Appendix 3 of this Section 51 Response Document. This drawing is entitled: Minor Modification A.1: Location of Vegetation Management and Removal. A further, more detailed new drawing showing the trees and tree groups to be managed is included in Appendix 1C, drawing entitled: Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC. An extract of this drawing is included in Figure 3.1 below.

In order to provide further detail with respect to the above, the drawing entitled Minor Modification A.1 Vegetation Management and Removal within the River Finn SAC in Appendix 1C, specifically identifies the trees/ tree-groups within both WD4 and WN5 habitats to be removed or managed through coppicing within or adjacent to the SAC boundary, or where the root protection areas of the latter overlap with that boundary. Those trees/ tree-groups managed through coppicing results in the retention of the root system, being unharmed, allowing for their regeneration post-construction. Coppicing is a standard woodland management technique. Table 3-1 below provides the list of trees/ tree-groups that form Minor Modification A.1, which table is also included in the drawing included in Appendix 1C of this document.

DCC's competent experts have undertaken a survey of the trees and tree groups that are proposed to be managed and removed (as shown in the drawing in Appendix 1C of this document) and assessed these works that will form part of the Proposed Development. This assessment concluded that this minor modification would not result in any additional significant effects to those already identified and assessed within the EIAR and NIS subject to the management and removal of the bankside vegetation within the SAC being completed in a controlled manner; for which additional mitigation is set out below. This includes with respect to the QIs of the River Finn SAC and its published detailed SSCOs. As documented in Section 6.6.1 of the submitted NIS, the only QIs of the River Finn SAC with the potential pathway in respect of the Proposed Development (including the vegetation management and removal detailed in the drawing in Appendix 1C), are otter and salmon. In light of the additional detail regarding vegetation management and removal (Appendix 1), DCCs competent experts have reviewed this additional detail against the relevant and published SSCOs of the River Finn SAC; namely for otter and salmon. The specified vegetation management and removal works will not be contrary to those published SSCOs subject to the additional controls regarding how the vegetation management and removal will be phased and completed; as documented below.

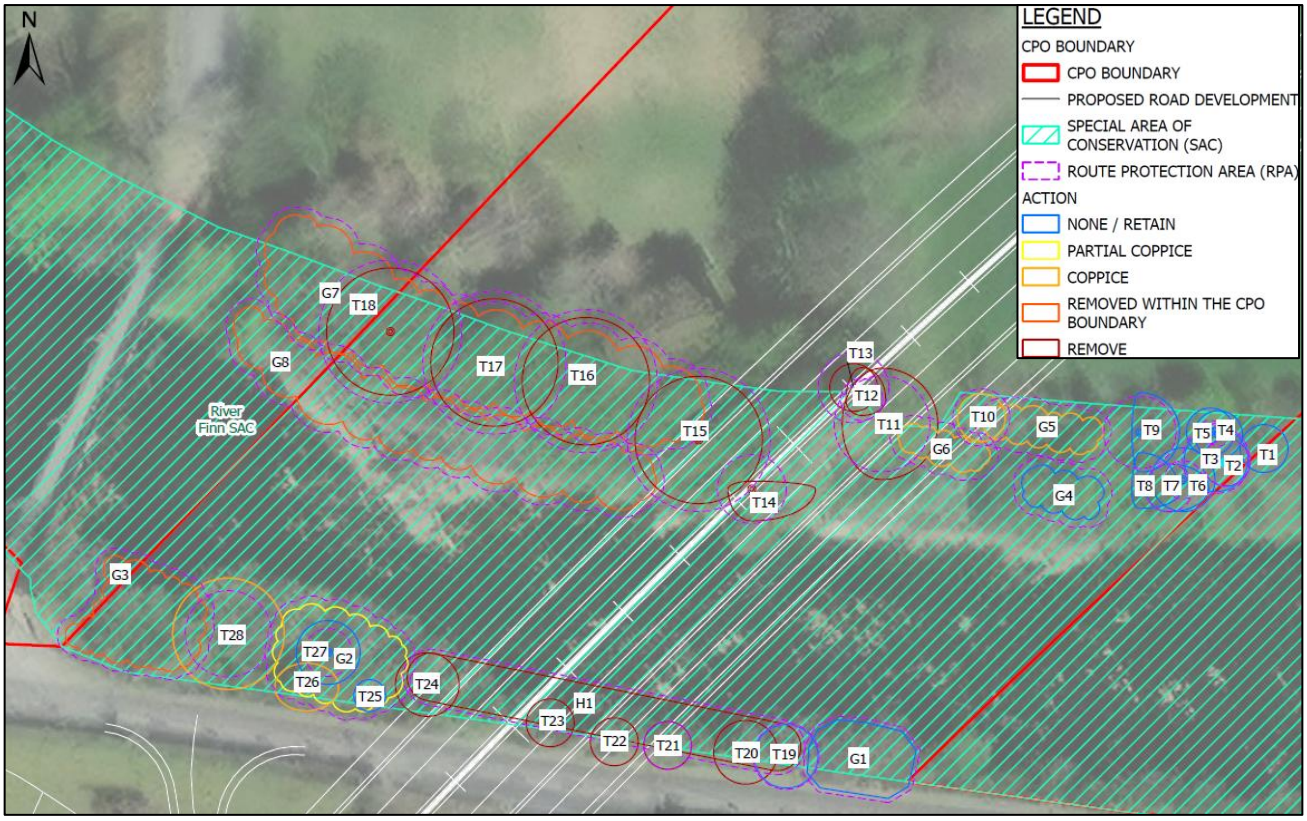


Figure 3.1 Management and Removal of Vegetation within the River Finn SAC is required within the highlighted area of the Proposed Development.

Table 3-1 Trees and Tree-Groups within Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC (extract from drawing in Appendix 1C)

Label	Species
G1	Fraxinus excelsior, Betula pendula, Quercus robur, Acer pseudoplatanus (Common Ash, Silver Birch, English Oak, Sycamore)
G2, G4, G6	Acer pseudoplatanus (Sycamore)
G3	Fraxinus excelsior, Salix caprea, Acer pseudoplatanus, Ilex aquifolium (Common Ash, Goat Willow, Sycamore, Holly)
G5	Acer pseudoplatanus, Corylus avellana, Fraxinus excelsior, Ilex aquifolium (Sycamore, Hazel, Common Ash, Holly)
G7	Chamaecyparis lawsoniana (Lawsons Cypress)
G8	Fraxinus excelsior, Salix caprea (Common Ash, Goat Willow)
H1	Fraxinus excelsior, Acer pseudoplatanus, Corylus avellana, Salix alba (Common Ash, Sycamore, Hazel, White Willow)
T1, T8, T14	Salix caprea (Goat Willow)
T2, T6, T7	Corylus avellana (Hazel)
T3, T10, T11, T12, T19, T27, T28	Acer pseudoplatanus (Sycamore)
T4, T5	Crataegus monogyna (Common Hawthorn)
T9	Sorbus aucuparia (Rowan / Mountain Ash)
T13	Alnus glutinosa (Common Alder)
T15, T16, T17, T18	Populus trichocarpa (Western Balsam Poplar)
T20, T22, T23, T24, T25, T26	Fraxinus excelsior (Common Ash)
T21	Quercus robur (English Oak)

In light of the additional detail available regarding the specific trees/ tree-groups affected, additional specific mitigation regarding the phasing and detail of the works to be completed with respect to the bankside vegetation of the River Finn SAC at this location is set out below. This mitigation is relevant to the assessments made in both the EIAR and NIS. The additional mitigation is as follows:

- Control of Enabling and Enhancement Works within the River Finn SAC and the CPO Boundary at the Proposed River Finn Crossing in Section 1 of the Proposed Development:
    - The trees/ tree-groups within the River Finn SAC boundary, in the areas of WD5 Conifer Plantation and WN5 Riparian Woodland illustrated in the explanatory drawing entitled Minor Modification A.1 Vegetation Management and Removal within the River Finn SAC in Appendix 3, will be managed in accordance with the management prescriptions (removal or coppicing) set out within the Tree/ Tree-group Management Schedule included on the drawing Minor Modification A Vegetation Management and Removal in Appendix 3.

- All tree/ tree-group management prescriptions and any advanced invasive species management actions (consistent with the provisions of the Invasive Species Management Plan (ref: Appendix C4.04 in Volume C of the EIAR) will be completed as Enabling Works and completed prior to the commencement of bridge deck construction works (both temporary or permanent). For avoidance of doubt, this includes all construction works associated with the construction of the bridge (including intrusive earthworks) and electrical overhead line diversions.
- The tree/ tree-group management prescriptions will be completed by competent and qualified arborists/foresters under the watching-brief of the Ecological Clerk of Works (ECoW).
- No instream works within the River Finn will be permitted. All tree/ tree-group management prescriptions will be completed from within the CPO Boundary and from the landward side of the woodland or, in the case of the southern bank of the River Finn, from the R252.
- No vehicular access will be allowed within the boundary of the River Finn SAC. The tree/ tree-groups will either be soft-felled or felled away from the River Finn into the adjacent lands within the CPO boundary.
- All brash/arisings from the trees/ tree-groups will be removed from within the SAC boundary; unless the ECoW considers that it would be ecologically beneficial to retain all or some of the brash/ arisings within the boundary as part of the overall ecological enhancement plan; subject to it being consistent with the provisions of the submitted Biodiversity No Net Loss (NNL) Report.
- The woodland enhancements within the River Finn SAC boundary will be completed in parallel with or immediately following the tree/ tree-group management prescriptions but prior to the erection of the protective fencings proposed to segregate the construction works (temporary and permanent) from the River Finn SAC; including surface water protection measures. The protective mitigation measures are as set out in Sections 9A.6 and 9B.6 in Volume B of the EIAR and Section 7 of the NIS.

Following the implementation of the above mitigation, this minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

3.3.1.2 A.2 Works for the Outfall from Attenuation Pond 10

As a result of the update to the River Finn SAC boundary in June 2023, the outfall of Attenuation Pond 10 (illustrated in EIAR Drawing 4.1, sheet 2 of 8, in Volume D of the EIAR) will now marginally encroach into the River Finn SAC and involve the excavation of made ground (stone, rubble) which forms the bank of the River Finn at this location. This is contrary to the as submitted description which stated that the outfall would be constructed without excavations at the riverbank. There are no changes to either the location, storage volume or landform of Attenuation Pond 10.

As shown on the EIAR Drawing 4.1, sheet 2 of 8, in Volume D of the EIAR, the outfall from Attenuation Pond 10 discharges to the River Finn through an outfall pipe and open swale to be constructed through the existing hardstanding area of the property being acquired as part of the Proposed Development. The outfall for Attenuation Pond 10 will run under the R252 road and discharge to the River Finn on the southwest corner of the Mill Cottage bridge (Riverbridge N15R024). This is illustrated in Figure 3.2, which is an extract taken from an explanatory drawing entitled Minor Modification A and B included in Appendix 3 of this document.

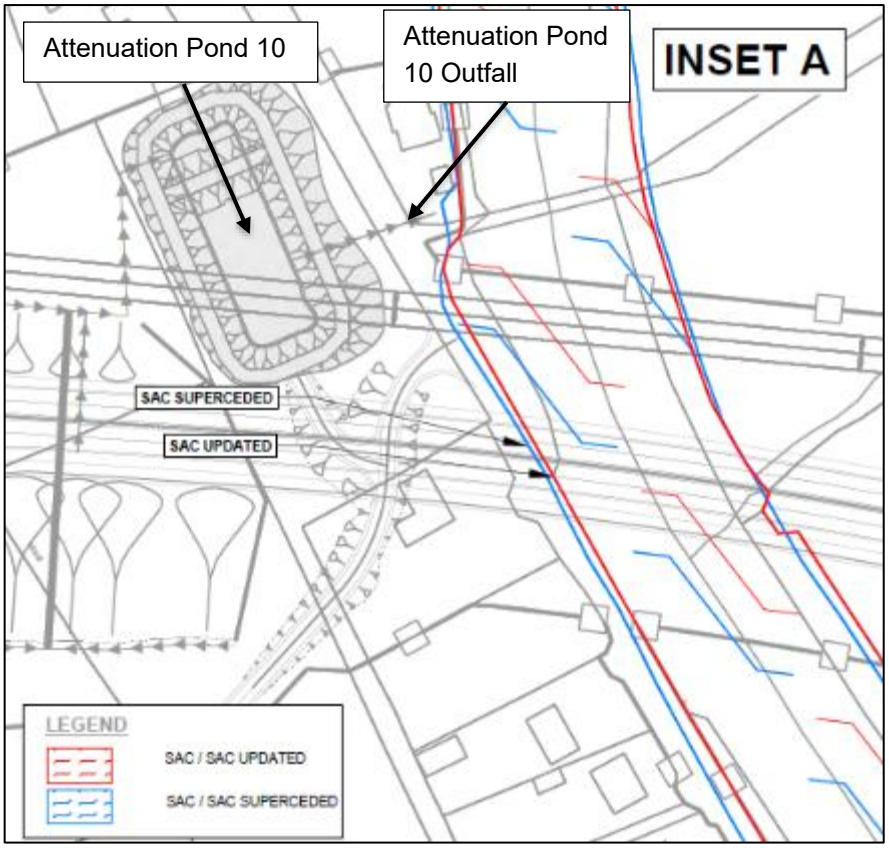


Figure 3.2 Proposed Outfall from Attenuation Pond 10 to the River Finn

In order to ensure that the outfall from Attenuation Pond 10 reaches the River Finn, an open swale is required from the headwall to the CPO boundary and the works to create this swale will marginally encroach into the River Finn SAC and involve the excavation of made ground (stone, rubble) which forms the bank of the River Finn at this location. The headwall which will discharge drainage into the swale will be set back from the boundary of the SAC. This is contrary to the as submitted description which stated that the outfall would be constructed without excavations at the riverbank and outside of the SAC boundary. There are no changes to either the location, storage volume or landform of Attenuation Pond 10.

A plan view of the arrangement along with a cross-section of the outfall from Attenuation Pond 10 is illustrated in Figure 3.3 which also illustrates the spatial relationship of the pipework, headwall and swale to the River Finn SAC boundary. Further details on the arrangement are shown in the drawing entitled Minor Modification A Attenuation Pond 10 Outfall included in Appendix 3 of this report (which is an explanatory drawing illustrating the location, detail and cross section of the proposed outfall) and from which the extracts shown in Figure 3.3 are taken. These works are entirely within an area of existing hardstanding (asphalt parking area) and made ground for the property that is being acquired in full as part of the Proposed Development. The proposed works are within made-ground at this location and will not result in the release of suspended solids or other materials to the River Finn. Therefore, there will be no adverse impact on the SAC or its QIs.

A small stand of Japanese knotweed, an invasive species, was identified at the location of the as modified and proposed outfall location for the open channel from Attenuation Pond 10. The treatment of this stand will be completed consistent with the provisions of the as submitted Invasive Species Management Plan (refer to Appendix C4.04 in Chapter 4 of Volume C of the EIAR).

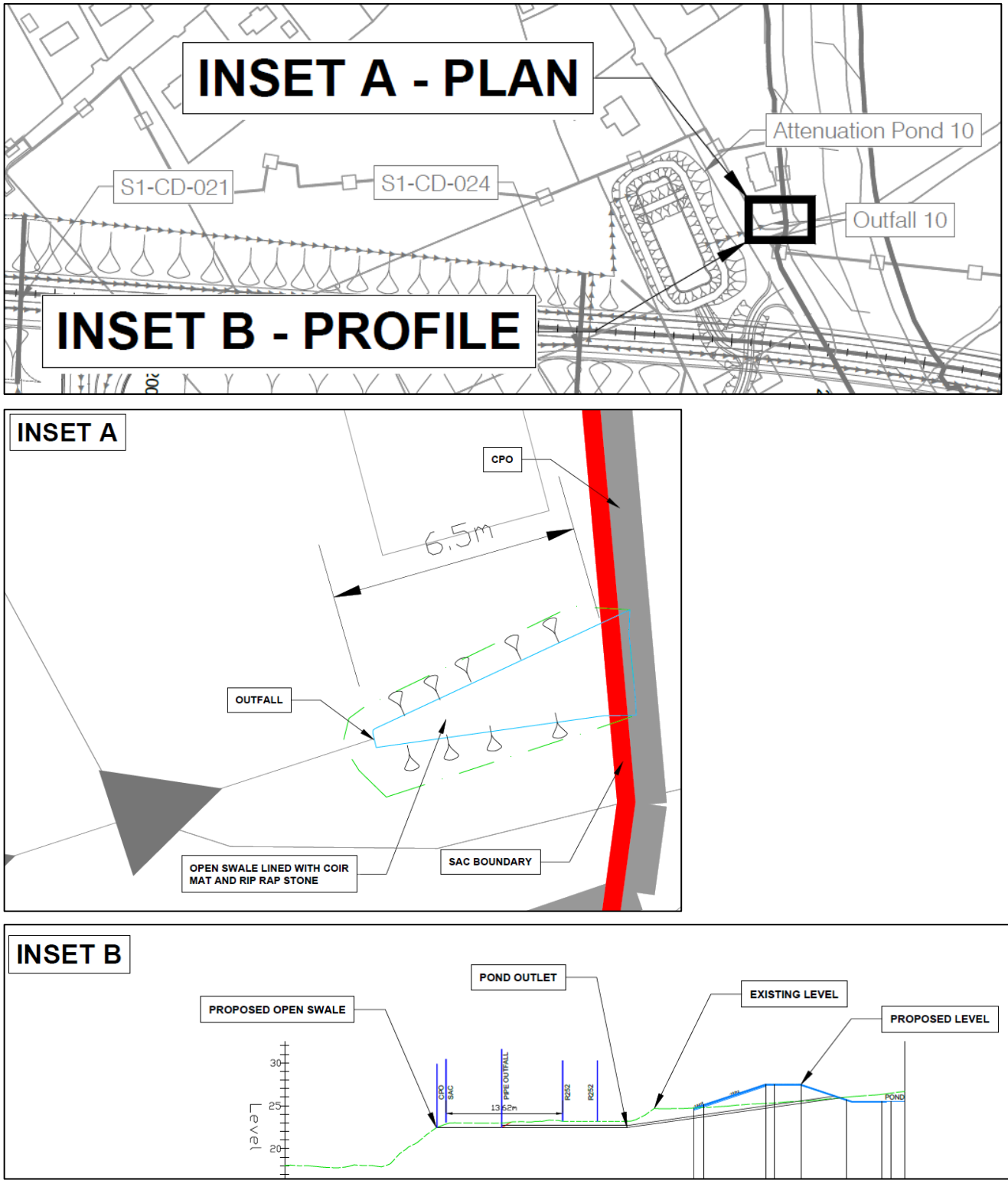


Figure 3.3 Attenuation Pond 10 with Cross Section of the Proposed Outfall to the River Finn in Section 1

The replacement EIAR Drawing 4.1 General Arrangement Drawings, sheet 2 of 8, is included in Appendix 1A Revised EIAR Drawings of this document.

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted

EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

Finally and for completeness, in investigating the implications of the update to the River Finn SAC boundary, DCC's project team identified certain statements within the application documents, specifically the EIAR and NIS, with respect to the Section 1 bridge crossing of the River Finn relating to the extent and nature of the proposed works (temporary and permanent) adjacent to and within the SAC boundary at that location and distances from the boundary of the SAC to the temporary and permanent works at the River Finn Bridge Crossing which are the subject matter of Errata and are included in Section 8.0 of this document.

3.3.2 Minor Modification B – Attenuation Pond 11 Re-shaped

As a result of the update to the River Finn SAC boundary, Attenuation Pond 11 (Section 1, R252 tie-in) marginally encroached into the River Finn SAC. This is shown in Figure 3.4 below where the previous Attenuation Pond 11 design (in blue) overlaps with the current River Finn SAC boundary (in red).

To ensure consistency with the 'as submitted' design principles for Attenuation Pond 11, it has been re-shaped to continue to avoid construction earthworks and a permanent footprint from the works within the SAC.

There is no change in either the location or storage volume of the re-shaped Attenuation Pond 11. The modified design, overlaid with the as-submitted design for comparison purposes, is illustrated in Figure 3.4 below, which is an extract of Inset B as shown on the explanatory drawing entitled Minor Modifications A and B in Appendix 3 of this document. This illustrates the minor differences between Attenuation Pond 11 as submitted and as modified, as a result of the re-shaping of the pond.

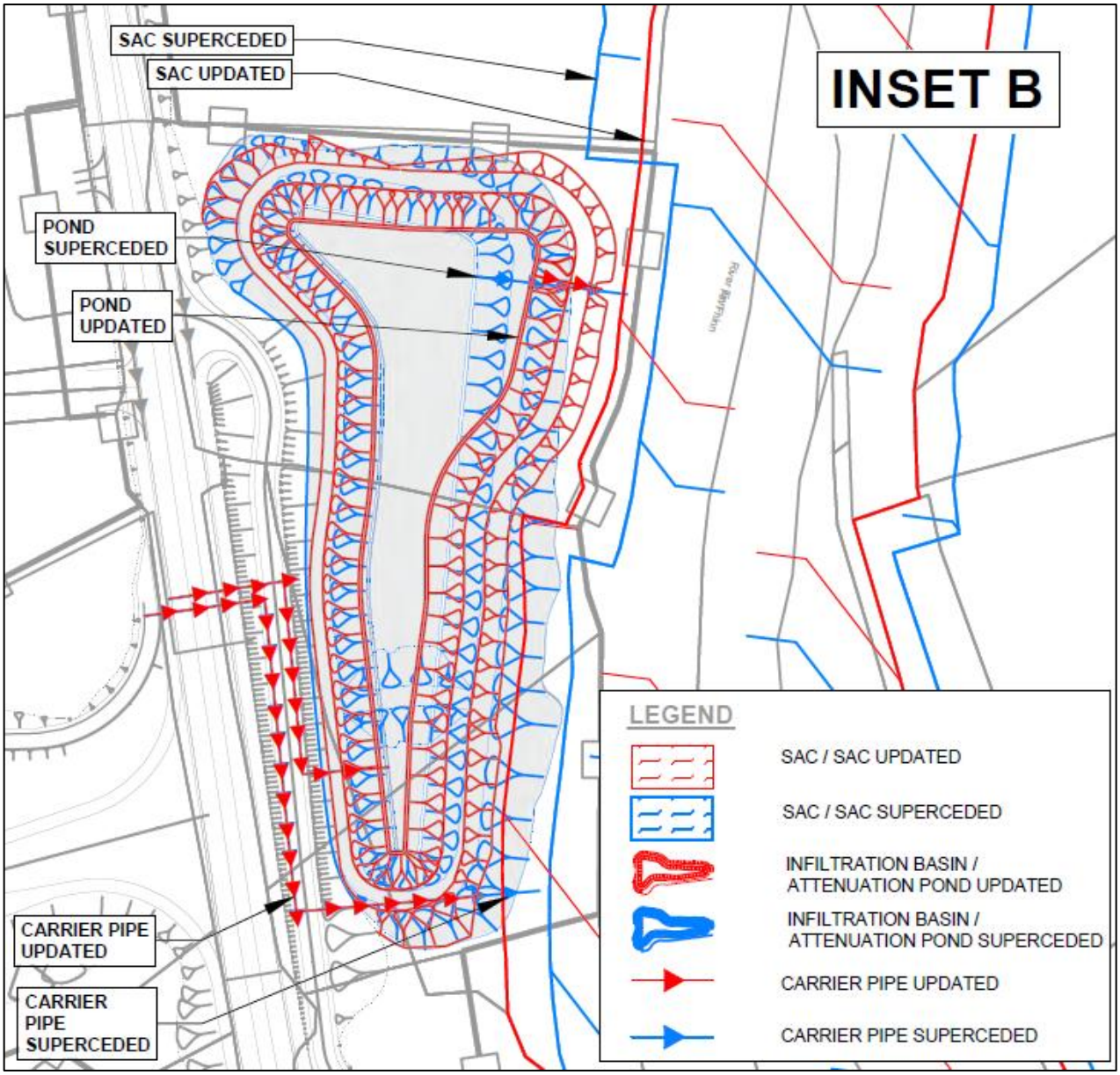


Figure 3.4 Diagram Showing Proposed Modification B at Attenuation Pond 11

The replacement drawing for Minor Modification B (ref: EIAR Drawing 4.1 General Arrangement, sheet 2 of 8) is included in Appendix 1A Revised EIAR Drawings of this document.

Explanatory cross-sections of the re-shaped Attenuation Pond 11 are also included in the drawing entitled Minor Modification B Attenuation Pond 11 Re-shaped contained in Appendix 3 illustrating that the pond and all associated permanent works are outside the River Finn SAC boundary. An extract from the cross sections drawing is provided in Figure 3.5 below.

There is a natural fall to the River Finn from the outfall from Attenuation Pond 11 and it is over 5.5 m from the outfall to the SAC boundary (shown on the bottom left in Figure 3.5 and in the drawing in Appendix 3). All works associated with the outfall will be undertaken outside of the SAC at this location.

At its closest point, Attenuation Pond 11 is just over 2 m from the River Finn SAC boundary (shown on the bottom right in Figure 3.5 and in the drawing in Appendix 3).

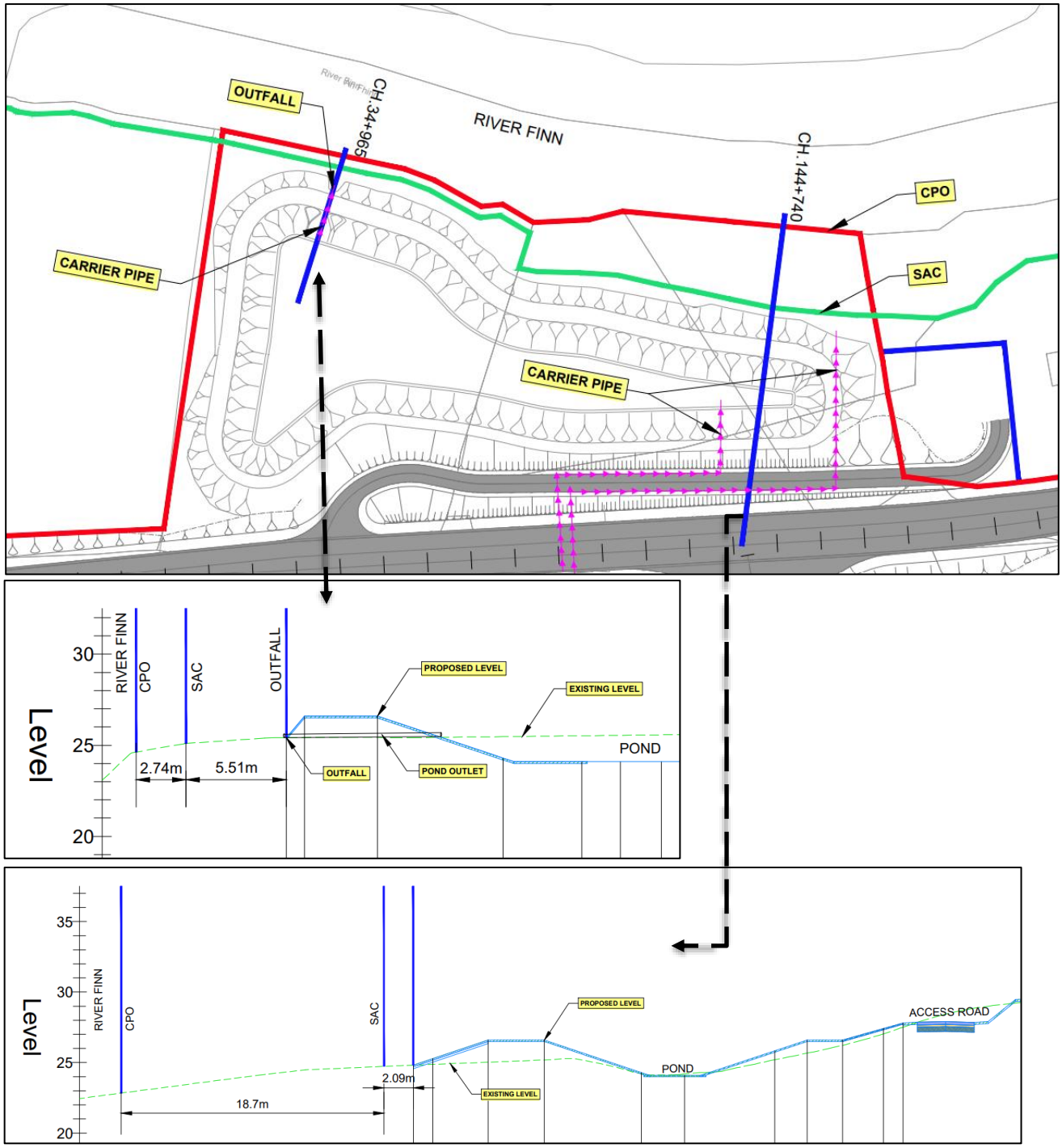


Figure 3.5 Cross Sections at Attenuation Pond 11

DCC will ensure that all construction works, both temporary and permanent, at this location will be undertaken outside of the SAC boundary, including the construction of the headwall and the secured 'green' erosion protection mats over which any water discharged from the attenuation pond will flow, as described in Section 9B.5.3.2, page 9B-45 of Chapter 9B: Biodiversity – Aquatic Ecology of Volume B of the EIAR.

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC,

i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

3.3.3 Minor Modification C – A Minor Watercourse Realignment

South of Section 1, Mainline 1.2, Ch 3+030, the River Finn SAC boundary was slightly widened in the redrawing of the boundaries of the River Finn SAC in 2023. This resulted in the proposed realigned watercourse connection downstream of Culvert S1-CUL.13 on the Dromboe Lower tributary of the River Finn being a few metres inside the River Finn SAC boundary. This is illustrated in Figure 3.6 below, which is an extract of Inset C from the explanatory drawing illustrating the Minor Modification C in Appendix 3 of this document. The proposed stream channel upstream of Culvert S1-CUL.13 captures both the existing flow within the Dromboe Lower stream, which will be realigned for the Proposed Development, and the outfall from Attenuation Pond 08.

Downstream of Culvert S1-CUL13 the outfall to the Dromboe Lower watercourse has been realigned to move the tie-in location to a position approximately 70 m upstream of the original location so that the connection to the existing Dromboe Lower tributary can be located outside the SAC boundary, including during its construction. It is important to note, as set out in EIAR Chapter 9B, Section 9B.4.1 (Section 1) in Volume B of the EIAR, that the Dromboe Lower watercourse is currently fully culverted (undergrounded), only emerging c.20 m upstream of the SAC boundary. The Proposed Development results in daylighting of this watercourse upstream of the current emergence point. The proposed works will result in an open-air design of the existing culverted Dromboe Lower stream with scour protection provided (outside the SAC) to tie-in the newly opened channel to the existing Dromboe Lower small channel. As assessed in EIAR Appendix 9B.05, there will be a "Permanent positive impact, owing to removal of existing covered channel, potentially opening up new salmonid nursery habitat" the mitigation proposed is to "Reinstate new open channel to mimic natural channel morphology as present at W1-07". This will allow for fish passage and usage of additional aquatic habitat upstream of the SAC boundary. The proposal provides a continuation of the stream and an increase in localised fisheries habitat. For the avoidance of doubt, the outfall from Attenuation Pond 08 enters the proposed daylighted watercourse outside of the River Finn SAC boundary and will require no works (temporary or permanent) within the River Finn SAC.

The replacement drawing for Minor Modification C (ref: EIAR Drawing 4.1 General Arrangement, sheet 4 of 8) showing the requested minor modification is included in Appendix 1A Revised EIAR Drawings.

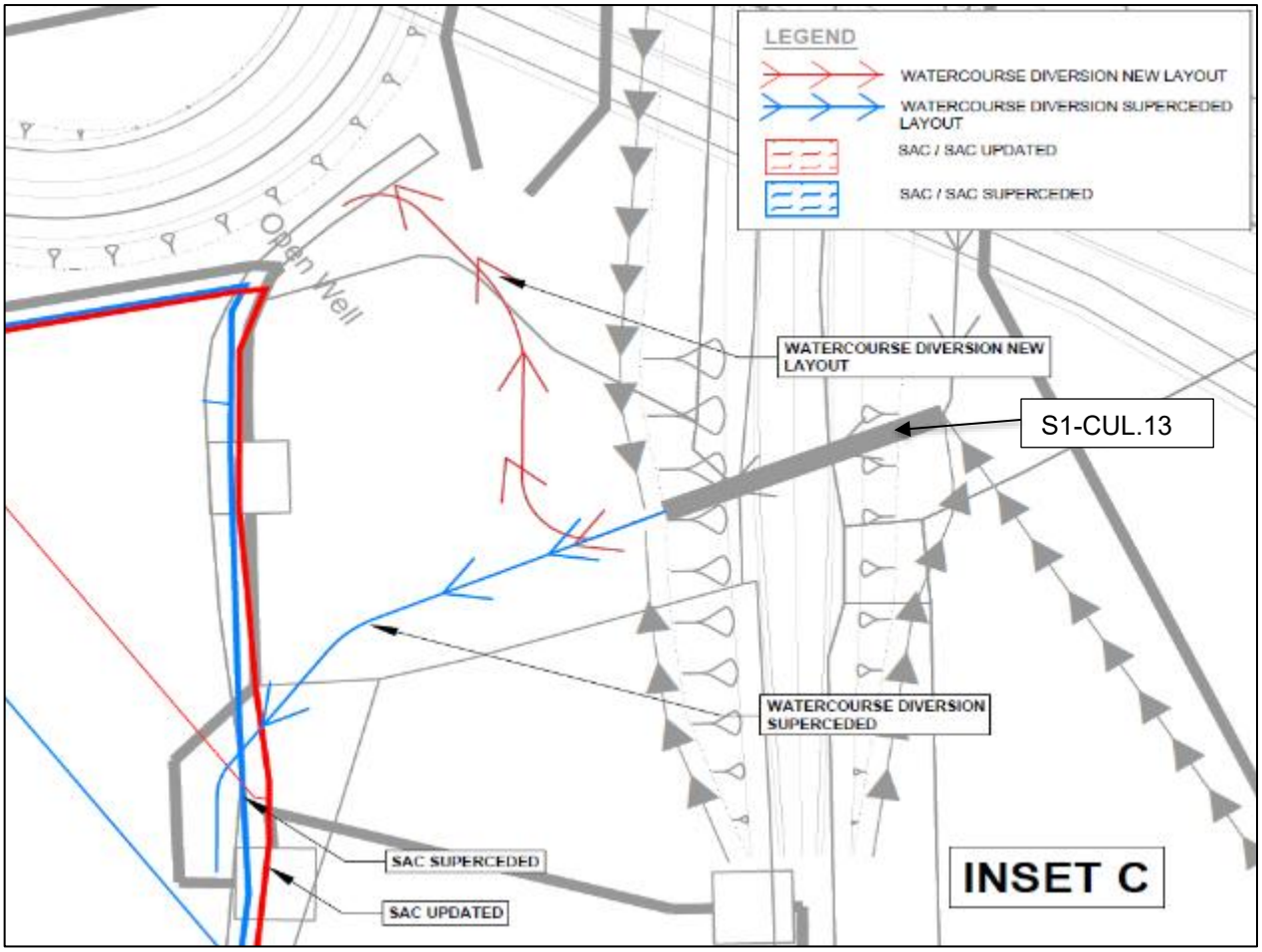


Figure 3.6 Diagram Showing Proposed Modification C to the Watercourse at approx. Ch3+030 in Section 1

This minor modification ensures that all works (temporary or permanent) lie outside of the River Finn SAC while continuing to deliver a permanent positive impact with respect to aquatic receptors. The minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

3.3.4 Minor Modification D – Due to SAC Boundary Change

3.3.4.1 D.1 Temporary Works Line for Pier 3 of the River Finn Bridge in Section 1 and confirmatory Ground Investigation (GI) locations

As a result of the correction to the River Finn SAC boundary in Section 1, DCC's project team identified that the temporary works boundary line shown in the EIAR drawings 4.14 (River Finn Crossing (N15 R024) Access and Piling) and 4.15 (River Finn Crossing (N15 R024) Construction & Temporary Works) was within the current River Finn SAC boundary for Pier 3 of the proposed River Finn bridge. Pier 3 is located on the northern side of the River Finn, as shown in Figure 3.7 below, which is an extract from the updated EIAR drawing 4.13 included in Appendix 2 of this Section 51 Response Document.

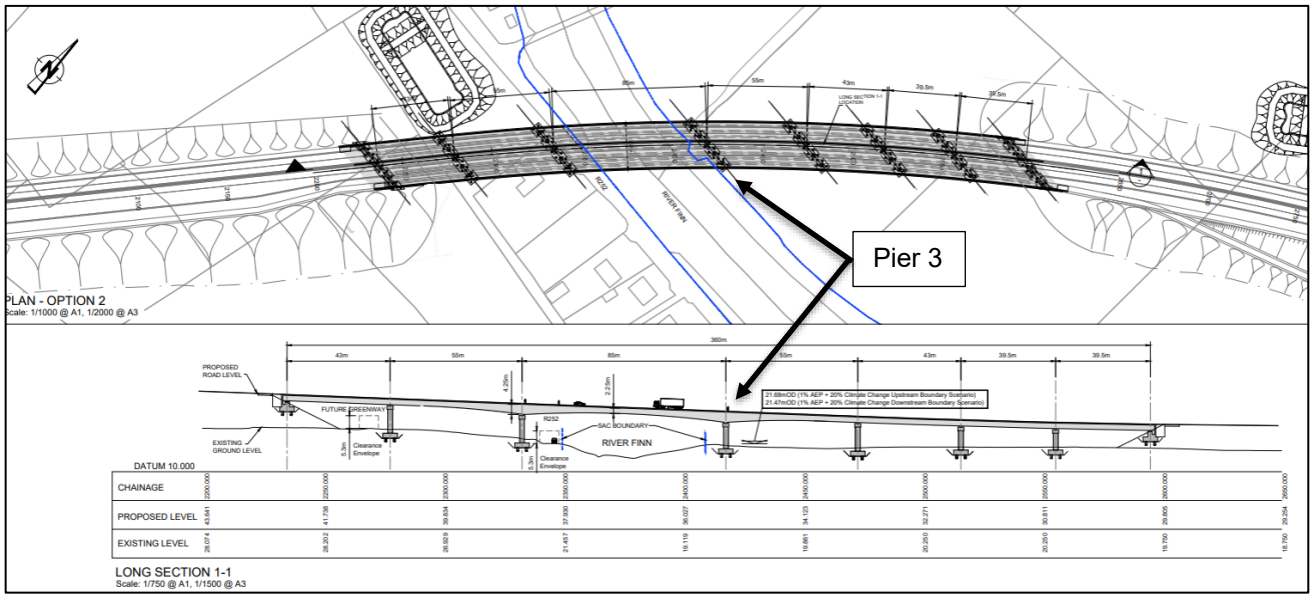


Figure 3.7 Updated Extract from EIAR Drawing 4.13 showing Pier 3 of the Proposed River Finn Bridge in Section 1 and the River Finn SAC Boundary

Therefore, the design team has moved the temporary works boundary to be entirely outside of the River Finn SAC boundary. This modification has resulted in updates to EIAR Drawings 4.14 and 4.15 which are both included in Appendix 1A of this Section 51 Response Document. The same drawings within the NIS have also been updated, namely NIS Drawing 23 and NIS Drawing 24, as included in Appendix 1B of this document. As a consequence of this minor modification, the associated confirmatory Ground Investigation (GI) locations at Pier 3, BS-BHRC 1610 and BS-BHRC 1611, as shown on updated EIAR Drawing 4.63, sheet 3 of 9, in Appendix 2 of this Section 51 Response Document, have been moved to ensure that they are outside of the River Finn SAC boundary at this location. The updated drawings, demonstrate that all temporary and permanent works associated with the construction of bridge Pier 3 will be undertaken outside of the River Finn SAC boundary and no additional mitigation measures are required. Extracts from the updated EIAR Drawing 4.15 (see Appendix 1) showing the SAC boundary, the temporary works line, Pier 3, along with cross-section B-B are presented in Figure 3.8 below.

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

The replacement drawings for Minor Modification D.1 (ref: EIAR Drawings 4.14 River Finn Crossing (N15 R024) Access and Piling, and EIAR Drawing 4.15 River Finn Crossing (N15 R024) Construction & Temporary Works, are included in Appendix 1A Revised EIAR Drawings of this document.

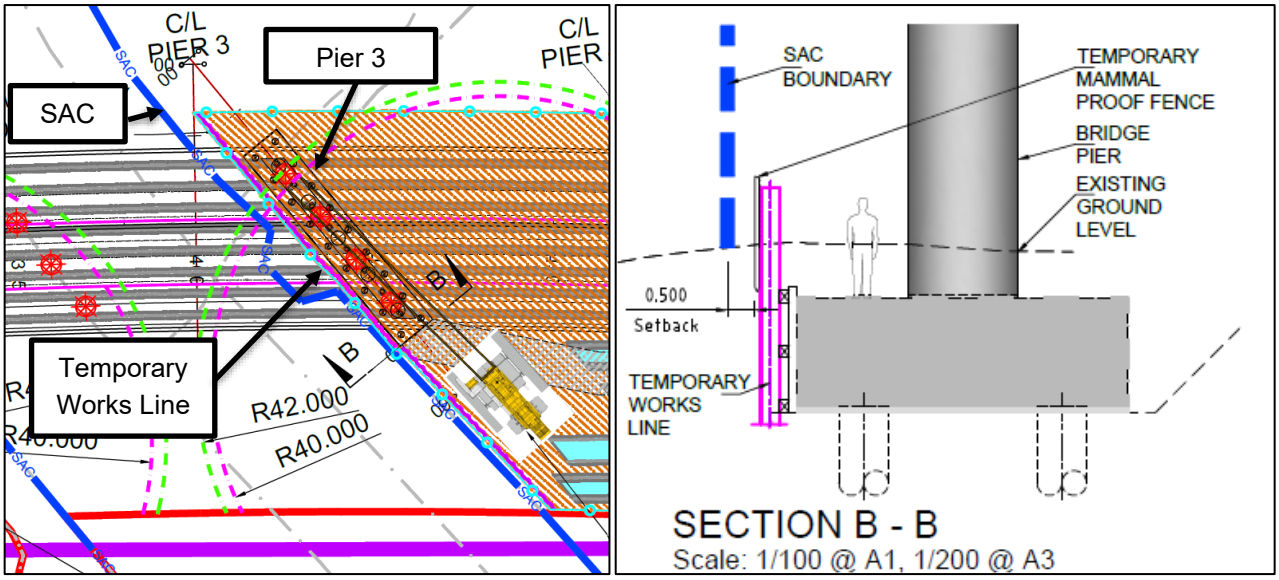


Figure 3.8 Extracts from the Updated EIAR Drawing 4.15 showing the Temporary Works Boundary at Pier 3 of the Proposed River Finn Bridge in Section 1

3.3.4.2 D.2 ESB Pole Relocation

The Proposed Development requires the diversion of certain utilities including overhead electrical wires. This includes a 110 kV and 38 kV lines at the River Finn crossing.

As a result of the correction to the River Finn SAC boundary, one of the poles for the 38 kV overhead line is proposed to be slightly relocated to ensure that it is outside of the River Finn SAC, as shown on Figure 3.9.

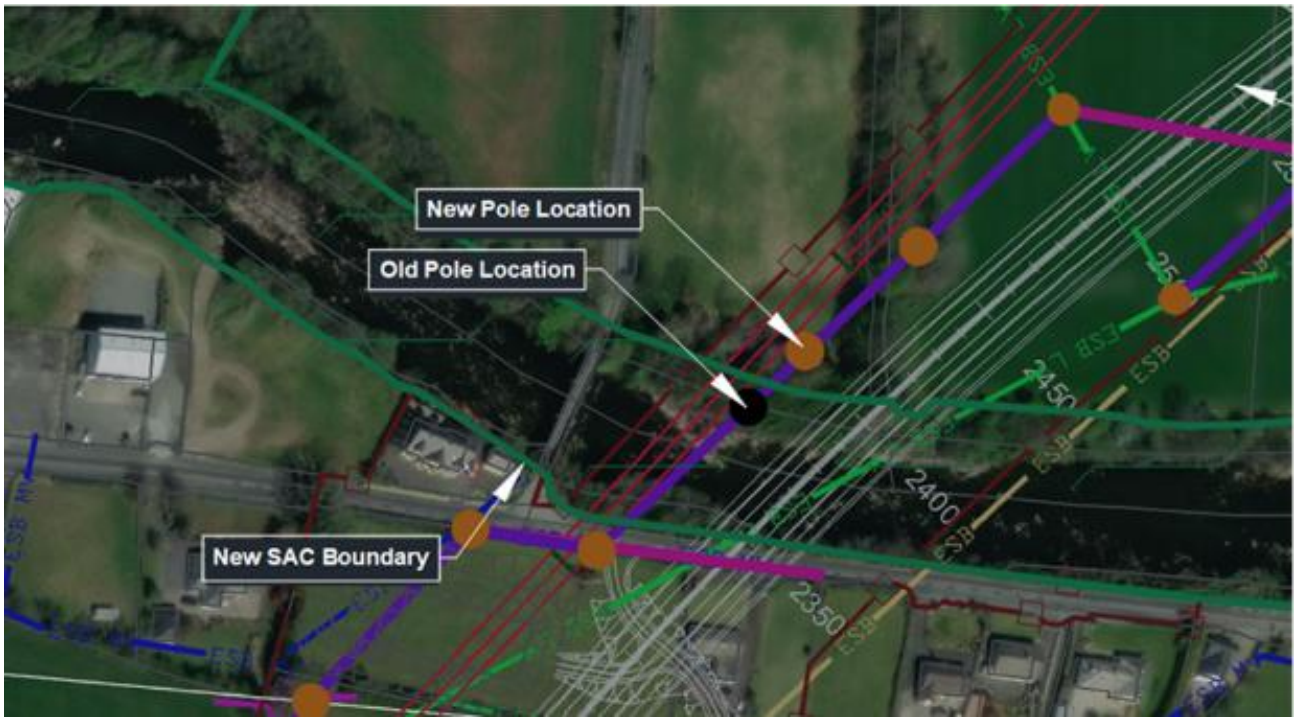


Figure 3.9 Relocation of 38 kV ESB Wooden Pole at the River Finn Bridge in Section 1

The replacement drawing for Minor Modification D.2 (ref: EIAR Drawing 16.07 Proposed ESB Diversion, sheet 2 of 8) showing the requested minor modification is included in Appendix 1A Revised EIAR Drawings of this document.

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

3.4 Minor Modifications to Section 3 Manorcunningham to Lifford/ Strabane/ A5 Link of the Proposed Development

3.4.1 Minor Modification E– Plot 3101 (Hunter's land)

As a consequence of the proposed reduction in landtake in Plot 3101 A.101 as described in Section 7.23 below, and which is the subject matter of a requested modification to the CPO described at Section 3.6, DCC is also requesting a minor modification to the Proposed Development at that location.

Landscaping is proposed on part of plot 3101 A.101, as illustrated on sheets 20 and 21 of 24 of EIAR Drawing 18.21 - Landscape and Habitat Design Drawings, in Volume D of the EIAR. Because the size of Plot 3101 A.101 is proposed to be reduced, DCC is requesting a minor modification to the Proposed Development, to excise from the Proposed Development the landscaping proposed on that part of plot 3101 A.101 which is no longer being acquired.

A replacement version of sheets 20 and 21 of 24 of EIAR Drawing 18.21 - Landscape and Habitat Design (namely Rev P02 of that drawing) for Modification E is included in Appendix 1A to this Section 51 Response Document to reflect the reduced area of landscaping at this location.

Figure 3.10 below shows a comparison of the landscaping originally proposed at this location, and the reduced landscaping proposed on foot of this minor modification.



Figure 3.10 Plot 3101 showing as-submitted (left) and Proposed Modification (right) illustrating the reduced area of landscaping and habitats forming part of the Section 51 Application (extract from EIAR Drawing 18.21, sheet 20 of 24)

This minor modification to the Section 51 Application results in the omission of GS4 Wet Grassland (1.418 ha), GS2 Meadow Grass (0.35 ha), FS2 Tall-herb Swamps (0.107 ha) and FW2 Depositing Lowland River – Existing River Retained (0.03 ha) from the Section 51 Application. The length of WL1 hedgerows to be provided as part of the Section 51 Application is also reduced by 241 m. This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein.

Further, as a consequence, should the Commission grant the requested modification to the CPO as detailed in Section 3.6 below, which is also described in Section 7.23, the fenceline of the Proposed Development will be re-positioned to reflect the revised landtake at this location.

3.5 Request for Minor Modifications

DCC request that the Commission make the minor modifications A, B, C, D, and E as described and detailed above pursuant to section 51(6) of the Roads Act 1993, as amended, as part of the approval of the Proposed Development if the Commission is minded to approve same.

To give effect to these minor modifications, a number of drawings in the Section 51 Application documents are being updated and replaced. These replacement drawings within the EIAR and NIS are provided in Appendix 1A (EIAR), 1B (NIS), 1C (Minor Modification A.1) of this Section 51 Response Document and are as set out in 3.5.1 (Table 3-2), 3.5.2 (Table 3-3) and 3.5.3 (Table 3-4) respectively.

3.5.1 Individual Drawings to be Replaced in Volume D Book of Drawings of the EIAR for the Minor Modifications

A total of seven drawings are to be replaced in Volume D Book of Drawings of the EIAR as listed in the table below as a result of the Minor Modifications A.2, B, C, D.1, D.2 and E described above.

Table 3-2 Drawings to be Replaced in Volume D Drawings of the EIAR

Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	Revision No.	Change(s) made on drawing	Mod. Ref
EIAR Drawing 4.01	Section 1 General Arrangement drawing	8	2	P02	Attenuation Pond 11 re-shaped. River Finn SAC boundary updated.	A.2 and B
EIAR Drawing 4.01	Section 1 General Arrangement drawing	8	4	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.	C
EIAR Drawing 4.14	River Finn Crossing (N15 R024) Access and Piling	1	1	P02	River Finn SAC boundary updated. Temporary Works Line.	D.1
EIAR Drawing 4.15	River Finn Crossing (N15 R024) Construction & Temporary Works	1	1	P02	River Finn SAC boundary updated. Temporary Works Line. Section B-B	D.1
EIAR Drawing 16.07	Section 1 Proposed ESB Diversion	8	2	P03	Attenuation Pond 11 re-shaped. ESB Pole location moved outside of SAC boundary on northern side of River Finn.	D.2
EIAR Drawing 18.21	Section 3 Landscape and Habitat Design	24	20	P02	Reduce extent of landscaping at Plot 3101.	E
EIAR Drawing 18.21	Section 3 Landscape and Habitat Design	24	21	P02	Reduce extent of landscaping at Plot 3101.	E

3.5.2 Individual Drawings to be Replaced in Appendix 2 of the NIS

A total of four drawings are to be replaced in Appendix 2 of the NIS as listed in the table below as a result of Minor Modifications A.2, B, C and D.1.

Table 3-3 Drawings to be Replaced in Appendix 2 of the NIS

Drawing Reference & Title	Total No. of Sheets	Replaced Sheet No.	Revision No.	Change(s) made on drawing	Mod. Ref
01 NIS Section 1 General Arrangement Drawing	8	2	P02	Attenuation Pond 11 re-shaped. River Finn SAC boundary updated.	A.2 and B
01 NIS Section 1 General Arrangement Drawing	8	4	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.	C
23 NIS Finn Crossing Access and Piling	1	1	P02	River Finn SAC boundary updated. Temporary Works Line.	D.1
24 NIS Finn Crossing Construction and Temporary Works	1	1	P02	River Finn SAC boundary updated. Temporary Works Line. Section B-B	D.1

3.5.3 Drawing Illustrating Minor Modification A.1 Vegetation Management and Removal within the River Finn SAC Boundary

One new drawing has been prepared detailing the proposed Minor Modification A.1 vegetation management and removal works within the River Finn SAC Boundary at the crossing of the River Finn Bridge in Section 1. This drawing also includes a schedule of trees and tree groups.

Table 3-4 Drawing Illustrating Minor Modification A.1 Vegetation Management and Removal within the River Finn SAC Boundary

Drawing Reference & Title	Total No. of Sheets	Replaced Sheet No.	Revision No.	Note on drawing	Mod. Ref
Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC	1	1	P01	This is a new drawing for Minor Modification A.1 created to illustrate the vegetation management and removal works at the proposed River Finn bridge crossing in Section 1 of the Proposed Development.	A.1

3.5.4 Consequential Changes to Drawings

Further, certain drawings and photomontages, where the matters the subject of the minor modifications happen to appear in the background details of those drawings, require to be updated; and are included in Appendix 2 to this Section 51 Response Document for completeness.

Separately, in reviewing the drawings in light of the proposed minor modifications set out above, errors were identified on three drawings which also required to be corrected:

1. EIAR Drawing 4.13 in Volume D of the EIAR erroneously showed (in plan view and in elevation view) an older and superseded version of the pile and pilecap foundations at the piers for the River Finn Bridge Structure in Section 1 (Mainline Ch 2+240 to Ch 2+600) of the Proposed Development. Similarly, NIS drawing 22 which shows the same detail has also been updated;
2. EIAR Drawing 4.36 N14-N15 to A5 Link – River Finn Crossing (Ref N14R175) Constructive Method in Volume D of the EIAR has been updated to show the current June 2023 River Finn SAC boundary at this location to the south of Lifford in Section 3 of the Proposed Development. Similarly, NIS drawing 25 which shows the same detail has also been updated; and,
3. The photomontages for VP09 in Section 1 (pages 26 and 27 of Appendix C18.01 in Volume C of the EIAR), which presents the River Finn Bridge crossing, incorrectly showed certain vegetation as being removed under the bridge, and showed a pier of the River Finn Bridge in the wrong location.

The corrected versions of these drawings and photomontages are also included in Appendix 2 to this Section 51 Response Document.

3.6 Request for Modifications to the CPO

In addition to the above, a number of submissions have requested changes to the CPO boundary and after detailed consideration of these submissions, and in order to reduce the landtake so far as reasonably practicable, it is proposed to change a very limited number of permanent acquisitions to temporary acquisitions and to provide for the return of those lands to the landowner after construction has been completed, and separately certain of the lands within plot 3101 A.101 can be removed from the CPO and therefore not acquired by DCC. These proposed modifications to the CPO are set out in this section.

To explain, some of these proposed CPO modifications arise from submission/ objections that have been referenced as EIA/ road application submissions by the Commission, which are the subject matter of this Section 51 Response Document, and some of these proposed CPO modifications arise from objections to the CPO that have been referenced by the Commission as CPO objections.

For completeness, these same proposed CPO modifications are included in both the Section 51 Response Document here and in the CPO Response Document at Section 3.

In terms of the request for the below modifications to the CPO, as the Commission is aware, section 217C(1) of the Planning and Development Act 2000 (as amended) provides as follows:

> "*217C. (1) Notwithstanding any provision of any of the enactments referred to in section 214 [which includes the Housing Act 1966 under which this CPO was made], 215A, 215B or 215C concerning the confirming or otherwise of any compulsory acquisition, the Board shall, in relation to any of the functions transferred under this Part respecting those matters, have the power to*

confirm a compulsory acquisition or any part thereof, with or without conditions or modifications, or to annul an acquisition or any part thereof."

Therefore, the Commission can confirm the CPO with modifications.

These proposed modifications to the CPO are more fully described below.

3.6.1 Plot 2091 (Ardosent)

Plot 2091 F.104 is listed as a permanent acquisition in the CPO and is shown Figure 3.11. The Plot is located in Ballyraine at the northwestern end of Section 2 where the Proposed Development intersects with the N56.



Figure 3.11 Plot 2091 as per the Deposit Maps Submitted in May 2026

Plot 2091 F.104 (permanent acquisition) had an area 0.0702 Ha as set out in the CPO.

Following a review of this submission, which is also discussed in Section 7.9, it has been determined that a portion of Plot 2091 F.104 can be acquired on a temporary basis to facilitate construction of the works. The remaining portion of Plot 2091 F.104 remains as permanent acquisition as it is required for the construction of the Proposed Development and the safe operation of the Proposed Development post-construction.

This modification request for the CPO is to split Plot 2091 F.104 into two plots as follows:

1. Plot 2091 F.104 (permanent acquisition) with an area of 0.0228 Ha, as included on page 55 of the Schedule Part IIa to the CPO, and
2. Plot 2091 F.105 (temporary acquisition) with area of 0.0474 Ha, as included on page 130 of the Schedule Part IIb to the CPO.

This is illustrated in Figure 3.12.

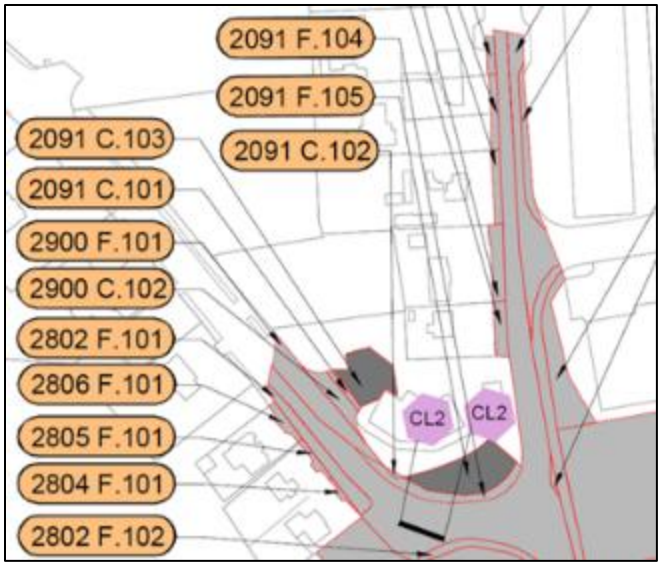


Figure 3.12 Proposed Sub-Division of Plot 2091 F.104 into 2091 F.104 (permanent, in light grey) and 2091 F.105 (temporary, in dark grey)

Should the Commission grant this proposed modification, Deposit Map Section 2, sheet 3 of 5, should be replaced with the revised Deposit Map Section 2 Sheet 3 of 5 which is included in Appendix 5 to this Section 51 Response Document.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (which lists lands to be acquired permanently) should be amended as shown in Figure 3.13 below to reflect the reduction in permanent CPO for Plot 2091F. 104 and Schedule Part IIb to the CPO (which lists lands to be acquired temporarily) should be amended as shown in Figure 3.14 below to reflect the inclusion of Plot 2091F. 105 for the area changed to temporary CPO.

2091 F.104	~~0.0702~~ 0.0228	Ballyraine Letterkenny Co Donegal	Part of Public Road	Ardosent Limited Donegal County Council	None	Ardosent Limited Donegal County Council

Figure 3.13 Amendment to CPO Schedule Part IIa to reflect the reduction in permanent CPO for Plot 2091F. 104

2091 F.105	0.0474	Ballyraine Letterkenny Co Donegal	Part of Public Road	Ardosent Limited Donegal County Council	None	Ardosent Limited Donegal County Council

Figure 3.14 Amendment to CPO Schedule Part IIb to reflect the inclusion of Plot 2091F. 105 for the area changed to temporary CPO

Further, as a consequence, should the Commission grant the requested modification to the CPO, which is also described in Section 7.9, the fenceline of the Proposed Development will be re-positioned to reflect the revised landtake at this location.

3.6.2 Plot 2084 (Alan Scott)

Plot 2084 is included in the CPO Schedule for Section 2 (p.54 and p.130). The schedule shows that Charlie Kennedy is the 'Owners or Reputed Owners,' of this Plot which was correct at the time of preparation of the CPO Schedule as at that time he was the registered owner on Land Direct. However, we understand from a review of Mr Scott's submission and examination of Land Direct, it appears that Plot 2084 in its entirety has been transferred to Alan Scott in March 2026 and Mr Scott is now the registered owner of Plot 2084 on Land Direct. On that basis, the CPO Schedule has been updated to include both Charlie Kennedy and Alan Scott as Owners or Reputed Owners and the Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (which lists lands to be acquired permanently) should be amended as shown in Figure 3.15 below to reflect the change in owner for Plot 2084A. 101 and Schedule Part IIb to the CPO (which lists lands to be acquired temporarily) should be amended as shown in Figure 3.16 below to reflect the change in owner for Plot 2084A. 102, Plot 2084A. 103 and Plot 2084A. 104.

2084 A.101	2.2212	Bunnagee/Milk Isle Letterkenny Co Donegal	Agricultural Land	Charlie Kennedy Alan Scott	None	Charlie Kennedy Alan Scott

Figure 3.15 Amendment to CPO Schedule Part IIa to reflect the change in Owner or Reputed Owner and Occupier for Plot 2084A. 101

2084 A.102	0.0104	Bunnagee/Milk Isle Letterkenny Co Donegal	Agricultural Land	Charlie Kennedy Alan Scott	None	Charlie Kennedy Alan Scott
2084 A.103	0.0076	Milk Isle Letterkenny Co Donegal	Agricultural Land	Charlie Kennedy Alan Scott	None	Charlie Kennedy Alan Scott
2084 A .104	0.0062	Milk Isle Letterkenny Co Donegal	Agricultural Land	Charlie Kennedy Alan Scott	None	Charlie Kennedy Alan Scott

Figure 3.16 Amendment to CPO Schedule Part IIb to reflect the change in Owner or Reputed Owner and Occupier for Plot 2084A. 102, Plot 2084A. 103 and Plot 2084A. 104

3.6.3 Plot 2009 (Patrick McDaid & Brendan McDaid & Donegal Commercial Vehicles Ltd)

Plot 2009 is included in the CPO Schedule for Section 2 of the Proposed Development (p. 41 and p. 124). The schedule shows that the owner/reputed owner of Plot 2009 is Brendan McDaid, Patrick McDaid and Donegal Commercial Vehicles. However, we understand from an examination of submission that Donegal Commercial Vehicles is a Limited company. The CPO Schedule has been updated to include Limited under the owner / reputed owner name on page 41 and include Donegal Commercial Vehicles Limited on page 124. The Schedule has also been updated to reflect Donegal Commercial Vehicles Limited as Owners and Occupiers for Rights of Way Proposed to be Acquired on page 149. The Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO should be amended as shown in Figure 3.17 below to reflect the inclusion of Limited in owner/reputed owner name

for Plot 2009F. 101 and Plot 2009 C.103, Schedule Part IIb to the CPO should be amended as shown in Figure 3.18 below to reflect the inclusion of Donegal Commercial Vehicles Limited as owner/reputed owner and occupier for Plot 2009C. 102 and Schedule Part IV should be amended as in Figure 3.19: Amendment to CPO Schedule Part IV to reflect the inclusion of Donegal Commercial Vehicles Limited as Owners and Occupiers for Rights of Way Proposed to be Acquired to reflect the inclusion of Donegal Commercial Vehicles Limited as Owners and Occupiers.

2009 F.101	0.0569	Listellian Letterkenny Co Donegal	Part of Public Road	Brendan McDaid & Patrick McDaid Donegal Commercial Vehicles Limited	None	Donegal County Council
2009 C.103	0.3968	Dromore Letterkenny Co Donegal	Commercial	Brendan McDaid & Patrick McDaid Donegal Commercial Vehicles Limited	None	Brendan McDaid Patrick McDaid Donegal Commercial Vehicles Limited

Figure 3.17 Amendment to CPO Schedule Part IIa to reflect the inclusion of 'Limited' in Owner or Reputed Owner and Occupier name for Plot 2009F. 101 and Plot 2009 C.103

2009 C.102	0.0211	Listellian Letterkenny Co Donegal	Commercial	Brendan McDaid & Patrick McDaid Donegal Commercial Vehicles Limited	None	Brendan McDaid & Patrick Mc Daid Donegal Commercial Vehicles Limited

Figure 3.18 Amendment to CPO Schedule Part IIb to reflect the inclusion of Donegal Commercial Vehicles Limited as Owner or Reputed Owner and Occupier for Plot 2009C. 102

AF1-AF1 and AF2-AF2	The private right of way over a section of the unnamed road within the townland(s) of Listellian in the Electoral Division(s) of Letterkenny and between the lines coloured black with pink leaders AF1-AF1 and AF2-AF2 for a distance of circa 2m on map number TT_MGT0337-RPS-P3- S2-DR-C-DP0001-01 marked Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026.	Owner(s)/Reputed Owner(s): Brendan McDaid and Patrick McDaid/Donegal Commercial Vehicles Limited Occupier(s): Brendan McDaid and Patrick McDaid/Donegal Commercial Vehicles Limited

Figure 3.19: Amendment to CPO Schedule Part IV to reflect the inclusion of Donegal Commercial Vehicles Limited as Owners and Occupiers for Rights of Way Proposed to be Acquired

3.6.4 Plot 2006 (Samuel Wilson)

Plot 2006 is included in the CPO Schedule for Section 2 of the Proposed Development (p. 40 and p. 124). The schedule shows temporary landtake for Plot 2006F. 106 and 2006A. 105, which plots are required for private access closure onto the existing N13 National Road. The landowner is aware of this closure and alternative access has been provided as shown in Figure 3.20. Following a review of submission from a neighbouring property Plot 2009 it was determined that the private access to Plot 2006 is also a Private Right of Way to be Acquired. The CPO Schedule and Deposit Map have been updated to show the Private Right of Way to be Acquired. The Commission is being requested to modify the CPO accordingly.

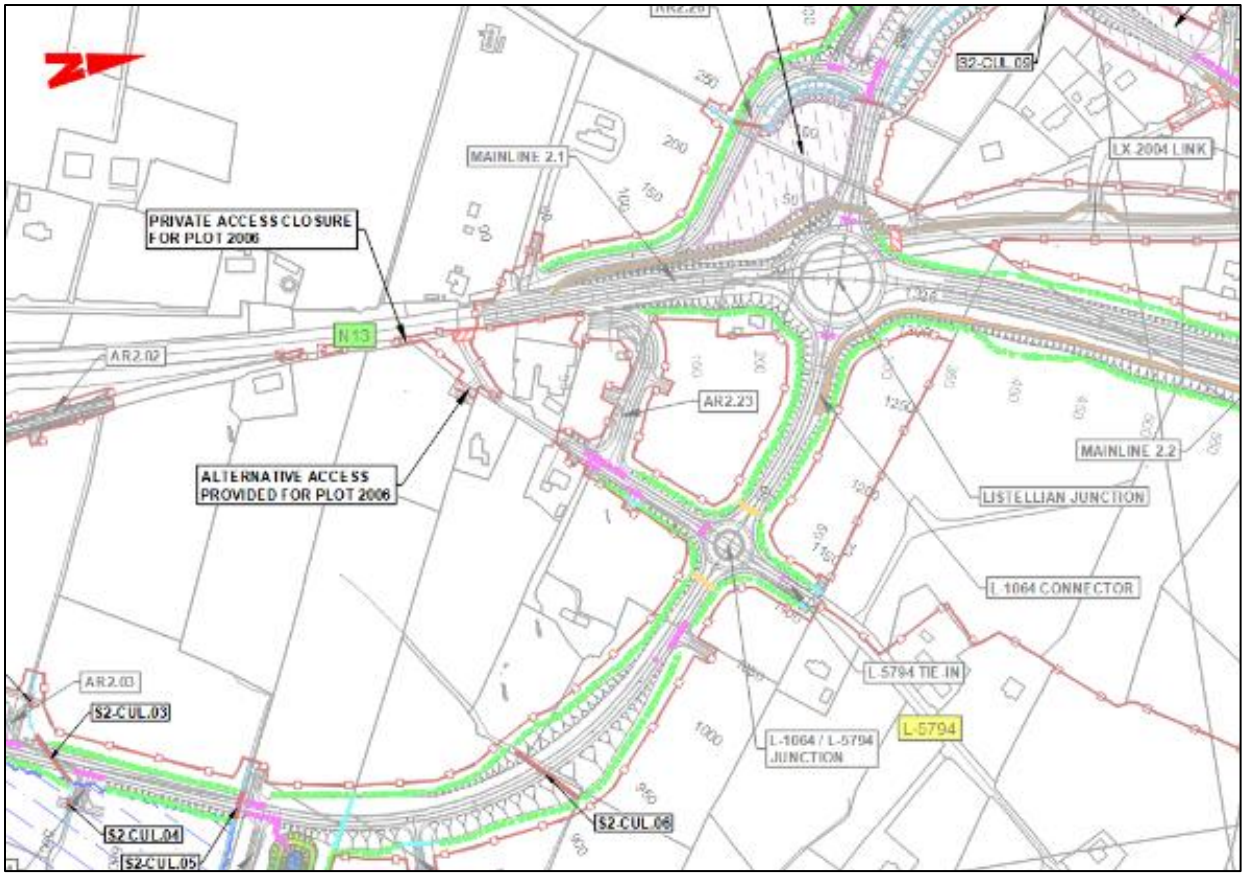


Figure 3.20 Location of Private Access Closure and Alternative Access Provided

Should the commission grant this proposed modification, Schedule Part IV to the CPO should be amended as shown in Figure 3.21 below to reflect the inclusion of private right of way to be acquired DD1-DD1 and DD2-DD2. The updated Schedule Part IV (page 150) and Deposit Map for Section 2 (page 1 of 5) are included in Appendix 5.2 to this Section 51 Response Document.

DD1-DD1 and DD2-DD2	The private right of way from a section of the unnamed road within the townland(s) of Listellian in the Electoral Division(s) of Letterkenny and between the lines coloured black with pink leaders DD1-DD1 and DD2-DD2 for a distance of circa 6m on map number TT_MGT0337-RPS-P3-S2-DR-C-DP0001-01 marked Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026.	Owner(s)/Reputed Owner(s): Samuel Wilson Occupier(s): Samuel Wilson

Figure 3.21 Amendment to CPO Schedule Part IV to reflect the inclusion of private right of way to be acquired.

3.6.5 Plot 3040 (Declan Quinn)

Plot 3040 E.102 is listed as a permanent acquisition in the CPO and is shown in Figure 3.22. The Plot is located in Ballinalecky along the proposed access road AR 3.32 close to the roundabout linking the R236 Ballinalecky with the R236 Ballinalecky Tie in East and 236 LX 3014 Link North.

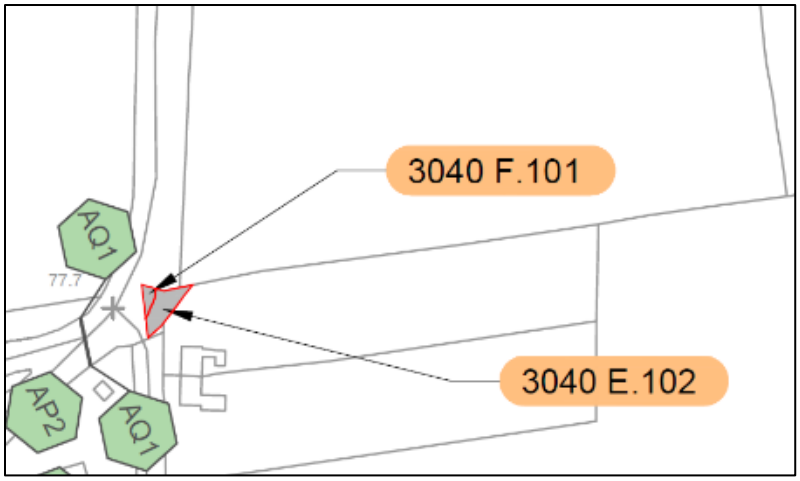


Figure 3.22 Plot 3040 as per the Deposit Maps Submitted in May 2026

Plot 3040 E.102 (permanent acquisition) had an area 0.0094 ha when first published in May 2026.

Following a review of the ostensible landowner's submission, it has been determined that a portion of Plot 3040 E.102 measuring 0.0042 ha can be moved from permanent acquisition to temporary acquisition which land is necessary and required to facilitate construction of the Proposed Development. The remaining portion of Plot 3040 E.102 measuring 0.0052 ha must remain as a permanent acquisition as it is necessary and required for the construction of the Proposed Development and the safe operation of the Proposed Development post-construction.

This modification requested to the CPO is to split Plot 3040 E.102 into two plots as follows:

1. Plot 3040 E.102 (permanent acquisition) with an area of 0.0052 ha, and
2. Plot 3040 E.103 (temporary acquisition) with area of 0.0042 ha.

This is illustrated in Figure 3.23.

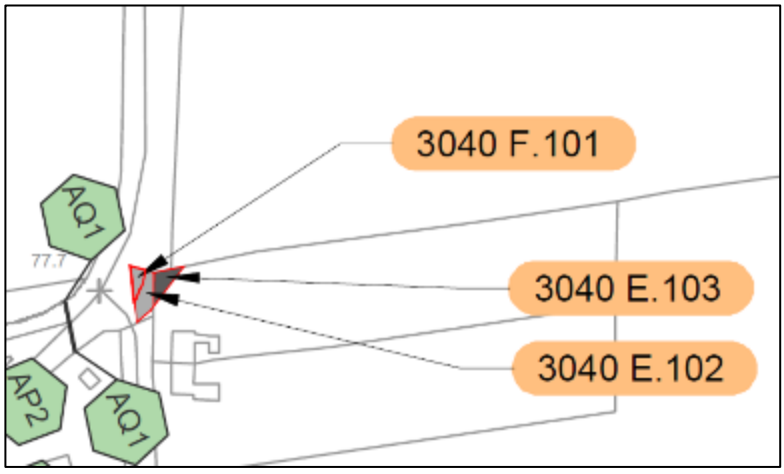


Figure 3.23 Proposed Sub-Division of Plot 3040 E.102 into 3040 E.102 (permanent) and 3040 E.103 (temporary)

Deposit Map Section 3, sheet 5 of 10, should be replaced with the revised Deposit Map Section 3 Sheet 5 of 10 which is included in Appendix 5.3 this Section 51 Response Document.

Should the Commission grant this proposed modification, Schedule Part IIa (Page 91) to the CPO should be amended as shown in Figure 3.24 below to reflect the reduction in permanent CPO for Plot 3040 E.102 and Schedule Part IIb (Page 137) to the CPO should be amended as shown in Figure 3.25 below to reflect the inclusion of Plot 3040 E.103 for the area changed to temporary CPO.

3040 E.102	~~0.0094~~ 0.0052	Carrickadawson Raphoe North Feddyglass Co Donegal	Residential Land	Declan Quinn	None	Declan Quinn

Figure 3.24 Amendment to CPO Schedule Part IIa to reflect the reduction in permanent CPO for Plot 3040 E.102

3040 E.103	0.0042	Carrickadawson Raphoe North Feddyglass Co Donegal	Residential Land	Declan Quinn	None	Declan Quinn

Figure 3.25 Amendment to CPO Schedule Part IIb to reflect the inclusion of Plot 3040 E. 103 for the area changed to temporary CPO

Please note that as explained above, this submission/ objection relates solely to Case 324298 namely the CPO and so the full response to that submission/ objection is set out in the CPO Response Document at Section 3 but for completeness the details of this modification to the CPO are included here as well.

3.6.6 Plot 3101 (Dolores Hunter)

Having considered the submission and objection made by the ostensible owner, discussed at Section 7.23 of this document), in light of the fact that there appears to be an additional plot of land owned by the landowner to the north of Plot 3101 A.101 (adjacent to the disused railway line), and in order to ensure that the CPO herein is entirely proportionate, DCC have determined that certain of the lands within Plot 3101 A.101 can be removed from the CPO and therefore not acquired by DCC.

In those circumstances, DCC is requesting that the Commission modify the CPO at this location, to reduce the landtake in Plot 3101 A.101 from 5.3937 ha to 3.4844 ha as set out below.

The area of land to be removed from Plot 3101 A.101 on foot of this requested modification is hatched in blue on Figure 3.26 below.

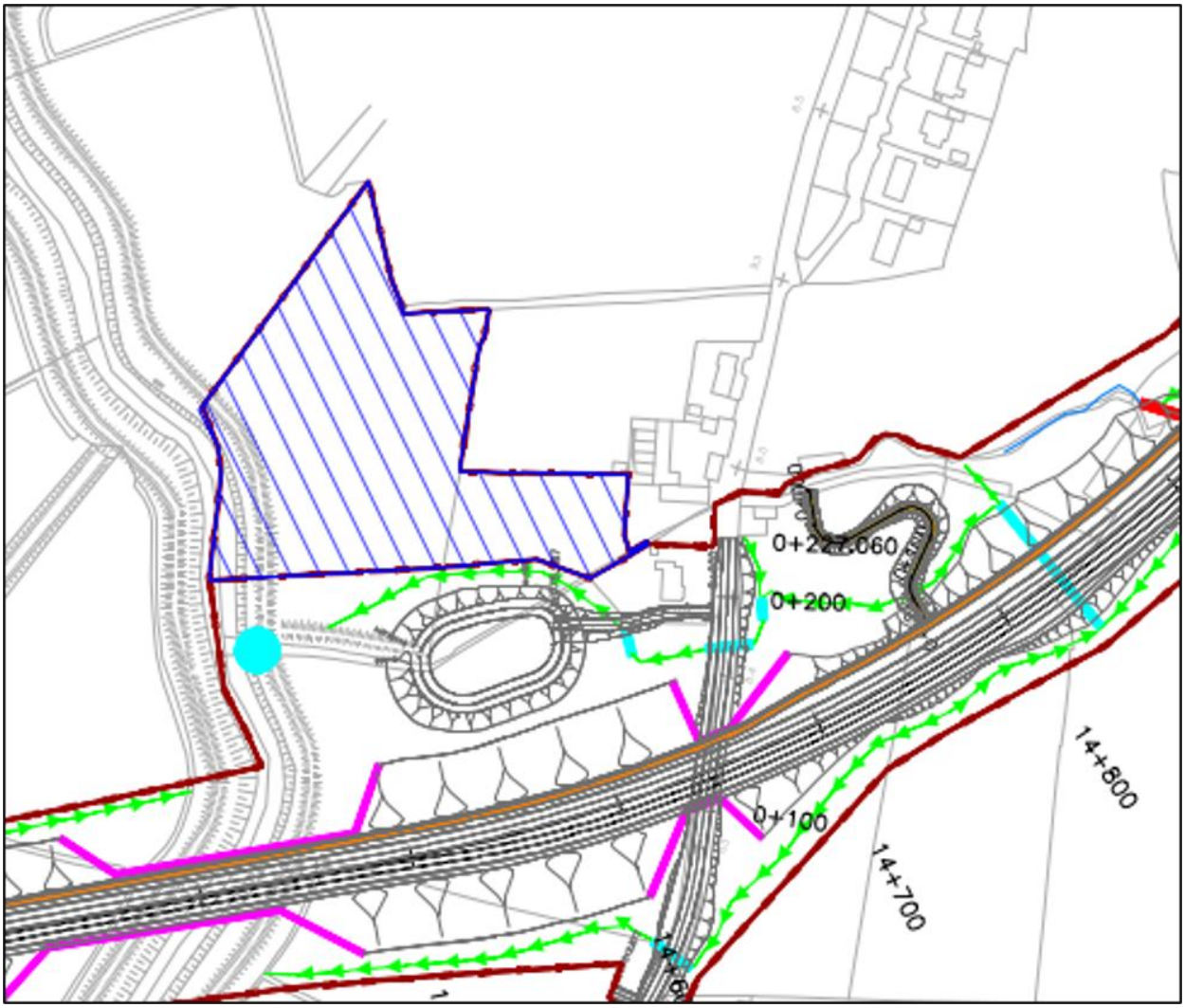


Figure 3.26 Plot 3101 A.101 Showing Land to be Removed from Permanent Acquisition (blue hatch)

Figure 3.27 below shows the area of land to be acquired as per the Deposit Maps submitted in May 2026 with the area now proposed to be no longer acquired shown hatched in blue.

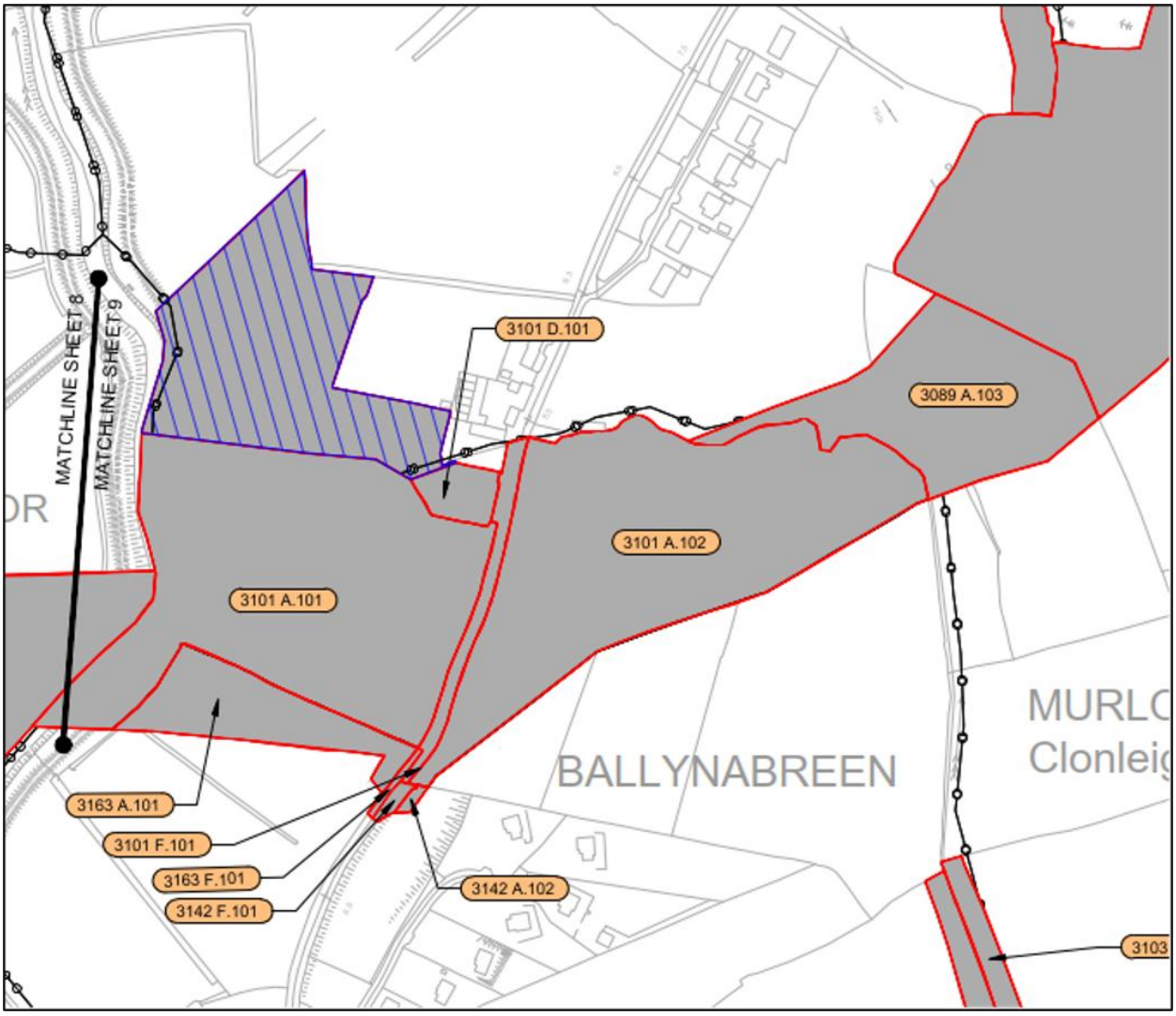


Figure 3.27 Plot 3101 A.101 as per the Deposit Maps Submitted in May 2026 - Showing Land to be Removed from Permanent Acquisition (blue hatch)

The modified landtake remaining to be acquired in Plot 3101 A.101 is shown on the revised Deposit Map Section 3, sheet 9 of 10, included in Appendix 5.3 to this Section 51 Response Document, the relevant part of which is shown on Figure 3.28 below.

In those circumstances, DCC is requesting that the Commission modify the CPO at this location, to reduce the landtake in plot 3101 A.101 from 5.3937ha to 3.4844 ha as set out below.

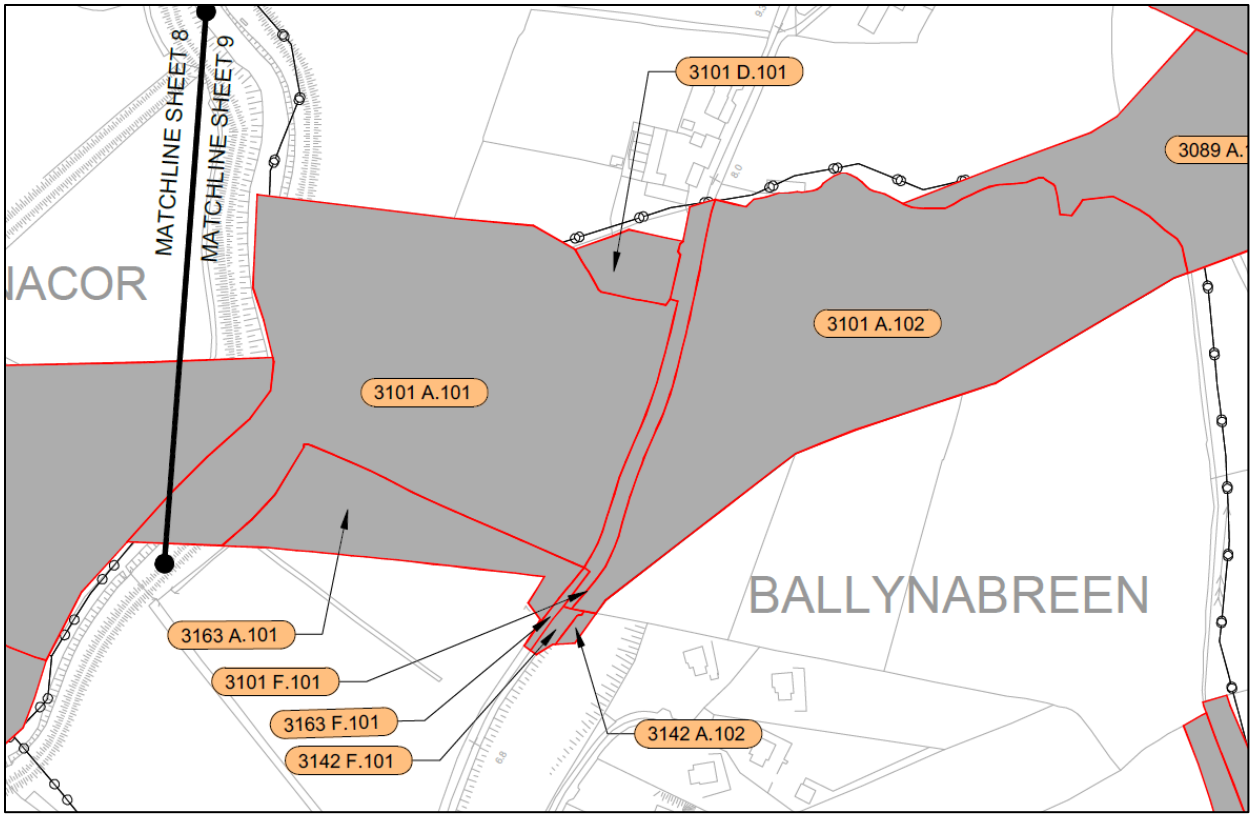


Figure 3.28: Plot 3101 A.101 Proposed Reduced Plot 3101 A.101

Therefore, should the Commission grant this proposed modification, Deposit Map Section 3, sheet 9 of 10, should be replaced with the revised Deposit Map Section 3 Sheet 9 of 10 which is included in Appendix 5.3 this Section 51 Response Document.

Further, should the Commission grant this proposed modification, Schedule Part IIa (Page 104) to the CPO should be amended as shown in Figure 3.29 below, to reflect the reduction in the landtake from plot 3101 A.101:

3101 A.101	~~5.3937~~ 3.4844	Ballynabreen Raphoe North Clonleigh South Co Donegal	Agricultural Land	LPR of Samuel Hunter Doleros Hunter	None	LPR of Samuel Hunter Doleros Hunter

Figure 3.29: Amendment to Schedule Part IIa to the CPO to reflect Proposed Reduction in Permanent Landtake from Plot 3101 A.101

3.6.7 Plot 3105 (Grace Terra Limited)

Plot 3105 is included in the CPO Schedule for Section 3 of the Proposed Development (p.104). The Schedule shows that Deep Sharma is listed as 'Owners or Reputed Owners,' of this Plot. Grace Terra Ltd is also included as Owners or Reputed Owners,' of this Plot. For completeness, the objection/submission requested that all future correspondence and notices be directed to Lee Sharma and so the CPO Schedule has been updated to add Lee Sharma as an Owner / Reputed Owner and Occupier of Plot 3105 and the Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa (Page 104) to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.30 below to add Lee Sharma as an Owner / Reputed Owner and Occupier of Plot 3105.

3105 A.101	2.3287	Drumboy Raphoe North Clonleigh South Co Donegal	Agricultural Land	Grace Terra Limited Deep Sharma Lee Sharma	Robert Smith Ballybogan Farms Ltd	Deep Sharma Lee Sharma
3105 A.102	0.005	Drumboy Raphoe North Clonleigh South Co Donegal	Agricultural Land	Grace Terra Limited Deep Sharma Lee Sharma	Robert Smith Ballybogan Farms Ltd	Deep Sharma Lee Sharma

Figure 3.30: Amendment to Schedule Part IIa to the CPO to add Lee Sharma as an Owner / Reputed Owner and Occupier of Plot 3105.

3.6.8 Plot 2079 (ALG Biogas)

Plot 2079 is included in the CPO Schedule for Section 2 of the Proposed Development (p. 53). The schedule shows that the owner/reputed owner of Plot 2079 is Robert Elvin Thompson. ALG Biogas Ltd is the registered owner of Plot 2079 and should have been included in the CPO Schedules as an owner/reputed owner and occupier. The CPO Schedule is therefore being updated to include ALG Biogas Ltd under the owner/reputed owner name on page 53 of the CPO Schedule. The Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.31 below to reflect the inclusion of ALG Biogas Ltd in owner/reputed owner name for Plot 2079. The updated Schedule Part IIa (page 53) is included in Appendix 5.2 to this CPO Response Document.

2079 I.101	3.4145	Dromore/Bunnagee/ Milk Isle Letterkenny Co Donegal	Plot of Land	Robert Elvin Thompson ALG Biogas Ltd	None	Robert Elvin Thompson ALG Biogas Ltd
2079 F.102	0.0606	Dromore/Bunnagee/ Milk Isle Letterkenny Co Donegal	Part of Public Road	Robert Elvin Thompson ALG Biogas Ltd	None	Donegal County Council ALG Biogas Ltd
2079 I.103	1.2616	Dromore/Bunnagee/ Milk Isle Letterkenny Co Donegal	Plot of Land	Robert Elvin Thompson ALG Biogas Ltd	None	Robert Elvin Thompson ALG Biogas Ltd
2079 H.104	0.1063	Dromore/Bunnagee/ Milk Isle Letterkenny Co Donegal	Part of Access Road	Robert Elvin Thompson ALG Biogas Ltd	None	Robert Elvin Thompson ALG Biogas Ltd
2079 C.105	0.5677	Dromore/Bunnagee/ Milk Isle Letterkenny Co Donegal	Commercial Land	Robert Elvin Thompson ALG Biogas Ltd	None	Robert Elvin Thompson ALG Biogas Ltd

Figure 3.31: Amendment to CPO Schedule Part IIa to reflect the inclusion of ALG Biogas Ltd as owner/reputed owner for Plot 2079.

3.6.9 Plots 3030 (Jonathan Bell) and 3031 (Marjorie Bell)

Jonathan Bell is included in the CPO Schedule as the Owner / Reputed Owner for Plot 3030. Marjorie Bell is included in the CPO Schedule as the Owner / Reputed Owner for Plot 3031. Following the objection/submission by Jonathan and Marjorie Bell that plots 3030 and 3031 are farmed as one unit DCC have amended the schedules to the CPO relation to those two Plots to include both Jonathan Bell and Marjorie Bell as Owner / Reputed Owner and Occupier of Plots 3030 and 3031.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (Page 89) (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.32 below to include both Jonathan Bell and Marjorie Bell as Owner / Reputed Owner and Occupier of Plots 3030 and 3031.

3030 A.101	1.5709	Doorabble Raphoe North Kincraigy Co Donegal	Agricultural Land	Johnathan Leonard Bell Marjorie Bell	None	Johnathan Leonard Bell Marjorie Bell
3030 F.102	0.0401	Doorabble Raphoe North Kincraigy Co Donegal	Part of Public Road	Johnathan Leonard Bell Marjorie Bell	None	Donegal County Council
3030 A.103	0.0528	Doorabble Raphoe North Kincraigy Co Donegal	Agricultural Land	Johnathan Leonard Bell Marjorie Bell	None	Johnathan Leonard Bell Marjorie Bell
3031 A.101	0.9083	Doorabble Raphoe North Kincraigy Co Donegal	Agricultural Land	Marjorie Bell Jonathan Leonard Bell	None	Marjorie Bell Jonathan Leonard Bell
3031 A.102	0.7578	Doorabble Raphoe North Kincraigy Co Donegal	Agricultural Land	Marjorie Bell Jonathan Leonard Bell	None	Marjorie Bell Jonathan Leonard Bell

Figure 3.32: Amendment to Schedule Part IIa to the CPO to include both Jonathan Bell and Marjorie Bell as Owner / Reputed Owner and Occupier of Plot 3030 and 3031.

3.6.10 Plot 2184 (Ita Wilkie c/o Leonard Wilkie)

Plot 2184 is included in the CPO Schedule for Section 2 of the Proposed Development (p. 135). The schedule to the CPO shows temporary landtake for Plot 2184, the temporary acquisition of this plot is required to provide a new safe access to the existing dwelling and for private access closure onto the existing N13 National Road. The landowner is aware of the closure of this access and an alternative access has been provided as shown in Figure 3.33. Following a general review of the objections/submissions it was determined that the private access to Plot 2184 is also a Private Right of Way to be Acquired. The CPO Schedule and Deposit Map have been updated to show the Private Right of Way to be Acquired. The Commission is being requested to modify the CPO accordingly.

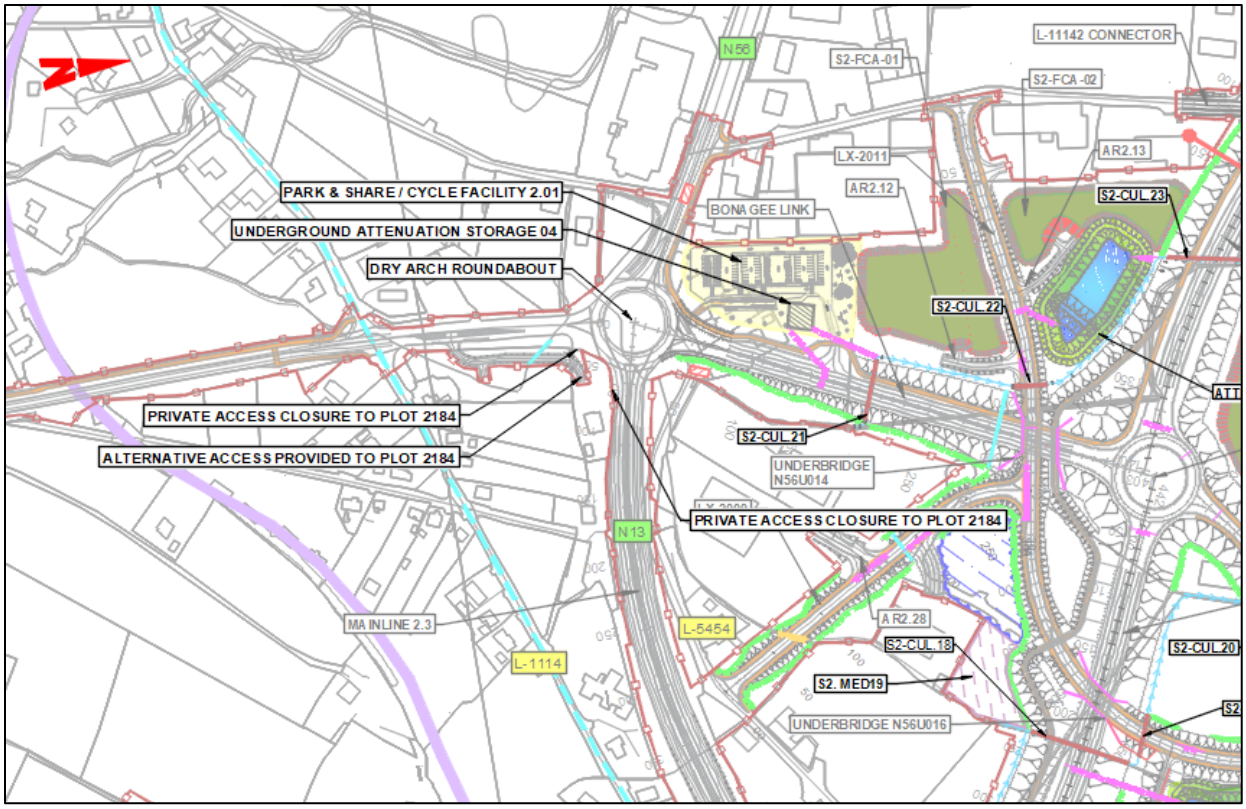


Figure 3.33: Location of Private Access Closure and Alternative Access Provided

Should the Commission grant this proposed modification, Schedule Part IV to the CPO should be amended as shown in Figure 3.34 below to reflect the inclusion of private right of way to be acquired DE1-DE1 and DE2-DE2 and DF1-DF1 and DF2-DF2. The updated Schedule Part IV (page 150) and Deposit Map for Section 2 (page 2 of 5) are included in Appendix 5.2 to this CPO Response Document.

DE1-DE1 and DE2-DE2	The private right of way from a section of the unnamed road within the townland(s) of Drumany in the Electoral Division(s) of Magheraboy and between the lines coloured black with pink leaders DE1-DE1 and DE2-DE2 for a distance of circa 8m on map number TT_MGT0337-RPS-P3-S2-DR-C-DP0001-02 marked Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026.	Owner(s)/Reputed Owner(s): Ita Wilkie c/o Leonard Wilkie Occupier(s): Ita Wilkie c/o Leonard Wilkie
DF1-DF1 and DF2-DF2	The private right of way from a section of the unnamed road within the townland(s) of Drumany in the Electoral Division(s) of Magheraboy and between the lines coloured black with pink leaders DF1-DF1 and DF2-DF2 for a distance of circa 2m on map number TT_MGT0337-RPS-P3-S2-DR-C-DP0001-02 marked Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026	Owner(s)/Reputed Owner(s): Ita Wilkie c/o Leonard Wilkie Occupier(s): Ita Wilkie c/o Leonard Wilkie

Figure 3.34 Amendment to CPO Schedule Part IV to reflect the inclusion of private right of way to be acquired

3.6.11 Plot 1022 (Harry McLaughlin)

In relation to Plots 1022, F.101, 1022 F.102, 1022 H.103, 1022 A.104, both Harry McLaughlin and Orla McLoughlin are identified as "owners or reputed owners" of these plots in CPO Schedule Part IIa P13 and Schedule Part IIb P116. This is because:

- Harry McLaughlin is the registered owner of these lands on Land Direct; and,
- Orla McLaughlan has previously claimed to be a part owner of these lands and therefore was included as a reputed owner.

It is not clear from this submission which lands to the east of Plot 1022A.104 are said to be in the ownership of Harry McLaughlin [Jr]., and Harry McLaughlin [Jr] is not identified as the registered owner of the lands comprised in Plot 1022A.104 or the adjoining lands to the east. However, given what is set out in this submission, DCC has no difficulty with Harry McLaughlin [Jr] being added as an additional owner/reputed owner, and an additional occupier, of Plot 1022A.104 and the plot immediately to the east of that plot being Plot 1022H.103.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.35 below to include Harry McLoughlin I as Owner / Reputed Owner and Occupier of Plot 1022 F.101 and Schedule Part IIb to the CPO (which lists the lands to be acquired temporarily) should be amended as shown in Figure 3.36 below to include Harry McLaoughlin as Owner / Reputed Owner and Occupier of Plot 1022 F.102, 1022 H.103 and 1022 A.104.

1022 F.101	0.0095	Cappry Stranorlar Co Donegal	Part of Public Road	Harry & Orla McLaughlin Harry McLaughlin Jr	None	Donegal County Council

Figure 3.35 Amendment to Schedule Part IIa to the CPO to include Harry McLoughlin as Owner / Reputed Owner and Occupier of Plot 1022 F.101

1022F.102	0.0097	Cappry Stranorlar Co Donegal	Part of Public Road	Harry & Orla McLaughlin Harry McLaughlin Jr	None	Donegal County Council
1022 H.103	0.0069	Cappry Stranorlar Co Donegal	Part of Access Road	Harry & Orla McLaughlin Harry McLaughlin Jr	None	Harry & Orla McLaughlin Harry McLaughlin Jr
1022 A.104	0.0044	Cappry Stranorlar Co Donegal	Agricultural Land	Harry & Orla McLaughlin Harry McLaughlin Jr	None	Harry & Orla McLaughlin Harry McLaughlin Jr

Figure 3.36: Amendment to Schedule Part IIb to the CPO to include Harry McLaughlin as Owner / Reputed Owner and Occupier of Plot 1022 F.102, 1022 H.103 and 1022 A.104.

3.6.12 Plot 3082 (Allen McBeth)

In his submission Allen McBeth's states that he is a dairy farmer with his brother, David McBeth (CPO Plot 3072). As such, for completeness, we have updated the Schedule to include David McBeth as an Occupier of Plot 3082 and the Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa (Page 99) to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.37 below to add David McBeth as an Occupier of Plot 3082.

3082 F.101	0.0187	Ballindrait Raphoe North Clonleigh North Co Donegal	Part of Public Road	Allen McBeth	None	Donegal County Council
3082 A.102	2.4076	Ballindrait Raphoe North Clonleigh North Co Donegal	Agricultural Land	Allen McBeth	None	Allen McBeth David McBeth

Figure 3.37: Amendment to Schedule Part IIa to the CPO to add David McBeth as Occupier of Plot 3082.

3.6.13 Plot 3072 (David McBeth)

In his submission David McBeth's states that his farm unit is combined with his brother, Allen McBeth (CPO Plot 3082). As such, for completeness, we have updated the Schedule to include Allen McBeth as an Occupier of Plot 3072 and the Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa (Pages 96 and 97) to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.38 below to add Allen McBeth as an Occupier of Plot 3072 and Schedule Part IIb (Page 138) to the CPO (which lists the lands to be acquired temporarily) should be amended as shown in Figure 3.39 below to include Allen McBeth as Occupier of Plot 3072.

3072 A.101	3.5118	Sheercloon Raphoe North Clonleigh North Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth
3072 F.101	0.0196	Sheercloon Raphoe North Clonleigh North Co Donegal	Part of Public Road	David McBeth	None	Donegal County Council
3072 F.102	0.1474	Sheercloon Raphoe North Clonleigh North Co Donegal	Part of Public Road	David McBeth	None	Donegal County Council

Number on map deposited at the offices of the Local Authority	Quantity, Description and Situation of the Land			Owners or Reputed Owners	Lessees or Reputed Lessees	Occupiers
	Area in Hectares	Location	Description of Property			
3072 A.103	1.874	Sheercloon Raphoe North Clonleigh North Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth
3072 A.104	0.3764	Rossgeir Raphoe North Clonleigh Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth
3072 F.113	0.0888	Cavanacor Raphoe North Clonleigh Co Donegal	Part of Public Road	David McBeth	None	Donegal County Council
3072 A.114	1.3595	Cavanacor Raphoe North Clonleigh Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth
3072 A.115	0.0610	Sheercloon Raphoe North Clonleigh Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth

Figure 3.38: Amendment to Schedule Part IIa to the CPO to add Allen McBeth as Occupier of Plot 3072.

3072 A.105	0.0066	Rossgeir Raphoe North Clonleigh North Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth
3072 A.106	0.0056	Sheercloon Raphoe North Clonleigh North Co Donegal	Agricultural Land	David McBeth	None	David McBeth Allen McBeth

Figure 3.39: Amendment to Schedule Part IIb to the CPO to add Allen McBeth as Occupier of Plot 3072.

3.6.14 Plot 2047 (Rose Marie Reid Plot 2047)

Plot 2047 is included in the CPO Schedule for Section 2 of the Proposed Development (p. 47).

Following a review of this submission, it has been determined that the landowner also has a registered private right of way over Plot 2046. The CPO Schedule and Deposit Map have been updated to show the Private Right of Way to be Acquired. The Commission is being requested to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IV to the CPO should be amended as shown in Figure 3.40 below to reflect the inclusion of private right of way to be acquired DG1-DG1 and DG2-DG2 and Deposit Map for Section 2 (page 2 of 5) has been updated and is included in Appendix 1.2 to this CPO Response Document. Also, CPO Schedule Part IIA for Plot 2046 F.102 has been updated as shown in Figure 3.41 below to reflect Rose Marie Reid as an occupier.

DG1-DG1 and DG2-DG2	The private right of way from a section of the unnamed road within the townland(s) of Drumany in the Electoral Division(s) of Magheraboy and between the lines coloured black with pink leaders DG1-DG1 and DG2-DG2 for a distance of circa 165m on map number TT_MGT0337-RPS-P3-S2-DR-C-DP0001-02 marked Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026.	Owner(s)/Reputed Owner(s): Rose Marie Reid Occupier(s): Rose Marie Reid

Figure 3.40 Amendment to Schedule Part IV to the CPO to include Private Right of Way to be Acquired

2046 F.102	0.1322	Drumany Letterkenny Co Donegal	Part of Public Road	Terence C Quinn Limited	None	Donegal County Council Rose Marie Reid

Figure 3.41 Amendment to Schedule Part IIa to include Rose Marie Reid as an Occupier for Plot 2046 F.102

The updated Schedule Part IIa (page 47), Schedule Part IV (Page 150) and Deposit map for Section 2 page 2 of 5 are included in Appendix 1.2 to this CPO Response Document.

3.6.15 Plot 1111 (Patrick, Kieran & Attracta Gallinagh)

The submission states that part of the plot 1111 opposite the residence is now in the title of Kieran Gallinagh and the balance of the property is owned by Patrick Gallinagh.

According to the records from land direct Kieran Gallinagh is the registered owner of Plot 1111. There are 6 separate areas identified for Plot 1111 on the CPO schedule. Kieran Gallinagh is the registered owner of the folio but there is a dealing pending on the folio which is an application to open a new folio, lodged by Patrick Gallinagh. The submission does not identify which plots Patrick Gallinagh is the owner of. As such, we have included both Patrick and Kieran Gallinagh as Owner or Reputed Owner and request the Commission to modify the CPO accordingly.

Should the Commission grant this proposed modification, Schedule Part IIa to the CPO (which lists the lands to be acquired permanently) should be amended as shown in Figure 3.42 below to include Patrick Gallinagh as Owner / Reputed Owner of Plots 1111 and Schedule Part IIb to the CPO (which lists the lands to be acquired temporarily) should be amended as shown in Figure 3.43 below to include Patrick Gallinagh as Owner / Reputed Owner of Plot 1111.

1111 A.101	2.7781	Teevickmoy/Meenavoy Stranorlar Co Donegal	Agricultural Land	Kieran Gallinagh Patrick Gallinagh	Patrick Gallinagh	Patrick Gallinagh
1111 F.102	0.1387	Teevickmoy Stranorlar Co Donegal	Part of Public Road	Kieran Gallinagh Patrick Gallinagh	None	Donegal County Council
1111 A.103	0.1418	Teevickmoy Stranorlar Co Donegal	Agricultural Land	Kieran Gallinagh Patrick Gallinagh	Patrick Gallinagh	Patrick Gallinagh
1111 A.104	0.9007	Teevickmoy Stranorlar Co Donegal	Agricultural Land	Kieran Gallinagh Patrick Gallinagh	Patrick Gallinagh	Patrick Gallinagh
1111 F.105	0.0121	Teevickmoy Stranorlar Co Donegal	Part of Public Road	Kieran Gallinagh Patrick Gallinagh	None	Donegal County Council
1111 F.106	0.0065	Teevickmoy Stranorlar Co Donegal	Part of Public Road	Kieran Gallinagh Patrick Gallinagh	None	Donegal County Council

Figure 3.42: Amendment to Schedule Part IIa to the CPO to add Patrick Gallinagh as Owner or Reputed Owner of Plot 1111.

1111 A.107	0.0157	Teevickmoy Stranorlar Co Donegal	Agricultural Land	Kieran Gallinagh Patrick Gallinagh	Patrick Gallinagh	Patrick Gallinagh

Figure 3.43: Amendment to Schedule Part IIb to the CPO to add Patrick Gallinagh as Owner or Reputed Owner of Plot 1111.

4.0 Categorisation and Themes Raised in the Submissions

4.1 Categorisation

Each submission received from the Commission in relation to the Section 51 Application has been reviewed and organised into three broad categories:

- State Agencies/ Bodies in Ireland (3 submissions received)
- Agency/ Body in Northern Ireland (1 submission received)
- Individuals/ Businesses (80 submissions received).

4.2 Relevant Section of the TEN-T PRIPD

The TEN-T PRIPD consists of three sections of the Proposed Development within County Donegal, namely:

- Section 1 N15/N13 Ballybofey / Stranorlar Urban Region
- Section 2 N56/N13 Letterkenny to Manorcunningham
- Section 3 N14 Manorcunningham to Lifford / Strabane / A5 Link.

Submissions may apply to one or more of the sections of the TEN-T PRIPD. Following the categorisation of each submission, the relevant section of the Proposed Development was identified based on either the text of the submission or the relevant address of the interested party (e.g. CPO plot number). In some cases, the issues raised relate to the entirety of the Proposed Development.

4.3 Key Themes and Issues Raised

Each individual submission was then reviewed to identify the key themes of the issues raised.

The key themes relating to the TEN-T PRIPD that emerged throughout the submissions are summarised below:

- Access (to property)
- Active Travel
- Air Quality
- Alternatives Considered
- Appropriate Assessment
- Biodiversity
- Climate
- Compulsory Purchase Order (CPO)/ Land-take
- Cultural Heritage
- Design (General)
- Drainage
- Environmental Assessments/ EIAR (General)
- Interactions and Cumulative Effects
- Land, Soils, Geology and Hydrogeology
- Landscape and Visual
- Legislation/ Legal
- Material Assets: Agricultural

- Material Assets: Non-Agricultural
- Noise & Vibration
- Other
- Planning & Policy
- Population
- Traffic & Transport
- Water
- Zoning

Submissions typically contain more than one issue. Therefore, the 84 submissions have resulted in circa 242 issues being identified that DCC has responded to in this Section 51 Response Document.

The results of the thematic analysis are illustrated in Figure 4.1 below.

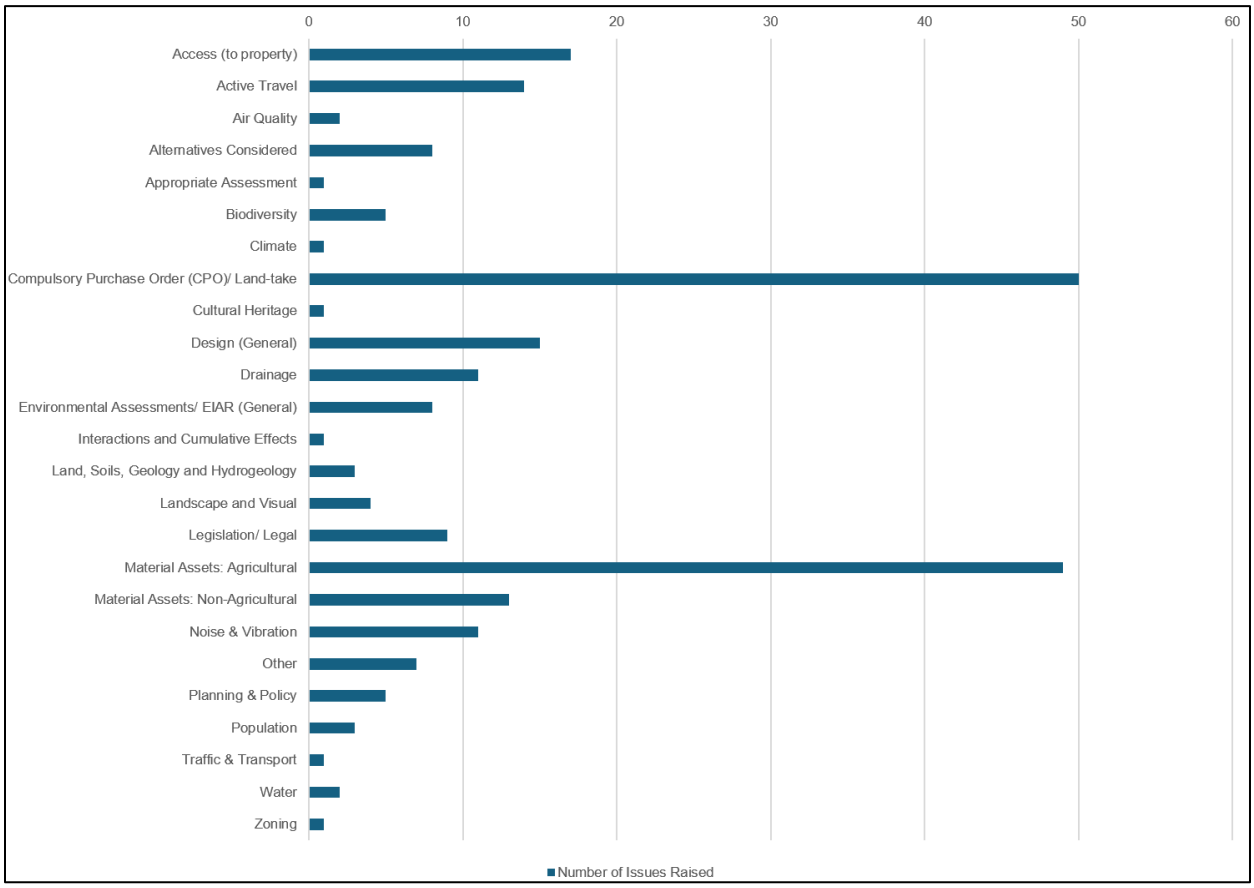


Figure 4.1: Summary of the Key Themes and the Number of Issues Raised Across the 84 Submissions

In parallel with identifying the key themes, the specific issues raised in each submission have been summarised (from the text in each submission) within this Section 51 Response Document.

A detailed summary of the issues raised in each submission is provided in Section 5.0 State Agencies/ Bodies in Ireland, Section 6.0 Agencies/ Bodies in Northern Ireland and Section 7.0 Individuals/ Businesses.

Each section includes:

- summary details on the party that made the submission, and the most relevant section of the Proposed Development that the submission relates to,
- the key theme of each issue identified in the submission, and
- DCC's response to that issue.

Where the response to an issue raised in a submission has resulted in an errata being required to the Section 51 Application documents, this is referred to in the responses and is also then included in the Errata contained in Section 8.0.

Where the response to an issue raised in a submission has resulted in a minor modification to the Proposed Development, this is noted in the individual response with more detailed information provided on the minor modifications provided in Section 3.0 of this Response Document. Equally, where a submission has resulted in a proposed modification to the CPO, this also has been noted in the individual response with more detailed information on the proposed CPO modification provided in Section 3.6 of this Section 51 Response Document and Section 3.0 of the CPO Response Document.

Within this document, where relevant, a cross-reference to a specific section in the Section 51 Application or the CPO documentation previously submitted to the Commission is provided to reduce unnecessary repetition.

5.0 Responses to State Agencies/ Bodies in Ireland

5.1 Introduction

The following section details DCC's responses to the individual issues raised in each submission to the Commission from state agencies/ bodies in Ireland. The process of identifying the issues and themes is summarised in Section 4.0 above.

The following sections on the submissions of the state agencies/ bodies in Ireland are presented alphabetically.

5.2 Development Applications Unit, Department of Housing, Local Government and Heritage

Name	Development Applications Unit, Department of Housing, Local Government and Heritage
Eircode	Y35AP90
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	All Sections

The heritage related submissions and recommendations of the Department of Housing, Local Government and Heritage are provided in this submission, as summarised below.

5.2.1 Cultural Heritage

The submission proposes four recommendations for conditions related to Cultural Heritage that should be included with any approval of the Section 51 Application by the Commission.

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 17 of the EIAR (date March 2026) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
    a. The Project Archaeologist shall liaise with the National Monuments Service (NMS) of this Department and with the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and parallel with construction of the development.
    b. This shall include the scope of any Advance Archaeological Geophysical Survey, Advance Test Excavation, Advance Underwater Impact Assessment and Archaeological Monitoring, as well as any additional mitigation measures that may be required to protect archaeological heritage (including provision for preservation in situ or preservation by record).
    c. This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be

preserved in situ (as identified in Chapter 17 of the EIAR or by any subsequent investigations associated with the project).

3. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the Proposed Development as set out in Chapter 17 of the EIAR (date March 2026) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
4. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason:

To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

5.2.1.1 Response

DCC support the submission of the Development Applications Unit of the Department of Housing, Local Government and Heritage. Chapter 17, Section 17.4 of the EIAR sets out an extensive range of mitigation measures for the Proposed Development that include statutory reporting requirements and will be carried out in full at the relevant construction and operational stages.

As stated in Ch 17, Section 17.1.2.2 of the EIAR, the methodology utilised for this assessment is based on a range or guidance documents. Including:

- Transport Infrastructure Ireland (TII) Guidelines for Cultural Heritage Impact Assessment of TII National Road and Greenway Projects (2025a) TII Publication Number PE-ARC-02009, and
- Code of Practice for Archaeology (2017) agreed between the Minister for Arts, Heritage, Regional, Rural and Gaeltacht (now DHLGH) and Transport Infrastructure Ireland (TII);

The Proposed Development is committed to the requirements stated within the above guidance. For clarity we have provided extracts from this guidance below.

In line with the above guidance, a TII-assigned Project Archaeologist will oversee all aspects of Enabling and Procurement as well as Construction and Implementation phases of the Proposed Development. Moreover, the Project Archaeologist '*will be the main point of contact with DHLGH for the project on behalf of the Project Team*' (TII, 2025a, 10) and, as per TII (2025a) guidelines.

Chapter 17, Section 17.4.3 of the EIAR states that '*the mitigatory measures adopted at construction and operational stages shall be agreed with the relevant statutory authorities (National Monuments Service) and the TII Project Archaeologist and shall be carried out under Ministerial Direction (DHLG&H) (currently Section 14A of the National Monuments Act 1930 (as amended) or per other licensing requirement as may subsequently be commenced under the HAHMP Act, 2023)'*.

An Archaeological Consultant shall be contracted to the Proposed Development to discharge any relevant conditions imposed as part of any Section 51 Approval that may issue from the Commission during

advance construction works, main stage construction works and operational stage works all of which shall be overseen by the TII project Archaeologist.

In this regard:

1. 'The Project Archaeologist shall fulfil, in conjunction with the Project Manager, the obligations for the delivery of the Project in accordance with the Code of Practice for Archaeology and shall also have regard to [TII 2025a] guidelines' (ibid.)
2. 'The Project Archaeologist, in conjunction with the Project Manager, shall manage and supervise, as necessary, archaeological and other heritage works required during the Main Contract. This may include archaeological monitoring of the topsoil stripping along the project, while exclusion zones may also be established on the site if archaeological resolution works have not been completed prior to the commencement of the Main Contract' (ibid., 104).
3. 'The Project Archaeologist is responsible for consultation with the relevant Government Department in accordance with the Code of Practice for Archaeology [2017]' (ibid.).
4. 'The Project Manager, in conjunction with the Project Archaeologist, shall ensure that any commitments made in the environmental evaluation documentation, or via Ministerial Directions, regarding the protection of the Archaeological Heritage are adhered to during the Main Contract.'
5. 'In the event of archaeological sites/features being uncovered during the Main Contract, the Project Archaeologist shall determine, in conjunction with the Project Manager and in consultation with the NMS, the preferred means of preservation (i.e. preservation by record or preservation in situ) and appropriate protection measures. Should the relevant Minister determine that an archaeological site discovered during the works constitutes a National Monument, then this may require a separate EIAR to allow for the site to be fully excavated, or for the project to be altered.'

The Cultural Heritage mitigation measures within the Proposed Development's submitted Environmental Operating Plan (EOP), in line with TII (2025a) guidelines *'shall be reviewed, modified, and enhanced, as necessary, by the enabling works contractor, and the contractor for the Main Construction Contract, to detail proposed construction or implementation methodologies associated with their work*' (ibid.). The Proposed Development's submitted EOP serves the same function as a CEMP described in the submission from the Department of Housing, Local Government and Heritage.

The finalisation of the EOP will continue to be aligned with the requirements of the Schedule of Environmental Commitments as submitted as part of the EIAR and any development approval conditions imposed by the Commission if they are minded to approve the Proposed Development, as per TII (2025b) Project Manager's Manual for Major National Road Projects PE-PMG-02042' (ibid.).

Per TII (2025a, 104), the Cultural Heritage data collected in the EIAR will be utilised by the Project Archaeologist following any approval for the Proposed Development, ensuring:

- *'the integration of Cultural Heritage mitigation and enhancement measures into the design and project implementation plans, and*
- *consultation and liaison with statutory and non-statutory agencies (e.g. NMS, Local Authority)'*.

Per TII (2025a, 104) *'the requirements for the implementation of the EIAR commitments, licensing conditions, and/or construction contract requirements as they relate to Cultural Heritage, will be incorporated as contractual requirements for the construction and post-construction phases'.*

These will be detailed in the finalised EOP prior to commencement of construction, where applicable, and updated during construction stage, where required. This will include further works to be carried out by an Archaeological Consultant, such as archaeological monitoring during the main construction and operational phases to ensure that mitigation measures are being implemented and are effective in meeting objectives. Monitoring will require observation, measurement and evaluation of the efficiency of the mitigation measures (ibid.).

All final archaeological and cultural heritage reporting by the appointed Archaeological Consultant shall be issued to DCC and the National Monuments Service and National Museum of Ireland as well as archived in the TII Digital Heritage Collections. This reporting shall include, per TII 2025a, 106:

- Completion of all Enabling and Procurement stage archaeological analysis and reporting,
- Schedules and specifications, incorporating applicable measures set out in the CHMP, planning and licensing conditions and the Schedule of Environmental Commitments from EIAR and Statutory Process stages,
- Licence applications and final Method Statements for the archaeological monitoring of main stage construction works,
- Incorporation of Cultural Heritage details into the CEMP for the project, where applicable,
- Reports detailing the results of advanced archaeological and built heritage works carried out post-consent (i.e. Advance Archaeological Geophysical Survey Advance Test Excavation, Advance Underwater Impact Assessment and Archaeological Monitoring, as well as any additional mitigation measures that may be required),
- Dissemination outputs in line with TII (2025c) *Cultural Heritage: Engaging the Public. Archaeology, Built Heritage, Landscape, Portable Heritage and Intangible Heritage GE-ARC-01035*.
- Submission of Cultural Heritage reports and datasets/records for inclusion into the TII Digital Heritage Collections, and
- Accompanying spatial data in ITM format, in a consistent defined data format, to align with TII (2013) Preparation and Delivery Requirements for As-Built Records CC-CMG-04001.

The guidance requirements extracted above, along with the conditions stated by the Department of Housing, Local Government and Heritage in their submission, will be included in the finalised EOP for the Proposed Development. As stated above, this will be done prior to commencement of construction, where applicable, and updated during construction stage, where required. DCC does not seek any variation of the conditions stated by the Department of Housing, Local Government and Heritage.

5.3 Maritime Area Regulatory Authority (MARA)

Name	Maritime Area Regulatory Authority (MARA)
Eircode	Y35 RF29
Date of Submission (received by ACP)	07/07/2026
Section of TEN-T PRIPD	All Sections

5.3.1 Planning & Policy

MARA confirms in their submission that the usage and spatial extent consented to in MAC Reference Number; MAC20240012 corresponds to the site area of the proposed River Swilly Crossing as detailed in the plans and particulars submitted to An Coimisiún Pleanála for approval of the Proposed Development.

5.3.1.1 Response

DCC welcome the MARA's confirmation with regard to the status of the Maritime Area Consent (MAC) held by DCC and that the area covered by the MAC is consistent with the plans and particulars submitted to the Commission.

The MAC for the Proposed Development is described in Section 4.5.7 of Chapter 4 in Volume B of the EIAR, and the reference to the MAC held by DCC is MAC20240012, which was issued by MARA to DCC on 28 November 2025.

5.4 Northern and Western Regional Assembly (NWRA)

Name	Northern and Western Regional Assembly (NWRA)
Eircode	F45 WY26
Date of Submission (received by ACP)	07/07/2026
Section of TEN-T PRIPD	All Sections

5.4.1 Planning & Policy

The NWRA submission highlights the deficit in transport infrastructure in the North West Region. They note that NWRA's "Regional Infrastructure Tracker" found that the region's transport infrastructure was ranked 218th out of 234 EU27 regions examined in this index, showing the Region to be an outlier in Western Europe, and in the bottom 8% of European Regions.

The NWRA priorities include:

- **Letterkenny** which is a Regional Growth Centre in the National Planning Framework. The upgrade of intra-regional connectivity through all three elements of the Proposed Development are individually and in combination, critically enabling to the economic, social and overall future well-being of Donegal and the wider North West. The Delivery of the TEN-T PRIPD will serve to

bring the North West region towards a levelling up with the rest of Ireland, enhance connectivity, reduce journey times, and provide better linkages with the rest of the island.

- **Regional infrastructure at scale**. The Proposed Development is considered a critical project and priority for the future success and advancement of this Region. The Assembly's consistency in this regard also included the project for advancement via Regional Policy Objectives (RPOs 6.7 & 3.7.30) through the RSES, adopted in January 2020.

The NWRA submission concludes by stating that the Proposed Development is a regional priority for the NWRA, is viewed within the context of Regional, and National connectivity as critical for the North West of Ireland and is fully supported by the NWRA.

The NWRA consider all elements of the project's advancement and a favourable outcome through the Commission as consistent with the policy Objectives of the National Planning Framework, the National Development Plan, and the Regional Spatial & Economic Strategy.

5.4.1.1 Response

DCC welcome the NWRA submission and its recognition of the significant transport infrastructure deficit in the North West Region and agree that stronger investment in connectivity is essential to support balanced regional development. As described in Section 1.1.2 of Chapter 1 of Volume B of the EIAR, the TEN-T Route Corridor Needs Study, much of the existing network does not meet the current design standards for a National Primary road with critical deficiencies in the existing infrastructure being noted, especially for the three sections of the Proposed Development. As stated in Section 1.2.1 of Chapter 1, the Proposed Development will address operational, capacity and safety deficiencies, reduce congestion, and improve efficiency along the existing network.

DCC notes that the NWRA states that the TEN-T Priority Route Improvement Project, Donegal is a regional priority for them and comprises critical infrastructure for the North West. The three sections of the TEN-T PRIPD (the N15/N13 Ballybofey/Stranorlar Urban Region, the N56/N13 Letterkenny to Manorcunningham, and the N14 Manorcunningham to Lifford/Strabane/A5 Link) together, will greatly improve access and movement through the region, ease congestion in the three urban areas, and strengthen links between Donegal's key settlements and the wider island transportation network. They will also greatly improve cross-border connectivity to Northern Ireland. This is clearly established in Chapter 2 of Volume B of the EIAR that sets out the background and need for the Proposed Development, especially with regard to the Regulation (EU) 2024/1679, the 'TEN-T Regulation'.

The Proposed Development also includes more than 60 km of integrated active travel infrastructure, transport hubs, and measures to support decarbonisation and climate resilience. In that context, we agree that advancing all elements of the project would be a major connectivity benefit for the North West and would support economic, social and spatial development in Donegal and the wider region.

The NWRA also confirms that the project is consistent with the policy objectives in the National Planning Framework (NPF), National Development Plan (NDP), and Regional Spatial and Economic Strategy (RSES). This is also detailed in Chapter 3 of Volume B of the EIAR which clearly establishes the planning policies and objectives that support the Proposed Development, at European, National, Regional and local level. This also includes the requirements with respect to the Climate Action and Low Carbon Development Act 2015 and Amendment Act 2021 as described in Section 1.5.3.4 (Chapter 1: Introduction) and Section 3.5.4 (Chapter 3: Planning & Policy), and Section 13.8.6 (Chapter 13: Climate) of Volume B of the EIAR.

6.0 Response to Agency/ Body in Northern Ireland

6.1 Introduction

The following section details DCC's response to the one submission received from Northern Ireland from Derry City and Strabane District Council.

6.2 Derry City and Strabane District Council

Name	Derry City and Strabane District Council
Address	Development Planning Derry City and Strabane District Council 98 Strand Road, Derry BT48 7NN Northern Ireland
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	All Sections

6.2.1 Environmental Assessments/ EIAR (General)

Overall, Derry City and Strabane District Council is very positive and supportive of the drive to achieve sustainable growth and high environmental standards, continuing the work together to develop a mutually beneficial, strong and attractive North West Region.

They state that the information provided in the EIAR and NIS appears to be very comprehensive and the preferred route (3B2) for Section 3 (close to our District) appears to have been selected following very careful consideration and weighing of the various relevant environmental impacts.

6.2.1.1 Response

DCC welcomes the submission of Derry City and Strabane District Council. The Proposed Development will further strengthen the ties between Letterkenny, Lifford, Strabane, and Derry in the North West City Region. It will provide improved strategic connectivity between these regional hubs, increasing economic opportunities, social cohesion and removing barriers to trade and tourism. This is detailed in Chapter 3 of Volume B of the EIAR which clearly establishes the planning policies and objectives that support the Proposed Development, at European, National, Regional and local level, that are aimed at strengthening cross-border ties and connectivity in the North West City Region, as identified in the National Planning Framework (NPF). We also note that the Court of Appeal in Northern Ireland has, in the last number of weeks, given the go-ahead for the first phase of the A5 Western Transport Corridor ("A5 WTC") within Northern Ireland (being Section 2 of the A5 WTC and the part of Section 3 of the A5 WTC known as "Phase 1b").[3]

[3] As is set out in Section 4.9.1.1 of Chapter 4 of Volume B of the EIAR, in Northern Ireland, the proposed A5 WTC is currently divided into three sections. Section 1 of the A5 WTC will connect to a proposed Trunk Road T3 which in turn will connect to the N14/N15 to A5 Link section of the Proposed Development. Section 1 of the A5 WTC is being advanced through the statutory planning process in Northern Ireland.

7.0 Responses to Individuals/ Businesses

7.1 Introduction

The following section details DCC's responses to the individual issues raised in each submission to the Commission. The process of identifying the issues and themes is summarised in Section 3.0 above.

The following sections on the submissions of the Individuals are presented alphabetically based on the first name of the interested party on each submission.

7.2 Aidan McGinley

Name	Aidan McGinley
Address / Plot No.	F93ARY2
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.2.1 General Summary

The submission is in relation to the N15, issues with a neighbouring property, a greenway and field accesses to lands. Mr McGinley, unconnected with the Proposed Development, appears to suggest that priority has been given to certain people and businesses, and not the interest of all other people. Mr McGinley suggests that [DCC] cannot abide by the rules of a simple greenway project.

7.2.1.1 Response

DCC notes that Mr. McGinley is not impacted directly by the Proposed Development, and insofar as he in any way suggests that DCC would not comply with any approval by the Commission for this Proposed Development, this is unfounded.

DCC confirms that, in the event that approval is granted by the Commission, they will comply with all commitments set out in the Section 51 Application together with any modifications made or conditions imposed by the Commission, as per any approval they may grant for the Section 51 Application, and including all mitigation measures as set out in the EIAR and NIS.

The Proposed Development has been designed so as to reduce or avoid the potential significant effects on the environment (which includes any effects on population and human health) resulting from the construction, operation and/or maintenance of the Proposed Development. The EIAR, for example, sets out mitigation measures in accordance with, or in some cases exceeding, the requirements of National TII Guidance and Standards across Population, Human Health, Biodiversity, Land, Soils and Hydrogeology, Water, Air Quality, Climate, Noise and Vibration, Material Assets (Agriculture and Non- Agriculture), Cultural Heritage and Landscape and Visual.

Further, the aims and objectives of the Proposed Development, which include the delivery of safety, capacity and journey time reliability on the network as well as the delivery of significant modal shift infrastructure through approximately 63 km of safe and segregated walking and cycling facilities and eight modal hub sites to integrate active travel, public transport and private vehicle modes (and are set out in

Section 1.2 of Chapter 1 of Volume B of the EIAR), reflect DCC's commitment to delivering improvements which will benefit individuals and communities across the Proposed Development, as well as businesses.

7.3 Alan & Wendy Wylie

Name	Alan & Wendy Wylie
Agent	n/a
Address / Plot No.	Plot No 2043 E.106, 2043 E.108 and 2043 E.112
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 2

Plot 2043 encompasses two land parcels as shown on EIAR Drawing 16.02, sheet 2 of 5, of Chapter 16 in Volume D of the EIAR. This drawing is extracted and shown below in Figure 7.1 for context, with the two land parcels for Plot 2043 highlighted in the inset. Alan & Wendy Wylie's dwelling is located at the tie-in to the proposed L-5784 (Plot 2043 E.108) and the dwelling of Alan Wylie is adjacent to the mainline at approximately Ch1+500 (Plot 2043 E.106).

For completeness, both properties associated with Plot 2043 are referred to in this response.

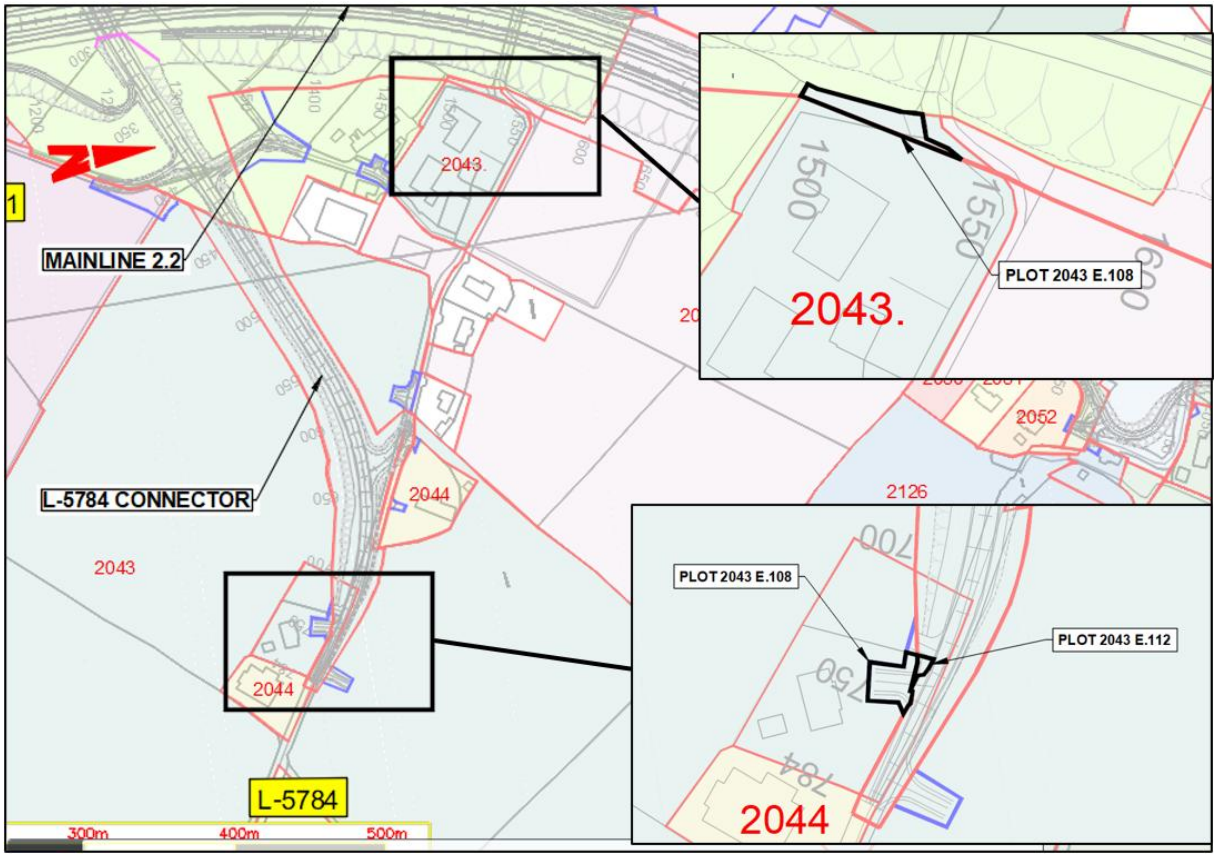


Figure 7.1 Plots 2043 Outlined in Red in the inset (Extracts from EIAR Drawing 16.02, sheet 2 of 5)

7.3.1 Noise & Privacy

The Wylie's state that the reduction of their front garden area for the development of the L-5784 Connector Road will increase traffic noise and undermine their privacy by bringing traffic closer to their dwelling house.

7.3.1.1 Response

The Proposed Development will not increase traffic noise or undermine their privacy by bringing traffic closer to their dwelling as is suggested in this submission, as demonstrated below:

Noise – Andy & Wendy Wylie (Plot 2043 E.108)

In relation to traffic noise, EIAR Chapter 14 (Noise and Vibration) in Volume B identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

The noise and vibration impact assessment includes the Wylie's dwelling (GeoDirectory ID 37407417). Modelling for the property including the L-5784 for the existing situation, i.e. the do-minimum scenario, predicts the noise level at the dwelling of 52 dB L_{den}. The do-something scenario, i.e. the construction of the Proposed Development and the re-alignment of the L-5784, results in a predicted noise level of 52 dB L_{den} at the dwelling in the design year (2047), which is no change. There is, therefore, no change of predicted noise levels at the property. As shown in EIAR Drawing 4.2, sheet 2 of 5, in Chapter 4 of Volume D of the EIAR, the existing L-5784 passes directly in front of the property and the re-aligned L-5784 is only marginally closer. The re-aligned L-5784 is in cut (i.e. below existing ground level) from the Wylie's property as it heads toward the mainline through Plot 2043. The predicted noise level at the Wylie's property for the design year of 2047 is well below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Not Significant.

The L-5784 connector road ties into the existing local road in front of the residence at Plot 2043 E.108. Traffic on the existing L-5784 already passes the front of the residence at Plot 2043 E.108. Therefore, there is no material change. The property boundary wall is moving approximately 3.4 m back from the verge of the new alignment to the north of the existing dwelling entrance as shown in Figure 7.2. This will largely accommodate verge widening to L-5784 within Plot 2043 E.108. There is no change to the boundary line east of the existing access. The estimated volume of traffic on the L-5784 is less than 200 AADT (Annual Average Daily Traffic). As the existing local road traffic is not moving any closer to the dwelling, the Proposed Development will not increase traffic noise.

Noise Assessment –Alan Wylie (Plot 2043 E.106)

Although not specifically mentioned in their submission, there is also a property located on Plot 2043 closer to the mainline between Ch1+500 and Ch1+550, as noted above. The noise and vibration impact assessment, as set out in Chapter 14 of the EIAR, includes this other dwelling within Plot 2043 (Geodirectory ID 80483502). With the construction of the Proposed Development (i.e. Do-Something scenario), a noise level of 58 dB L_{den} during the design year (2047) is predicted which is a 5 dB increase compared to the Do-Minimum scenario which predicts a noise level of 53 dB L_{den}. Whilst there will be an increase in noise level at the property, the noise level is predicted to be below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Moderate and does therefore not require mitigation (see Section 14.4.3.7 of EIAR Chapter 14 for operational noise criteria).

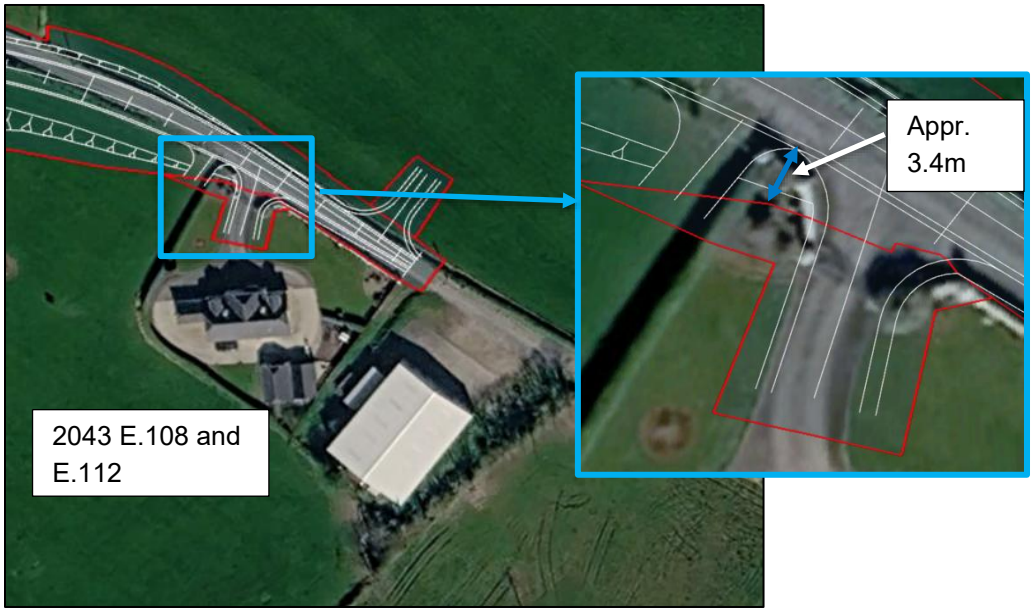


Figure 7.2 Plot 2043 and the Proximity of the L-5784 (current and proposed)

Privacy – Alan & Wendy Wylie (Plot 2043 E.108)

A portion of the front garden and boundary wall will be acquired as part of the Proposed Development to facilitate the tie-in. The boundary wall and pillar to be removed at the entrance to facilitate the construction of the L-5784 will be replaced as part of accommodation works to be agreed with the landowner. In addition, a hedgeline is being provided along the length of the L-5784 on both sides of the road as shown in EIAR Drawing 18.17, sheet 1 of 3, of Chapter 18 in Volume D of the EIAR, which, when fully established, ensure that the privacy to the residence will not be impacted or reduced.

7.3.2 Material Assets: Non-Agriculture

The works required include the demolition of a boundary wall and pillar that is environmentally detrimental.

7.3.2.1 Response

As noted above, the Proposed Development includes the demolition of the existing boundary wall and pillars to allow for the tie-in of the L-5784 to the existing local road at the property boundary. This will be replaced, along with a hedge to be planted along the edge of the proposed new road.

Following an examination of the Section 51 Application documents in relation to Plot 2043, we have identified that both of the properties/ dwellings associated with Plot 2043 were not included in the Chapter 16: Material Assets (Non-Agricultural) land take assessment described in Appendix C16.01 Landtake Assessments in Volume C of the EIAR, Apx Table 0-2: Section 2 Non-Agricultural Properties Land Take Assessment (pp.15-32). This addendum is addressed as an errata in this response and also within Section 8.0. It is noted that the agricultural portion of Plot 2043 was assessed in Chapter 15 Material Assets Agriculture, Table 15.31 (pp.15-36).

Plot 2043 is a mixed agricultural / residential plot divided into two discrete parcels whereby one accommodates the yard and dwelling house and the other the land and an additional dwelling house.

With respect to non-agricultural land use, both dwelling houses are located outside the settlement boundary of Letterkenny and are assigned a medium sensitivity.

In relation to the property closer to the mainline, between Ch1+500 and Ch1+550, a low magnitude of impact is assigned given that there is minor land take and alteration to the side boundary of the dwelling house and yard which does not affect the house or access or the formal front garden of same.

In relation to the property at the tie-in with the L-5784, there is minor land take from the front boundary resulting in minor changes to that boundary where it will be moved closer to the dwelling.

At either location, these are not changes such as would compromise the viability of the premises as residential properties. A slight adverse permanent effect is identified for both properties, which is not significant. Refer to the table below for summary details of the assessment, which is also included in Appendix 4 Errata.

Addendum to Apx Table 0-2: Section 2 Non-Agricultural Properties Land Take Assessment (pp.15-32) within Appendix C16.01 Landtake Assessments in Volume C of the EIAR.

Parcel ID	Land Use	Parcel Area (ha)	Permanent Land Take (ha)	Permanent Land Take (%)	Temporary Land Take (ha)	Temporary Land Take (%)	Embedded Mitigation	Resource Type, Sensitivity and Magnitude of Impact	Significance of Residual Effect
2043 (including E.108 E.112 and E.106)	Residential (Including Agri.)	22.82	0.94	4.12	0.07	0.31	Boundary wall will be rebuilt along new property line	There are two dwellings within Plot 2043. One dwelling is located at the tie-in to the proposed L-5784 (Plot 2043 E.108) and the other dwelling is adjacent to the mainline at approximately Ch1+500 (Plot 2043 E.106). With respect to non-agricultural land use, the dwelling houses are located outside the settlement boundary of Letterkenny and are assigned a medium sensitivity. A low magnitude of impact is assigned given that there is minor land take and alteration to the boundaries of each resulting in minor changes to the conditions of the dwelling but not changes such as would compromise the viability of either dwelling as a residential property.	Slight

7.3.3 Acquisition of land for L-5784

The submission states the L-5784 connector will divide the farm and impact access to the farm, and that the new L-5784 is unnecessary. It is requested that the L-5784 ties in to the adjacent green field.

7.3.3.1 Response

The L-5784 Connector Road forms an integral component of the Proposed Development and contributes to both local vehicular access and active travel objectives.

The existing L-5784 cannot be maintained in its current form due to conflicts with the mainline design levels. Realignment of this section of L-5784 retains community connection and will significantly improve the quality and safety of L-5784 at this location. In particular, the relocation and upgrade of the L-5784 / existing N13 junction removes excessive gradients at the approach, improving the junction arrangement and safety for the road users (see Figure 7.3 below).



Figure 7.3 Junction from L-5784 to N13

As provided in Chapter 5 of Volume B of the EIAR, Assessment of Reasonable Alternatives, specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout, a range of alternatives were considered during the scheme development process. The proposed road layout was selected following an assessment of engineering, traffic, safety, environmental and land-use considerations. The use of alternative existing road infrastructure, as suggested in the submission, was considered during the design process; however, it was not identified as the preferred solution having regard to the scheme objectives, road safety requirements, network connectivity, and compliance with the applicable design standards set out in Chapter 4, Section 4.4 of Volume B of the EIAR. In particular, this option was discounted as it did not meet the design criteria due to the poor alignment and impact on existing properties, as detailed in Appendix C5.02 Table 2 page 29 of Volume C of the EIAR.

In addition, the L-5784 Connector Road facilitates connections to the new active travel network provided as part of the Proposed Development. This access will provide opportunities for modal shift for residents along the L-5784 and offers non-motorised connection to nearby community facilities, e.g. St. Patrick's National School, and other nearby facilities in Bonagee and Letterkenny.

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction, operation and maintenance of the Proposed Development. DCC have sought to minimise the impact of the Proposed Development on private property while still maintaining a fundamental standard of new road.

Agricultural Lands 2043

DCC acknowledge that realignment of the L-5784 will have an impact on the farm holding, and this is set out in Table 15.31 (p.15-36) of Chapter 15 of Volume B of the EIAR. However, the requirement for the L-5784 Connector Road is considered necessary to maintain connectivity between the rural community and the adjacent local road network, providing onward connections to services and main urban centres.

Alternative access has been provided to the farm holding and this is presented in the General Arrangement Drawings, EIAR Drawing 4.2, sheet 2 of 5, in Chapter 4, Volume D of the EIAR.

Residential Property – Plot 2043 E.112 & Plot 2043 E.108

At the location of the residential property on Plot 2043 the works include the tie-in of the proposed L-5784 Connector to the existing L-5784. The permanent acquisition of Plot 2043 E.112 is required to facilitate the tie-in and set back of the existing boundary wall. The temporary acquisition of Plot 2043 E.108 is required to facilitate the regrading of the existing driveway to connect to the L-5784 Connector. As described above, the proposed L-5784 Connector Road was selected following an assessment of alternatives and designed in compliance with the relevant design standards. Adjusting the alignment to avoid impacting the front boundary of the residential property would require a reverse curve in the agricultural property to the north which would extend the tie-in approximately 150m further along the L-5784 creating additional property impacts and landtake.

7.4 Allen McBeth

Name	Allen McBeth
Agent	Martin & Rea
Address / Plot No.	Plot No. 3082
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.4.1 Material Assets: Agriculture

Mr McBeth states that the statement in the material assets report stating that the area of the holding at this location is 3.779 Ha is inaccurate and that, in fact, the total area of the holding is included in the CPO. Note that while the submission refers to "Alan" McBeth, DCC understand this to be "Allen" McBeth.

The submission states that Mr McBeth is a dairy farmer with his brother (CPO no 3072) and the loss of the total land area is affecting the viability of the holding. The loss of the land will result in a reduction of stock.

7.4.1.1 Response

Plot 3082 is included in Table 15.32: Section 3 – Completed Assessment of Chapter 15: Material Assets: Agriculture (bottom of page 15-43) in Volume B of the EIAR.

As noted in Mr McBeth's submission, there is an error in this table under the Column 'Land Parcel'. The area of the holding is incorrectly stated as 3.779ha, and so the incorrect number of 3.779 ha is to be replaced by 2.408 ha which corresponds with the area of Plot 3082 A.102 in the CPO Schedule (p.99) and the CPO Deposit Map for Section 3 (sheet 8 of 10). Therefore, the percentage under the column 'Landtake (%)' is also

incorrect and should read '100%', because the entire of the holding is being acquired as noted in this submission. The following errata is required to reflect this correction by way of update to Table 15.32 of Chapter 15 in Volume B of the EIAR and is therefore also included in Appendix 4 of this Section 51 Response Document.

Farm ID	Land Parcel (ha)	Landtake (ha)	Landtake (%)
3082	~~3.779~~ 2.408	2.408	~~64%~~ 100%

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment to discuss the Proposed Development. In relation to Plot 3082, consultation with DCC's agronomist was undertaken on 12 October 2022 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McBeth since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

As noted above, the area of the Land Parcel should be 2.408 ha and the total landtake should be 100%. This does not change the findings of the impact assessment for Plot 3082 and the effect remains of Profound significance following the appropriate methodology.

Issue of Mr McBeth farming Plot 3082 with Plot 3072

In his submission, Mr McBeth states that he is a dairy farmer with his brother (CPO no 3072) and the loss of the total land area, i.e. the combined impact on Plots 3082 and 3072, should be assessed together as the Proposed Development will result in a reduction of stock for them.

The assessment in Chapter 15, individually assessed both Mr Allen McBeth and Mr David McBeth under their relevant plot numbers, i.e. Plot 3082 and 3072, respectively, as the lands are registered to each individual landowner and not jointly. Further to Mr Allen McBeth's submission, joint assessment of Plots 3082 and 3072 has been carried out to determine what impact is experienced when both plots are considered together as a dairy enterprise: Plot 3082 is identified as a Grade 3b dairy-plus enterprise, with silage as the principal agricultural use affected, while Plot 3072 is identified as a Grade 3a dairy-plus enterprise, with field grazing as the principal agricultural use affected.

The combined land parcel associated with Plots 3082 and 3072 is approximately 30.108 ha, comprising 2.408 ha associated with Plot 3082 and 27.700 ha associated with Plot 3072. The combined permanent landtake is 10.740 ha, comprising 2.408 ha from Plot 3082 and 8.332 ha from Plot 3072. This represents approximately 36% of the combined plots.

The joint assessment recognises that the Proposed Development results in the complete acquisition of Plot 3082 (100% landtake) and the acquisition of approximately 30% of Plot 3072. It also recognises the resulting effects on the dairy enterprise, including the loss of silage and grazing land, changes to farm management, severance and access requirements, and the potential for a reduction in the stock-carrying capacity of the holding. The accommodation works associated with Plot 3072, including the provision of new field gates, have also been taken into account.

The dairy enterprise is considered to have High sensitivity, and the combined landtake and associated effects are assessed as a High magnitude of effect. Having regard to the proportion of the combined holding retained, the continuation of the dairy enterprise on the retained lands and the accommodation works proposed, the joint significance of effect is assessed as Major.

"Major impact – The Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects."

The effects do not meet the criteria for a Profound impact because approximately 64.3% of the combined holding remains available to the farming operation, and the dairy enterprise can continue on the retained lands, subject to the implementation of the identified accommodation works.

7.4.2 CPO

Mr McBeth states that the land-take is excessive and that certain parts of the land are not required for the construction of the road.

7.4.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation. Specifically for plot 3082, land acquisition is required for attenuation pond 12, the access road to the pond and also for interceptor drainage. Land is also required for the active travel network. The remaining land is required for landscaping including wet grassland and dry meadow grassland as detailed in EIAR drawings 18.21 (Sheet 20 of 24) in Volume D Drawings of the EIAR. Landscaping, verge, embankment and boundary treatments are essential elements of the overall project and form part of the design and the overall mitigation of environmental impacts.

The extent of acquisition of lands for plot 3082, as per CPO Deposit Map for Section 3 (sheets 8 and 9 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 8 of 10), in Volume D Drawings of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and these acquisitions are therefore not in any way excessive as is suggested.

7.5 Alan Scott

Name	Alan Scott
Agent	Martin & Rea
Address / Plot No.	Plot No. 2084
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.5.1 CPO

Mr Scott states that the CPO is in the name of Charlie Kennedy but Alan Scott is the owner.

Further, he contends that the land take is excessive through the provision of an access road through the lands for adjoining landowners which is not required.

7.5.1.1 Response

Plot 2084 is included in the CPO Schedule for Section 2 (p.130). This states that Charlie Kennedy is the 'Owners or Reputed Owners,' which was correct at the time of preparation of the documents. However, we understand from an examination of the details on Land Direct it appears that the plot in its entirety was transferred to Alan Scott in March 2026 and Mr Scott is now the registered owner of Plot 2084. On this basis, The Schedule has been updated to reflect Mr Scott as an Owner or Reputed Owner as documented in Section 3.6.2 to this Section 51 Response Document. Alan Scott received a formal notice of the CPO at the time of publication.

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands in Plot 2084 to be acquired permanently for the Proposed Development will be used for the mainline, access road carriageways, verges, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, attenuation ponds) and landscaping.

The submission suggests that the land take is excessive through the provision of the access road, which we assume is access road AR2.14, by providing access to adjoining landowners which they seem not to be required. However, this is incorrect as access road AR2.14, as shown in Drawing 4.02 (Sheet 3 of 5) of the EIAR, is an essential component of the Proposed Development as it provides access for the construction and ongoing maintenance of the Riverbridge N56R005 crossing over the River Swilly, proposed Mainline 2.6, Attenuation Pond 06 and culverts S2-CUL.24 and S2-CUL.25. The access will also be used by emergency services should a need arise. The land requirements have been determined through the design development process, as outlined in Chapter 4 Project Description of Volume B of the EIAR.

The extent of acquisition of lands for plot 2084, as per CPO Deposit Map for Section 2 (sheet 3 of 5) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.02 (Sheet 3 of 5), in Volume D of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.5.2 Material Assets: Agriculture

Mr Scott states that the material assets report is inaccurate and incomplete. The lands in plot 2084 are severed with no access being provided to the severed lands.

7.5.2.1 Response

Plot 2084 is included in Table 15.31: Section 2 – Completed Assessment of EIAR Chapter 15: Material Assets: Agriculture (bottom of page 15-37).

As noted in Mr Scott's submission, there is an error in this table under the Column 'Severance'. There is severance within Plot 2084 and this should state 'Yes'. The following errata is required to reflect this correction by way of update to Table 15.31 of Chapter 15 in Volume B of the EIAR and is therefore also included in Appendix 4 of this Section 51 Response Document.

Farm ID	Severance
2084	~~No~~ Yes

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 2084, consultation with DCC's agronomist was undertaken on 7 October 2021 with the then landowner to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Scott since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

As noted in the previous section, the ownership of Plot 2084 was transferred to Mr Scott in March 2026, according to the information on LandDirect.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The agricultural impact assessment was reviewed by the agricultural expert for the project on the basis of there being severance of this Plot 2084. DCC confirms that this change does not change the overall assessment of Plot 2084 which remains 'Moderate'.

Mr. Scott states that no access has been provided to the severed lands. This is incorrect. Access to the severed plot to the north of the Mainline 2.6 is provided from the proposed access road AR2.14, adjacent to Attenuation Pond 06, as shown on EIAR Drawing 4.2 General Arrangement Drawings, sheet 3 of 5 in Volume D of the EIAR. Mr Scott's lands to the south of the Mainline 2.6 can still be accessed via the existing land access arrangements from the south.

7.5.3 Drainage

Mr Scott states that the drainage design is inadequate and does not sufficiently address the issues.

7.5.3.1 Response

No specific details have been provided in Mr Scott's submission as to why it is suggested that the drainage design is inadequate or what issues are of concern. However, Chapter 4, Section 4.5.8 in Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings are included in the EIAR Volume D with EIAR Drawing 4.41 sheet 3 of 5 covering Plot 2084 in Section 2.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11, Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

A fully compliant drainage design has been provided by DCC at this location as shown in EIAR Drawing 4.41 sheet 3 of 5. The Mainline has been drained using surface water drainage channels which outfall to the adjacent Attenuation Pond 6. Pre-earthworks drains are provided on both sides of the road embankment to collect water running off the embankment and/or flowing from adjacent lands towards the embankment. S2.CUL.24 and S2.CUL.25 are both provided in this area to convey existing watercourses under the new alignment. All drainage systems/culverts have been sized as per the TII DMRB requirements.

Therefore, there can be no question that the drainage design is in any way inadequate.

7.6 Andrew McBeth

Name	Andrew McBeth
Agent	Martin & Rea
Address / Plot No.	Plot No. 3081
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.6.1 CPO

Mr McBeth states that the land take is excessive in relation to Plot 3081.

7.6.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), park and share sites, flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for Plot 3081, land acquisition is required as follows:

Plot 3081 A.101 is required for the construction of the mainline alignment including road cross section, active travel, earthworks and interceptor drainage. It is also required for the Ballindrait Junction including the Ballindrait Link North and L2444 Ballindrait side road cross section including active travel, park and share site, earthworks, interceptor drainage and attenuation pond 23 and associated access road. Land is also required, either side of Ballindrait Link North within the junction area for material extraction / deposition areas. Land is also required for landscaping as detailed in EIAR drawing 18.21 (Sheets 18 and 20 of 24) in Volume D of the EIAR.

Plot 3081 A.103 is required for an interceptor ditch and drainage outfall 15 as shown on EIAR drawing 4.42 (Sheet 8 of 10). The location of the drainage ditch has been determined by topography. Plot 3081 A.103 is also required for a bat house as shown on EIAR drawing 4.59 (sheet 8 of 10) in Volume D of the EIAR.

Plots 3081 A.105, 3081 A.106, 3081 A.107 and 3081 A.108, 3081 A.109 are all required for the construction of the Rossgeir Junction including LX 3014 Rossgeir North, L2384 Rossgeir and LX3014 Rossgeir South.

The extent of acquisition of lands for plot 3081, as per CPO Map for Section 3 (sheet 8 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 8 of 10) in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.6.2 Drainage

Mr McBeth states that the drainage design is inadequate.

7.6.2.1 Response

No specific details have been provided in Mr McBeth's submission as to why it is suggested that the drainage design is inadequate at this location. However, Chapter 4 Section 4.5.8 of the EIAR details the drainage design for the Proposed Development. A comprehensive set of Drainage Drawings is included in the EIAR Volume D for the Proposed Development with EIAR drawing 4.42 (sheet 8 of 10) detailing the drainage at Plot 3081.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11 Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

In particular for Mr McBeth's property, interceptor drainage has been provided adjacent to the mainline, L-2444 Ballindrait Road and Ballindrait Link North.

The mainline road drainage, L2444 Ballindrait Road drainage and Ballindrait Link North road drainage is attenuated in ponds 12 and 23.

Therefore, there can be no question that the drainage design is in any way inadequate.

7.7 Ann Chambers

Name	Ann Chambers
Agent	Martin & Rea
Address / Plot No.	Plot No. 1078
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.7.1 Material Assets: Agriculture

Ms Chambers' states that the material assets agriculture report is incorrect and that there is a beef, sheep and equine enterprise on these lands. The objection also state that the impact on Ms Chamber's property is profound and raises issue in relation to the impacts of the Proposed Development on the sand arena.

7.7.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 Material Assets (Agriculture) of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment. In relation to Plot 1078, consultation with DCC's agronomist was undertaken on 31 May 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms Chambers.

The assessment of Plot 1078 is presented in Table 15.30, page 15-31 of Chapter 15 of Volume B of the EIAR.

The assessment set out in Chapter 15 of the EIAR, as detailed in Table 15.30, was on the basis that the primary enterprise on Ms Chamber's farm was beef, and the primary crop affected was silage. The assessment of the impacts of the Proposed Development on this farm has been reviewed in light of the

information provided in this submission to take account of the presence of sheep and equine enterprises on the farm in addition to the beef enterprise. Having reviewed the assessment, in the expert opinion of DCC's agronomist, the significance of effect on this farm remains Major and is not profound as suggested in the submission. Within the methodology applied in Chapter 15, a Major impact is defined as:

> "*The Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects."*

A Profound impact is defined as:

> *"The Proposed Development results in a substantial and permanent change in current land use practices, with severe disruption to the farm unit and mitigation measures unlikely to adequately address the effects."*

The additional sheep and equine enterprises identified in the submission do not alter the overall assessment of Plot 1078. The assessment is based on the primary agricultural enterprise and the principal agricultural use affected by the Proposed Development. Plot 1078 is identified as a Grade 3a beef enterprise, with silage identified as the primary crop affected. The receptor sensitivity is assessed as Medium and the magnitude of effect as High, resulting in a Major significance of effect under the Chapter 15 assessment matrix.

The landtake associated with Plot 1078 is approximately 2.159 ha from a 20.96 ha parcel, representing approximately 10% of the land parcel. While the Proposed Development will result in a material change to the management of the holding and will require accommodation works, the current agricultural use of the holding can continue. The Proposed Development does not result in the removal of the farm enterprise or prevent the continuation of the beef, sheep or equine activities on the holding.

In relation to the sand arena located in Ms Chamber's farm, it is located approximately 45m from the CPO boundary of the Proposed Development, at its closest point. The top of the cutting for the road itself is a further 10 m away (a total of 55m) horizontal distance. No part of the sand arena will be acquired for the purposes of the Proposed Development, the arena will not be removed or rendered unusable by the Proposed Development. Any potential effects arising from construction activity, including temporary disturbance, will be managed through the construction environmental management measures and the relevant mitigation measures.

Therefore, the assessment of Major remains correct for the reasons explained above.

7.7.2 Noise & Vibration

The submission suggests that a noise barrier is required between the sand arena and the Proposed Development, and that a health and safety issue would arise in the absence of such a barrier.

7.7.2.1 Response

The Proposed Development does not pose a health and safety risk including with regard to noise from the Proposed Development and the operation of the sand arena on Ms Chamber's farm.

Chapter 14 (Noise and Vibration) of Volume B of the EIAR identifies, describes and assesses the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p. 14-46) of Chapter 14 of Volume B of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.4.3.7 (p.14-9) of Chapter 14 of the EIAR, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

As mentioned above, noise predictions were undertaken for 4,585 receptor locations in preparation of Chapter 14 Noise of Volume B of the EIAR. This noise and vibration impact assessment included the Chamber's dwelling (GeoDirectory ID 35728764). Given the number of receptors included in the noise assessment, only those receptors where likely significant effects were identified were set out in the EIAR. The Chamber's dwelling is not predicted to experience a likely significant noise impact and so the receptor at their dwelling is not specifically set out in the EIAR. However, DCC's noise experts have reviewed the assessment undertaken and confirm that with the construction of the Proposed Development (i.e. Do-Something Scenario), a noise level of 49 dB L_{den} during the design year (2047) is predicted at the Chamber's property. This is well below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Not Significant. Therefore, no noise mitigation measures, i.e. no noise barrier is required at this location.

In relation to Plot 1078, DCC notes the submission regarding the beef, sheep and equine enterprises on this property and the use of the sand arena. The location of the sand arena in relation to the Proposed Development is shown in Figure 7.4.

In light of the information provided in this submission and specifically the equine activities carried out in the sand arena, the noise and vibration impact assessment has been reviewed by DCC's noise experts and the predicated noise levels at the sand arena itself (which is slightly closer to the Proposed Development than the Chamber's dwelling), has been modelled. That noise modelling shows that with the construction of the Proposed Development (i.e. Do-Something Scenario), a noise level of 52 dB L_{den} during the design year (2047) is predicted at the sand arena. This remains well below the TII Design Goal of 60 dB L_{den} and the impact at this location is predicted to be Not Significant. Therefore, no noise mitigation measures, i.e. noise barrier is required at the location of the sand arena.

There is no universally accepted scientifically validated noise threshold specifically for horses exposed to construction or road traffic noise. Guidance published by the British Horse Society (BHS) Advice on Construction sites on or near horse routes (BHS, 2026[4]) provides some guidance in relation to works on a road where (ibid, p.2): "Machinery or activity should not resume until horses are at least twenty metres past." If a horse appears distressed, all movement and noise should stop until the "*equestrian indicates that it is safe to do so or is out of sight or more than fifty metres away (ibid, p.2*)."

The construction activities from the Proposed Development are at least 45 m away from the sand arena and the majority of the construction works are greater than the ranges of 20 m and 50 m identified in the BHS guidance for the majority of the Proposed Development. This section of Proposed Development is in large cutting, i.e. recessed into the ground. The cutting will interrupt the direct line of sight and line of sound propagation between construction plant and the horses. While this will not mitigate the impacts of the works at the initial stages of forming the cutting, where the works will be at or close to ground level, as the cutting becomes deeper and the works progress, it is expected to provide increasing acoustic screening, reducing the level of airborne construction noise reaching the arena.

The cutting will also reduce the visibility of moving machinery and other construction activities. This will limit the combined visual and auditory stimuli that may trigger a reaction from the horses. On this basis, the likelihood of construction activities causing a significant adverse reaction or distress to horses using the sand arena is low and will be further reduced as the cutting develops.

[4] Available: https://www.bhs.org.uk/media/e0jd440c/construction-0626.pdf

Furthermore, during the construction phase the appropriate good-practice measures outlined in Section 14.8.1 (p.14-56) of Chapter 14 in Volume B of the EIAR will be implemented.

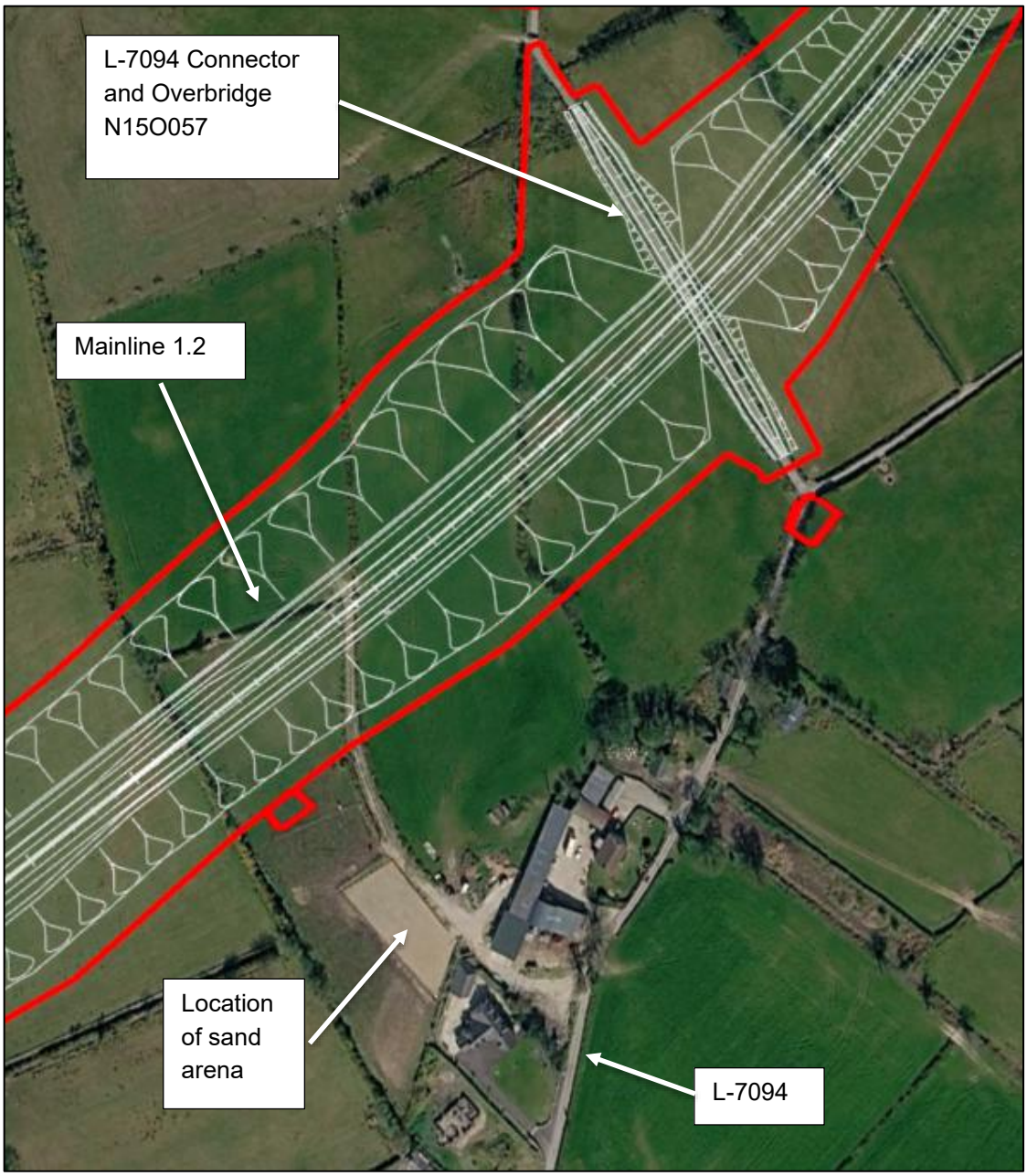


Figure 7.4 The location of the sand arena at Plot 1078 in relation to the Proposed Development

In relation to operational traffic noise, the BHS's guidance Advice on Noise on routes used with horses (BHS, 2025[5]) notes that the character and predictability of noise can influence how horses respond. It states: "Considering how similar a noise may be to a natural predator is a useful guide to whether a horse will be troubled by it."

The guidance also recognises that continuous, steady noise from motor traffic is generally less likely to be interpreted as a predator than sudden or irregular sounds, and that many horses become accustomed to

[5] Available: https://www.bhs.org.uk/media/qzybhlm0/noise-0625.pdf

commonly occurring mechanical noises. Nevertheless, individual responses will vary according to temperament, previous experience, confidence and the horse's immediate surroundings.

The section of the Proposed Development closest to the sand arena is in a large cutting, i.e. recessed into the ground. The road cutting will act as a physical noise barrier between the road traffic and the sand arena. As the traffic movements are below the surrounding ground level, the cutting will interrupt the direct line of sight and line of sound propagation between traffic and the horses. It will therefore provide acoustic screening from road traffic noise and reduce the visibility of moving vehicles.

Although the cutting will not eliminate traffic noise entirely, it is expected to reduce both the direct transmission of noise and the visual exposure of the horses. In combination with the predicted operational noise level of 52 dB L_{den} is predicted with the Construction of the Proposed Development (i.e. Do-Something Scenario) which is below the TII design goal of 60 dB L_{den}. The likelihood of operational traffic causing a significant adverse reaction or distress to horses using the sand arena is low. Therefore, no noise mitigation measures, i.e. no noise barrier is required at this location. Post-construction, the landscape mitigation design includes for a hedgeline to be planted along the boundary of the Proposed Development at this location, as shown on EIAR Drawing 18.16, sheet 2 of 4, in Volume D of the EIAR. As that hedgeline grows in, it will provide further visual screening of the Proposed Development.

Overall, having regard to the predicted noise levels, the location of the sand arena, the intervening cutting, the reduction in visual exposure, the proposed landscape planting and the implementation of appropriate construction-phase good-practice measures, no significant adverse noise or vibration effect on the sand arena or the horses using it is anticipated and the Proposed Development will not give rise to any health and safety concern in relation to the operation of the sand arena.

7.7.3 Design: Side Road

Ms Chambers' submission states that there could be a health and safety issue on the bridge on the L-7094 for the Chambers and the members of Donegal Harriers and their guests.

7.7.3.1 Response

No detail is provided in the submission as to the basis on which it is suggested that any health and safety issue might arise on the bridge on the L-7094.

Health and safety issues are addressed at each stage of design, construction and operation of the Proposed Development. The design has considered health and safety issues in terms of design to all relevant TII standards, including sightlines on the approaches to and from the bridge. The bridge is designed in accordance with all the relevant standards, including the Structural Eurocodes and TII standards. The design has been subjected to independent Road Safety Audits in accordance with the requirements of GE-STY-01024, as per section 4.5.10 Hazards of Chapter 4: Project Description of Volume B of the EIAR.

The existing L-7094 is a single lane local road that is narrow (see Figure 7.5) with limited room to manoeuvre with an on-coming vehicle. The proposed overbridge (N15O057) will be 6.0m wide, tapering down to tie-in with the existing road as shown on EIAR Drawing 4.07, sheet 5 of 11, Volume D of the EIAR.

A long-section of the proposed road is shown in Figure 7.6 illustrating the profile of the overbridge which will remove the existing dip in the road and provide a relatively small incline over its length. The overbridge will also have parapets along the edges for road users on the L-7904. On most overbridges, high containment vehicle parapets (a minimum of 1.25 m high) are specified in accordance with Section 10.2 of TII DN-REQ-03034 The Design of Road Restraint Systems (Vehicle and Pedestrian) for Roads and Bridges (TII, 2019), allowing for pedestrians on the bridge. Where the bridge is used for horses, i.e. a bridleway bridge, Section 10.2 of TII DN-REQ-03034 stipulates that the parapet height should be a minimum of 1.85 m. EIAR drawing 4.30 of Volume D of the EIAR provides a standard detail for all overbridges including N15O057. In this location a parapet height of 1.85m will be provided on the proposed N15O057 overbridge being the proposed bridge on L-7094.Therefore, it is clear from what is set out above that any potential health and safety issues

have been addressed and the overbridge has been designed in compliance with all relevant TII standards, which give specific consideration to bridges intended for equine use, and the proposed overbridge will not give rise to any health and safety concerns as suggested in this submission.



Figure 7.5 View north on the existing L-7094

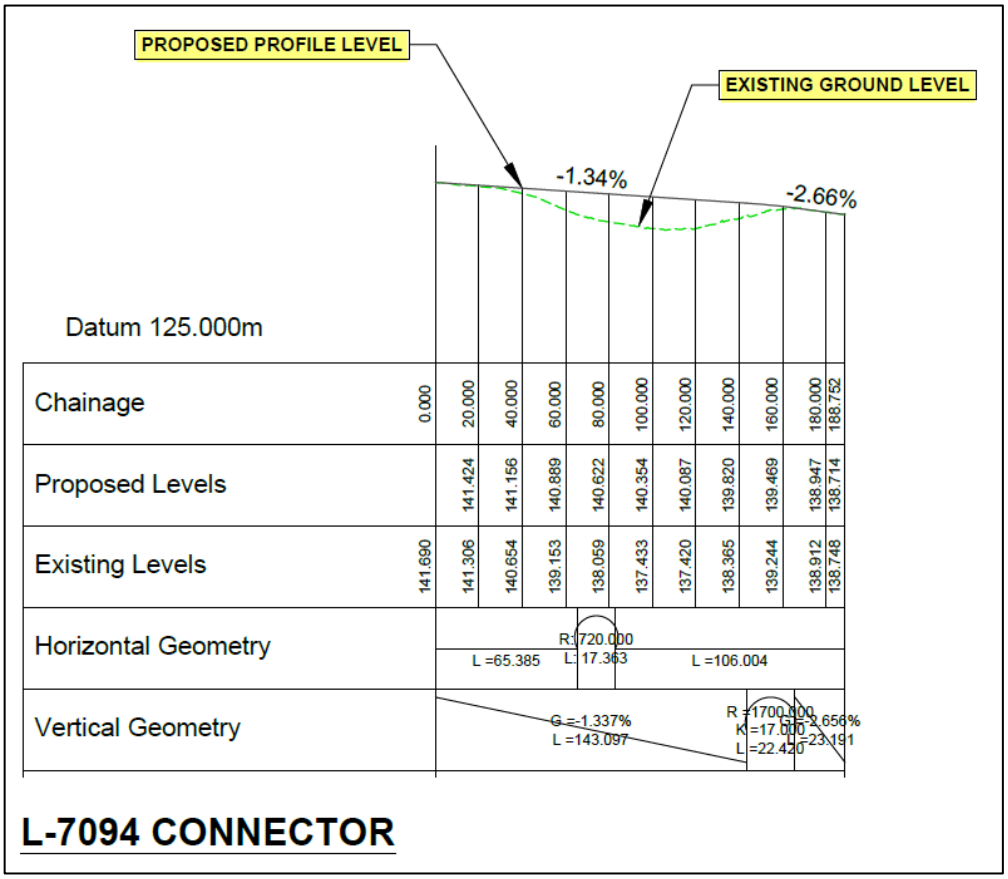


Figure 7.6 Long Section of L-7094 from EIAR Drawing 4.7, sheet 5 of 11, Volume D

7.8 Anthony Bonnar

Name	Anthony Bonnar, Bonnar Engineering, Letterkenny
Address / Plot No. / Eircode	F92VY2D Plot No. 2076 / 2077
Date of Submission (received by ACP)	06/07/2026
Section of TEN-T PRIPD	Section 2

7.8.1 CPO Area Marked 2077 A.101

Mr Bonnar questions the need to acquire CPO Plot 2077 A.101 on a permanent basis.

7.8.1.1 Response

Plot 2077 A.101, which is being permanently acquired, measuring 2.7402 hectares, includes provision for the mainline alignment connecting the proposed Dromore Junction to the proposed Bonagee Junction, the proposed LX-2005 road, the proposed LX-2010 road, the proposed LX-2011 road, the proposed roundabout (LX-2005/LX-2010/LX-2011), underbridge N56U016, active travel infrastructure, associated road earthworks, drainage infrastructure, maintenance access and landscaping. These are all essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR, Project Description. They are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards of the EIAR. The land requirements are also shown in EIAR Drawing 4.2, Sheet 03 of 05, and EIAR drawing 18.20, sheets 6 and 8 of 11, in Volume D of the EIAR. The methodology used to assess the land take has been set out in Chapter 15, Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of Volume B of the EIAR.

Further, in cases such as here where land severance has resulted in significant impacts, particularly where small plots of land remaining are inaccessible and/or too small for use, these lands have been included as permanent acquisitions in the CPO. Land rendered inaccessible include lands that cannot be reasonably accessed, as to do so would introduce substandard and/or unsafe traffic movements onto critical elements of a National Road and/or its connector roads.

Lands to the northern edge of Plot 2077 A.101

In particular, in relation to a small portion of land included in Plot 2077 A.101, the boundary of the River Swilly SAC is immediately north of the proposed LX-2010 and roundabout within Plot 2077 A.101 (see Figure 7.7). A raised earth bund forms a flood defence barrier between the R. Swilly and the remainder of Mr. Bonnars lands. As these lands will be severed by the Proposed Development and the remaining lands are too small for use, they are included in the CPO for landscaping which will form a further protection buffer to the R. Swilly SAC.

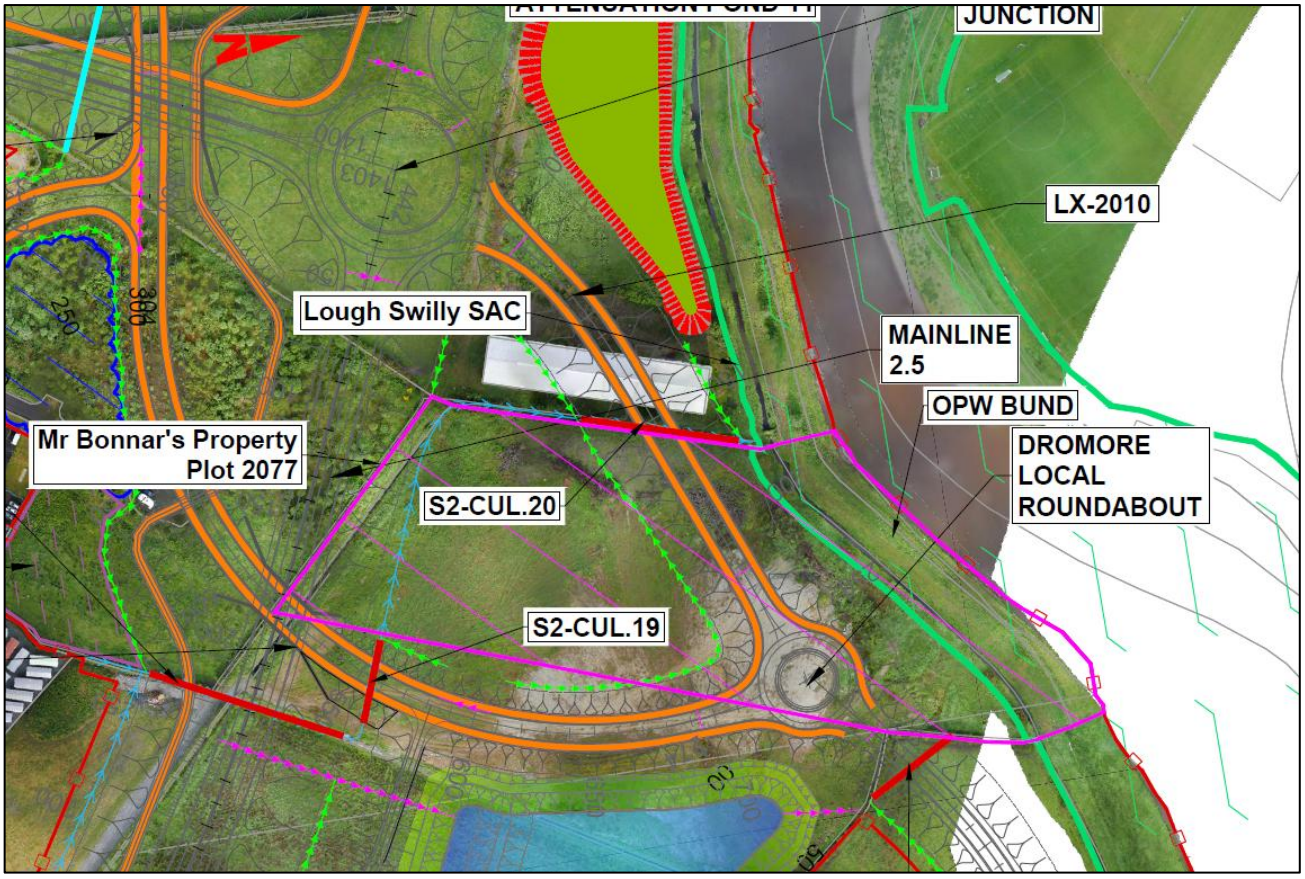


Figure 7.7: Plot 2077 in Relation to the Boundary of the River Swilly SAC

Lands in the centre of Plot 2077 A.101

Mr. Bonnar's property is located within flat, low-lying lands adjacent to the SAC. A discussed above, a raised earth bound parallel to the SAC provides flood protection to the surrounding lands.

The Proposed Development will require construction, operation and maintenance of three roads, two roundabouts, and associated works (as noted above). The proposed level of the roads (mainline, LX-2010 and LX-2011) and connecting roundabouts are substantially higher than Mr. Bonnars existing land, up to 6.4m above existing ground level. This also requires the formation of substantial earthwork embankments for all three roads and two roundabouts, eventually grading back to existing ground level. This has the effect of creating an enclosure within the central low laying land. These enclosed lands will also require interceptor drains at the bottom of each embankment and a 220m diversion of an existing watercourse.

Access to the remaining lands is constrained by the extensive raised embankments and to the enclosed lands as noted above, which cannot be overcome by filling in this enclosed space due to the open watercourse diversion proposed at this location.

Furthermore, providing an access to these remaining lands would not be in compliance with the TII Design Standards due to proximity of the adjacent junctions and access (LX-2011, Ch580) and insufficient sightlines due to the curvature of LX-2011, bridge parapet, and vehicle restraint systems, all of which would be contrary to road safety requirements. It would also not be in accordance with the objectives of the Proposed Development. Therefore, it is not possible to provide an access to these lands.

Further, these lands are required for maintenance access and landscaping (which will mitigate the impacts of the scheme at this location) as set out in Drawing EIAR drawing 18.20, sheet 6 of 11 and sheet 8 of 11, in Volume D of the EIAR.

7.8.2 CPO Area Marked 2076 C.101

Mr. Bonnar queries if Attenuation Pond (05) can be relocated to part of CPO Plot 2077 A.101, returning part of CPO Plot 2076 C.101 to Bonnar Engineering after completion of the works.

7.8.2.1 Response

Plot 2077 A.101 was assessed during the design development process as a possible location for attenuation pond 05, however this was discounted as it did not meet the storage volume requirements with respect to the adjacent proposed road and outfall; refer to EIAR, Volume B, Chapter 5, Section 5.7.2.2. Plot 2077 A.101is too small for an attenuation pond and any access to this plot has safety concerns. In addition, this plot is being used for the diversion of an existing (open) watercourse. The attenuation pond configuration, as located in Plot 2076 C.101 takes into account all of these and provides the necessary attenuation storage and treatment measures required at this location and in accordance with the Project Drainage Design requirements. As such, it is not possible or reasonable to relocate Attenuation Pond 05 in to Plot 2077 A.101.

During the design development to ensure the full and complete design and integration of all design elements with the existing built environment and in best compliance with Standards, some elements of the Proposed Development final design and land acquisition lie outside of the Preferred Option Corridor in the Options Selection Report but has been clearly identified in the EIAR and CPO and Mr. Bonnar was informed of this change before the publication of the EIAR and CPO.

The original preferred corridor for the Proposed Development was established primarily in respect to the mainline alignment as well as principal junctions and other major features. Some elements of the Proposed Development final design and land acquisition lie outside of the Preferred Route Corridor. This is unavoidable during any design development to ensure the full and complete design and integration of all design elements with the existing built environment and in best compliance with Standards.

7.8.3 CPO Area Marked 2076 C.105.

Mr. Bonnar request CPO Plot 2076 C.105 be returned on completion of the works.

7.8.3.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

Plot 2076 C.105 is required to facilitate the construction and operation of the proposed works for Mainline 2.5 which connects the proposed online Dromore Junction with the proposed Bonagee Junction. The extent of the land take includes for the provision of a turning head facility at the end of the L-11141 Connector Road, drainage infrastructure and maintenance strip to service the mainline national road carriageway and its associated infrastructure, including boundary fencing and landscaping as detailed in EIAR Drawings 4.2 (sheet 2 of 5) and 18.20 sheets 5, 6 and 8 of 11, and access to woodland screening for local sensitive receptors from the Proposed Development as per EIAR Drawing 18.17, sheet 2 of 3, in Volume D of the EIAR, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 Project Description of Volume B of the EIAR, all of which are essential components of the Proposed Development. These lands are therefore required permanently and so cannot be returned to Mr. Bonnar.

As part of the Proposed Development, an alternative access has been provided via access road AR2.31 to Mr. Bonnar's retained land (Plot reference 2076), as shown in General Arrangement EIAR Drawing 4.2, sheet 2 of 5, and Proposed Development with Landownership, sheet 2 of 5, of Volume D of the EIAR.

7.8.4 CPO Area Marked Dromore Local Roundabout.

Mr Bonnar suggests maintaining the existing access arrangements from the Dry Arch roundabout to the L-5454 local road, and this would remove the need for the new roundabout.

7.8.4.1 Response

As part of the Proposed Development, the existing road layout at Dry Arch is being modified through the provision of the Bonagee Link Road connecting the Dry Arch Roundabout and Bonagee Roundabout. This revised arrangement requires the Dry Arch Roundabout to operate as a four-legged roundabout in accordance with the design standards set out in Chapter 4, Section 4.4 of Volume B of the EIAR. The existing access arrangement from the L-5454 local road is a sub-standard geometric arrangement and does not comply with the standards set out in Chapter 4, Section 4.4 of Volume B of the EIAR. Alternative arrangements were assessed in Appendix C5.02 pages 39 to 43 of Volume C of the EIAR. The Proposed Development will significantly upgrade the existing Dry Arch roundabout by removing the current non-standard approach from the L-5454 local road. The existing access arrangements would not comply with the applicable standards set out in Chapter 4, Section 4.4 of Volume B of the EIAR and would be contrary to road safety requirements. Further it would not be in accordance with the objectives of the Proposed Development.

7.8.5 Environmental Assessments/ EIAR (General)

Mr Bonnar states that he didn't permit access to the land for surveys and questions how an impact assessment was done.

7.8.5.1 Response

The impact assessments presented in the EIAR and NIS have been prepared by competent experts as identified in the documents submitted with the Section 51 Application. The assessments are based on a wide range of data sources including aerial imagery and digital data-sources. Where access to specific plots of land was not permitted by the landowner, the experts used information from adjoining properties and visual inspections (e.g. with binoculars) from public roads and adjoining lands in order to have sufficient information on which to carry out their impact assessments.

In relation to Plots 2076 and 2077, the competent experts have sufficient information from aerial imagery, digital data sources, and visual inspections from adjoining properties or publicly available data to complete their impact assessments, as set out in each relevant chapter of the EIAR and no issue has been raised in this submission as to the adequacy of those assessments.

7.8.6 Zoning

Mr Bonnar asserts that DCC has changed the zoning of the land from general employment to green field/ open space in 2018 in order to compulsorily acquire the lands at a cheaper rate.

7.8.6.1 Response

The changes to the zoning of parts of the lands of Mr. Bonnar has not in any way been due to or influenced by the proposed TEN-T PRIPD. The correct situation and reasons for the limited changes in zoning that have occurred over the past 17 years are as follows:

Prior to 2018, in the Letterkenny and Environs Development Plan 2009-2015 (which was extended to 2018) Land Use Zoning Map the subject lands were zoned as depicted in Figure 7.8 below. Note: This was prior to the commencement of the TEN-T PRIPD and there was no strategic road corridor through the site.

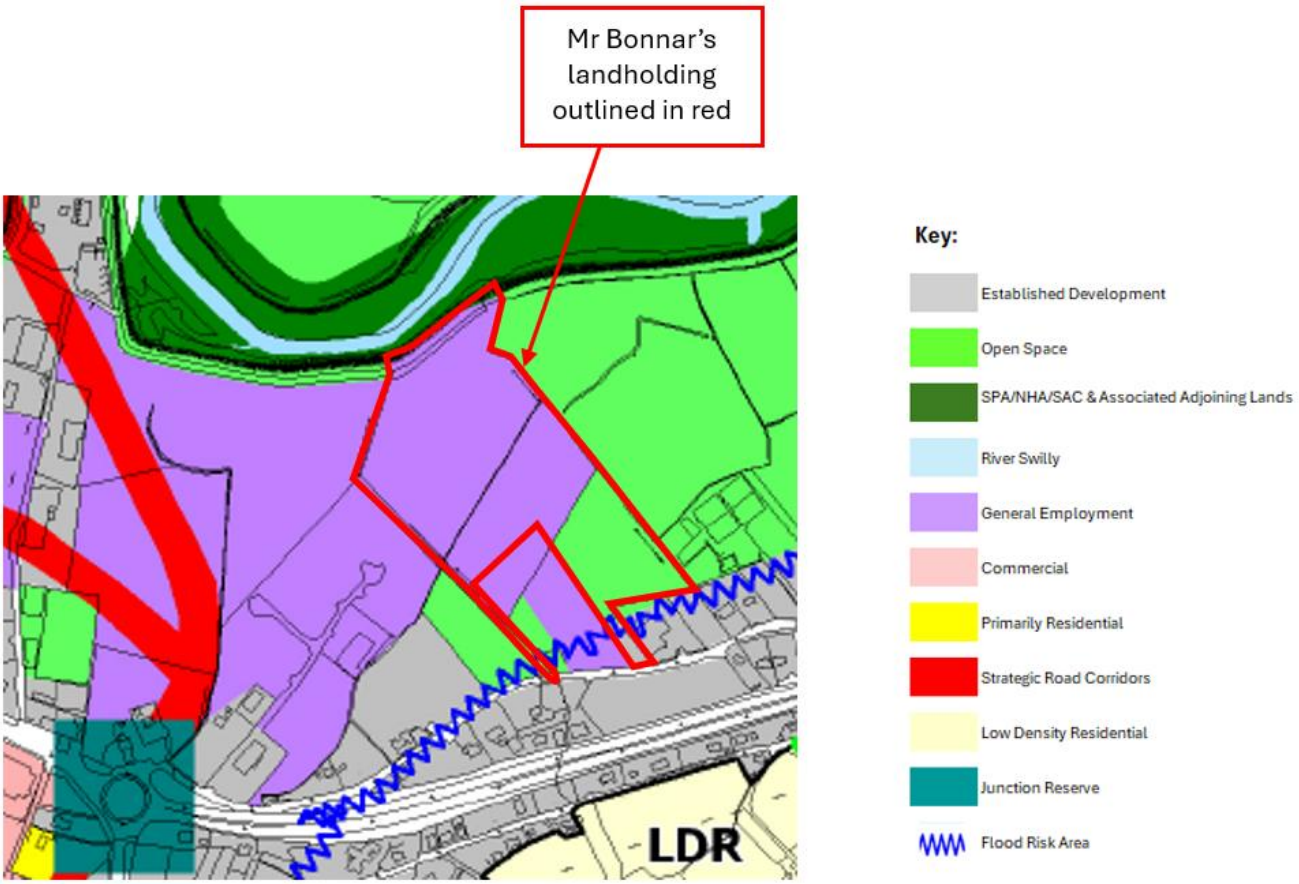


Figure 7.8 Extract from Letterkenny and Environs 2009-2015 (Extended to 2018) Land Use Zoning Map

In 2018, Map 12.1 B of Part C of the CDP 2018-2024 (as originally published and unvaried) provided the relevant policy and zoning framework for Letterkenny. The subject lands were zoned as depicted in Figure 7.9 below. This was prior to the identification of the current TEN-T PRIPD Route Corridor. As can be seen the amount of land zoned as Open Space did not increase either within Mr Bonnar's landholding or more generally over and above the previous plan.

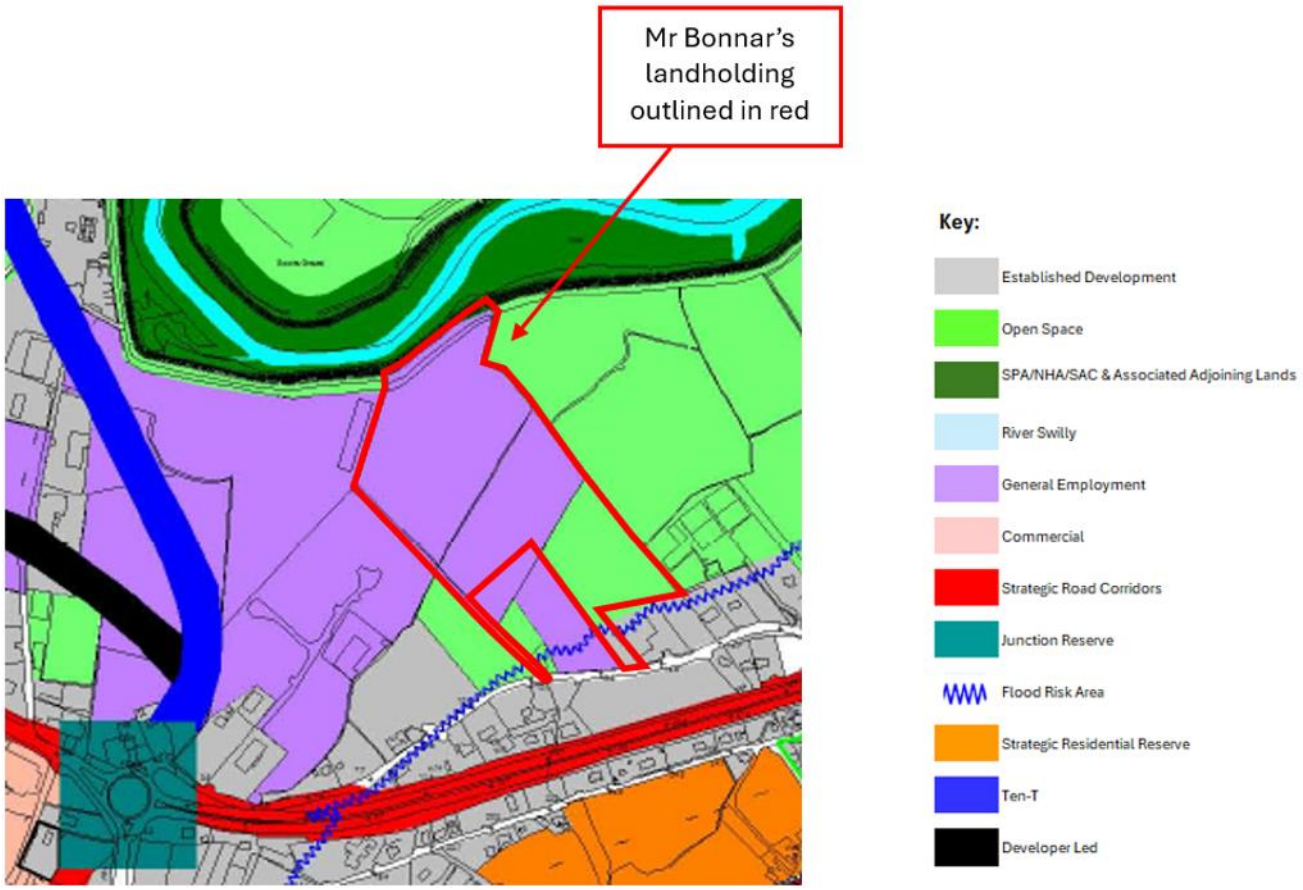


Figure 7.9 Extract from Map 12.1 B of Part C of the CDP 2018-2024 (as originally published and unvaried

In 2021 (as part of the Variation (No. 1) to the CDP 2018-2024) in respect of the TEN-T PRIPD the subject lands were zoned as depicted in Figure 7.10 below inclusive of the zonings of:

- Part of the subject lands as TEN-T PRIPD/Open Space.
- Part of the lands as TEN-T PRIPD/General Employment.
- Part of the lands as Open Space.
- Part of the lands General Employment.

However, the portion of the lands zoned for Open Space purposes (i.e. either TEN-T PRIPD/Open Space or Open Space) did not increase over and above the extent of the area originally zoned for Open Space in Map 12.1 B of Part C of the CDP 2018-2024 (as originally published and unvaried).

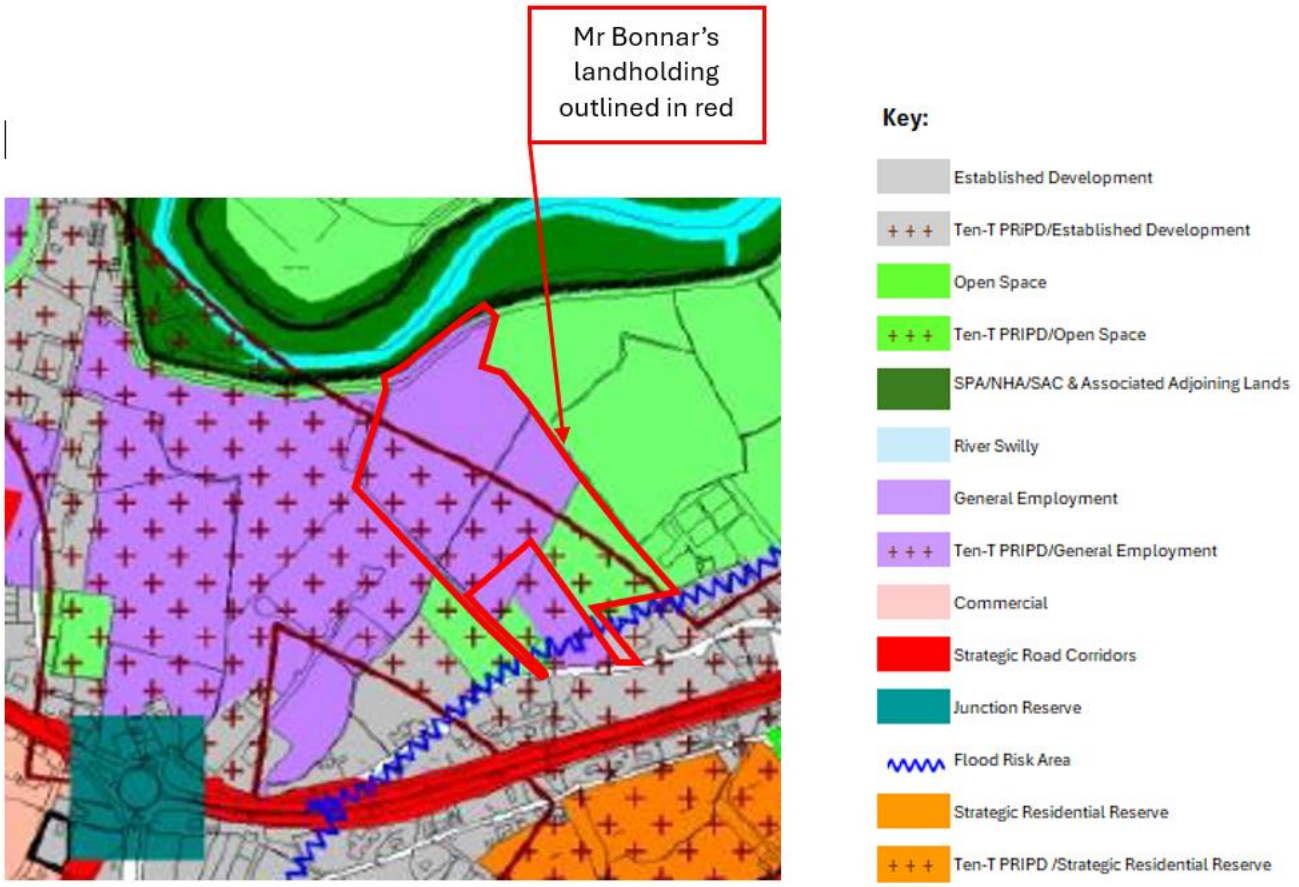


Figure 7.10 Extract from Map 12.1 B Letterkenny Land Use Zoning Map as amended by Variation (No. 1) in respect of the TEN-T PRIPD

In 2023 as part of the Letterkenny Plan and Local Transport Plan 2023-2029 the subject lands were zoned as depicted in Figure 7.11 below. As can be seen, the amount of lands zoned for Open Space Purposes (i.e. either TEN-T PRIPD/Open Space or Open Space) has increased to align with the extent of the Food Zones identified in the associated Strategic Flood Risk Assessment (SFRA) for the plan (see Figure 7.12 below). It can also be seen that the amount of lands zoned for Open Space purposes has increased both inside and outside the TEN-T PRIPD route corridor to reflect the flood zones identified in the SFRA.

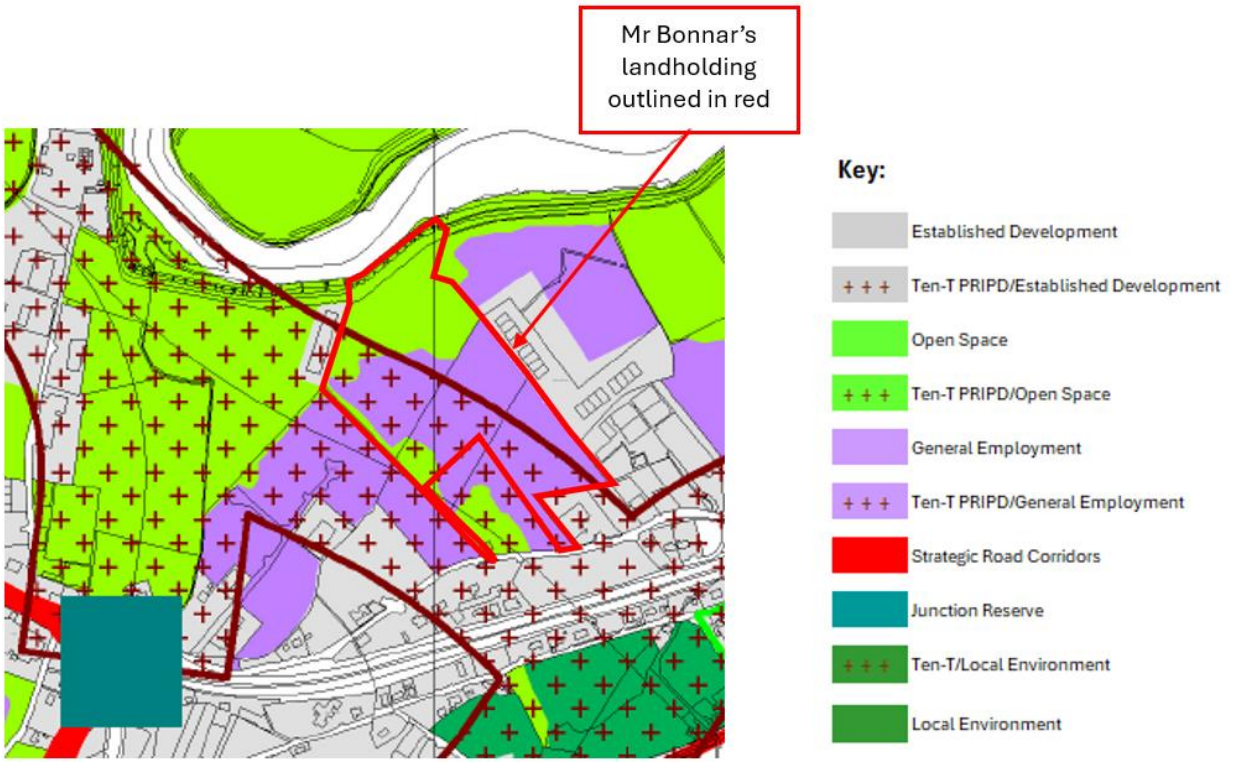


Figure 7.11 Letterkenny Plan and Local Transport Plan 2023-2029 Land Use Zoning Map

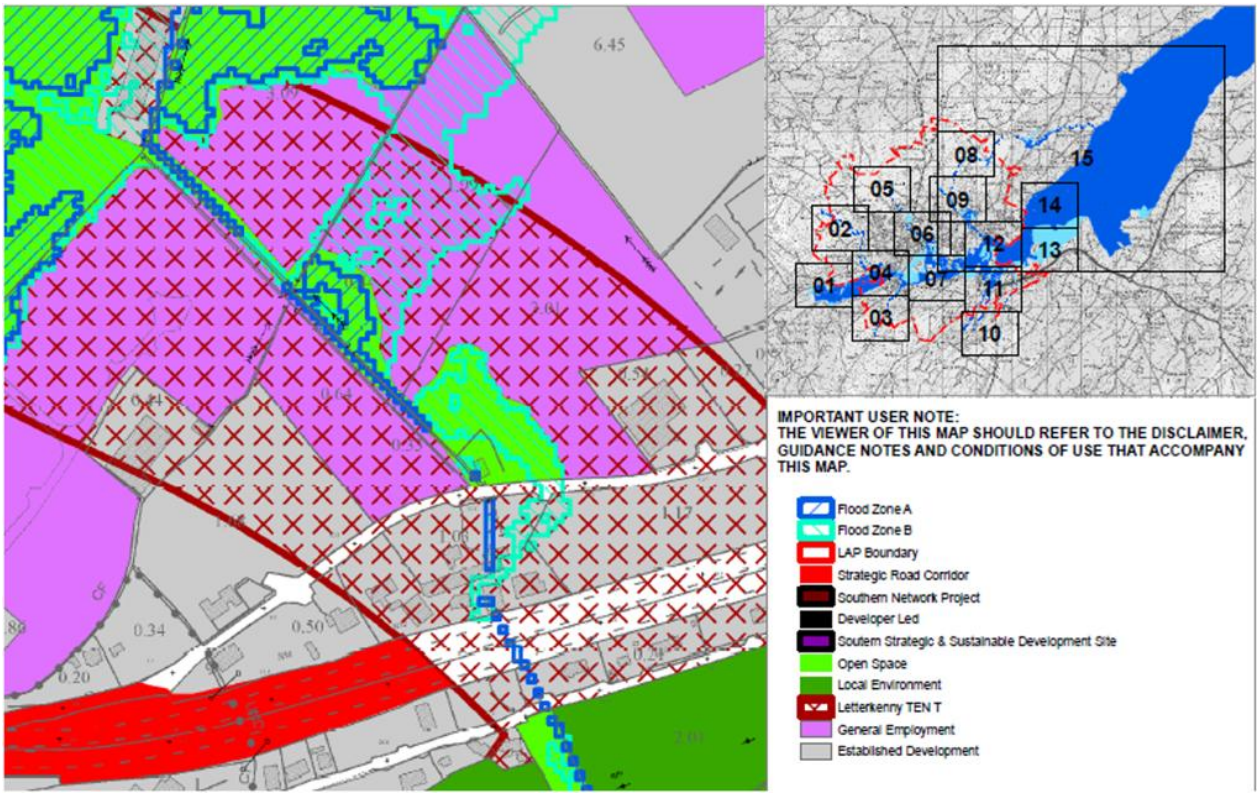


Figure 7.12 Letterkenny Plan and Local Transport Plan 2023-2029 Strategic Flood Risk Assessment Map

In conclusion, the amount of lands zoned for Open Space purposes did not increase in 2018. The purpose of the Variation (No. 1) to the CDP 2018-2024 was to provide for the TEN-T PRIPD. The amount of lands zoned for Open Space related purposes on Mr Bonnar's landholding did not increase as a result of said TEN-T PRIPD Variation. Rather the amount of lands zoned for Open Space purposes increased as a result of the Strategic Flood Risk Assessment which informed the Letterkenny Plan and Local Transport Plan 2023-2029 and which was prepared for that purpose and which accompanies same as can be seen from the Council's website at https://www.donegalcoco.ie/media/1sehzb41/sfra-incorporating-mas-august-2023.pdf.

7.8.7 Design

Mr Bonnar considers the proposed new road should be moved further out towards the Manorcunningham (Pluck) roundabout.

7.8.7.1 Response

The proposed mainline alignment forms part of the Preferred Route Corridor selected during the option selection process. Details of the route corridor assessment, including the consideration of alternative route options and the rationale for the selection of the Preferred Route, are provided in the Phase 2 Options Report. As outlined in Chapter 5 of the EIAR, Assessment of Reasonable Alternatives a range of alternatives were considered during the scheme development process. Figure 5.12 (in Chapter 5) of the EIAR details the preliminary options assessed which includes 39 different options developed following a detailed constraints study.

The suggestion to relocate Section 2 of the Proposed Development further towards the Manorcunningham (Pluck) Roundabout was considered within the wider alternatives assessment process and was not identified as the preferred solution. Option 2F1 of the Options Report aligns with Mr. Bonnar's suggestion, which considered a route located further south of Letterkenny. However, this option scored less than alternative options for various reasons and in particular due to the greater impact on biodiversity, landscape and visual, soils, geology and hydrogeology and material assets (agricultural and non-agricultural), as it has the greatest length of new road corridor in areas currently unaffected by such features. This process is detailed in Section 5.6.2 of Chapter 5: Assessment of Reasonable Alternatives of Volume B of the EIAR. Accordingly, it is considered that the proposed road alignment represents the most appropriate solution having regard to the objectives of the scheme and the findings of the alternatives assessment presented in the EIAR.

Please also see the TEN-T PRIPD Phase 2 Option Selection Report, more specifically Volume A, Sections 11, 12 and 13, and the supporting information in Volumes B through H, for further information on route corridor selection. This entire report was also submitted with the Section 51 Application to the Commission. The Phase 2 Option Selection Report was made publicly available in January 2020.

7.9 Ardosent Ltd.

Name	Ardosent Ltd. t/a Thomas Keys & Sons Letterkenny
Address / Plot No.	Plot No. 2091 F.104 and 2091 C.103
Date of Submission (received by ACP)	06/07/2026
Section of TEN-T PRIPD	Section 2

7.9.1 Access: Site

The Ardosent submission states that the proposed CPO takes a large portion of land at the front of the site which is used to display stock vehicles for sale as part the family business, and that taking this part of the site would severely affect the business.

The filling station and HGV pump sales require maintaining left and right turns into and out of the site at both the front and rear entrances. The submission stresses that this is absolutely necessary in relation to save movements for deliveries. Ardosent believes the design of the proposed junction could be better positioned to lessen the impact on the business and recommends using land opposite on the derelict "old Donegal Creameries" site.

7.9.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development save that on further review an area as discussed below can be moved from permanent acquisition to temporary acquisition.

The Proposed Development will address the deficiencies of the existing road for both motorists and non-motorised users and will represent a substantial improvement in the infrastructure at this particular location as the design includes a major upgrade of the N56/R245 junction and approach lanes.

The proposed Ballyraine Junction has been positioned in accordance with the relevant design standards and requirements outlined in Section 4.4 of Chapter 4, Volume B of the EIAR. During the design development process, a number of alternative layout options were considered and assessed before the preferred arrangement was selected. EIAR Volume B, Chapter 5: Assessment of Reasonable Alternatives, Section 5.7 and Table 5.35 refer. Further detail of the Ballyraine Junction alternatives assessed is included in EIAR Volume C Appendix C5.02. The proposed junction location is slightly offset from the position of the existing junction location by approximately 36.7m to improve overall junction operation, traffic efficiency, and road safety. Its positioning facilitates tie-ins for the existing N56 and R245 approaches, the Proposed Development (from the new River Swilly crossing) as shown on EIAR Volume D, EIAR Drawing 4.2 (page 3 of 5) of the EIAR, while satisfying the necessary design standards detailed in Section 4.4 of Chapter 4, Volume B of the EIAR.

The proposed design has been developed having regard to the existing layout and operational requirements of the filling station and associated HGV fuelling facilities. The proposed access arrangements maintain connectivity from the N56 and R245 and are shown on EIAR Volume D, EIAR Drawing 4.2 (sheet 3 of 5) and EIAR Drawing 16.02 (sheet 3 of 5). The Proposed Development has refined the existing access arrangement to better control vehicle movements and improve safety at the premises given the proximity to the Ballyraine Junction and the high traffic volumes along the N56 and R245. Two R245 accesses will be provided including one left-in entry only access and one left in / left out access. The access provided on the N56 will also be a left-in left-out access. No right turns will be permitted into the premises from the N56 and R245 however the roundabout junction will facilitate vehicles that wish to access to the premises. Refer to EIAR, Volume B, Chapter 7, Section 7.4.3.3 (page7-80).

Due to the proximity of the filling station accesses to the proposed roundabout, unrestricted right-turn movements into and out of the site cannot be accommodated without adversely affecting the safe and efficient operation of the junction. Accordingly, the accesses have been designed as left-in/left-out arrangements. This approach has been developed in accordance with applicable geometric design standards, visibility requirements, traffic circulation principles, and road safety considerations. The arrangement reduces vehicle conflict points, improves traffic flow through the junction, and provides a safe access strategy for all road users to this business.

The Ardosent submission suggests relocating the roundabout onto lands opposite the site within the former Donegal Creameries property. Options to relocate the roundabout were constrained by the urban area and because three of the roundabout arms are existing. However, Option B (in EIAR Volume C, Appendix C5.02, on page 44) did include shifting the roundabout closer to the former Donegal Creameries property. This option was eliminated in part because the impacts on Plot 2091 were more severe to the business but also for other

geometric standards non-compliances that did not align with the design standards specified in Section 4.4 of Chapter 4, Volume B of the EIAR.

The current arrangement was identified as the most appropriate following evaluation of engineering, geometric, traffic, land-take, environmental, and road safety constraints, together with the operational requirements of all junction arms and surrounding accesses. The current arrangement represents the best overall fit, balancing safety, traffic efficiency, geometric design standards, and access requirements for all users.

7.9.2 CPO

In relation to the CPO, Ardosent complain about plot ref 2091 F.104 being referenced as "part of public road" and state that the land belongs to them and is kerbed/ maintained and is used for displaying vehicle stock. In relation to plot Ref: 2091 C.103 they cannot see the need for this plot and suggests it will take away the only access they have onto the N56 and block access to the workshop and that there were alternatives locally if working storage areas or yard facilities are needed.

7.9.2.1 Response

The lands identified as Plot Ref. 2091 F.104 are unregistered. These lands have been included in the CPO to facilitate the provision of sightlines on approaches to the junction, active travel infrastructure, landscaping, and future maintenance requirements associated with the Proposed Development. However, following further review of the land acquisition, DCC has determined that a portion of Plot 2091 F.104 is required to facilitate the construction works only, and so this portion can be moved from permanent land acquisition to temporary land acquisition as explained in more detail below.

Plot 2091 F.104 (shown in Figure 7.13 below) is listed as a permanent acquisition in the CPO Deposit Map and Schedule. Plot 2091 F.104 (permanent acquisition) has an area of 0.0702 Ha as set out in the CPO.



Figure 7.13 Plot 2091 as per the Deposit Maps Submitted in May 2026

As mentioned above, it has been determined that a portion of Plot 2091 F.104, measuring 0.0474Ha, can be acquired on a temporary basis to facilitate construction of the works. The remaining portion of Plot 2091

F.104, measuring 0.0228Ha, will remain permanent acquisition as it is required for the construction of the Proposed Development and the safe operation of the Proposed Development post-construction.

Therefore, a request for a modification to the CPO in this regard is set out in Section 3.6.1 of this Section 51 Response Document and in Section 3.1 of the CPO Response Document. The requested modification is to split Plot 2091 F.104 into two plots as follows:

1. Plot 2091 F.104 (permanent acquisition) with an area of 0.0228 Ha, and
2. Plot 2091 F.105 (temporary acquisition) with area of 0.0474 Ha.

The modification from permanent acquisition to temporary acquisition has resulted in a minor impact to the assessment contained in Chapter 7 Population and Chapter 16 Material Assets: Non-Agriculture and so these updated assessments are reviewed as set out further below under those two headings.

This is illustrated in Figure 7.14.

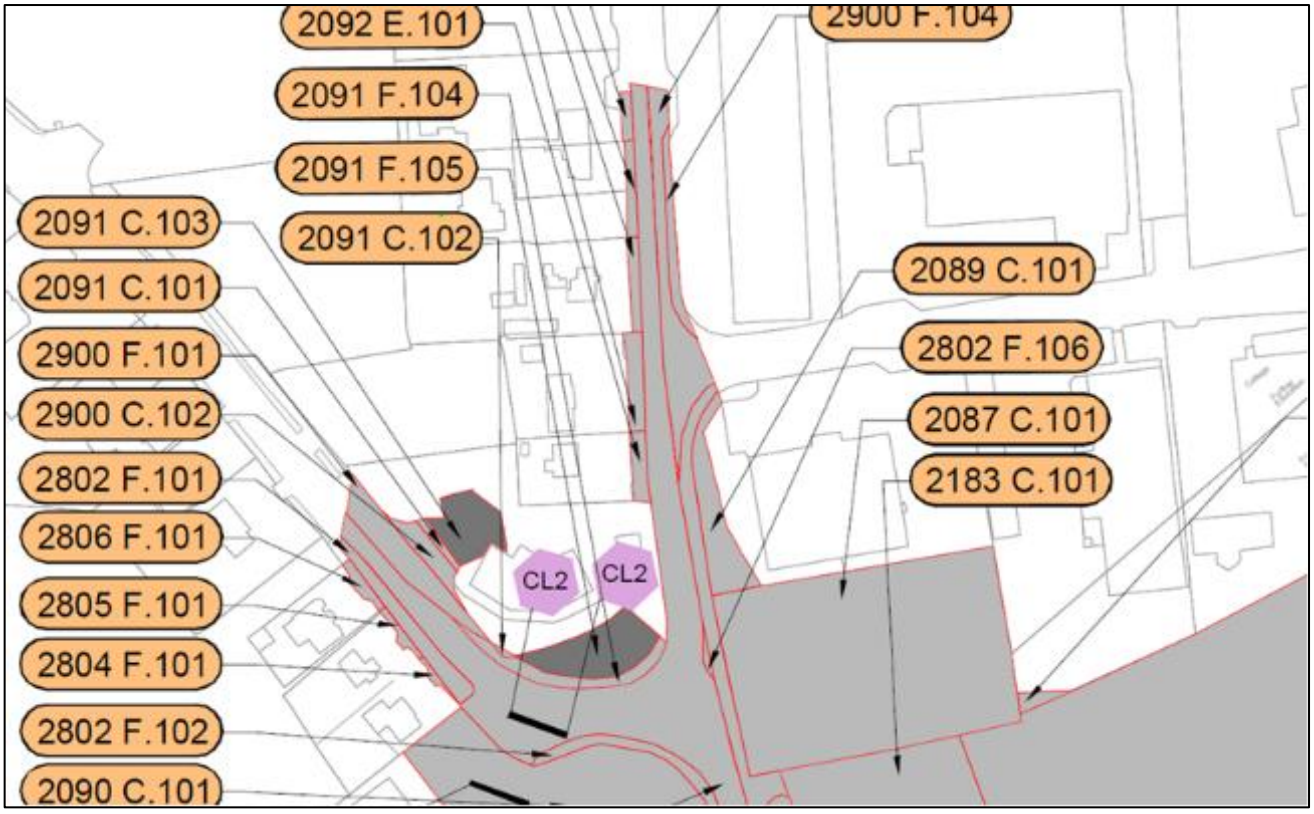


Figure 7.14 Proposed Sub-Division of Plot 2091 F.104 into 2091 F.104 (permanent) and 2091 F.105 (temporary)

In relation to Plot Ref. 2091 C.103 this is included as temporary CPO to facilitate the tie-in works associated with the new re-configured access. The temporary acquisition of the plot is necessary in order to construct the adjacent permanent works for the new access at the N56. Plot Ref. 2091 C.103 shall not be used during the construction for working storage areas or yard facilities. Refer to EIAR Volume B, Chapter 4, Section 4.11.2 regarding lands temporarily acquired and Section 4.11.2.3 reinstatement.

Access to the property, including access to the workshop, filling station, and associated HGV facilities, will be maintained during construction, subject to appropriate traffic management measures. EIAR Volume B, Chapter 4, Sections 4.11.7.2 (last para.) confirms works near access points to the business will be notified in advance so they can be scheduled to minimise disruption.

The modification from permanent acquisition to temporary acquisition has resulted in a minor change to the assessment contained in Chapter 7 Population and Chapter 16 Material Assets: Non-Agriculture and so these updated assessments are reviewed as set out further below under those two headings.

Chapter 7 Population

The property concerned is included in EIAR, Volume B, Chapter 7 on page 7-65 under Section 7.4.2.1.4 Effects on Existing Employment (Access and Disruption) and states as follows:

"*Works along the N56 and R245 in the vicinity of the filling station to facilitate road widening, active travel and utility and pavement works will be required, which may involve night-time work for a very small number of nights at the filling station access to ensure continuous access to the business during daytime hours. Generally, there will be disruption in the area due to new road, junction and other tie in construction to the east, south and southeast of the premises which may deter some existing trade during peak periods of works but generate replacement trade arising from the presence of construction workers and suppliers. Alterations to the operating conditions to this business and impacts to employment are addressed under Section 7.4.3.3.2.3; it is not considered that any additional impacts to trade and employment as discussed therein would arise as a result of construction works.*"

It is accepted that the temporary acquired lands (ref. Plot 2091 F.105) include an area where cars are displayed for sale (5-6 no. approx.), and that this area will not be available for these purposes during the construction works at this location. In a worst-case scenario, the construction works at the Ballyraine Junction will take 6 months, however the temporary acquired lands may only be required for 3 months. The business is well-established at this location, is advertised online as a car sales outlet and has other areas within the site where cars for sale may be stored/displayed. While this will require a temporary change in operating practices, and presents an inconvenience, it is not considered likely that to result in any job losses or impact the future viability of the business.

Ardosent is also described on page 7-80 in Section 7.4.3.3.2.3 Employment (Direct and Indirect Impacts on Existing Businesses) in Chapter 7 of the EIAR. No changes are required to this text. There are no changes to the assessment set out in this section of the EIAR.

Chapter 16 Material Assets: Non-Agriculture

By changing part of Plot 2091 F104 from permanent to temporary acquisition, more land will be returned to the landowner for its current use following construction works of the Proposed Development. In particular this applies to an area where 5-6 cars are displayed for sale. As mentioned above it is expected that this area will be required for construction purposes at this location in a worst-case scenario for 6 months, but potentially only 3 months while construction is ongoing at this location. As mentioned in the context of the Population assessment above, the business is well-established at this location, is advertised online as a car sales outlet and has other areas within the site where cars for sale may be stored/displayed. It is acknowledged however that this does require a temporary change in operating practices in addition to the requirement to adjust to future access changes.

The assessment of Plot 2091 for land take stated on page 24 of Table 0-2 contained within Appendix 16:01 of Chapter 16 in Volume C of the EIAR needs to be updated based on the revised CPO schedule for permanent and temporary CPO land take, as follows (old figures crossed out below):

Parcel ID	Permanent Land Take Area (ha)	Permanent Land Take (%)	Temporary Land Take Area (ha)	Temporary Land Take (%)
2091	~~0.08~~ 0.03	~~26.67~~ 10.00	~~0.03~~ 0.08	~~11.05~~ 26.67

The assessment is based on the methodology set out in the TII Standard (2025) as is explained in Section 16.2.1 Methodology – Non-Agricultural Properties of Chapter 16 in Volume B of the EIAR. This methodology

cross references with Table 7-2 of Chapter 7: Population in Volume B of the EIAR. A medium magnitude of impact was assigned given the proportion of the land take from the overall plot and acknowledging the permanent change to and temporary disruption to commercial operations at this site. A medium magnitude of impact can consist of (with respect to development land and businesses) the "Partial loss of/damage to key characteristics, features or elements, e.g. partial removal or substantial amendment to access or area of land, compromising viability of the asset". This level of magnitude is still considered appropriate notwithstanding the submission and the changes above. There is no evidence as to why the business would need to cease trading.

Overall, there is no change to the Significance of Residual Effect for Plot 2091 as stated on page 24 of Table 0-2 contained within Appendix 16:01 of Chapter 16 in Volume C of the EIAR, and this remains Moderate-Significant.

7.9.3 Active Travel

Ardosent state that they are keen to see progress with this proposed project having facilitated the recent "active travel works" at this junction, but the position and design of the new roundabout and the resulting CPO in its current form will have major adverse consequences for the future viability of the business, their livelihood and that of their future generations and staff.

7.9.3.1 Response

As outlined in Chapter 4, Section 4.4 of Volume B of the EIAR, alternative design options were assessed before the preferred layout was selected for this location. The final design reflects a balanced consideration of engineering, traffic, safety, geometric, environmental, and property constraints, together with the operational requirements of the business at this location and adjacent land uses and accesses.

The proposed roundabout has been positioned to provide a safe and efficient junction arrangement while accommodating all approach roads and surrounding accesses. The proximity of the existing accesses to the Ballyraine Junction and the design of the existing accesses and turning movements they allow have been restricted in order to reduce vehicle conflict points, ensure compliance with geometric design standards and to improve road safety. These measures are necessary and proportional to provide the safest overall outcome for all road users and the business premises.

While it is acknowledged that the proposed works will modify the existing access arrangements, the design has sought to maintain reasonable access to the filling station for cars, light goods vehicles and the associated HGV facilities. The assessment undertaken indicates that the business will continue to be accessible and operational following implementation of the scheme.

The CPO requirements have been limited to the minimum extent necessary to deliver the project objectives; the proposal to reduce permanent land take to c.10% from the c.27% originally submitted, if agreed, will minimise impacts on the operations of the business with an area used for car sales display now proposed to be subject to temporary land take only.

Given the foregoing, it is not considered that there is potential for the future viability of the business to be impacted. The impact on the business from the Proposed Development has been assessed on page 7-65 in Section 7.4.2.1.4 Effects on Existing Employment (Access and Disruption) and on page 7-80 in Section 7.4.3.3.2.3 Employment (Direct and Indirect Impacts on Existing Businesses) in Chapter 7 of the EIAR (or as modified as described in the previous response); and with respect to land take from Plot 2091 on page 24 of Table 0-2 of Appendix 16:01 of Chapter 16 in Volume C of the EIAR, which may be modified as described in the previous response should there be any agreed change in a portion of the land from permanent to temporary acquisition. It is not considered appropriate to assign a major / profound adverse effect in this instance, with the severity rating of moderate-significant considered to remain appropriate as described in the previous response.

7.10 Bernard & Mary Long & Pal Haulage Ltd,

Name	Bernard & Mary Long & Pal Haulage Ltd, t/a Bernard Long & Son Transport Ltd.
Agent	Carr Consulting Engineers
Address / Plot No.	Plot No. 1008
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.10.1 Landscape and Visual Impact: Residential Property

The submission states that the proposed road is higher than the existing road (about 0.5 m). The road will be landscaped with trees on each side. This has a significant visual impact on their site and view.

7.10.1.1 Response

The change on the views from the residential property are acknowledged. The domestic residence within Plot 1008 is identified as Property 161 in the EIAR Drawing 18.13 Residential Visual Impact Assessment (sheet 1 of 4) of Volume D of the EIAR. The visual impact on the property is considered **very significant** to **profound** pre-establishment. Post-establishment (including landscape mitigation), the impact will be **very significant,** which sits within the overall rating of **very significant to profound** as per the legend on EIAR Drawing 18.13 Residential Visual Impact Assessment (sheet 1 of 4) of Volume D of the EIAR.

Property 161 is a residential receptor of high sensitivity. However, it is already situated fronting onto the existing N15 located some 13 m from the road edge. The residential property is also closely associated with an active haulage business and includes a substantial industrial-style shed located immediately to the north-west of the dwelling, together with numerous lorry trailers and extensive areas of hardstanding surrounding the property. As a result, the property's existing setting is already influenced by commercial activity, commercial accesses, manoeuvres and noise and existing adjacent built structures including the existing national road.

Current views from the property are varied:

- Views to the north and north-west are largely screened by the existing shed.
- Partial views are available to the north-east and west.
- Views to the south and east are towards the existing N15 corridor, with new and semimature tress in opposing verge and to a wider rural landscape beyond consisting of low hills and hedgerows.

The Proposed Development will introduce an alteration to the setting of Property 161, with the proposed new access road alignment located to the south and west and the new road alignment and roundabout situated to the north and east. There will be limited visual change in views towards the north and north-west due to the existing screening provided by the large shed. Furthermore, the principal view from the front, southern, elevation of the dwelling is currently the existing N15 at approximately 15 m to road edge with new and semimature trees in opposite verge and beyond those views of farmland, hedgerows and low hills. Post development, the view will continue to comprise a transport corridor, albeit the new mainline will be over 40 m from the dwelling. Proposed landscaping will replicate the existing vistas of trees and hedgerows.

At the operational stage, mitigation measures include woodland planting on embankments and slopes along the western and eastern edges of the new road corridor, chainages Ch0+100 to Ch 0+500 (Mainline alignment), (refer to EIAR Drawing 18.16, Landscape Mitigation – Section 1, sheet 1 of 4 of Volume D of the EIAR). Additional mitigation is proposed along the adjacent access road which borders Plot 1008. It includes

new hedgerow planting to strengthen boundary vegetation, improve connectivity with existing hedgerows and provide further screening in conjunction with woodland planting on associated embankments and slopes.

As these mitigation measures establish and mature, the visual influence of the Proposed Development on Property 161 is expected to reduce. The magnitude of effect would reduce from very high during construction to high during operation following establishment of mitigation planting.

As demonstrated by the above, the landscape and visual impact at the residential receptor 161 within Plot 1008 has been assessed as documented in EIAR Drawing 18.13 Residential Visual Impact Assessment (sheet 1 of 4) of Volume D of the EIAR.

7.10.2 Access

The submission states that the proposed business entrance location as shown is not workable and that the residential access is an additional 1.2 km. They suggest that alternates are available including direct access to the roundabout

7.10.2.1 Response

Overall access arrangement has been developed to improve safety on a high-speed section of the national road by removing individual private and commercial direct accesses and providing high quality and safe junctions between local traffic and strategic traffic. The design also allows access and connectivity on a local level and into town and to facilities and amenities avoiding crossover with highspeed interurban and bypass traffic.

The proposed access arrangement for this landowner's haulage operations is fully workable and fit for purpose. It has been developed with a widened junction layout to accommodate the large vehicle movements and specifically a 16.5 m articulated vehicle. Vehicle swept path assessments undertaken as part of the design process demonstrate that the proposed access arrangement can facilitate the safe entry and exit of the design vehicle to and from the business premises, refer to Figure 7.15. The proposed access arrangement for the Long's business is considered suitable for its intended purpose and provides an appropriate and standards-compliant means of access to the property, while complying with the applicable geometric design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

The Proposed Development changes the access to the existing house and business as follows. The existing direct residential and commercial accesses onto the N15 National Road and serving the properties within Plot 1008 are being removed. This is in the interests of road safety and to ensure compliance with the applicable design standards set out in Chapter 4, Section 4.16, Design Standards, of the EIAR and compliance with Article 30 of Regulation (EU) 2024/1679 for the TEN-T Comprehensive Network and national policy on access onto the National Road Network in 100 kph zones.

Access to the Long's properties will instead be provided via the proposed roundabout, L-2794 and L-6564 Connector and access road AR1.03 as shown on EIAR Drawing 4.1 (sheet 1 of 8). This results in an additional travel distance of 800m to 1.5km. However, this new access arrangements including sections of new local road network and junctions will provide a safe, appropriate and standards-compliant means of access to both properties for all vehicle types to all destinations. The Proposed Development improves connectivity to the wider road network while also supporting the safe and efficient operation of the TEN-T Comprehensive / national primary road network itself

A direct access, as suggested, from the proposed national primary road roundabout to Mr and Mrs Long's residence is not feasible or appropriate having regard to the design standards, road safety requirements and policies as set out here and in Chapter 4, Section 4.16 of the EIAR.

Similarly, a direct access from the National Primary Road to Long's business is not feasible or appropriate having regard to design standard DN-GEO-03060 (listed in Section 4.16 of the EIAR) part 5.5 which relates to Direct Accesses onto National Primary Roads and confirms: '*Direct vehicular accesses shall not be provided*

onto a National Primary Road'. The Standard further states that *'the provision of direct accesses onto such roads can result in an unacceptable risk of high-speed collisions*'.

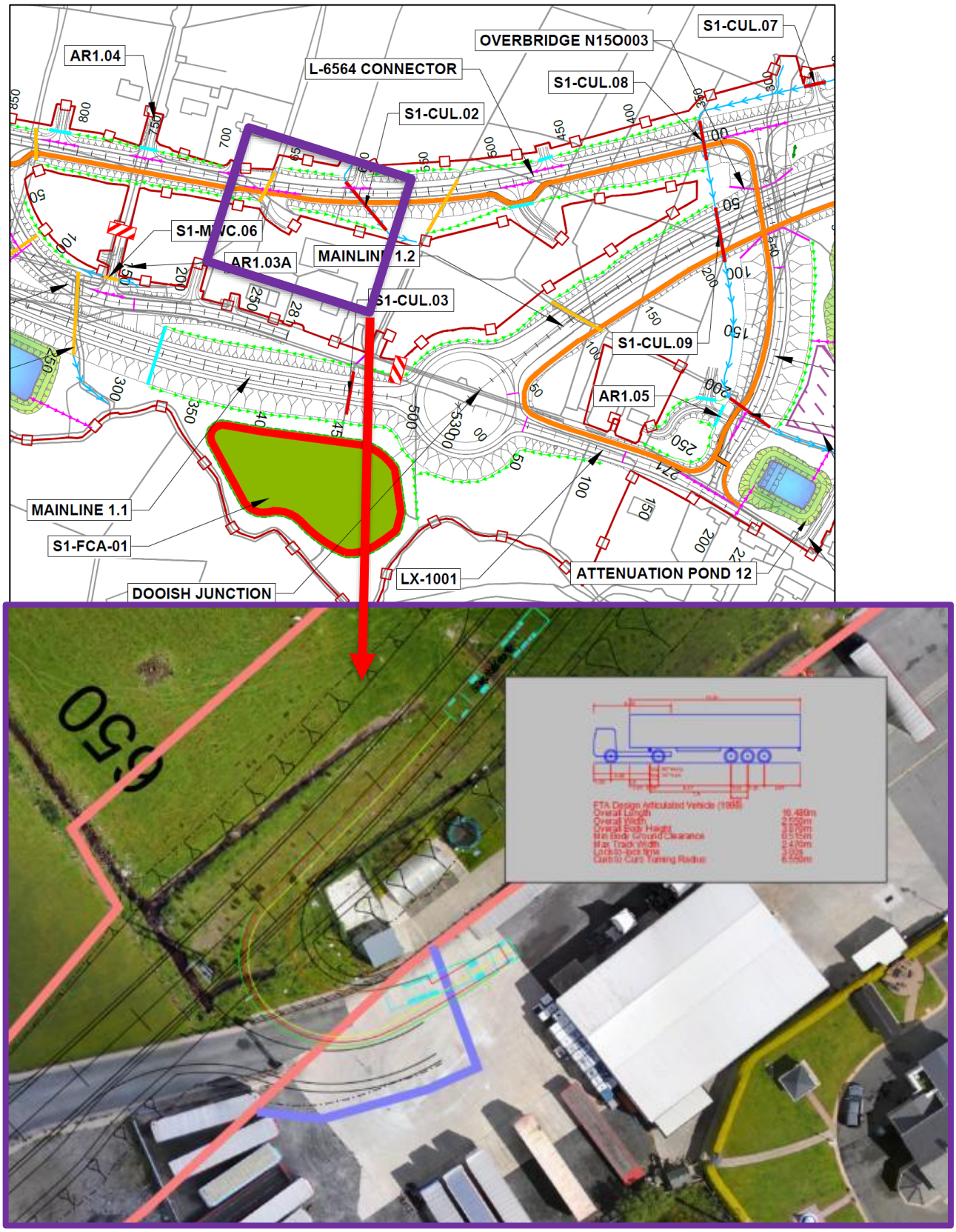


Figure 7.15 Plot 1008 Swept Path Analysis

As outlined in Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout, a range of alternatives were considered during the scheme development process. The proposed road layout was selected following an assessment of engineering, traffic, safety, environmental and land-use considerations and is considered to represent the most appropriate solution having regard to all the objectives of the scheme and compliance with the applicable design standards.

The proposed local road network has been designed to cater for 16.5 m articulated vehicles and to provide safe and appropriate access to existing properties while maintaining the operational efficiency and safety performance of the wider road network. The provision of direct private access from the roundabout would not comply with the applicable junction design standards and would adversely affect the operation and safe function of the roundabout. Accordingly, this option was not progressed, and the proposed access arrangement via the local road network was identified as the preferred solution having regard to road safety, accessibility, operational efficiency and compliance with the relevant design standards.

7.10.3 Access

The Longs state that the L-6564 proposed local route splits the Long's lands which greatly restricts access to the other side, as well as to other lands north of the L-6564 local connector road.

In addition, they suggest that pedestrian access to another house owned by them will be restricted also by this new arrangement.

7.10.3.1 Response

The proposed L-6564 Connector Road comprises the road alignment, active travel facilities, associated earthworks and drainage infrastructure, all of which are essential components of the Proposed Development. The road has been designed to maintain access to the affected properties and lands, including access to the existing business premises located to the south of the proposed road, access to the dwelling located to the north, and access to the severed lands on the northern side of the proposed road. Accordingly, it is not considered that access to the dwelling, business premises or severed lands will be restricted by the Proposed Development. Appropriate access arrangements have been incorporated into the scheme design to maintain connectivity between the affected lands and the local road network.

With regard to pedestrian access, the proposed L-6564 Connector Road incorporates active travel facilities and will operate as a rural local road. The proposed arrangement has been designed to facilitate pedestrian movement between the northern and southern portions of the landholding. While no dedicated pedestrian crossing facility is proposed, the local road is not expected to carry significant traffic volumes, and pedestrian access between the dwelling, business premises and adjoining lands will be maintained following completion of the Proposed Development. Access to all areas either by pedestrians or vehicles is being maintained and improved in respect to safety and design standards as a result of the Proposed Development.

7.10.4 Access

The submission queries if previously suggested access and local road design alternatives were properly considered by the applicants' team.

7.10.4.1 Response

As outlined in Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout, a range of alternatives were considered during the scheme development process. The specific alternative realignment of the L-6564 Connector Road referred to in the Long's submission was assessed separately following the landowner's submission in February 2021. This option involved relocating the entire L-6564 Connector Road approximately 100 m north of the currently proposed alignment, to a position to the rear of the existing properties.

This arrangement would place the proposed local road within the rear gardens and in closer proximity to existing residential properties, thereby increasing the environmental impacts on those properties. In addition, it would require the introduction of a crossroads junction arrangement, which was considered non-compliant and unacceptable from a standards and road safety perspective. The proposed realignment would also require a significantly greater land take. Furthermore, the proposed alignment would result in a sub-standard tie-in with the existing L-6564 to the west, leading to geometric deficiencies and non-compliance with the applicable design standards.

Accordingly, this option was not considered a suitable arrangement having regard to engineering, road safety, environmental and land acquisition considerations and was therefore not progressed further.

7.10.5 Active Travel

The Longs state that the proposed active travel path is incorporated along the southern side of the L-6564 local connector road and that this increases the land take and is not a very direct or cost-efficient route as the proposed route is via an overpass

7.10.5.1 Response

The proposed active travel provision is the most direct and safest for all vulnerable road users in the communities in this area. The proposed active travel route along the L-6564 Connector Road was identified as the preferred solution and is considered appropriate having regard to active travel objectives, user safety, connectivity requirements and compliance with the Cycling Design Manual (CDM) published by the National Transport Authority. The active travel route, as proposed, provides for full inter-connectivity between the active travel networks on the proposed N15 TEN-T Comprehensive / national primary road network and local road networks using the L-6564 and L-2794 Connectors, without the need for pedestrians / cyclists to be exposed to mainline traffic flows as they negotiate the proposed Dooish Junction (roundabout); thereby maintaining road safety for vulnerable users. This proposed arrangement provides the opportunity for active travel users from the Dooish locality to travel safely from their homes to the local amenities and attractions such as Cappry Rovers Football Club, Drumboe Woods and Ballybofey / Stranorlar centres.

An alternative option of aligning the cycleway alongside the existing N15 was considered; however, this would reduce safety and connectivity (for example to negotiate the proposed roundabout) for these vulnerable road users.

Accordingly, this option was not considered to provide an equivalent level of accessibility, connectivity or safety for active travel users. Furthermore, the is option would require additional lands from Mr. and Mrs. Long (as well as others), to accommodate the active travel facility parallel and adjacent to the N15. It would not reduce the level of impact to Mr. and Mrs. Long.

As set out in Section 4.5.4 of Chapter 4 of Volume B of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This

will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

The proposed active travel facility forms an integral part of the proposed road cross-section and has been developed in accordance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of Volume B of the EIAR. The cycleway forms part of the wider AT network serving residential communities within the study area and provides connectivity between the local road network and the proposed AT network.

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.10.6 Noise & Vibration

The submission states that there does not appear to be a study of the noise and vibration impacts at this site. They expect that noise and vibration impacts will be significant and may require mitigation. They have concerns about the visual impact of noise barriers and the effectiveness of other mitigations.

7.10.6.1 Response

As stated in Section 14.7.2 (p.14-46) of Chapter 14: Noise & Vibration of Volume B of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations"*. This includes the Long's dwelling (GeoDirectory ID 35778842).

As stated in Section 14.7.4 of Chapter 14, *"Given the large number of receptor locations modelled, only receptors where mitigation is required or where significant effects are predicted without mitigation are presented."* However, all noise sensitive locations within the study area have been assessed with Section 14.9.2 (p.14-80). This includes this property.

Noise Assessment Process

As stated in this section: *"In summary, the Proposed Development will result in a positive aggregate residual effect under the END Noise Mapping and the Assessment of Change criteria. Therefore, the Proposed Development as a whole is judged to have a significant positive effect for RTN within the study area. This will result in beneficial environmental and health effects on the general population in the study area.*"

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The number of receptors with noise levels increasing to greater than 60 dB L_{den} within the study area for both the Do-Minimum and Do-Something opening year and design year scenarios are presented in Section 14.7.4 (p.14-48) of Chapter 14. Results are presented for each of the three sections as well as the entire development.

The noise environment at the Long's dwelling shows an improvement with the construction of the Proposed Development (i.e. Do-Something scenario) as it diverts traffic from the existing N15 to the new mainline set further back from the Long's dwelling. The worst case predicted noise level for the design year (2027) reduces from 71 dB L_{den} (Do-Minimum scenario) to 65 dB L_{den} (Do-Something scenario). Acceleration, deceleration and breaking, as potential noise sources are deemed to be accounted for in the assessments and in the results

Predictor V2023 noise modelling software was used to predict the noise impact from the Proposed Development. Traffic noise levels were predicted using the methodology set out in the Calculation of Road Traffic Noise (CRTN) with the application of the relevant conversion factors as detailed in the NRA Guidelines (2004) and the updated advice on using CRTN recommended in the NRA Good Practice Guidance (2014).

CRTN models uninterrupted traffic flows. For roundabouts, the traffic flow is assumed at the average traffic speed of the uninterrupted traffic flow, right through the intersection. Whilst it is acknowledged that traffic flows at roundabouts may be interrupted and hence vehicles decelerate as they approach the roundabout and accelerate as they leave the roundabout, the noise reduction of vehicles approaching the roundabout slowing down is compensated by the noise increase of vehicles accelerating leaving the roundabout.

Section 14.7.3 Operational Noise Model Validation (p.14-46) of Chapter 14, demonstrates that there is good agreement between the noise model and measurements, and DCC are satisfied that the noise modelling software is correctly interpreting the input data.

Whilst the predicted noise level with the construction of the Proposed Development is above the "design goal" of 60 dB L_{den}, the noise impact at this dwelling is reduced post construction of the Proposed Development. There is therefore a beneficial, positive impact on the dwelling and there is no requirement for mitigation.

7.10.7 Air Quality

The Longs state that air pollution and particulate levels may be adversely affected and queried the location of the nearest monitoring station used in the assessment.

7.10.7.1 Response

Air pollution and particulate levels (PM_{10} and $PM_{2.5}$) have been assessed for the Proposed Development in Chapter 12: Air Quality, of Volume B of the EIAR. Dust impact during the construction and the operational phases are assessed in Chapter 12, Section 12.6, Description of Likely Significant Effects. Mitigation measured have been proposed in Chapter 12, Section 12.7, Mitigation Measures.

The pre-mitigation impacts associated with construction phase dust emissions are considered to pose a high risk for parts of this section of the Proposed Development. Therefore, a suite of best practice dust mitigation has been mandated in Section 12.7.1 of Chapter 12. With the successful implementation of the mitigation by the contractor and associated monitoring (refer Section 12.7.3.2 of Chapter 12), the residual impact is reduced to a 'short term slight adverse impact', which is not significant in EIA terms.

The Long's property is located directly adjacent to the existing N15 which is located immediately to the south of the property and the business. They are both currently experiencing impacts from traffic on the N15. The proposed Section 1 mainline alignment will move traffic further away from the Long's properties to the south and this will increase the separation distance between their properties and the traffic using the N15 that forms part of the Proposed Development. Access to the Long's properties is being facilitated via the proposed new local road arrangement (L-6564) and access road (AR1.03), as shown on EIAR Drawing 4.1, sheet 1 of 8, in Volume D of the EIAR. The likely dust and traffic impacts that will be experienced at the properties has been assessed as part of the Proposed Development and mitigation has been proposed in Section 12.7 of Chapter 12 of Volume B the EIAR.

7.10.8 Material Assets: Non-Agriculture

The Long's strongly disagree with the assessment in Chapter 16 Material Assets: Non-Agriculture of Volume B of the EIAR and Appendix C16.01 of Volume C of the EIAR and suggest that the impact on the residence and business should be assessed as Major impact.

7.10.8.1 Response

The assessment was guided by the TII Standard (2025).

We can confirm that the impact assessment under Chapter 16 Material Assets: Non-Agriculture for the Commercial business is low and for the residential Premises is low.

With respect to the Long's residence, we have found an error in the assessment of Plot 1008 as presented in Apx Table 0-1, page 1, of Appendix C16.01 in Volume C of the EIAR. The "Resource Type, Sensitivity and Magnitude of Impact" text states that the residential property has a "medium sensitivity". Based on the methodology described in Section 16.2 of Chapter 16 of Volume B of the EIAR and based on Table 7-1 of Chapter 7 Population of Volume B of the EIAR (as is cross-referenced in Chapter 16), the residential property should have been assigned a "low sensitivity" on the basis that this existing dwelling house is located outside the settlement boundary of Ballybofey. This residence therefore would not meet the criteria for medium sensitivity as per the guidance set out in Table 7-1 of Chapter 7 of Volume B of the EIAR. To confirm, the residential property sensitivity reduces from "medium" to "low". An errata to this effect is included in Appendix 4 of the Section 51 Response Document.

The commercial aspect is assigned a low sensitivity. By nature of being a transport business, it utilises road infrastructure and is not sensitive to noise or passing traffic. It is considered that given the nature of the business it has an adequate capacity to absorb the impact without incurring significant socio-economic loss of an economic resource or employment. It also covers a small area of land relative to other land uses within the Zone of Influence (ZoI). This is considered appropriate. Higher sensitivity ratings apply to business that have

no capacity or little or no capacity to absorb the impact or cover moderate or large area of land relative to land uses in the ZoI.

With respect to the magnitude of impact, approximately 50% of the permanent land take relates to the agricultural portion of the overall holding with the remainder divided between the residential and commercial functions. Both the business and residence are located adjacent to an existing national road. The residence is currently bounded by road and commercial uses. It is acknowledged that there is a loss of part of the amenity area / structures associated with the dwelling house (however not considered key characteristics), a loss of a relatively small area of commercial yard and that the scheme encroaches on a number of boundaries. New boundary wall and accesses are to be provided. The house retains an ample garden and set-back from the road. There is also a substantive amount of land within the holding to the west of the yard and dwelling. Traffic volumes at the entrances to both will reduce with the Proposed Development in place.

Further to the review of the Long's submission, they have raised concerns regarding additional travel distance for their commercial vehicles. This is acknowledged to be a change in operating conditions arising from minor alterations to the premises. It is accordingly appropriate to raise the magnitude of impact for the commercial use from "negligible" to "low" based on the points raised by the Long's in their submission.

The magnitude of impact for the residential property remains unchanged.

The sensitivity ratings of low for both residential and commercial uses, and the magnitude of impact ratings of low for both residential and commercial uses, using Table 7-3 of the EIAR as sourced from the EPA (2022), result in a Slight significance of effect with potential to raise to Moderate at the upper limit. This is the same significance of residual effect as documented in Apx Table 0-14, page 1, of Appendix C16.01 in Volume C of the EIAR, i.e. the overall finding remains unchanged.

7.11 Brendan O'Donnell

Name	Brendan O'Donnell
Agent	Martin & Rea
Address / Plot No.	Plot No. 3017
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.11.1 Material Assets: Agriculture

The submission on behalf of Mr O'Donnell expresses surprise that no assessment has been carried out at the O'Donnell's two residential properties close to the road. They consider that the impact on these houses is major to profound.

7.11.1.1 Response

There is no land take associated with the residential aspects of the O'Donnell's properties and therefore they have not been included in the assessment of land take in Chapter 16: Material Assets (Non-Agricultural) in Volume B of the EIAR and Appendix C16.01 of Volume C of the EIAR. Agricultural land take is addressed in Chapter 15: Material Assets (Agriculture) of Volume B of the EIAR and relates to the agricultural components of overall landholdings. The assessment of Plot 3017 is documented in Table 15.32, page 15-41 of Chapter 15 of Volume B of the EIAR and concludes that the likely significant residual impact is Major.

The potential for impact on residential properties close to the Proposed Development is also addressed in other assessments included in the EIAR such as Chapter 12: Air Quality and Chapter 14: Noise and Vibration of Volume B.

7.12 Bridie and George Wilson

Name	Bridie & George Wilson
Agent	Martin & Rea
Address / Plot No.	Plot No. 2007
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.12.1 Material Assets: Agriculture

The Wilson's submission states that the assessment of agricultural impact on the material assets/agriculture describes the significance of residual effect as moderate. They disagree with this in circumstances where 25% of the landholding is removed and the land is severed.

7.12.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 2007, consultation with DCC's agronomist was undertaken on 7 October 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Wilsons since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

In relation to Plot 2007, DCC notes the submission concerning the removal of approximately 25% of the landholding and the severance of the holding. Severance has been noted and included in the assessment of the Plot as documented in Table 15.31 on page 15-35 of Chapter 15 of Volume B of the EIAR. Accommodation works have also been provided to maintain access to the retained lands and to address the resulting implications for agricultural management.

Following the appropriate methodology and guidance, the assessment of Moderate remains correct. This is because a sheep enterprise is considered to have Medium sensitivity, in accordance with Table 15.1 of Chapter 15, and the plot is subject to a Medium magnitude of effect, in accordance with Table 15.6, resulting in a Moderate significance of effect under the assessment matrix.

As set out in Section 15.3.1 of Chapter 15:

> "*Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated"*

Therefore, moderate is considered appropriate in this case.

7.13 Catherine Coll

Name	Catherine Coll
Agent	Martin & Rea
Address / Plot No.	Plot No. 1103
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.13.1 Material Assets: Agriculture

The submission on behalf of Ms Coll states that the impact on the farming activity is described as Moderate. In circumstances where 19% of the land is taken and access to other lands is made more difficult, she considers that the impact is severe to major.

7.13.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1103, consultation with DCC's agronomist was undertaken on 6 February 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms Coll since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

In relation to Plot 1103, DCC notes the submission regarding the extent of landtake and the potential difficulty of accessing the retained lands. These matters have been considered in the assessment of landtake, severance/division and agricultural access as documented in Table 15.30 on page 15-33 of Chapter 15 of Volume B of the EIAR. The assessment remains Moderate, as the effects are considered capable of being addressed through appropriate accommodation works and do not meet the criteria for a Major or Profound

impact. *"Moderate impact – the Proposed Development requires a significant change in current land use practices with associated costs due to severance, landtake, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.13.2 Access

Ms Coll considers that the access to the residential property is seriously compromised or closed off which is not acceptable.

7.13.2.1 Response

The existing Coll property access has been retained at approximately the same location as the current access arrangement and has only been subject to a minor adjustment to tie into the proposed realignment of the existing N15, as shown on EIAR Drawing 4.1, sheet 8 of 8, of Volume D of the EIAR. It should also be noted that the existing N15 will be reclassified from a national road to a local/ or regional road, resulting in a lower-speed road environment while continuing to provide safe and appropriate access to the property. Accordingly, the Proposed Development does not remove, close off, or materially compromise access to the residence.

7.13.3 Active Travel

Ms Coll states that the inclusion of an active travel path on this overall scheme is an act of delusion by the overall acquiring authority and State, and they cannot understand why anyone would want to walk beside a national road. Furthermore, they believe that the access to the active travel path is seriously compromising the residential entrance.

7.13.3.1 Response

As set out in Section 4.5.4 of Chapter 4 of Volume B of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of Volume B of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of Volume B of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of Volume B of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5, Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new AT infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the AT facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of Chapter 3 of Volume B of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of AT infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)

- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR)

The proposed AT facility forms an integral part of the proposed road cross-section and has been developed in accordance with the applicable design standards as set out in Chapter 4, Section 4.4 (Design Standards) of Volume B of the EIAR. The provision of AT infrastructure is also a key policy objective of national, regional and local transport and planning policy and is a fundamental component of the overall scheme.

The cycleway/walking facility forms part of the wider AT network serving residential communities within the study area and provides important connectivity between the local road network and the proposed AT network. The facility is intended to accommodate a broad range of users, including pedestrians, cyclists and other vulnerable road users, thereby promoting sustainable travel choices and enhancing accessibility within the area.

With regard to the concern that the AT facility would seriously compromise the residential entrance, it should be noted that the property access has been retained and appropriately designed in accordance with applicable road safety and geometric design standards. The Proposed Development maintains safe and suitable access to the property, and it is not considered that the inclusion of the AT facility would materially compromise the operation or functionality of the residential entrance.

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.14 Charles Long

Name	Charles Long
Agent	Martin & Rea
Address / Plot No.	Plot No. 1019
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.14.1 Access

Mr Long's submission states that for the lands located north of the new road there is no access road into these lands and as a result it will not be possible to extract timber when the timber matures.

Mr Long considers that there is sufficient land take in the CPO to exclude the access road to this Plot. In addition, he considers the access road as designed is unsafe.

7.14.1.1 Response

An access road AR1.09 has been provided from the re-aligned local road L-6584 serving lands to the north of the proposed mainline, including two separate accesses to Plot 1019, as shown on EIAR drawing 4.1, sheet 2 of 8, of Volume D of the EIAR.

An access road AR1.08 has been provided from the re-aligned local road L-6574 serving lands to the south of the proposed mainline, including access to Plot 1019, as shown on EIAR drawing 4.1, sheets 1 and 2 of 8, of Volume D of the EIAR.

The proposed access arrangements have been developed as part of the overall scheme design and have been assessed in accordance with the applicable road design and safety standards and therefore, by design, is not unsafe as claimed. Accordingly, the Proposed Development will not prevent access to the lands in Plot 1019 (north or south) or impede the future harvesting and extraction of timber. The lands included in the CPO are necessary to provide this access. Excluding this portion of the CPO as suggested in Mr. Long's submission would not provide the lands necessary to complete access road AR1.09 which are necessary to ensure access to the severed northern parcel is provided.

7.14.2 Material Assets: Agriculture

In view of the access issue, Mr Long states that the effect on the property is Profound not Major which was described as in the Material Assets: Agriculture report.

7.14.2.1 Response

As stated in the previous response, access to the northern portion of Plot 1019 is being maintained from the re-aligned L-6584 and access road AR1.09, as shown on EIAR drawing 4.1, sheet 2 of 8, of Volume D of the EIAR. Access to the southern portion of Plot 1019 is being provided from AR1.08 and the L-6574 as shown on EIAR drawing 4.1, sheets 1 and 2 of 8, of Volume D of the EIAR. This has been taken into account in the Agricultural impact assessment, as document in Table 5.30, page 15-28 of Chapter 15 of Volume B of the EIAR.

The agricultural land take assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1019, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Long since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

With regard to Plot 1019, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a timber enterprise is considered medium sensitivity (see table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> "*Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

To note on the use of Profound, its definition is "*The Proposed Development is such that the current land use can no longer continue and no mitigation measures in the form of accommodation works can overcome the impact to allow any current land use activities to continue in this location*" and is reserved for those farms and enterprise that cannot continue post development and therefore is not considered appropriate in this case.

7.15 Charlie Dooher

Name	Charlie Dooher
Agent	Martin & Rea
Address / Plot No.	Plot No. 3112
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.15.1 Material Assets: Agriculture

Mr Dooher states that in respect of Chapter 15 Material Assets: Agriculture the impact is described as Major. Mr Dooher believes that the assessment is incorrect and that in cases where 14% of the land is taken, believes this should be described as Severe.

7.15.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with DCC's agronomist prior to concluding the impact assessment to discuss the Proposed Development. Mr. Dooher attended a meeting with DCC's agronomist in June 2021. The Project Team has maintained ongoing engagement with Mr Dooher since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

With regard to Plot 3112, following the appropriate methodology and guidance, the assessment of major is deemed correct as documented in Table 15.32 on page 15-44 of Chapter 15 of Volume B of the EIAR. This is because a tillage enterprise is considered medium sensitivity (see table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

To note on the use of Profound, its definition is "*The Proposed Development is such that the current land use can no longer continue and no mitigation measures in the form of accommodation works can overcome the impact to allow any current land use activities to continue in this location*" and is reserved for those farms and enterprise that cannot continue post development and therefore is not considered appropriate in this case.

7.15.2 CPO

Mr Dooher considers that the land take is excessive, part of which is due to the Active Travel. Mr Dooher considers that the Active Travel should not be included as it is not essential infrastructure.

7.15.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically, in relation to Mr Dooher, Plot 3112 A.101 is required for the mainline cross section including active travel and earthworks, interceptor drains, access road AR 3.62 and maintenance strip between the interceptor drains and the fenceline.

Plot 3112 A.102 is required for the mainline cross section including earthworks. Land is also required for the access road AR 3.64 to attenuation pond 16. Land around the attenuation pond is required for landscaping (scrub and dry meadow / grass) as detailed in EIAR drawings 18.21, sheet 24 of 24, in Volume D of the EIAR. Land is also required for the N15 Lifford Tie in East Road cross section including active travel and earthworks.

Plot 3112 A.103 is required for the N15 Lifford West Link cross section.

With regard to Mr Dooher's contention that active travel is not essential infrastructure and results in excessive land take, we confirm that the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network, as set out in Section 4.5.4 of the EIAR, for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe AT paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63 km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of AT infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of Volume B of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of Volume B the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new AT infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-

modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of AT infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR)

The extent of acquisition of lands for plot 3112 are necessary and required for the construction and the operation of the Proposed Development.

7.15.3 Material Assets: Non-Agriculture

In respect of Plot 3112A. 102 and other similar plots that have been described as agricultural land, Mr Dooher objects to it being described as agricultural land as it is, in his view, residential land.

7.15.3.1 Response

The subject lands are located outside the Settlement Framework boundary of Lifford and within an area designated as a Rural Area Under Strong Urban Influence in the County Donegal Development Plan 2024-2030 (As Varied) – see Figure 7.16 and Figure 7.17.

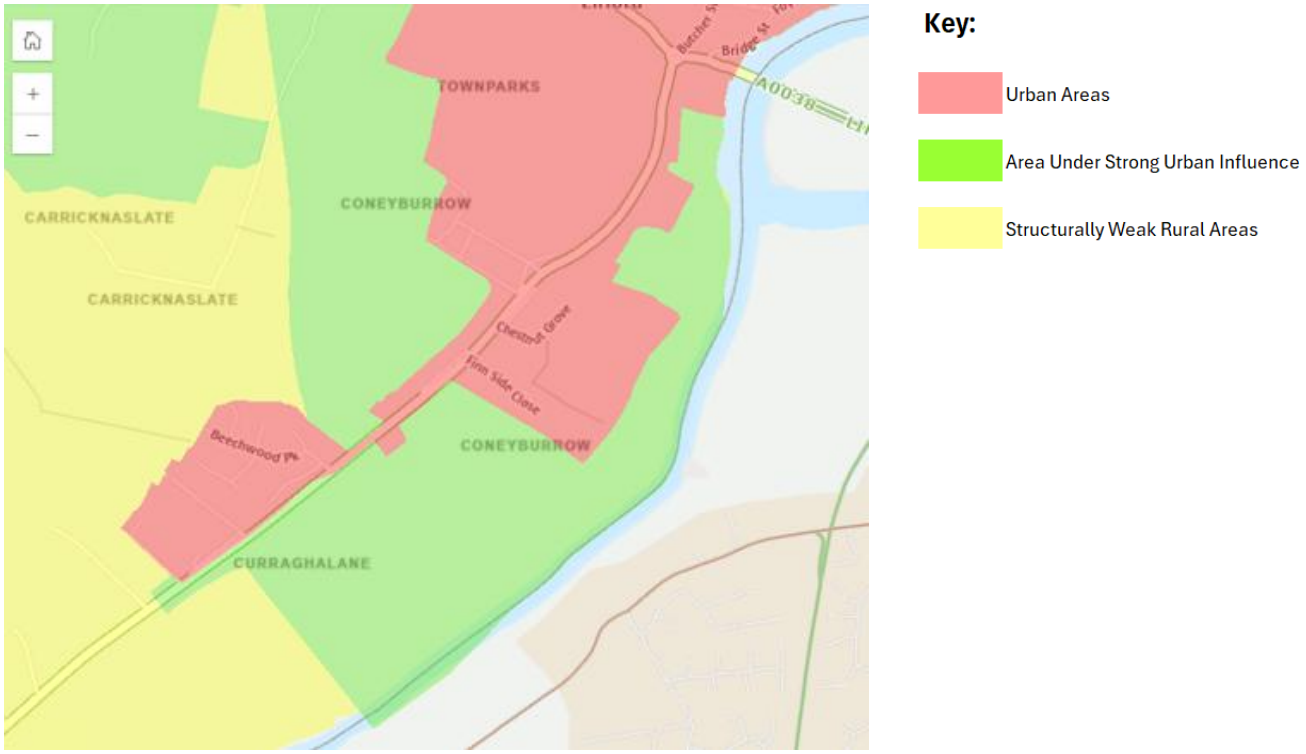


Figure 7.16 Extract from DCC County Development Plan Map 6.3.1 Rural Area Types

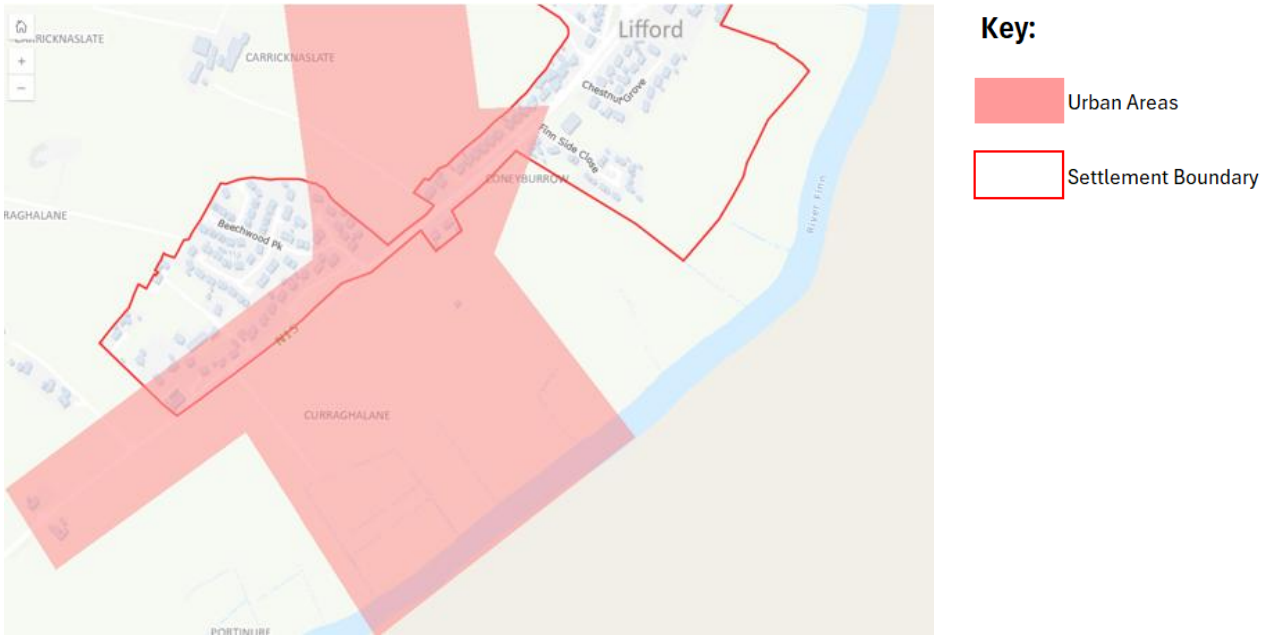


Figure 7.17 Extract from DCC County Development Plan 2024-2030 Settlements

In Rural Areas Under Strong Urban Influence the following objectives and policies are applicable:

RH-O-1 CC	To ensure that new residential development in rural areas provides for genuine rural need.
RH-O-2 CC	To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.
RH-P-1 CC	To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and
	occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday homes will not be permitted in these areas.

Furthermore UB_P-1 of the CDP 2024-2030 states as follows:

UB-P-1 CC	It is a policy of the Council that the provision of multiple housing developments (defined as 2 or more units and excluding holiday homes) will generally be acceptable in principle within those towns/settlements identified in the Core Strategy/Settlement Structure, subject in all cases to the principles of quality placemaking, compact growth and the sequential development of settlements from the centre out, the availability of supporting infrastructure and facilities (including school provision), sustainable wastewater treatment solutions and relevant zoning objectives. The scale of any such development shall be in line with the provisions of the Core Strategy, shall have regard to the circumstances of the specific settlement and shall be in accordance with all relevant objectives and policies of this Plan.

Consequently, on the basis of the location of the subject lands within an area designated as a Rural Area Under Strong Urban Pressure outside the Settlement Framework boundary of Lifford it is considered that a multiple residential development on said rural lands would not be in accordance with the abovementioned policy framework and as such the lands do not currently have potential in planning terms for such development.

Otherwise, it is noted that the majority of the subject land parcel is located within the High End Future Scenario Flood Zone A and B (Figure 7.18).

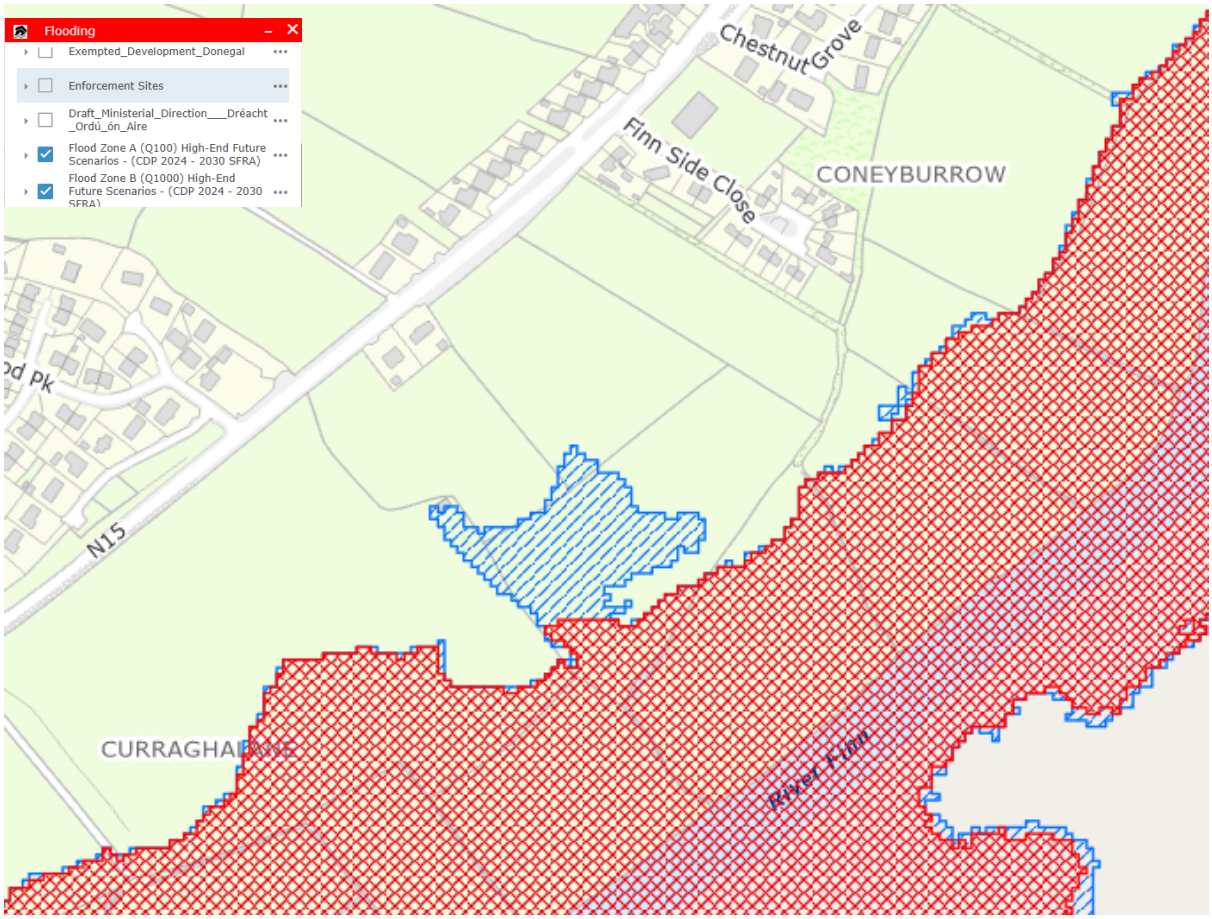


Figure 7.18 High End Future Scenario Flood Zone A and B

The Flood Risk Management Guidelines 2009 classify residential development as highly vulnerable development, seek to manage flood risk to development in accordance with the precautionary approach and the application of the avoid, substitute, justify, mitigate, sequential approach, and in so doing only recommend residential development in such flood zones where it cannot be avoided and it is strategically justified. In turn Policy F-P-1 of the CDP 2024-2030 (As Varied) states as follows:

F-P-1 [CC]	To only permit development where flood or surface water management issues can be successfully addressed and/or where there is no unacceptable residual flood risk for the development, its occupants and/or private property or public infrastructure elsewhere within the catchment. A precautionary approach shall be applied to the consideration of flood risk issues and shall include the application of the 'Avoid', 'Substitute', 'Justify' principles set out in the EU Floods Directive (2007/60/EC) and 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities', November 2009, DoEHLG. Where appropriate, applicants/developers shall be required to submit: a. an independent 'Flood Risk Assessment' in accordance with the aforementioned Guidelines or any subsequent related publication and/or 'Surface Water Drainage Calculations', from suitably qualified persons; and b. evidence of compliance with the Justification test set out in Section 5.15 of the aforementioned Guidelines or any subsequent related publication.

On the basis that residential development on this flood risk site can be avoided and has not otherwise been strategically justified it is considered that such development would not be in accordance with the above Flood Risk Management Guidelines. Consequently, it is considered that such development would be contrary to Policy F-P-1 above.

This assessment is irrespective of the additional designation of a small portion of the land as within the TEN-T PRIPD preferred route corridor which may preclude development on a portion of the subject lands.

7.16 Charmaine Hughes

Name	Charmaine Hughes
Agent	Martin & Rea
Address / Plot No.	Plot No. 2097
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.16.1 Material Assets: Agriculture

Ms Hughes' submission states that there is no material assets report in relation to the lands at Plot 2097.

7.16.1.1 Response

Plot 2097 has been assessed in Chapter 15, Material Assets: Agriculture, and is included in Table 15.31: Section 2 – Completed Assessment, on page 15-38 of the assessment.

Plot 2097 is identified as a Grade 3b beef enterprise with field grazing. The land parcel measures 12.07 ha, of which 5.746 ha is subject to permanent landtake, representing 48% landtake. The plot has Medium receptor sensitivity and is subject to a Medium magnitude of effect, resulting in a Moderate significance of effect. An accommodation lane is proposed to maintain access to the retained lands. Consultation with DCC's agronomist was also undertaken on 15th June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms Hughes since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

As set out in Section 15.3.1 of Chapter 15:

"Moderate – The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, landtake, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."

Therefore, a Moderate effect is considered appropriate in this case.

7.16.2 CPO

Ms Hughes considers the land take to be excessive.

7.16.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for Plot 2097, the land acquisition required is necessary to facilitate the construction and operation of the proposed local road connection to the Trimragh Junction. The extent of the land take includes provision for the road alignment, active travel infrastructure, associated road earthworks, drainage infrastructure and a proposed attenuation pond, all of which are essential components of the scheme. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description, and Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

The lands identified within the CPO boundary is also required to facilitate material extraction and deposition activities to support the efficient delivery of the Proposed Development and given the nature and extent of works at this location all of the lands are required permanently.

Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping (which will mitigate the impacts of the scheme at this location) as detailed in EIAR drawing 18.20, sheets 8 and 9 of 11s, in Volume D of the EIAR.

The extent of acquisition of lands for Plot 2097, as per CPO Deposit Map for Section 2, sheet 4 of 5, and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.2, sheet 4 of 5, in Volume D of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.17 David & Nigel Kee

Name	David & Nigel Kee
Agent	Martin & Rea
Address / Plot No.	Plot No. 1036
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.17.1 CPO

This submission states that the acquisition of Plot 1036A. 102 is not required, on the basis that the access road to plot 1033 and 1028 could be used to access Plot 1036A.102.

7.17.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments,

attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically in relation to the acquisition of Plot 1036A.102, this plot is required for the for the construction and operation of access road AR1.11 which will provide access to residential and agricultural properties on the unnamed local road which has been severed from the L-2794 Cappry Road by the proposed development as detailed on EIAR Drawing 4.1 sheet 2 of 8 of Volume D of the EIAR. The proposed access arrangements have been developed in accordance with the applicable design standards set out in Chapter 4, Section 4.4 (Design Standards) of Volume B of the EIAR, and the arrangement for access to the plots mentioned in this submission are as follows:

- The existing access to Plots 1033 and 1028 the L-2794 (Cappry Road) is to be retained.
- Access to Plots 1029, 1034, and 1036 is to be provided via the new access road AR1.11, which is located on Plot 1036A.102 and has been designed in accordance with the relevant standards. This proposed access road provides a safe, appropriate and efficient means of access to these lands, as shown on EIAR drawing 4.01 (sheet 2 of 8) in Volume D of the EIAR. Access to Plots 1034 and 1036[off the realigned L-2794 (Cappry Road) was considered during the design process however these options were not compliant with design standards set out in Chapter 4, Section 4.4 of Volume B of the EIAR and therefore were not progressed. Access road AR1.11 is the best performing option assessed having regard to its access provision and road safety.

The acquisition of Plot 1036A.102 is therefore necessary and required for the construction and the operation of the Proposed Development.

7.17.2 Access: Design

This submission objects to the new proposed access to plot 1029.

7.17.2.1 Response

As set out above, the new access road AR1.11 will provide access to Plots 1029, 1034 and 1036, has been designed in accordance with the relevant standards, and provides a safe, appropriate and efficient means of access to these lands, as shown on EIAR drawing 4.01 (sheet 2 of 8) in Volume D of the EIAR.

7.17.3 Material Assets: Agriculture

The submission disagrees with the assessment of impacts on material assets set out in chapter 15 of the EIAR.

7.17.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment. In relation to Plot 1036, consultation with DCC's

agronomist was undertaken on 10 May 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Kees since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

With regard to Plot 1036, the assessment is set out in Table 15.30, page 15-29, of Chapter 15 of the EIAR. The methodology and guidance set out in Chapter 15 of the EIAR was followed for the assessment and results in an overall 'Slight' significance, as shown in Table 15.30. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 (p.15-4) of Chapter 15 of the EIAR). A total of 3% of Plot 1036 is being acquired with no severance, no facilities affects and no access required. Therefore, Plot 1036 is subject to a low magnitude of impact (see Table 15.6 (p.15-7) of Chapter 15 of the EIAR) resulting in a Slight significance of effect. As per the description in Section 15.3.1 on page 15-7 of Chapter 15: a slight significance of effect is described as follows:

> *"Slight - The Proposed Development causes a level of inconvenience and/or disturbance but does not require a change in current land use activities or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

Therefore, the significance of the impacts on Plot 1036 has been correctly identified as "Slight".

7.18 David Kee (c/o Walter P. Toolan & Sons Solicitors)

Name	David Kee
Agent	Walter P. Toolan & Sons Solicitors
Address / Plot No.	1050 A.102 1050 A.103 1050 A.104 1050 A.105 1050 A.106 1050 A.107 1050 A.108
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.18.1 Preliminary Objection 1 – CPO Notice provided to Mr Kee and complaint in relation to the existence of 2 statutory processes

The first objection relates to the notice of the making of the CPO and application for development consent for the proposed road development.

7.18.1.1 Response

Content of the CPO Notice provided to Mr. Kee

Mr Kee received a Form of Notice of the Making of a Compulsory Purchase Order dated 13 May 2026 (the "Notice") which is attached to his submission.

The Notice clearly sets out the basis upon which DCC is seeking to compulsorily acquire lands for the purposes of the Proposed Development. It confirms that, if confirmed by An Coimisiún Pleanála, the Donegal County Council (TEN-T Priority Route Improvement Project, Donegal) Compulsory Purchase Order, 2026 (the

"CPO") will authorise DCC to acquire the lands and/or rights described in the Schedule to the CPO for the purposes of the Proposed Development.

The letter accompanying the Notice to Nigel and David Kee, dated the 13th of May, 2026, which David Kee has attached to his submission stated, amongst other things, as follows:

"*Further information relating to the TEN-T Priority Route Improvement Project, Donegal including a copy of the Environmental Impact Assessment Report, Natura Impact Statement and CPO documentation can be found at the Donegal County Council website for the TEN-T Priority Route Improvement Project, Donegal at: www.donegal-ten-t.ie*"

"Should you have any queries or require any clarity, please contact Brian Reid, Senior Executive Engineer, NRDO who is dealing with this matter."

The notice to Mr. Kee also confirmed that a copy of the CPO could be inspected at 7 different locations, including at 6 locations in Donegal, and at the Commission's offices in Dublin, for a period from 15 May 2026 to 10 July 2026. It further pointed out that the CPO was available on the project specific website operated by DCC, and it advised when objections should be made to the Commission.

Also, specifically at paragraph 10, this Notice advised that an EIAR and NIS had been prepared in respect of the Proposed Development and advised about a separate public notice in relation to that process. It also advised where copies of the EIAR and NIS are available for inspection.

The Notice to Mr. Kee also specifically advised that submissions or observations in relation to the likely effects on the environment of the Proposed Development, the implications of the Proposed Development for proper planning and sustainable development in the area in which it is proposed to be situated and the likely significant effects of the Proposed Development on European sites may be made in writing to the Commission on or before 10 July 2026.The Notice also then set out what the powers of the Commission are in relation to an oral hearing, set out the process in relation to the confirmation of the CPO, and referred to certain aspects of the compensation process.

An extract from the Schedule to the CPO and a map indicating the lands and rights in which Mr Kee may have an interest was also included with the Notice.

Finally, and in particular, the Notice stated "if you have any questions or queries in relation to the above or attached map" to please contact Brian Reid, and an email address and telephone number was provided for Mr. Reid.

DCC proceeded as it advised it was doing at paragraph 10 of the CPO Notice provided to Mr Kee and issued a separate notice in a number of newspapers (discussed further below) in relation to the application for approval of the proposed road development, which it was required to do pursuant to section 51(3)(a) of the 1993 Act. There was no obligation to provide a copy of this notice specifically to Mr. Kee, but he was, as is clear from what is set out above, informed of the fact of this separate notice, and of the fact that an EIAR and NIS had been prepared in respect of the Proposed Development and where same could be examined, and both the CPO Notice and cover letter advised that should he have any enquiries he should contact Mr Reid. The Council accordingly fully complied with all relevant legislation and furnished Mr. Kee with all appropriate notices and it is clear from the submission made that Mr. Kee and his advisers have had ample time and opportunity to consider all relevant matters and documentation

Mr Kee did not make contact with DCC on foot of the Notice dated 13 May 2026. Mr Kee's representative, Richard Rea, did issue correspondence after the 13th May 2026 regarding separate matters relating to accommodation works and a request to return what they believe to be excess land take, and DCC is continuing to engage with Mr Kee's representative in relation to these matters.

In terms of public participation, DCC is satisfied that the public, including impacted landowners such as Mr Kee, have been given full opportunity to participate in the statutory public consultation process. As mentioned

above, the application for development consent in respect of the Proposed Development was notified to the public on 14 May 2026 in a number of newspapers namely in the Irish Independent, and in two local newspapers being the Donegal Democrat and the Donegal News.

Those newspaper notices all stated that the public concerned were entitled to make submissions to the Commission for a period of 8 weeks. This 8-week period is greater than the 30-day period required by the EIA Directive, and the 6-week period required under Irish law. The public consultation period closed on 10 July 2026.

It is also important to note that prior to the submission of the application for development consent in respect of the Proposed Development to the Commission, DCC engaged in a non-statutory consultation process with the public and interested stakeholders, including landowners. In this regard, a total of six one-to-one consultation meetings were held with Mr Kee throughout the development of the project from 2019 to 2026 (dates of meetings are 01/4/2019, 14/12/2020, 03/08/2021, 05/10/2021, 22/11/2022 and 04/03/2025) and he was at all times aware of the development of the proposed road development. In addition, there have been numerous phone calls, emails and letters between DCC and Mr Kee throughout this period

Two statutory processes

In so far as a complaint seems to be made of two statutory processes, the processes here are entirely in accordance with the statutory processes, being (i) an application for the approval of the Proposed Development under section 51 of the 1993 Act and (ii) an application for confirmation of the associated CPO.

In this regard, the complaint seems to be directed to the statutory process that is in place, and that is not a matter for the Commission or indeed for DCC.

DCC had an obligation to follow what was set out in the legislation and what it was statutorily required to do relative to both statutory processes, and it is clear from the application documentation, and from the various notices and advertisements published and served, that DCC has fully complied with those requirements.

There is also some attempt in this submission to wrongly conflate the application for development consent under section 51 of the 1993 Act with the process relating to applications for ordinary planning permissions, which is misplaced and they have separate statutory provisions applicable to same. Reliance on the decision of Charleton J in *Kerry County Council v An Bord Pleanála* [2014] IEHC 238 in this regard is equally misplaced and of no relevance to what the Commission's functions are in relation to this proposed road development and accompanying CPO.

In terms of any allegation that the two statutory processes being pursued at the same time is in some way a burden on landowners, that is also misplaced. In fact, it makes perfect sense for the two processes to be dealt with at the same time as that is in ease of impacted persons, who can at the same time make objections to the CPO and submissions on the application for development consent. This is precisely what is envisaged by sections 51(7)(a) and (b) of the 1993 Act, which provide that:

> *"(a) The person conducting—*
>
> *(i) a public local inquiry under section 49, or*
>
> *(ii) a local inquiry in relation to a bridge order under section 47 of the Act of 1946, or*
>
> *(iii) a public local inquiry in relation to the compulsory acquisition of land,*
>
> *which relates wholly or partly to a proposed road development in respect of which a road authority has applied for an approval under this section shall be entitled to hear evidence in relation to the likely effects on the environment of such development.*
>
> *(b)* ***Where an application for approval under this section relates to a proposed road development, and***
>
> *(i) a scheme submitted to the Minister for approval under section 49, or*

(ii) an application submitted to the Minister for a bridge order under the Act of 1946, or

(iii) ***a compulsory purchase order submitted to the Minister for confirmation****,*

relate wholly or partly to the same proposed road development, the Minister shall make a decision on such approval and on the approval of such scheme or the making of such bridge order or the confirmation of such compulsory purchase order at the same time*." (emphasis added)*

As can be seen from the above and the use of the word "shall" in Section 51(7)(b) the Commission is obliged to make its decision on the proposed road development and the application for confirmation of the CPO at the same time.

DCC has followed all of the notification requirements relevant to the applications before the Commission and has fully advised Mr. Kee, including in the CPO Notice sent to him, that there was a separate notice in relation to the EIAR and NIS, and that notice was advertised in three newspapers including a national newspaper and two local newspapers circulating in the area of the Proposed Development. Any complaint that there was any lack of notification here has no basis.

7.18.2 Allegations in relation to the identification of the "Project"

The submission suggests that the combining of Sections 1, 2 and 3 of the Proposed Development in some way makes it difficult for the public to engage with same or results in the process being intrinsically unfair.

7.18.2.1 Response

DCC has progressed the Proposed Development as a single application to the Commission. The reasons for doing so are as set out in Section 1.3.1 of Chapter 1 of the EIAR; "it is entirely appropriate that there are three sections of the Proposed Development as they have geographical and functional connections and overlapping environment impacts." The Proposed Development as described above, in which the three sections of same are clearly identified, is the "proposed road development" within the meaning of the 1993 Act and which is properly the subject of assessment pursuant to the EIA Directive and the Habitats Directive as transposed into Irish Law. In this regard:

- The three sections that comprise the Proposed Development act together to address deficiencies in the TEN-T network in Donegal as described in detail in Section 2.3.4 of the EIAR, which explains that core problems include higher than average national accident statistics, non-standard cross sections, frequent private accesses to the national road network, sub-standard alignments, above average at grade and sub-standard junction, congestion, poor network resilience and below average road speeds. As detailed in Section 2.3.6 of the EIAR, the Proposed Development, provides an efficient multi-modal transport solution, providing a safe, connected, high-quality transport network for all road users. The solution offers an accessible, efficient and seamless modal transition and choice across active travel, private road vehicles and road-based public transport. The Proposed Development will 'level up' on decades of underinvestment and disparity nationally to transform the North-West Region. Providing the basic core and multimodal transport improvements which are essential to overcome regional imbalance and economic challenges, including those arising from UK leaving the EU. The Proposed Development is essential in order to support the growth potential of Ballybofey/ Stranorlar, Letterkenny, the North-West City Region (Letterkenny-Derry-Strabane) and the all-island economy as envisaged under the National Planning Framework First Revision (2025) as well as meeting targets set in the EU TEN-T Regulation.
- The aims and objectives of the Project are to provide a targeted improvement on the TEN-T Road network in Donegal to deliver safety, capacity and journey time reliability on the network as well as maximising its climate action credentials through design focused on modal connectivity and carbon efficiency. The Proposed Development, incorporating all three sections, will transform the core transport network in Donegal by improving over 42 km of national primary roadway. This includes

bypasses and congestion relief of four urban centres: Ballybofey, Stranorlar, Letterkenny and Lifford, and by doing so will enable sustainable compact growth. This has been set out in section 1.2.1 of Chapter 1 of the EIAR. In addition, Chapter 3 of the EIAR (Planning and Policy) sets out the European, National and Local policy requirements and how the Proposed Development (incorporating all three sections) meets these policies. As an example, Strategic Objective S-O-7 of the Donegal County Development Plan as described in Table 3.21 sets out that the progress and ultimately carry out/implement the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD) as one of critical strategic importance to Donegal.

- Further, as set out above, Section 1.3.1 of the EIAR sets out that the Proposed Development comprises the entirety of Sections 1, 2 and 3 and that it is entirely appropriate that there are three sections of the Proposed Development as they have geographical and functional connections and overlapping environment impacts. In that regard:
    - For example, as set out in Chapter 9, 9B.8 of the EIAR there is hydrological connectivity between Sections 1 and 3, while there is partial hydrological connectivity between Sections 2 and 3.
    - Also, as detailed in the NIS, Section 3.1, and illustrated in Figure 3.2, the Proposed Development occurs in two distinct river catchments, HA01 Foyle – which is affected by drainage from all of Section 1 and the southern 2/3rds of Section 3 – and HA 39 Lough Swilly – which is affected by drainage from all of Section 2 and the northern 1/3rd of Section 3.
    - Further, Section 1 and Section 3 both include a crossing of the River Finn SAC and so the potential impacts of those crossings on the SAC have been assessed in the NIS.
- Similarly, the nature of the existing transport network in Donegal necessitated the modelling of the three sections of the Proposed Development together in order to properly assess the likely significant effects of the Proposed Development on traffic and, by extension, its likely significant effects on air quality, climate, noise and biodiversity. This is because the three sections of the Proposed Development interact with common parts of the road network. Section 1 impacts on both the N13 and N15, Section 2 impacts directly with the N13 and indirectly with the N14 and Section 3 interacts with the N13, N14 and N15 directly. All three Sections are therefore modelled together to assess the overall impacts on traffic and active travel from the Proposed Development.

It is therefore entirely appropriate that the application for development consent is for the Proposed Development from an EIA Directive and Habitats Directive perspective and these geographical and functional interconnections and overlapping environmental impacts have been fully described and assessed in the application documents, including the EIAR and NIS. This ensures that the Commission has sufficient information before it to conduct a valid and robust Environmental Impact Assessment and Appropriate Assessment of the Proposed Development.

In light of what is set out above, the entire road project comprising the three sections is treated and falls to be assessed as one project given the combined function of the three sections of the Proposed Development in addressing deficiencies in the TEN-T network in Donegal and in achieving the overall objectives of the Proposed Development as set out in section 1.2.1 of Chapter 1 (Introduction) of the EIAR and enhancing all-island connectivity within the Northwest and Northwest City Region (Letterkenny-Derry-Strabane), and the Atlantic Economic Corridor south from Donegal to Sligo and Galway.

With any significant piece of critical infrastructure such as the Proposed Development, in order to comply with the requirements of the EIA Directive and the Habitats Directive as transposed into Irish Law including by the 1993 Act, the volume of documentation including the EIAR and NIS that are lengthy, the EIAR however including a non-technical summary. There is nothing unusual about that here.

In addition, the presentation of the assessments conducted in the application documents, including the EIAR and the NIS, is structured in such a manner that members of the public can readily access and engage with the sections or aspects of the Proposed Development most relevant to them, thus ensuring effective public

participation. In each document, it is evident (either from the table of contents itself, or from the use of subheadings and sections within the document) where each section of the Proposed Development is addressed, enabling any member of the public to quickly and easily navigate to the parts of the documents that address the areas most relevant to them, while also having all information relating to the Proposed Development available and same facilitates public meaningful and well-informed public participation in the process.

DCC has applied to the Commission for approval of the Proposed Road Development under section 51 of the 1993 Act, and for confirmation of the related Compulsory Purchase Order. In accordance with section 51(6) of the 1993 Act, the Commission may "approve a proposed road development, with or without modifications… or may refuse to approve such development", and the scale of the Proposed Development has no bearing on the Commission's powers or obligations in considering the applications before it, and making its decisions in relation to the Proposed Development.

7.18.3 Design and Alternatives

The submission questions the alignment of the road through Mr Kee's lands and queries the level of land holding specific information furnished and assessment of alternatives.

7.18.3.1 Response

The proposed mainline alignment forms part of the Preferred Route Corridor selected during the option selection process. Details of the route corridor assessment, including the consideration of alternative route options and the rationale for the selection of the Preferred Route, are provided in the Phase 2 Option Selection Report, Chapters 8, 9 and 10 included in the Section 51 Application document submitted to the Commission and which has also been available on the Donegal TEN-T project website (https://www.donegal-ten-t.ie/pages/documentsdownloads/phase-2.php) since its publication in early 2020. The 'Preferred Option' is the result of a multi-stage and multi-criteria assessment process. During stage 2 of this assessment the options were assessed under the following criteria, Environment, Safety, Physical Activity, Economy, Accessibility and Social Inclusion and Integration. As part of the environmental assessment criteria a material assets agricultural assessment was completed, refer to Appendix D1.9, Volume D Environmental Appendices of the Option Selection Report. The agricultural assessment compares the impacts of each route corridor option on land take, land severance, impacts on farm buildings and facilities, farm enterprise types, and the intensity and viability of affected agricultural holdings.

The preferred Option was the best scoring option following assessment under all the assessment criteria. The Options Selection Report, submitted with this Section 51 Application, details several options considered and the reasons why the corridor was chosen as the preferred corridor for the Proposed Development. Among the options considered were 2 options routing through the area of woodlands owned by Coillte to the northwest of the Proposed Development, which area is specifically referred to in Mr Kee's submission. These options are described as Option 1B (Purple Option) and Option 1C (Pink Option) and are shown in Section 1 Drawing Appendices, Volume E f the Option Selection Report. These options were not the best performing options under the assessment criteria and were not brought forward to Phase 3.

During Phase 3 the preferred option was further developed through environmental assessments, ground investigations, constraints, topography, stakeholder and landowner consultation, vertical and horizontal geometry design standards, safety and future maintenance. The land requirements have been determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR, Project Description. As outlined in Chapter 5 of Volume B of the EIAR, Assessment of Reasonable Alternatives, specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout, a number of alternative alignment options were considered at Drumboe as part of the design development process. The proposed alignment and associated land requirements were developed having regard to engineering, road safety, archaeology, environmental constraints, drainage, land use and local network connectivity. The extent of the land take has been determined through the design development process and reflects the requirements

of the proposed road alignment, associated earthworks, drainage infrastructure, active travel facilities, attenuation ponds and other essential elements of the scheme.

In the location of Mr Kee's property the proposed alignment has been developed and optimised having regard to the constraints and opportunities present along this section of the proposed mainline corridor such as local environmental, River Finn and SAC, engineering, land-use and connectivity constraints (including impacts on affected land holdings such as Mr Kee's property), together with the design requirements for a National Primary Road operating in a high-speed road environment. In particular, the alignment must accommodate the crossing of the River Finn and the associated environmental and engineering constraints, while complying with the applicable geometric, safety and operational standards set out in Chapter 4, Section 4.4 (Design Standards) of Volume B of the EIAR. As a result, there is no reasonable opportunity to materially adjust the alignment through Mr Kee's property without further impacts elsewhere, such as increased impact on the River Finn SAC, the woodlands to the south, Drumboe/Holywell Woods to the north and residential properties to the south of River Finn. The proposed alignment therefore represents the optimum solution of the relevant constraints and requirements, while minimising impacts on surrounding properties and environmental sensitivities

Included in the Section 51 Application submitted to the Commission is a comprehensive set of supporting information including projected wide and landholding specific drawings in support of the application. As part of the option selection process a detailed set of plan and profile drawings were provided in the Option Selection Report for each of the shortlisted options, refer to Volume E drawing appendices Section 1 Option 1G Plan and Profile drawing page 2 of 5 for the preferred option map at Mr Kee's property. As part of the EIAR documents Volume D contains a comprehensive set of design and environmental drawings presented at an appropriate scale to adequately display the relevant information. These drawings include individual landholding with proposed alignment (Volume D, chapter 16), bedrock geology, quaternary geology and Corine 2018 Landcover (Volume D, chapter 10) and design drawings (Volume D, chapter 4).

In relation to the impacts of the Proposed Development on Mr Kee's landholding, DCC acknowledge that the Proposed Development will result in the permanent severance of the existing agricultural holding at Plot 1050, and this has been assessed as set out in Table 15.30, page 5-30 of Chapter 15 of Volume B of the EIAR which concludes that there will be a major residual effect on this landholding. These impacts were fully taken into account in the consideration of reasonable alternatives and in arriving at the preferred route for the Proposed Development. As described above, the option selection process included a material assets agricultural assessment which compared the impacts of each route corridor option on land take, land severance, impacts on farm buildings and facilities, farm enterprise types, and the intensity and viability of affected agricultural holdings, which included consideration of the impacts on Mr. Kee's landholding.

7.18.4 Access

The submission on behalf of Mr Kees notes that the proposed alignment has the potential to alter the movement of machinery, livestock and farm vehicles throughout the holding, and alleges that the impact of this does not appear to have been assessed specifically for this site.

7.18.4.1 Response

DCC notes the submission regarding the movement of machinery, livestock and farm vehicles throughout Plot 1050. In accordance with the methodology set out in Chapter 15 of the EIAR, the agricultural effects of the Proposed Development on the entire of Mr Kee's landholding, which is identified in the chapter as Plot 1050, have been fully considered and assessed. As stated on page 15-8 of Chapter 15: "The assessment also considered the potential for loss of land, changes in access routes, and any operational challenges that farmers may face as a result of the road construction." The impact assessment for Plot 1050 can be found in Table 15.30, page 5-30 of Chapter 15 of Volume B of the EIAR, which specifically identifies that 49% of the holding will be acquired, and that there will be severance within the landholding and access will be required. The conclusion of that assessment is that there will be a major residual effect on the landholding which

reflects all aspects of the impacts on the holding, including implications for agricultural access and farm operations which were fully considered as part of the assessment.

To address the potential impact to the movement of machinery, livestock and farm vehicles throughout Mr Kee's landholding, Table 15.30, page 5-30 of Chapter 15 of Volume B of the EIAR identifies the need for an accommodation lane at Plot 1050. This accommodation lane is included as part of the Proposed Development at approximate mainline chainage Ch 3+000 and provides access off the L-2754 Connector between the southeastern portion and northeastern portion of the plot, as shown on the EIAR, Volume D Drawings, EIAR Drawing 4.1, General Arrangement, sheet 4 of 8. Furthermore, the northeastern portion of the plot is still accessible via the existing accesses from the local road.

7.18.5 Material Assets: Non-Agriculture Utilities

Mr Kee's submission states that consideration should be given to the ongoing access required for inspection and maintenance of the electricity transmission infrastructure and how this relationship has influenced the detailed alignment.

It is also not apparent to Mr Kee whether opportunities existed to retain the transmission corridor within the agricultural land itself, rather than incorporating it within or immediately adjoining the proposed transport corridor.

7.18.5.1 Response

The development of the proposed alignment is set out in Section 7.18.3 above. The existing 110 kV electricity OHL cannot be maintained in its current location as it conflicts with the alignment of the Proposed Development. It was not possible, therefore, to maintain the existing transmission corridor within the agricultural holding as suggested in this submission.

The 110 kV OHL requires a diversion between approximate chainages Ch1+200 m to Ch3+000 m to re-route the line and avoid a conflict with the Proposed Development. This is comprehensively set out in Chapter 16 of the EIAR, including Section 6.6.1.2 (p.16-50), and Table 16-25 (p.16-51). This diversion of the 110 kV OHL requires the removal of existing infrastructure and erection of new OHL pole-sets and angle towers along with the re-stringing of the 110 kV OHL along the new alignment. The location and design of the new route of the 110 kV OHL has been completed in consultation with ESB Networks (refer to Table 16.9 (p.16-16) of Chapter 16 of the EIAR). Details of the proposed diversions are illustrated in EIAR Drawing 16.07, sheets 2 and 3 of 8, in Chapter 16 of Volume D of the EIAR.

Further, the submission appears to suggest that consideration has not been given to the ongoing access required for inspection and maintenance of the transmission infrastructure at this location, which is not correct. In fact, following construction of the Proposed Development it is anticipated that ESB will use the maintenance access on the north side of the proposed alignment from the AR1.17 along the access road for Attenuation Pond 09 and along the development boundary for maintenance access, refer to EIAR drawing 4.1 sheet 4 of 8, Appendix D of the EIAR.

7.18.6 Landscape & Visual Impact

Mr Kee's submission contends that it has not been demonstrated that the proposed alignment has been sufficiently integrated into the characteristics of the subject holding or that its permanent visual effects have been minimised through the detailed design process.

7.18.6.1 Response

Impacts arising because of the Proposed Development has been assessed within EIAR Chapter 18: Landscape and Visual impacts. EIAR Chapter 18, Paragraph 18.6.2.1; Table 18-6 identifies that during the construction phase localised significant, short duration impacts are predicted to occur within the vicinity of the Proposed Development at the River Finn crossing. EIAR Chapter 18, Paragraph 18.6.2.5; Table 18-12

identifies that during the operational phase, slight to moderate, assessed as significant long term direct effects are predicted to be experienced in the vicinity of the River Finn crossing.

The initial route corridor evaluation and assessment from a landscape and visual perspective fed into the selection of the preferred corridor alignment. This initial route corridor evaluation assessed 8 varying route options within the initial corridor selected. All of the route options were assessed as having a major or highly negative impact on the landscape character of the area, though a single route was preferred over others as it largely avoided impacts on coniferous plantation within the north of the study area and avoided impacts on the mixed woodland areas on the southern slopes of Troopers Hill, which form important local landscape features.

This route was then carried forward as the preferred route for design development and assessment with further development and alteration to the route including the location of the bridge supports of the River Finn crossing to maximise the retention of vegetation along the northern and southern edges of the regional road (R252). Further design development within the vicinity also saw modifications to road alignment and road levels to reduce the extent and height of embankments to the north and south of the River Finn bridge crossing and thus reduce their visual presence prior to mitigation measures. Further integration of the Proposed Development was considered during the development of the mitigation measures, with various woodland extents considered as part of the measures to visually integrate the proposals both locally and within the wider landscape context. Given that the area is locally characterised by scattered woodland, of various sizes and species, the proposed woodland planting along the western edge of the Proposed Development is appropriate and in keeping with the character of the area.

The route corridor assessment process also assessed each of the proposed routes with regards to the potential for significant visual impacts. Like the landscape assessment, all of the routes assessed at the early stage were predicted to give rise to major or highly negative visual impacts, though there was a slight preference for a single route, as it was considered to have a lower number of residential receptors within 100m of the assessed / proposed route. As above, design modification and alterations during the design development stage also impacted on the predicted visibility of the Proposed Development, both locally and within the wider study area. Whilst it is predicted that there will be localised adverse visual effects because of the Proposed Development ((EIAR Volume III, Section 1 Montages; VP 08 Drumboe Cottages), because of the Proposed Development being located at mid-distance within the view, the foreground of the view retains its agricultural nature and the visual link to the more distant horizons is preserved. Visual impacts of the embankments, infrastructure and Proposed Development will decrease over time as proposed planting areas matures and aid the visual integration of the visible elements proposed. This process and its findings are fully detailed in Chapter 5: Assessment of Reasonable Alternatives.

The mainline passes over the River Finn to the west of Plot 1050 and necessarily must be raised above existing ground level. The relevant design standards place constraints on the allowable changes in horizontal and vertical alignment and therefore the transition from the River Finn bridge to ground level requires an embankment to be constructed to ensure a smooth transition of the mainline back to ground level, and further east into cutting/ excavation near Holywell woods. The landscape and visual impact assessment for residential receptors is illustrated on EIAR Drawing 8.13, sheets 1 and 2 of 4, of Volume D of the EIAR, which clearly shows the pre- and post-development impacts.

7.18.7 Active Travel

Mr Kee's submission states that it is not apparent from the Section 51 Application documentation whether the layout and positioning of the active travel infrastructure have been specifically considered as part of the local alignment optimisation process, or whether opportunities existed to reduce the overall corridor footprint through the holding whilst continuing to achieve the project's active travel objectives. This exercise should be undertaken at a minimum in order to have a balanced route consideration.

7.18.7.1 Response

The design has optimised land acquisition by using the mainline embankment slope to provide a gradually sloping ramp from the mainline to the underpass, which merges with local road L-2784 and provides connections between the local community and the new active travel network, while also optimising the alignment design process, minimising land take to Plot 1050, and maintaining compliance with the Cycling Design Manual (CDM) published by the National Transport Authority. Within Plot 1050, the active travel network includes an interface between the active travel network on the proposed N15 TEN-T Comprehensive / National Primary Road, and the local road L-2784. This interface is safely achieved by utilising the proposed Active Travel / Accommodation Underpass N15P030, while exploiting the difference in levels between the proposed N15 mainline and L-2784.

As set out in Section 4.5.4 of Chapter 4 of Volume B of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

The proposed active travel facility forms an integral part of the proposed road cross-section and has been developed and located as part of the overall scheme design process in accordance with the applicable design standards set out in Chapter 4, Section 4.4 (Design Standards) of the EIAR. The provision and layout of the active travel infrastructure were considered throughout the design development process and form an essential element of the scheme design and associated land requirements. The active travel facility was therefore taken into account as part of the iterative alignment development and optimisation process.

The provision of active travel infrastructure is a key objective of national, regional and local transport and planning policy and is a fundamental component of the overall scheme. The cycleway/walking facility forms part of the wider Active Travel Network and provides important connectivity between residential communities, the local road network and the proposed Active Travel Network. The facility is intended to accommodate a broad range of users, including pedestrians, cyclists and other vulnerable road users, thereby promoting sustainable travel choices and enhancing accessibility within the area. Accordingly, the proposed active travel infrastructure and its associated land requirements have been incorporated into the overall scheme design and optimisation process and are considered necessary to achieve the scheme's transport, connectivity and active travel objectives.

We also highlight the August 2026 publication from the National Transport Agency (NTA) 'The Benefits of Active Travel Investment' (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.18.8 Alternatives #1

The submission on behalf of Mr Kee calls for a demonstration that the selected alignment represents the least impactful practicable option.

7.18.8.1 Response

As explained throughout this response, the selected alignment underwent a robust optioneering assessment that identified this route as the least impactful option with regards to environmental effects including properties. The EIA process further ensured that the alignment was developed and optimised having regard to

the wider range of constraints and opportunities present. Effects on Plot 1050 have been assessed as per Table 15.30, page 5-30 of Chapter 15 of Volume B of the EIAR.

The 'selected alignment' is the result of a multi-stage and multi-criteria assessment process. The Phase 2 Options Selection Report, submitted with the Section 51 Application, details several options considered and the reasons why the corridor chosen is the preferred corridor for the Proposed Development. The 'selected alignment' within the preferred corridor follows continued environmental assessments, ground investigations, constraints, topography, stakeholder and landowner consultation, vertical and horizontal geometry design standards, safety and future maintenance.

7.18.9 Alternatives #2

The submission contends that the Proposed Development fundamentally changes the amenity of the holding and the way in which it is occupied, managed and experienced into the future, and suggests that the combined effect of these changes on the amenity and overall functionality of the holding has not been assessed and seeks a site specific assessment demonstrating that the detailed alignment has been optimised at the individual holding level.

7.18.9.1 Response

A comprehensive impact assessment of the Proposed Development, which includes Plot 1050, has been undertaken and is documented in the EIAR submitted as part of the Section 51 Application. The EIAR details the impacts in relation to each of the environmental factors identified in the EIA Directive, and some additional factors. Each chapter of the EIAR in Volume B, and their associated appendices in Volume C and drawings in Volume D, document this impact assessment. This includes the assessment of reasonable alternatives (Ch5), traffic and transportation (Ch6), population (Ch7), human health (Ch8), biodiversity (terrestrial and aquatic) (Ch9A and 9B respectively), land, soils, and hydrogeology (Ch10), water (Ch11), air quality (Ch12), climate (Ch13), noise and vibration (Ch14), material assets: agricultural (Ch15), material assets: non-agricultural (Ch16), cultural heritage (Ch17), landscape and visual (Ch18), the interactions and cumulative effects (Ch19) and risks of major accidents and disasters (Ch20).

The process of arriving at the design of Proposed Development, as presented in the Section 51 Application, is documented in both Chapter 5 of Volume B of the EIAR and the Phase 2 Options Report submitted as supplemental information to the Commission with the Section 51 Application. The information presented clearly demonstrates that the alignment has been optimised taking into consideration the relevant engineering, environmental, economic and safety requirements for a development of this size and scale. In the location of Mr Kee's property the proposed alignment has been developed with regard to the constraints such as local environmental, engineering, land-use and connectivity constraints, together with the design requirements for a National Primary Road operating in a high-speed road environment. As a result, there is no reasonable opportunity to materially adjust the alignment through Mr Kee's property without further impacts elsewhere. The proposed alignment therefore represents the optimum solution of the relevant constraints and requirements, while minimising impacts on surrounding properties and environmental sensitivities

In respect of the claim from Mr Kee relating to the loss of productive agricultural land, Chapter 15 Material Assets: Agriculture of Volume B of the EIAR addresses the agricultural consequences of the land/soil impacts from the Proposed Development. This includes an assessment of each individual agricultural land holding as presented in the chapter. As an agricultural land holding, Plot 1050 has been assessed as per Table 15.30, page 5-30 of Chapter 15 of Volume B of the EIAR. As stated on page 15-8 of Chapter 15: *"The assessment also considered the potential for loss of land, changes in access routes, and any operational challenges that farmers may face as a result of the road construction.*" As concluded in Section 15.9 on page 15-26 of Chapter 15: "*Overall, the Proposed Development will not have a significant impact on agriculture from a county perspective. It will have an impact from an individual farm perspective primarily from a loss of agricultural land and severance/division."*

Topsoil and subsoils (overburden) will be removed, stockpiled and stored for re-use as described in Chapter 4, of Volume B of the EIAR, and more specifically Sections 4.11.2.2 Site Clearance Works, and 4.11.4 Earthworks Materials. The excavation of materials in Section 1 of the Proposed Development is summarised in Table 4.43 on page 4-103 of Chapter 4, which shows that on Plot 1050, which lies between approximate chainages Ch2+400 and Ch3+025, all earthworks are fill operations. This will entail the stripping of topsoil for re-use in the works and importation of subsoil from other areas of the Proposed Development to raise the mainline road level up to the required height. The topsoil will be excavated, stored and re-used in the works, albeit for a separate use rather than its current agricultural use. The impact of the loss of this agricultural land in respect of the Kee's activities has been assessed in Chapter 15, as described above. The technical assessment of soils and soil resource loss (including land take, sealing and potential loss of topsoil and organic matter) is presented in Chapter 10: Land, Soil & Hydrogeology of Volume B of the EIAR. This acknowledges that there is a "direct and permanent impact" from the removal of soil during excavation works (refer to Section 10.7.3.1, p.10-75 of Chapter 10 of Volume B of the EIAR). The overall finding in relation to Section 1 overburden removal is that the overburden is of low importance as the soils are predominantly poorly draining with a low value on a local scale.

7.18.10 Appropriate Assessment / Impacts of the Proposed River Finn Crossing on the River Finn SAC

Mr Kee's submission suggests that comments in the NIS and the EIAR that no construction works are taking place within the River Finn SAC are incorrect and are not an accurate representation of the actual boundaries of the SAC, and that one of the piers for the proposed River Finn Crossing in Section 1 will be situated within the River Finn SAC. The submission claims, therefore, that a fresh screening under the Habitats Directive and Appropriate Assessment needs to be carried out and that excavation works required for the bridge piers in this location need to be assessed.

Further, the submission states that Mr Kee is concerned that hazel and oak scrubland within the River Finn SAC will be removed in order to accommodate the proposed River Finn Crossing.

7.18.10.1 Response

As also discussed in Section 3.2 above, the NPWS periodically release updates to nationwide SAC boundaries. Updates were made to the River Finn SAC boundary in June 2023. When overlaid with the previous version of the River Finn SAC boundary, the 2023 update shows a shift in the boundary by a few metres in certain areas along the length of the SAC.

Following receipt of Mr. Kee's submission, DCC carried out a review of the design drawings and the SAC boundaries as published by NPWS. In carrying out this review we noted that while the most recent boundary of the River Finn SAC (as updated by NPWS in 2023) was used in a number of the EIAR drawings there were a number of engineering drawings where the previous boundary of the River Finn SAC (published prior to 2023) was not updated to the most recent 2023 version of the boundary. As explained in Section 3.2 above, this issue arose with the drawings because the boundary prior to an update from NPWS in June 2023 was used in drawings prepared using computer aided design (CAD) software whereas drawings prepared using geographical information system (GIS) software presented the correct, current 2023 River Finn SAC boundary.

This has led to the identification of a number of locations in Section 1 of the Proposed Development where minor modifications to the design of the Proposed Development are proposed so as to avoid works within the River Finn SAC boundary insofar as possible, as set out in Section 3.0 of this Section 51 Response Document. It should be noted that the changes in the SAC boundary by NPWS in 2023 are relatively minor as mentioned above, shifting the boundary by a few metres in a number of locations; and there were no changes to the Qualifying Interests (QI) of the SAC.

The minor modifications relevant to Mr Kee's lands at Plot 1050 are detailed in Section 3.0 and are summarised as follows:

- Minor Modification A (as set out in section 3.3.1 above) relates to certain limited works within the River Finn SAC Boundary, consisting of Minor Modification A.1 (Management and Removal of Vegetation at the Proposed River Finn Bridge) and Minor Modification A.2 (Works for the Outfall from Attenuation Pond 10);
- Minor Modification D (as set out in section 3.3.4 above) which is also located at the proposed River Finn Cross and includes Minor Modification D.1 (Temporary Works line for Pier 3 of the River Finn Bridge in Section 1 (including relocation of confirmatory GI Boreholes)) and Minor Modification D.2 (ESB Pole Relocation).

DCC can confirm that the construction of the piers for the River Finn bridge, and (in light of Minor Modification D.1) the temporary works associated with the piers, will be entirely outside of the SAC boundary. The assertion made in this submission that "the pillars will most certainly be situated within the corridor of the actual SAC" is incorrect, and DCC can confirm that they are not within the River Finn SAC boundary. This is illustrated in the updated EIAR drawings 4.14 and 4.15 which are included in Appendix 1 of this Section 51 Response Document.

Further, an assessment of these proposed minor modifications has been conducted by all relevant experts and this is set out in Section 3.0 of this Section 51 Response Document. That review has concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a re-assessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, being completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the application documentation and specifically in the NIS to address any potential adverse effects on these QIs.

A brief summary of each of the minor modifications relevant to Plot 1050 is provided below:

Minor Modification A.1 Management and Removal of Vegetation at the Proposed River Finn Bridge

Works within the River Finn SAC to manage and remove vegetation will consist of the following activities:

a) Enabling works prior to the commencement of construction works on the bridge deck (temporary and permanent) involving the removal and management of certain trees/tree-groups within the River Finn SAC. This is to enable and facilitate the construction works for the bridge deck that will oversail the River Finn SAC. This work is also required to facilitate the diversion of overhead electrical overhead lines (110 kV and 38 kV) running parallel to the proposed bridge; and
b) Facilitating the enhancement of the woodland habitats bordering the river consistent with the submitted proposals set out in the submitted Biodiversity No Net Loss (NNL) Report and Invasive Species Management Plan (refer to Appendix C4.04 in Volume C of the EIAR).

The woodland habitat within the SAC at the location of the bridge crossing constitutes two woodland habitat types – conifer woodland (WD4) and riparian woodland (WN5). The loss of habitat WN5 Riparian Woodland at the crossing point of the River Finn in Section 1 is specifically addressed on pages 9-81 to 9-82 of Chapter 9A of Volume B the EIAR.

While the EIAR describes and assesses the impacts and effects of this habitat loss, there is no explicit assessment of the management and removal of vegetation within the River Finn SAC at this location in either the EIAR or NIS. An explanatory drawing showing the location of the vegetation management and removal under the River Finn Bridge is provided in Appendix 3 of this Section 51 Response Document. This drawing is entitled: Minor Modification A.1: Location of Vegetation Management and Removal. A further, more detailed new drawing showing the trees and tree groups to be managed is included in Appendix 1C, drawing entitled: Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC. An extract of this drawing is included in Figure 7.19 below.

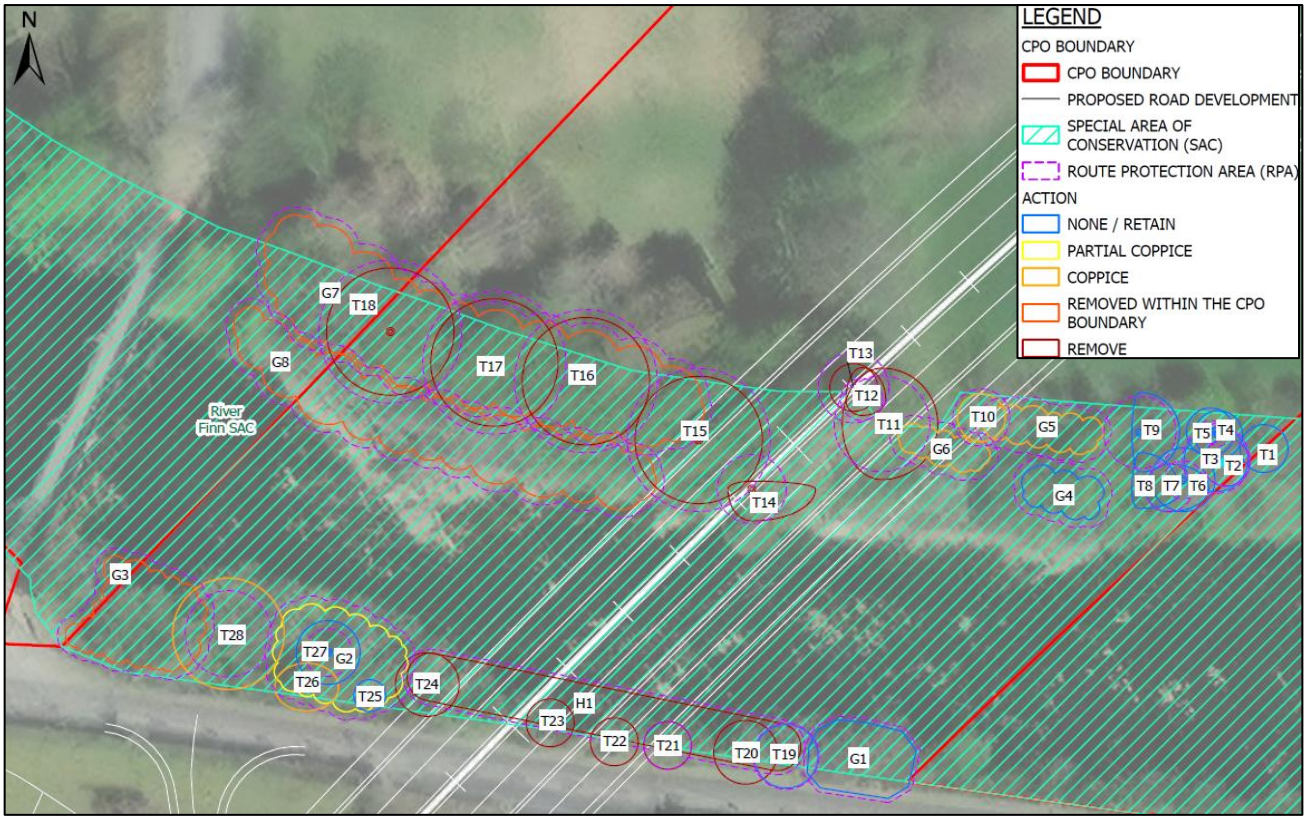


Figure 7.19 Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC (extract from drawing in Appendix 1C)

In order to provide further detail with respect to the above, the drawing entitled Minor Modification A.1 Vegetation Management and Removal within the River Finn SAC in Appendix 1C, specifically identifies the trees/ tree-groups within both WD4 and WN5 habitats to be removed or managed through coppicing within or adjacent to the SAC boundary, or where the root protection areas of the latter overlap with that boundary. Those trees/ tree-groups managed through coppicing results in the retention of the root system, being unharmed, allowing for their regeneration post-construction. Coppicing is a standard woodland management technique. Table 7-1 below provides the list of trees/ tree-groups that form Minor Modification A.1, which table is also included in the drawing included in Appendix 1C of this document.

The provision of additional and specific detail regarding the trees/ tree-groups that will be affected within the woodland habitat (as illustrated in Appendix 1C) has been reviewed by DCC's competent experts. This assessment concluded that this minor modification would not result in any additional significant effects to those already identified and assessed within the EIAR and NIS subject to the management and removal of the bankside vegetation within the SAC being completed in a controlled manner; for which additional mitigation is set out in Section 3.3.1.1. This includes with respect to the QIs of the River Finn SAC and its published detailed SSCOs. As documented in Section 6.6.1 of the submitted NIS, the only QIs of the River Finn SAC with a potential pathway in respect of the Proposed Development (including the vegetation management and removal detailed above) are otter and salmon. In light of the additional detail regarding vegetation management and removal (Appendix 1C), DCC's competent experts have reviewed this additional detail against the relevant and published detailed SSCOs of the River Finn SAC; namely for otter and salmon. The vegetation management and removal works now specified will not be contrary to those published SSCOs subject to the additional controls regarding how the vegetation management and removal should be phased and completed; as documented in Section 3.3.1.1 above.

Therefore, the review undertaken has demonstrated that the modifications proposed give rise to changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this included a reassessment of any potential impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, which was completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS so as to address any potential adverse effects on these QIs.

Table 7-1 Trees and Tree-Groups within Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC (extract from drawing in Appendix 1C

Label	Species
G1	Fraxinus excelsior, Betula pendula, Quercus robur, Acer pseudoplatanus (Common Ash, Silver Birch, English Oak, Sycamore)
G2, G4, G6	Acer pseudoplatanus (Sycamore)
G3	Fraxinus excelsior, Salix caprea, Acer pseudoplatanus, Ilex aquifolium (Common Ash, Goat Willow, Sycamore, Holly)
G5	Acer pseudoplatanus, Corylus avellana, Fraxinus excelsior, Ilex aquifolium (Sycamore, Hazel, Common Ash, Holly)
G7	Chamaecyparis lawsoniana (Lawsons Cypress)
G8	Fraxinus excelsior, Salix caprea (Common Ash, Goat Willow)
H1	Fraxinus excelsior, Acer pseudoplatanus, Corylus avellana, Salix alba (Common Ash, Sycamore, Hazel, White Willow)
T1, T8, T14	Salix caprea (Goat Willow)
T2, T6, T7	Corylus avellana (Hazel)
T3, T10, T11, T12, T19, T27, T28	Acer pseudoplatanus (Sycamore)
T4, T5	Crataegus monogyna (Common Hawthorn)
T9	Sorbus aucuparia (Rowan / Mountain Ash)
T13	Alnus glutinosa (Common Alder)
T15, T16, T17, T18	Populus trichocarpa (Western Balsam Poplar)
T20, T22, T23, T24, T25, T26	Fraxinus excelsior (Common Ash)
T21	Quercus robur (English Oak)

Minor Modification D.1 Temporary Works Line for Pier 3 of the River Finn Bridge in Section 1 and confirmatory Ground Investigation (GI) locations

As a result of the correction to the River Finn SAC boundary in Section 1, DCC's project team identified that the temporary works boundary line shown in the EIAR drawings 4.14 (River Finn Crossing (N15 R024) Access and Piling) and 4.15 (River Finn Crossing (N15 R024) Construction & Temporary Works) was within the current River Finn SAC boundary for Pier 3 of the proposed River Finn bridge. Pier 3 is located on the northern side of the River Finn, as shown in Figure 7.20 below, which is an extract from the updated EIAR drawing 4.13 included in Appendix 2 of this Section 51 Response Document.

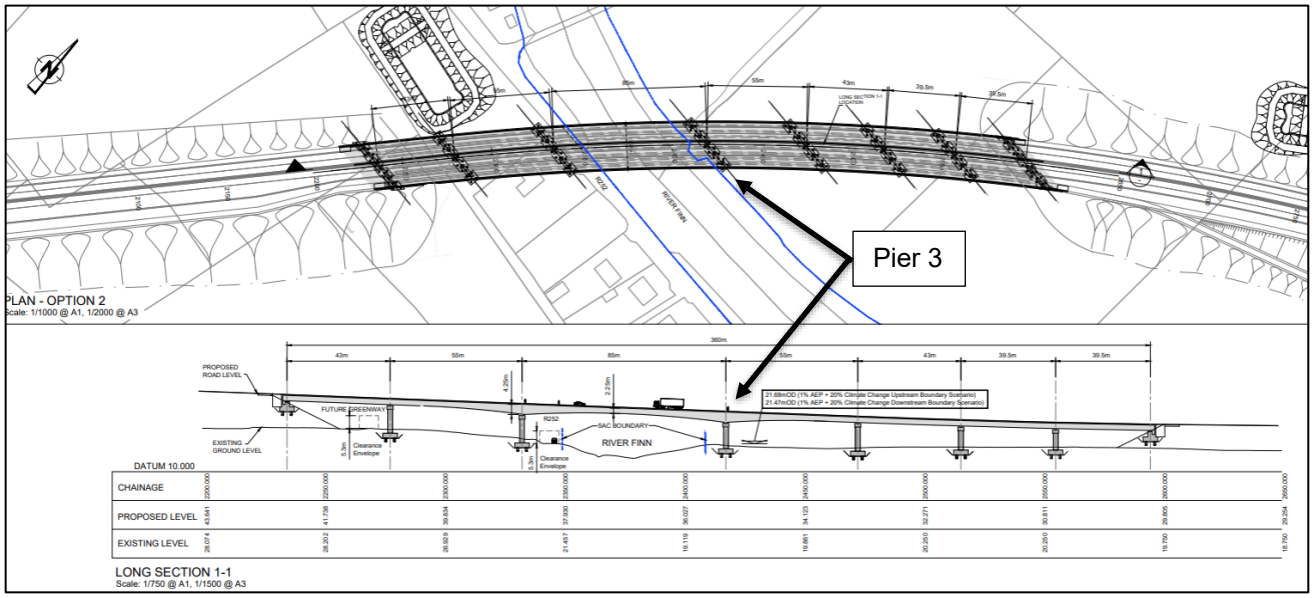


Figure 7.20: Location of Pier 3 on the Northern Side of the River Finn

Therefore, the design team has moved the temporary works boundary to be entirely outside of the River Finn SAC boundary. This modification has resulted in updates to EIAR Drawings 4.14 and 4.15 which are both included in Appendix 1A (EIAR drawings) and Appendix 1B (NIS drawings) of this Section 51 Response Document. As a consequence of this minor modification, the associated confirmatory Ground Investigation (GI) locations at Pier 3, BS-BHRC 1610 and BS-BHRC 1611, as shown on updated EIAR Drawing 4.63, sheet 3 of 9, in Appendix 2 of this Section 51 Response Document, have been moved to ensure that they are outside of the River Finn SAC boundary at this location. The updated drawings, demonstrate that all temporary and permanent works associated with the construction of bridge Pier 3 will be undertaken outside of the River Finn SAC boundary and no additional mitigation measures are required. Extracts from the updated EIAR Drawing 4.15 (see Appendix 1A) showing the SAC boundary, the temporary works line, Pier 3, along with cross-section B-B are presented Figure 7.21 below.

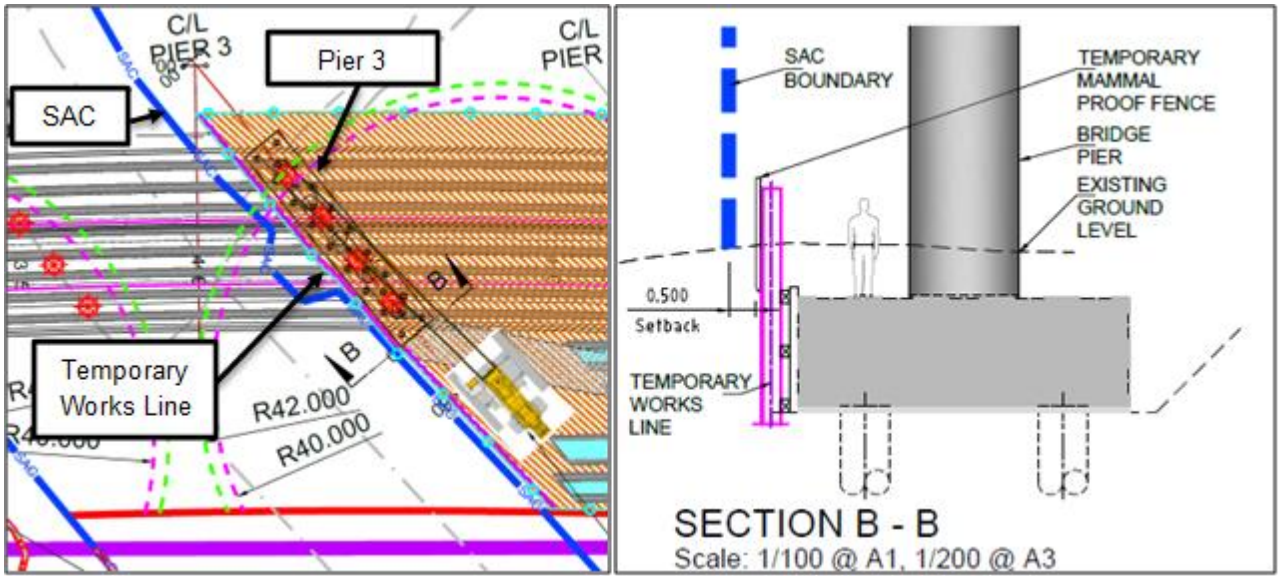


Figure 7.21: River Finn Cross Section of Pier 3

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the mitigation measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

Minor Modification D.2 ESB Pole Relocation

The Proposed Development requires the diversion of certain utilities including overhead electrical wires. This includes a 110 kV and 38 kV lines at the River Finn crossing.

As a result of the correction to the River Finn SAC boundary, one of the poles for the 38 kV overhead line has to be slightly relocated to ensure that it is outside of the River Finn SAC, as shown on Figure 7.22 below.

This minor modification has been assessed by DCC's competent experts and it has been concluded that there are no changes with respect to the assessment of the Proposed Development as set out in the submitted EIAR or NIS; including the measures identified to address any effects documented therein. For the avoidance of doubt, this includes a reassessment of any impacts on the relevant QIs of the River Finn SAC, i.e. salmon and otter, completed with reference to their published detailed Site-Specific Conservation Objectives, and the mitigation measures documented in the NIS to address any potential adverse effects on these QIs.

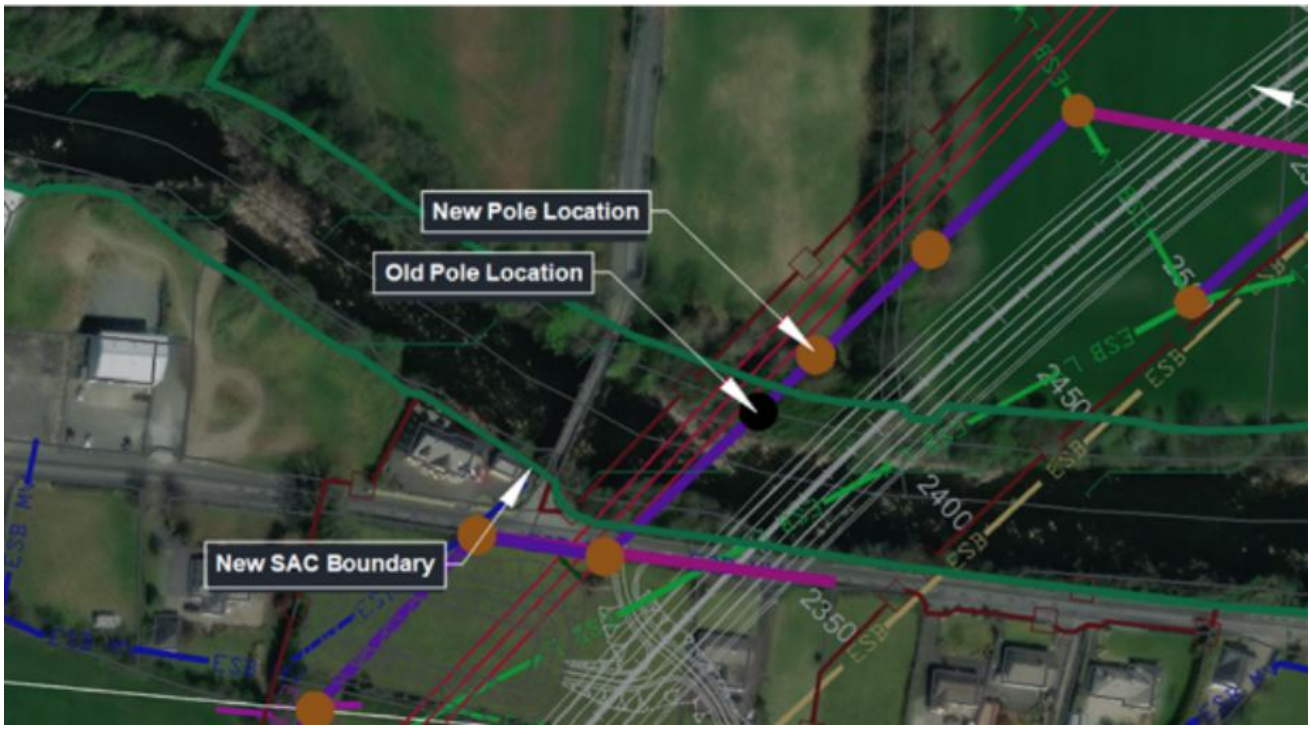


Figure 7.22: Relocation of ESB Pole

Screening for Appropriate Assessment and Appropriate Assessment

DCC has carried out a Screening for Appropriate Assessment of the Proposed Development and, for the reasons set out in the Information for Screening for Appropriate Assessment (ISAA) Report, the River Finn SAC was screened in for Appropriate Assessment. The impact of the Proposed Development on this SAC is then fully and comprehensively assessed in the NIS prepared by DCC. As set out above, the minor modifications proposed in Section 3.0 do not materially alter the conclusions presented in either the ISAA Report or the NIS.

Therefore, the suggestion in Mr Kee's submission that a *"fresh screening under the Habitats Directive and Appropriate Assessment needs to be carried out to take account of the fact that there is in fact a material encroachment within the SAC*" is not correct. However, in any event, it is noted that the Commission as part of its consideration of the application for approval of the Proposed Development will itself carry out Appropriate Assessment Screening and Appropriate Assessment of the Proposed Development, including these proposed minor modifications should the Commission decide to grant the modifications sought.

Removal of hazel and oak scrubland within the River Finn SAC

Further, the submission refers specifically to "hazel and oak scrubland" within the River Finn SAC and suggests that such scrubland, which Mr Kee considers to be valuable riparian woodland, will have to be removed to facilitate construction of the proposed River Finn crossing at this location.

First, it is noted that there is no woodland that would be mapped or described as such (e.g. as WN2 Oak-Ash-Hazel woodland) within the River Finn SAC and within the CPO boundary at the location of the River Finn crossing within Section 1.

There are two woodland habitats mapped and described at that location, as summarised also above, namely WD4 – Coniferous Plantation and WN5 – Riparian Woodland, which may be the areas of woodland that Mr Kee is concerned about in his submission.

However, the suggestion by Mr Kee that the removal of this woodland is "inevitable" is incorrect. In fact, additional clarification and detail with respect to the management and removal of vegetation necessary within

the SAC at this location to facilitate the oversailing of the bridge structure/power cables and to deliver ecological enhancement along the River Finn is provided immediately above, and in Section 3.3.1 above in the context of Minor Modification A.1. As explained above, while certain trees/ tree-groups within both WD4 and WN5 habitats are to be removed or managed through coppicing within or adjacent to the SAC boundary, this has been reviewed by DCC's competent experts who concluded that it would not result in any additional significant effects to those already identified and assessed within the EIAR and NIS, subject to the management and removal of the bankside vegetation within the SAC being completed in a controlled manner; for which additional mitigation is set out in Section 3.3.1.1.

Conclusion

In those circumstances, and in light of the minor modifications proposed as set out in detail in Section 3.3.1 above, the concerns raised by Mr Kee in relation to potential impacts of works within the River Finn SAC have been fully addressed in this Section 51 Response Document, and there will be no adverse impacts on the River Finn SAC. Furthermore, the assessment of the impacts and effects on the SAC is not "arbitrary". As documented in both the both the EIAR (Chapters 9A and 9B) and NIS, a systematic assessment of the impacts and effects of the Proposed Development has been completed with reference to published detailed Site-Specific Conservation Objectives (SSCOs); and to standard, published guidance. All impact pathways capable of resulting in likely significant effects have been considered, thoroughly analysed and assessed with appropriate mitigation measures identified and documented to address the effects identified.

7.18.11 Biodiversity / Impacts of the Proposed River Finn Crossing

The submission raises issues as to whether the River Finn Bridge (Section 1) will have a direct impact on the flight paths of avian fauna, and/or that shading from the bridge structure will have an effect on the resident insect and invertebrate population in the area and the penetration of the salmon colony within the River Finn.

7.18.11.1 Response

The effects of the Proposed Development on the River Finn have been comprehensively addressed within the Information for Screening for Appropriate Assessment (ISAA) Report at Table 5.1 and 5.2, where it clearly states that the River Finn SAC is screened in for Appropriate Assessment and sets out the likely significant effects arising from the Proposed Development, which include both construction and operational effects.

Similarly, within the NIS the impacts in this area are detailed at Section 6.6.1.5.2; and they are also addressed within Chapter 9A of the EIAR at Section 9A.5.2.1 and Chapter 9B of the EIAR at 9B.5.3.2.

Further, as explained above, DCC is requesting certain minor modifications to the Proposed Development as set out in Section 3.0 of this Section 51 Response Document, which relate to, among other things, the management and removal of vegetation within the SAC which is required to facilitate the oversailing of the bridge structure/electricity cables across the River Finn and the enhancement of woodland habitat along both banks of the river, and those minor modifications have been fully considered and assessed in this Section 51 Response Document.

Works within the River Finn SAC

First, it is important to note that while this submission claims that "there can be no piecemeal encroachment onto an SAC", the Habitats Directive does not preclude construction activities within the boundaries of European Sites, once the requirements of the Directive have been met as they have in this case. Indeed, there is clear precedent for consenting such activities, and there are several examples of road bridges in Ireland, similar to that proposed at the crossing of the River Finn at Section 1, which oversail European Sites and/or include construction works within the boundaries of European Sites, including:

- The N2 Slane Bypass which includes a new bridge over River Boyne and Blackwater SAC;
- The N25 New Ross Bypass which includes a new bridge over the River Barrow and Nore SAC;
- The Adare Bypass which includes a new bridge over part of the Lower River Shannon SAC.

In the case of the crossing over the River Finn within Section 1, an open-span bridge design has been developed to avoid and minimise ecological impacts and effects including with respect to the QIs of the SAC relevant to the project (namely otter and salmon). The open-span design retains significant connectivity along the corridor of the river for all mobile species, including bird species and the two mobile QI species (namely salmon and otter). DCC can also confirm, as explained in more detail above, that both the temporary and permanent works for the construction of the bridge piers on either side of the River Finn lie outside of the SAC boundary.

Impacts on Avian Species

The submission on behalf of Mr Kee raises a concern in relation to the impacts of the bridge structure on the flight paths of avian fauna.

In that regard, with respect to the River Finn SAC, none of the QIs of the SAC are avian (bird) species; as documented and published by NPWS[6]. All QIs of the River Finn SAC have been considered and assessed within the submitted NIS; including with respect to the mobility of the two mobile QI species (otter and salmon) along the corridor of the River Finn SAC.

With reference to the baseline information on breeding and wintering birds, the impacts and effects of the proposed development, including the bridge crossing of the River Finn in Section 1, on both have been fully assessed. Based on the findings of the surveys completed, no significant populations of bird species (breeding or wintering) whose flight paths could be significantly impacted and effected by the bridge crossing of the River Finn in Section 1 were identified.

Therefore, any suggestion that the proposed River Finn Crossing would negatively impact on the flight paths of avian fauna is incorrect and has no substance.

The submission also states that consideration must be given to the noise impacts on the resident avifauna. The impacts and effects on avifauna, including with respect to noise, is fully assessed; as documented in EIAR (Chapter 9A) in Sections 9A.5.6.10.1.3 (construction phase) and 9A.5.6.10.2.2 (operational phase) with respect to breeding birds and Sections 9A.5.6.11.4.1 (construction phase) and 9A.5.6.11.4.2 (operational phase) with respect to wintering birds.

Bridge Shading Effects

With regard to shading in the River Finn from the proposed new bridge, the effects were comprehensively assessed in EIAR Section 9B.5.4.2 (Section 1 River Finn SAC Bridge Shade Effect) and NIS Section 6.6.1.5.2 (Assessment of Adverse Effects on Integrity). For clarity and with reference to the above Sections of the EIAR and NIS, the assessment is as follows:

> "*The clear span design of the Section 1 River Finn SAC bridge means there will be no impediment to salmon migration and will retain the existing channel and banks of the watercourse intact. The channel is generally wooded on both banks and has a moderate degree of shade owing to the steep / vertical (historically drained) banks on the south side of the crossing reach. The proposed bridge deck width is 26.5 m with a clearance of c.18m above summer river levels. The orientation of the bridge is NE-SW, meaning there will be light incidence from the SE side of the bridge, likely penetrating beneath the bridge deck more so outside of summer months when the sun is lower, noting the 18 m bridge deck clearance above the river. The NW side of the bridge will become more shaded compared to baseline. The instream plant community is bryophyte dominated (mainly Fontinalis antipyretica, F. squamosa) and the liverwort Chiloscyphus sp. Aquatic mosses tend to tolerate low light and are the dominant feature of instream vegetation in this location owing to existing shading from riparian treelines, high water colour (humic substances) and (likely historical) deepening that has formed vertical banks, particularly on the southern (RHS) bank. Permanent bridge shading, similar to*

[6] https://www.npws.ie/protected-sites/sac/002301

> *these existing channel shading features (tall riparian trees, deepened channel banks), could reduce moss cover locally. This is likely to be more noticeable in the long-term operation phase on the western side of the bridge where light incidence would become more limited compared to baseline. Whilst this is an impact, it does not significantly alter the ecological functionality of this reach for fish, i.e., as migration, holding and nursery habitat and does not represent a significant negative effect*".

Further, the submission raises a specific issue in relation to the effects of such shading on the insect / invertebrate population and its consequence for salmon penetration into the River Finn, which is addressed immediately below.

Firstly, bridge shade will have no effect on salmon migration or the success of salmon penetration along the River Finn. Inward migrating adults and outward migrating smolts will pass under the proposed clear span bridge without hinderance, noting also that migration for this species largely occurs in the hours of low light or darkness to avoid predation.

Secondly, shade is one of many environmental factors (e.g., water temperature, nutrient, oxygen, flow, substrate type, sediment dynamics) that affects aquatic macroinvertebrate community structure, diversity and abundance. Natural shade, of which there is an abundance along the River Finn corridor (mature treelines), is positively correlated with macroinvertebrate community health and fish health within the river corridor as it provides a thermoregulation function and cover from predation. Artificial shade, as acknowledged in the EIAR (Volume B, Section 9B.5.4.2) and NIS (Section 6.6.1.5.2), may reduce localised productivity in the plant community which may alter the benthic macroinvertebrate assemblage to some extent, although this is not a given because genera such as Fontanalis, which are the dominant aquatic macrophyte component in the crossing reach, are positively correlated with shade (Jusik and Staniszewski, 1999[7]). Macroinvertebrate communities are extremely adaptable spatially and temporally owing to the range of feeding guilds and microhabitats present in a large river, i.e., with a range of seasonal water level, turbidity and light conditions. The bridge shadow at the height -width ratio of 0.7 as proposed may slight alter spatial and temporal distribution of certain macroinvertebrate groups (positively and negatively compared to baseline) but would have an imperceptible effect on macroinvertebrate community structure, diversity and abundance at a population scale. Importantly, any localised effects would have no impact whatsoever on invertebrate drift rates within the river with regards to food resource availability / density for actively feeding juvenile salmon.

With regards to feeding in Atlantic salmon, returning adults that penetrate the river do not feed, surviving on their body condition derived from their marine life-stage. They will continue to actively migrate to spawning areas which will remain fully accessible because of the clear span design of the bridge.

As recorded in the EIAR and the NIS, the proposed bridge reach is recognised by the Loughs Agency as primarily salmonid nursery habitat, i.e., Grade 1 and 2 nursery habitats for salmonids, with small patches of Grade 2 holding and limited Grade 3 spawning habitats (Scale: 1 'excellent' to 4 'poor') (refer to EIAR Section 9B.4.1.1 Section 1 - Baseline Aquatic Environment and NIS Section 5.2.1.5 QI Receptors - Aquatic).

Juvenile Atlantic salmon (i.e., those within the dominant nursery habitats) feed on invertebrate drift in the water column. Studies have shown salmon parr have feeding strategies that are light and temperature adapted whereby daytime feeding is more prominent during summer and night feeding is more prominent in winter (e.g., Amundsen et al., 1999[8]). Regardless, the low light conditions of dawn and dusk are consistently reported as being active feeding times, i.e., light conditions that satisfy the competing demands of predator evasion and prey visibility (e.g., Metcalfe et al., 1999[9]). Bridge shading, especially at the height/width ratio of

[7] Jusik, S., and Staniszewski, R. (2019) Shading of River Channels as an Important Factor Reducing Macrophyte Biodiversity. Pol. J. Environ. Stud. 28 (3), 1215-1222.

[8] Amundsen, P.-A., Bergersen, R., Huru, H. and Heggberget, T.G. (1999), Diel feeding rhythms and daily food consumption of juvenile Atlantic salmon in the River Alta, northern Norway. Journal of Fish Biology, 54: 58-71.

[9] Metcalfe, N.B., Fraser, N.H.C. and Burns, M.D. (1999), Food availability and the nocturnal vs. diurnal foraging trade-off in juvenile salmon. Journal of Animal Ecology, 68: 371-381.

0.7 as proposed for the River Finn Crossing, will cast shadow on the river to varying degrees depending on season, but does not cause total darkness. Such shadow may approximate lower light conditions that are amenable to forging for invertebrate drift. Indeed, shoals of salmonid parr have often been observed by the author of Chapter 9B, Volume B of the EIAR, throughout 26 years of field experience, to actively forage around shaded reaches (both bridges and natural tree cover), likely related to the combination of local light (and temperature) conditions and an adaptive response to cover from overhead predators.

Finally, the bridge shadow footprint is extremely minor in relation to the available fluvial area of the River Finn and will not have a significant effect on the availability of invertebrate drift to support juvenile salmon in the crossing reach or downstream. The concentration and diel pattern of invertebrate drift in the water column originates upstream of the bridge reach and will not alter as a result of shadow cast by the proposed bridge relative to total fluvial area.

In conclusion, operation phase shading by the proposed bridge will not have a likely significant effect on macroinvertebrate -salmon linkages in terms of feeding success, and the bridge structure itself will not affect penetration (migration) of salmon within the Finn either locally or at a catchment scale.

Therefore, no concern arises in relation to the effects of shading on the River Finn at this location, which have been fully considered and assessed in the EIAR and the NIS for the Proposed Development, and any suggestion in this submission that the potential impacts of shading have not been considered or assessed is incorrect.

7.18.12 Climate

Mr Kee's submission raises issues in relation to climate effects and suggests that same may not have been fully ascertained.

7.18.12.1 Response

This response focuses on the climate issues raised in Mr Kee's submission. The issue of loss of resources, i.e. agricultural and soil resources, which is also mentioned in places under the heading of "Climate" in Mr Kee's submission, is dealt with in the response set out in Section 7.18.9 above.

Chapter 13: Climate of Volume B of the EIAR assesses the potential climate impacts that the Proposed Development may have on the receiving environment, during the construction, operational and decommissioning phases.

A full and detailed assessment of the carbon emissions associated with the construction and operation of the proposed development, in all phases, is set out in Chapter 13 of the EIAR, as summarised below.

Construction Phase Carbon Emissions

Section 13.5.1 of Chapter 13 explains in detail the matters taken into account in the assessment of construction phase greenhouse gas emissions, as follows:

> *"There is the potential for a number of GHG emissions to atmosphere during the construction of the Proposed Development. As part of the Proposed Development, construction stage GHG emissions have been calculated under the following headings within the TII Carbon Tool:*
> - *Pre-construction Works (e.g. site clearance);*
> - *Embodied Carbon of Materials;*
> - *Construction Activities; and*
> - *Construction Waste.*
>
> *Transport GHG emissions associated with delivery of materials to site and construction worker travel to site were also included in the calculator. The GHG assessment has quantified the overall GHG emissions arising from the construction of the Proposed Development, as well as investigating the individual impacts arising from each section of the Proposed Development"*

Sections 13.5.1.1 to 13.5.1.4 of Chapter 13 then set out in detail the assessment of construction phase carbon emissions, addressing each of the bullet points set out in section 13.5.1 as quoted above:

- Section 13.5.1.1 assesses the pre-construction carbon emissions associated with the Proposed Development and explains that these impacts "account for emissions accrued before construction of the infrastructure commences and includes land use impacts and emissions associated with plant and machinery required to clear the site."
- Section 13.5.1.2 sets out a detailed assessment of the embodied carbon associated with the Proposed Development, explaining that embodied carbon "is the carbon contained within a material or product. It is the sum of all carbon emissions that have been generated during the extraction, processing and manufacturing of a particular product." The section sets out a series of detailed tables quantifying the embodied carbon associated with each element of the Proposed Development (which as mentioned above includes the carbon emissions generated during the extraction, processing, and manufacturing of materials) and also includes, in Tab 13-24, an assessment of the greenhouse gas emissions associated with the transport of materials.
- Section 13.5.1.3 then sets out the assessment of carbon emissions associated with construction activities, including:
    - First, emissions arising from excavation, which includes "the energy used by mobile plant engaged in the excavation and movement of materials"; and,
    - Second, emissions arising from other construction activities, which includes "carbon emissions generated during the construction of the Proposed Development excluding excavation... Types of activities include fuel use of mobile and fixed plant operating during the construction phases along with electricity and water use."
- Section 13.5.1.4 then assesses the greenhouse gas emissions arising from waste management during construction.

The total greenhouse gas emissions associated with the construction of the Proposed Development, in the absence of mitigation, taking into account all elements of these emissions as described above, is then set out in section 13.5.1.5 and Table 13-28 of Chapter 13. The total greenhouse gas emissions associated with the construction phase, pre-mitigation, is 113,103 t CO2e, and the section concludes that in the absence of further mitigation to reduce these direct and indirect emissions, the construction of the Proposed Development will have a moderate adverse impact on climate which is considered significant.

Further, detailed mitigation measures for the construction phase of the Proposed Development are set out in section 13.6.1 of Chapter 13, including, for example, that:

> "As a replacement for traditional precast concrete materials made with CEM1 cement mixes, the Proposed Development will use a minimum of 50% ground granulated blast-furnace slag (GGBS) cement for all structural and non-structural precast structures, kerbs, drains, etc. The carbon intensity of 50% GGBS replacement is the mitigated baseline value and any concrete or the same functional properties and equivalent, or lower, carbon is suitable.
>
> Similarly, all concrete poured in-situ for the Proposed Development will consist of a minimum of 50% GGBS (or alternative clinker replacement) cement."

As set out in section 13.6.1 of Chapter 13, the total embodied carbon saved by this measure equates to 11,561 tonnes CO2e. This saving is equivalent to 19% of the total embodied carbon in concrete and cement estimated for the Proposed Development in the baseline. This reduction is aligned with the CAP25 target to decrease embodied carbon in construction materials produced and used in Ireland by at least 30% by 2030.

Section 13.8.1 of Chapter 13 sets out the residual impacts arising from the construction phase greenhouse gas emissions associated with the Proposed Development, post mitigation, and concludes that the construction of the Proposed Development is predicted to have a direct and indirect (in the case of embodied carbon) minor adverse short-term impact on climate which is not considered significant.

Accordingly, all of the embodied carbon associated with each element of the construction of the Proposed Development has been considered and assessed in Chapter 13, and the climate effects of the Proposed Development have been fully ascertained, and the carbon costs of the materials that will be used to construct the Proposed Development have been considered.

Operational Phase Greenhouse Gas Emissions

Section 13.5.2 of Chapter 13 sets out the assessment of the operational phase greenhouse gas emissions associated with the Proposed Development. This includes:

- In section 13.5.2.1, an assessment of the embodied carbon impacts arising from the maintenance of the road pavement during the operational phase;
- In section 13.5.2.2, an assessment of the positive benefits of the active travel network and other sustainable transport initiatives; and,
- In section 13.5.2.3, an assessment of the road traffic emissions arising from the Proposed Development.

While Mr Kee's submission suggests that the purpose of the development is to facilitate an increase in the scale and volume of motor vehicle traffic, and that this will result in *"further bottlenecks throughout the county of Donegal and beyond"*, this is not correct. In fact, as explained in section 13.5.2.3 of Chapter 13:

> *"The current road infrastructure is considered deficient requiring revised alignment to improve safety but also to support a more efficient transport network. For example, Section 1 accommodates strategic and local traffic through the town centres of Ballybofey and Stranorlar, resulting in queuing and delays as the existing infrastructure is insufficient to accommodate current traffic flows. The section of the N56 in Section 2 is a key route into Letterkenny town from the east and south and suffers from particularly heavy congestion during peak hours. Designing out congestion with the new alignment can increase vehicle efficiency and reduce GHG emissions where vehicles are operating at moderate speeds."*

Further, the assessment of operational greenhouse gas emissions arising from road traffic emissions concluded that:

> *"the predicted increase in total kilometres travelled under the Do-Something scenario with the Proposed Development in operation is minimal (less than 1%) relative to the Do-Minimum current network. These results indicate that the Proposed Development will not lead to any significant increase or decrease in traffic on the road network but will redistribute traffic around the network through reducing congestion (such as in the town centres of Ballybofey, Stranorlar and the roads into Letterkenny) on a more efficient system with no net change in impact over the Do-Minimum impact."*

In fact, the analysis set out in Chapter 13 demonstrates that, regardless of the development of the Proposed Development, road traffic emissions in the area will decrease in future years. Section 13.5.2.3 of Chapter 13: explains that:

> *"…the total traffic emissions decrease in 2032 for all scenarios by circa 12% relative to the baseline (refer Table 13-14) and in 2047 all scenarios decrease by circa 43% relative to the baseline. This reduction is due to the planned and progressive implementation of CAP measures such as the electrification of the fleet and the increased use of biofuels which will reduce the average emissions per vehicle resulting in these decreases.*
>
> *As such, regardless of the development of the Proposed Development and the A5 WTC, […], traffic emissions in the area will decrease in future years as a result of traffic decarbonisation measures included in the Climate Action Plans…"*

The assessment of road traffic emissions concludes that:

> *"When comparing the Do-Minimum to the Do-Something scenarios in 2032 and 2047 for the Realistic Worst Case Future Fleet Scenario (both with and without the A5 WTC and the N14/N15 to A5 Link), the results show negligible change in total annual emissions (of the order of 1% equating to circa 3,500 tonnes CO2e without the A5 and circa 1,800 tonnes CO2e with the A5). As noted above, these results indicate that the Proposed Development will not lead to any significant increase or decrease in traffic on the road network but will redistribute traffic around the network through reducing congestion on a more efficient system with no net change in impact over the Do-Minimum impact. As a consequence, there is no net significant change in total traffic emissions with the Proposed Development in operation relative to the emissions associated with the current road network."*

The overall residual impacts arising from the operational phase greenhouse gas emissions are then set out in section 13.8.2 of Chapter 13, which concludes:

- First, in relation to maintenance of the Proposed Development during the operational phase, that: "*The asphalt and other surface treatments for the road pavement will require periodic maintenance through the operation phase. This maintenance regime will require additional materials that, like construction, will result in embodied carbon impacts but these emissions are predicted to have a direct and long term minor adverse impact on climate which is not considered significant.*"
- Second, that *"the active travel and modal shift aspects of the Proposed Development are predicted to have a negligible to beneficial impact on climate which is not considered significant*."; and,
- Third, in relation to operational emissions from road traffic, that "*the net impact on climate of the operational phase traffic emissions is classed as a direct and long term minor adverse with a potential transboundary impact given the wider road network modelled into Northern Ireland, which is not considered significant. While projected emissions are negligible relative to the Do-Minimum scenario, any emissions of GHG represents an adverse impact.*"

The above demonstrates that the analysis set out in Chapter 13 has fully considered and assessed the *"permanent ongoing annual effect of the volumes of traffic"* using the Proposed Development, as Mr Kee suggests should be done, and there is no gap or lacuna in this assessment of climate impacts as apparently suggested by Mr Kee.

Compliance with section 15 of the Climate Action and Low Carbon Development Act 2015 (as amended)

Finally, for completeness, while Mr Kee seeks to suggest in his submission that the Proposed Development is not sustainable in part by reference to its impacts on climate, that is not the case. The analysis set out in Chapter 13 clearly demonstrates that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the Climate Action and Low Carbon Development Act, 2015 as amended (the **"2015 Act"**).

In that regard, as the Commission is aware, section 15 of the 2015 Act requires the Commission to perform its functions, insofar as practicable, in a manner consistent with the matters specified in section 15(1) of the 2015 Act, which are:

- The most recent approved climate action plan, which is currently CAP25 and is to be read in conjunction with CAP24.
- The most recent approved national long term climate action strategy, which is Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction 2024.
- The most recent approved national adaptation framework (National Adaptation Framework 2024) and approved sectoral adaptation plans, which is the Transport Sectoral Adaptation Plan 2025-2030 (T-SAP II).
- The furtherance of the national climate objective which is set out in section 3 of the 2015 Act, namely to 'pursue and achieve, 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 objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

Each of these matters is considered and addressed in detail in section 13.8.6 of Chapter 13, which concludes that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the 2015 Act and demonstrates that the Commission can be satisfied that, by granting approval for the Proposed Development, it would be it would be discharging its obligations under section 15 of the 2015 Act and performing its functions, insofar as practicable, in a manner consistent with the Climate Action Plan 2025, the Climate Action Plan 2024, the most recent approved long term climate strategy, and the other plans and objectives specified in section 15.

7.18.13 Allegations in Relation to a Bridge Order under the Local Government Act 1946

The submission asserts that no consideration appears to have been given to the provisions of the Local Government Act 1946, and the statutory process relating to an application for a Bridge Order.

7.18.13.1 Response

In the submission on behalf of Mr. Kee, it appears to be contended that the statutory provisions of the Local Government Act 1946 (the "1946 Act") have not been fulfilled relating to an application for a Bridge Order. The submission relies upon various sections of the 1946 Act contained in Part IV of the 1946 Act, which sets out provisions relating to the construction and reconstruction of bridges, viaducts and tunnels, including the procedures in relation to applications for Bridge Orders.

However, Part IV of the 1946 Act, including the provisions relating to Bridge Orders referenced in the submission, was repealed by Part 1 of Schedule 3 to the Local Government Act 2001 (as amended) (the "2001 Act"), with effect from 1 January 2002.

While a limited saver was contained in section 2(1) of the Local Government Act 2003, which allows Part IV to remain in force for certain Bridge Order applications, that saver simply provided that, notwithstanding the repeal of Part IV of the 1946 Act by the 2001 Act, Part IV continues to apply and shall be deemed always to have applied in relation to an application for a Bridge Order that was made before 31 December 2001, and to any Bridge Order made after that date pursuant to such an application.

In light of the repeal of Part IV of the 1946 Act, any reliance on Part IV of the 1946 Act is erroneous. Part IV is repealed and can have no application to the Proposed Development. The application for approval of the Proposed Development, being a proposed road development, has been correctly pursued pursuant to section 51 of the 1993 Act, which application for approval is pending before the Commission. In that regard the definition of "road" under section 2 of the 1993 Act is expansive and includes at (b) "any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover…" Therefore, a bridge forms part of a road within the meaning of the 1993 Act and correctly forms part of the application for approval pending before the Commission.

Further, any reliance sought to be placed on section 51(7)(a)(ii) of the 1993 Act, which refers to a "local inquiry" in relation to a Bridge Order under section 47 of the 1946 Act, is also erroneous in circumstances where the provisions of Part IV of the 1946 Act which relate to a Bridge Order under 47 of the 1946 Act have been repealed, save for the saver referred to above which has no application here.

Given the above circumstances, there is no substance to the allegations made in relation to any alleged non-compliance with the 1946 Act as set out in paragraphs 100 to 108 inclusive of the submission by Walter P. Toolan & Sons Solicitors on behalf of Mr Kee.

7.18.14 Consultations in Relation to Transboundary Effects

The submission refers to the prescribed form of notice which DCC served on the Department for Infrastructure in Northern Ireland in accordance with section 51(3)(c) of the Roads Act 1993 (as amended), and to the

statement made in that notice that DCC would enter into consultations with the Department for Infrastructure (Northern Ireland) under section 51(3)(d) of the Roads Act 1993 (as amended).

7.18.14.1 Response

The allegation that there has been a breach of the statutory obligations relating to consultations with the Department for Infrastructure (DfI), Northern Ireland (NI) is entirely misplaced, and Donegal County Council ("DCC") has engaged with the DfI NI, in full satisfaction of the relevant statutory requirements.

First, with respect to the DfI NI's participation in the public consultation process ongoing before ACP, DCC has fully complied with all of the requirements of section 51 of the Roads Act 1993 (as amended) (the "1993 Act") in that regard. As noted in the submission on behalf of Mr Kee, on 14th May 2026, DCC issued the Prescribed Form of Notice to the Department for Infrastructure (DfI) Northern Ireland, which is the prescribed authority in Northern Ireland within the meaning of the 1993 Act, regarding the potential effects on the environment of the Proposed Development and the measures envisaged in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) to reduce or eliminate any such effects, in accordance with s 51(3)(c) of the 1993 Act. An electronic copy of the EIAR and NIS was provided along with the Notice dated 14 May 2026. That Notice is available on the DCC's Project website and has been submitted to An Coimisiún Pleanála.

That Notice advised the DfI NI that submissions could made in writing to ACP in relation to the likely effects on the environment of the proposed road development, the implications of the proposed road development for proper planning and sustainable development in the area in which it is proposed to situate the proposed road development, and the likely significant effects of the proposed road development on a European Site, between Friday 15 May 2026 and Friday 10 July 2026.

While the DfI NI did not make a submission to ACP during that period, we note that ACP has separately written to the DfI NI by letter dated 10 August 2026, to request that the DfI NI make any submissions or observations that it may have in relation to the proposed development to ACP (which ACP clearly has the power to do[10]) and so the DfI NI does have an opportunity to make a submission to ACP in relation to the proposed development.

Separately, as noted in the submission on behalf of Mr Kee, the statutory notice served on the DfI NI dated 14 May 2026 confirmed that DCC would enter into consultations with the DfI NI regarding the potential effects on the environment of the proposed road development and the measures envisaged to reduce or eliminate any such effects, under section 51(3)(d) of the 1993 Act. In that regard, DCC confirms that it has entered into consultations with the DfI NI in accordance with section 51(3)(d) of the 1993 Act. DCC wrote to the DfI NI by letter dated 24 September 2026 confirming that it had entered into such consultations, and as set out in that letter DCC notes from this consultation that DfI NI intends to make a submission directly to An Coimisiún Pleanála (which as mentioned above ACP has already invited it to do). Indeed, DCC understands that the DfI NI will confirm, as part of that submission, that the consultation between DCC and DfI for the purposes of section 51(3)(d) of the 1993 Act has occurred. Therefore, there is no substance to the suggestion that the obligation to enter into consultations with the DfI NI has in any way been breached.

Further, for the avoidance of doubt, the submission on behalf of Mr Kee is wrong to suggest that the consultations under section 51(3)(d) of the 1993 Act cannot be completed outside of the initial statutory public consultation period which took place between 15 May 2026 and 10 July 2026. This consultation with DfI NI under section 51(3)(d) of the 1993 Act is separate from that statutory public consultation process, and the fact that the DfI NI did not make a submission during that period is not relevant to this consultation.

Separately and for completeness, DCC notes that the DfI NI is coordinating a public consultation process in Northern Ireland where members of the public in Northern Ireland have an opportunity make submissions directly to ACP in relation to the proposed development, further facilitating transboundary public consultation.

[10] See section 217B(1)(a) of the Planning and Development Act 2000 (as amended).

7.18.15 Request for an Oral Hearing

The submission states that Mr Kee's representatives, Walter P Toolan & Sons Solicitors, are expressly instructed to request an oral hearing in relation to this matter.

7.18.15.1 Response

Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") grants An Coimisiún Pleanála (the "Commission") absolute discretion as to whether or not to hold an oral hearing. In that regard, section 218(1) of the 2000 Act provides as follows:

> *"Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred."*

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

7.19 David & Nigel Kee (c/o Walter P. Toolan & Sons)

Name	David & Nigel Kee
Agent	Walter P. Toolan & Sons Solicitors
Address / Plot No.	Folios DL5173, DL17328F, DL5202, DL67046F and DL5184.
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.19.1 Planning & Policy

The submission includes a cover letter raising certain issues in relation to the policy support for, and environmental impacts of, the Proposed Development, and also encloses a copy of the submission made by Walter P Toolan and Company Solicitors on behalf of David Kee which submission is adopted and endorsed by David & Nigel Kee.

7.19.1.1 Response

While this submission suggests that the Proposed Development does not constitute proper planning and sustainable development in the area, that is not the case. The Proposed Development is a targeted improvement of specific sections of the existing national road network in Donegal to target efficiency, capacity and safety on the network as well as encourage modal shift and relieve urban centres (residential and commercial) of congestion. The Proposed Project is an appropriately scaled intervention on long term unsafe and unreliable sections of Donegal's primary transport infrastructure.

The Proposed Development is entirely consistent with European, national, regional and local transport policy and planning policy. This is comprehensively set out in the EIAR Chapter 3 Planning and Policy of Volume B of the EIAR. It forms part of the comprehensive network in Ireland under the TEN-T Regulations and includes a strategic cross-border link to Northern Ireland. It is identified in the National Planning Framework and listed as key transport infrastructure in the National Development Plan, which prioritises capital investment under Project Ireland 2040.

Indeed, Donegal County Council has recently formally made a request for the TEN-T Priority Route Improvement Project to be designated in the next tranche of designations by the Government as "critical infrastructure" in accordance with Section 3(1) of the Critical Infrastructure Act 2026, and DCC are confident that it will be so designated as it is essential for Donegal's economic growth, improved quality of life and sustainable transport goals, and vital to the continued growth and development of the North-West region.

Furthermore, the Proposed Development aligns with the investment priorities of the National Investment Framework for Transport in Ireland (NIFTI) and seeks to enhance regional and rural connectivity to one of the most peripheral regions of the country and the European Union. It also seeks to reduce congestion in Letterkenny, Ballybofey / Stranorlar and Lifford and to re-allocate road spaces for walking, cycling and active modes to promote sustainable mobility change contributing to decarbonisation and improving the attractiveness, vibrancy and economic vitality of those towns.

It incorporates the roll-out of substantial active travel infrastructure including eight multi-modal hubs at the edge of key towns and at strategic locations and aligns with and supports actions under Goals 1, 3, 4, 5, 6 and 9 of the National Sustainable Mobility Policy Action Plan and.

- As set out in detail in Chapter 13 (Climate) of Volume B of the EIAR:
    - There is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.
    - The delivery of 63 km of shared pedestrian/ cycle facilities as an integral part of the Proposed Development provides a positive climate impact and equates to 7% of the national target for the advance roll-out of 1,000 km walking/ cycling infrastructure as well as connectivity to National Cycle and Greenway Networks.
    - The Proposed Development will result in an estimated 688 daily cycling trips and an estimated 7,236 pedestrian daily trips, and the commuting and education aspects of these journeys will result in an emissions saving from this modal shift of 1,723 tonnes CO2e per annum.

The analysis set out in Chapter 13 (Climate) of Volume B of the EIAR demonstrates that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the Climate Action and Low Carbon Development Act, 2015, as amended. Further, Section 3.5.4 of Chapter 3 of Volume B of the EIAR also demonstrates how the Proposed Development delivers on climate action policy, goals and actions.

Therefore, having regard to the foregoing and as more fully set out in Chapter 3: Planning Policy of Volume B of the EIAR, the Proposed Development accords with international (having regard to the obligation need to implement the proposed development under the TEN-T Regulation), national, regional and local policies and plans and accords with the proper planning and sustainable development of the area.

As noted above, this submission also includes a copy of the submission made by Walter P. Toolan & Sons Solicitors on behalf of David Kee, which submission is adopted and endorsed by David and Nigel Kee. That submission is fully addressed in Section 7.18, which should be read in conjunction with this response.

7.20 David Kee

Name	David Kee
Agent	Martin & Rea
Address / Plot No.	Plot No. 1050
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.20.1 CPO

Mr Kee's submission states that the land take on Plot 1050 is excessive.

7.20.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips and landscaping.

The land acquisition required (both temporary and permanent) is necessary to facilitate the construction, operation and maintenance of the proposed road network.

Plots 1050A.106, 1050A.107 and 1050A.101 are required on a permanent basis to facilitate access to the drainage pond, structure piers, foundations, abutment and will also facilitate access to the high-voltage ESB infrastructure associated with the overhead line diversion.

Plots 1050A.104,1050A.105 and 1050A.101 are required on a permanent basis for structure piers, foundations and abutments, road infrastructure, earthworks, active travel, drainage for inspection, operation and maintenance of the road and bridge infrastructure.

Plots 1050 A.102, 1050 A.103, and 1050 A.108 are required on a temporary basis to facilitate drainage and access works for the Proposed Development.

The extent of the permanent land acquisition is defined having regard to the permanent infrastructure and the operational and maintenance requirements for same as determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR.

The extent of acquisition of lands for plot 1050, as per CPO Deposit Map for Section 1, sheet 4 of 8, and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1, Sheet 4 of 8, in Volume D of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and these acquisitions are not therefore in any way excessive as is suggested.

7.20.2 Design

Mr Kee's submission states that the attenuation pond should be located between the bridge and the river or alternative land to be provided by the landowner as this location is outside the CPO.

7.20.2.1 Response

As set out in section 5.7.2.2.1 of Chapter 5: Assessment of Reasonable Alternatives in Volume B of the EIAR, the positioning and configuration of the proposed drainage ponds within the Proposed Development involved careful consideration of several factors including:

- Requirement to achieve drainage inlet and outfall levels and pond capacity.
- Optimum positioning to minimise the land-take requirements and configuration of the drainage pond to fit available land plots.
- Positioning of ponds to avoid or minimise adverse impacts on existing properties.
- Avoidance of environmentally sensitive locations and outside of flood plains.
- Integration of the pond with the rest of the design.

The location of Attenuation Pond 09, which is located on Mr Kee's land was identified having regard to the above factors and is the most appropriate location for a drainage pond in this area. Therefore, it is not possible to locate the attenuation pond on alternative lands as suggested by Mr Kee, whether those lands are within the CPO or provided by the landowner. In particular, the area between the bridge and River Finn suggested by Mr Kee is within the extents of the CFRAM High Probability (10% AEP) flood zone for the River Finn. It would be inundated in flood events and as such, is not a suitable location for an attenuation pond. Chapter 4, Section 4.5.8 of Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of Drainage Drawings is included in the EIAR Volume D for the Proposed Development including EIAR Drawing 4.40, sheet 4 of 8, which details the drainage design for Plot 1050.

7.20.3 Material Assets: Agriculture

Mr Kee fundamentally disagrees with the assessment of the material assets in chapter 15 of the EIAR.

7.20.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment to discuss the Proposed Development. In relation to Plot 1050, consultation with DCC's agronomist was undertaken on 10 May 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Kee since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

With regard to Plot 1050, following the appropriate methodology and guidance, the assessment of major is deemed correct, as shown in Table 15.30, page 15-30 of Chapter 15 of Volume B of the EIAR. This is because a sheep enterprise is considered medium sensitivity (see table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."

Therefore, major is appropriate in this case.

7.20.4 Active Travel

Mr Kee's submission contends that the acquisition of land for active travel is excessive and that it is not appropriate to construct active travel paths beside a national road.

7.20.4.1 Response

Within Plot 1050, the proposed interface between the Active Travel network adjacent to the proposed N15 TEN-T Comprehensive / National Primary Road and the local road L-2784 provides the opportunity for Active Travel users to access local amenities such as Holywell Woods and Stranorlar town centre. The proposed arrangement utilises a proposed active travel / accommodation underpass (N15P030) and the embankment slope for the mainline to optimise proposed infrastructure while minimising land take and also provides continuity of the active travel infrastructure along the length of the scheme.

As set out in Section 4.5.4 of Chapter 4 of Volume B of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below, and the acquisition of these lands for the purpose of AT is therefore proportionate and necessary for the purposes of the Proposed Development:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63 km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5, Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5, Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5, Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023. Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that

> *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*
>
> *(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;"*

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.21 David McBeth

Name	David McBeth
Agent	Martin & Rea
Address / Plot No.	Plot No. 3072
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.21.1 CPO

Mr McBeth's submission states that the land take is excessive.

7.21.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Further, where land severance has resulted in significant impacts, particularly where the land remaining is rendered inaccessible and/or too small for use, these lands have also been included as permanent acquisition in the CPO. The methodology used to assess the land take has been set out in Chapter 15, Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of the EIAR, both in Volume B of the EIAR.

Lands acquired temporarily for the Proposed Development will be used during the construction of the Proposed Development and reinstated and returned to the landowner as set out at Chapter 4, Section 4.11.2.3 of Volume B of the EIAR. Lands will be made good following the completion of the construction works. In places this will comprise of reinstating the land to a similar condition as what existed prior to the construction works (e.g. levelling, re-seeding, re-erection of a fence/ gate, provision of a suitable replacement boundary treatment, closure of a temporary entrance), or as may otherwise be agreed with the landowner.

Landtake through plots 3072 A.101 and 3072 A.103 is required for the mainline road cross section including earthworks and interceptor drainage, side road realignment L2424 Mullinaveagh, access road AR 3.45 from the L2424 Mullinaveagh Road to attenuation pond 11, active travel connection to Local Road L2424 Mullinaveagh. Land has also been acquired for landscaping as detailed in EIAR drawings 18.21, sheets 16 and 17 of 24, in Volume D of the EIAR including the provision of woodland planting.

Plot 3072 A.114 is required for the mainline road cross section including earthworks, side road realignment L2444 Ballindrait Side Road, interceptor drainage adjacent to the mainline and side road plus maintenance strip between the interceptor drainage and the proposed fenceline.

Plot 3072 A.115 is required for the Turning head where the existing L2444 is cut off by the Proposed Development.

Plot 3072 A.104 is required for the L2384 Rossgeir plus interceptor drainage and maintenance strip adjacent to the proposed fenceline.

Plots 3072 A.105 and 3072 A.106 are temporary acquisitions and are required to provide access from the realigned L2384 Rossgeir and realigned L2424 Mullinaveagh to the landowners retained land.

The extent of acquisition of lands for plot 3072 (David McBeth) are necessary and required for the construction and the operation of the Proposed Development and these acquisitions are therefore not in any way excessive.

7.21.2 Drainage

Mr McBeth states that the drainage design is inadequate.

7.21.2.1 Response

No specific details have been provided as to why it is suggested that the drainage design is inadequate at this location. However, Chapter 4, Section 4.5.8 of Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings are included in the EIAR Volume D for the Proposed Development including the drainage design at Plot 3072 as detailed on EIAR Drawing 4.42, sheet 7 of 10.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period, before discharging to watercourses at greenfield run-off rates.

Chapter 11 Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

Through plots 3072 A.101 and 3072 A.103 (approximate mainline chainage 12+000 to 12+400) interceptor drainage has been provided on both sides of the mainline alignment to capture water flowing towards the Proposed Development and prevent water flowing from the Proposed Development to adjacent land. The

mainline road drainage in this vicinity is directed to attenuation pond 11. The drainage details are shown on EIAR Drawing 4.42 (Sheet 7 of 10) in Volume D of the EIAR.

Through plots 3072 A.114 and 3072 A.115 (approximate mainline chainage 13+850 to 14+000), interceptor drainage has been provided to the east of the mainline and north of the L2444 Ballindrait side road to capture water flowing towards the Proposed Development. The mainline road drainage in this vicinity is directed to attenuation ponds 12 and 23. The drainage details are shown on EIAR Drawing 4.42 (Sheet 8 of 10).

Through plot 3072.A 104 (L2384 Rossgeir Road) interceptor drainage has been provided between the road alignment and Mr McBeth's land. The drainage will capture water flowing towards the Proposed Development and prevent water flowing from the Proposed Development to adjacent land.

Therefore, there can be no question that the drainage design is in any way inadequate.

7.21.3 Noise & Vibration

Mr McBeth states that the effect on the dwelling house is not adequately addressed and that noise levels at the dwelling have been ignored.

7.21.3.1 Response

Having reviewed Plot No. 3072, it appears that there is no dwelling within this plot. It is understood that two dwellings adjacent to this plot are related to Mr McBeth. However, these dwellings are located over 300 m away from the Proposed Development which lies outside of the study area (see Section 14.7.1 (p.14-5) of Chapter 14 of Volume B of the EIAR). It is important to note that the purpose of the EIAR is to identify likely significant effects and whilst the noise from the Proposed Development may be audible at dwellings adjacent to this plot, the noise levels will be far below the TII Design Goal of 60 dB L_{den} and no significant effects are likely.

7.21.4 Material Assets: Agriculture

Mr McBeth's brother at Plot 3082 has made a submission in relation to consideration of both Plot 3072 and 3082 combined. This has been addressed in the response in Section 7.4.1 above.

7.22 Derek Long

Name	Derek Long
Agent	Martin & Rea
Address / Plot No.	Plot No. 3059
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.22.1 Design

Mr Long's submission states that the design of the new Link Road LX3014 Tullyrap is not required. A fundamental change in design is required here, all of which he considers can be redesigned within the overall land take at this location.

7.22.1.1 Response

The provision of the LX3014 Tullyrap side road is required to provide continued access along the existing N14 Road. As outlined in Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, and further described in Appendix C5.02 Key Alternatives for Road Layouts, Volume C of the EIAR, a range of alternatives were considered during the scheme development process. Appendix C5.02 Table 3 (in Appendix C5.02) of the

EIAR details the preliminary options assessed, which includes 5 different options assessed for this side road realignment. This includes an option of a bridge crossing the proposed mainline at approximate chainage Ch10+400. This option required the side road to be realigned behind / very close to a dwelling at approx. mainline Ch 10+150m which would have resulted in acquisition. It also resulted in additional landtake from this landowner 3059. This option also had a significant impact on the wooded area along Tullyrap side road which has been identified as a Key Ecological Receptor (KER).

The proposed option does not require the acquisition of any dwellings. There are also benefits in the alignment running parallel to the mainline alignment, thereby reducing land severance. The proposed option also improves safety by removing a crossroads junction at White's Cross. Furthermore, the proposed option is preferred due to a higher quality road alignment, particularly the vertical alignment as the bridge option crossing over the proposed mainline was complex due to the topography of the existing ground. In addition, the proposed option is preferred as it significantly reduces the impact on the KER to the south of the existing Tullyrap Road.

7.22.2 CPO

Mr Long states that the land take is excessive.

7.22.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Plot 3059 A.101 and Plot 3059 F.102 is required for the mainline road cross section including earthworks, side road realignment L-X 3014 Tullyrap and attenuation pond 21. The land required to the west of the mainline alignment and the existing N14 is required to provide for the Tullyrap Watercourse diversion (W3-12) - refer to General Arrangement drawing EIAR 4.03, sheet 6 of 10, in Volume D of the EIAR.

The extent of acquisition of lands for plot 3059, as per CPO Map for Section 3, sheet 6 of 10, and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03, Sheet 6 of 10, in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development. These acquisitions are not in any way excessive as is suggested.

7.22.3 Active Travel

Mr Long contends that the inclusion of Active Travel paths is not required, it is not critical infrastructure, and the Commission should delete this from the design on the overall scheme.

7.22.3.1 Response

As set out in Section 4.5.4 of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe

Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("**GHG**") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

"*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*

Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.22.4 Biodiversity

Mr Long states that the works at this location will interfere with part of the spawning area for salmon in the local stream. This enters Lough Swilly downstream.

7.22.4.1 Response

The Tullyrap Stream (EPA name Drumbeg) flows south to join the Swilly Burn River, then east to meet the River Foyle which ultimately flows to Lough Foyle (not Lough Swilly as indicated). DCC assumes that both comments relate to the proposed "Tullyrap Stream Diversion" as these are the only works being undertaken in the location raised in this submission.

As stated in Chapter 9B Biodiversity (Aquatic) Section 9B.5.3.4 Section 3 of Volume B of the EIAR:

> "*The Swilly Burn tributary (EPA name Drumbeg, Site W3-12) at Tullyrap will require an extensive realignment over a total length of approx. 1km (Ch.9+200 to 10+200). The existing N14 at this location will be realigned to the east of the proposed new road to avoid requirement for a series of extensive*

culverts. The proposed realignment will be to the west of the proposed road and adequate land take has been included to create a meandering channel which is marked "Tullyrap Water Diversion" in the General Arrangement EIAR Drawing 4.3 (sheets 5 and 6 of 10) and Drainage Layout EIAR Drawings 4.42 (sheets 5 and 6 of 10) in Volume D: Book of Drawings. The latter drawing series shows the newly created channel with morphology designed to mimic 'natural' and the location of proposed culverts S3-CUL-24, S3-CUL-25 and S3-CUL-26 (refer to Appendix 9B.04 for construction phase details for culverts). The proposed design, whilst resulting in temporary disturbance of the aquatic habitat, will ensure the channel remains largely open in the construction phase. The watercourse along this stretch is mainly within a modified steep-sided channel with a base width of c.2.0 m and a riffle / glide flow'.

'While instream habitat in the stream is suitable to support fish, the water quality in the stream was generally poor (Q3) with extensive algal mats and no evidence of fish during early field sampling (2020) but had slightly improved (Q3-4) by surveys of 2025.'

The historic channel modification along much of this stream has resulted in there being very limited amounts of potentially suitable salmonid spawning habitat within the stream along the length of the proposed realignment. Water quality within the stream has been consistently poor over the entire duration of the survey work undertaken for the Proposed Development (spanning a decade). As noted above, no evidence of fish was recorded during any survey work undertaken and the consistently poor water quality suggests that any salmonid ova (Trout or Salmon) would not survive. Section 9B.5.3 of Chapter 9B Biodiversity (Aquatic) acknowledges there are small numbers of trout present on occasion, but not salmon, and sets out that biological water quality is moderate /poor which would limit salmonid success overall, especially for salmon which require high/good status. However, the stream may potentially have supported Salmon in the past when water quality was consistently higher.

The reasoning as to why the stream is not a salmon spawning stream has been set out comprehensively in the EIAR through use of Loughs Agency electrofishing data in Section 9B.5.3.4 (Section 3 Culverts and Realignments – Construction Phase Effects). Specifically, the EIAR states: *"Loughs Agency electrofishing data (Appendix 9B.06) showed small numbers of juvenile trout do occur in the stream on occasion. Trout were captured in 2020 (5 no. 1+ fish) and 2024 (1 no. 0+ fish). No fish were captured in 2022 sampling, and no salmon were present in any of the samples (Loughs Agency data, formal data request)."* The electrofishing data shows that salmon migrating up the Swilly Burn from Lough Foyle do not currently utilise this tributary of the Swilly Burn for recruitment.

As set out in Chapter 9B.6.1.2 Site-Specific Mitigation Measures, *"The watercourse realignment (of the Tullyrap Stream, W3-12) in Section 3 between Ch. 9+200 to Ch10+200 will be constructed offline, i.e., in dry conditions, incorporating all features as described in Stream Diversion and Channel Realignment Measures, above, and subject to any conditions prescribed under Foyle Fisheries Act 1952 Section 47 permit from Loughs Agency. The existing channel shall be destocked of fish under Foyle Fisheries Act 1952 Section 70 permit from Loughs Agency before diverting it into the new channel. Fish shall be relocated upstream of the new channel as there is potential habitat availability and they can drop downstream and colonise new habitats*".

With the implementation of the mitigation as set out in the EIAR, there will be no loss of salmonid habitat on the Tullyrap Stream as the proposed channel realignment will reinstate a semi-natural channel with increased availability of salmonid spawning habitat. The channel diversion should result in an improvement on the current channel (much of which has been straightened and has a uniform flow regime) with enhanced instream channel variation and a more diverse riparian fringe. Whether salmon ever return to spawn within the Tullyrap Stream however, is dependent on there being a significant and permanent improvement in water quality within the stream.

In conclusion, the stream in question does not currently support salmon. Furthermore, the proposed works on the stream have been carefully designed, cognisant of the fact there is at least a small resident trout

population, such that the extent of required culverting is minimised, culverts are correctly embedded according to Loughs Agency Guidelines, and the extent of open stream channel is maximised. As set out in EIAR Section 9B.5.3.4 (Section 3 Culverts and Realignments – Construction Phase Effects), "*the proposed design of the realigned channel and associated landscaping will, over time (operational phase), provide better instream conditions for fish and a nett increase in area of aquatic and riparian habitat.*" Because trout and salmon have similar requirements in terms of spawning and nursery habitats; if water quality in the Tullyrap stream (EPA name Drumbeg) was to improve in the future, salmon migrating from Lough Foyle will not be precluded from using the watercourse for recruitment. Details of the Tullyrap stream diversion including culverts were provided to the Loughs Agency who have provided approval in principle for the project on the 7th August 2026.

7.23 Dolores Hunter

Name	Dolores Hunter
Agent	Martin & Rea
Address / Plot No.	Plot No. 3101
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.23.1 CPO

Ms Hunter's submission contends that the land take is excessive.

7.23.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team. Lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for Ms Hunter, land acquisition is required as follows:

- Plot 3101 D.101, which includes Ms Hunter's dwelling, has been included in the CPO due to the significant impact on the dwelling - including proximity to the bridge, mainline road embankment, attenuation pond and noise.
- Plot 3101 A.101 is required for the mainline cross section including earthworks, interceptor drains, attenuation pond 13 and associated access road, and for landscaping as detailed in EIAR drawings 18.21 (Sheet 20 of 24).
- Plot 3101 A.102 is required for the mainline cross section including earthworks, interceptor drains and maintenance strip between the interceptor drains and the fenceline. Land is also required for the active travel link including earthworks to link the active travel mainline network to the R264.

Having considered the submission and objection made by Ms Hunter, and in light of the fact that there appears to be an additional plot of land owned by Ms Hunter to the north of plot 3101 A.101 (adjacent to the disused railway line) and in order to ensure that the CPO herein is entirely proportionate, DCC have determined that certain of the lands within plot 3101 A.101 can be removed from the CPO and therefore not acquired by DCC.

Requested Modification to the CPO

In those circumstances, as also set out in Section 3.6.6 above, DCC is requesting that the Commission modify the CPO at this location, to reduce the landtake in plot 3101 A.101 from 5.3937ha to 3.4844 ha as set out below.

The area of land to be removed from Plot 3101 A.101 on foot of this requested modification is hatched in blue on Figure 7.23 below:

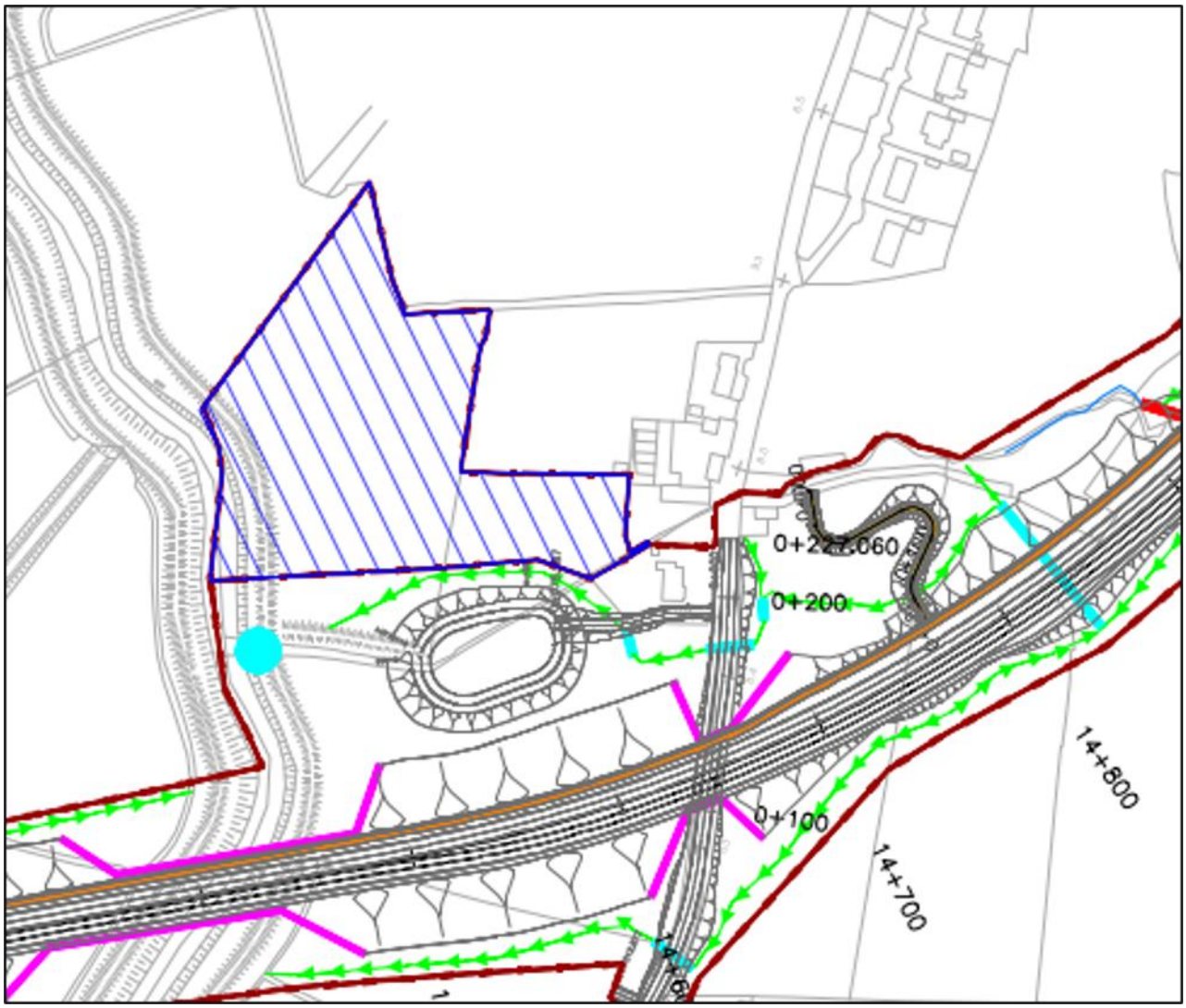


Figure 7.23: Plot 3101 Area of land to be removed from Plot 3101 A.101

Figure 7.24 below shows the area of land to be acquired as per the Deposit Maps submitted in May 2026 with the area now proposed to be no longer acquired shown hatched in blue.

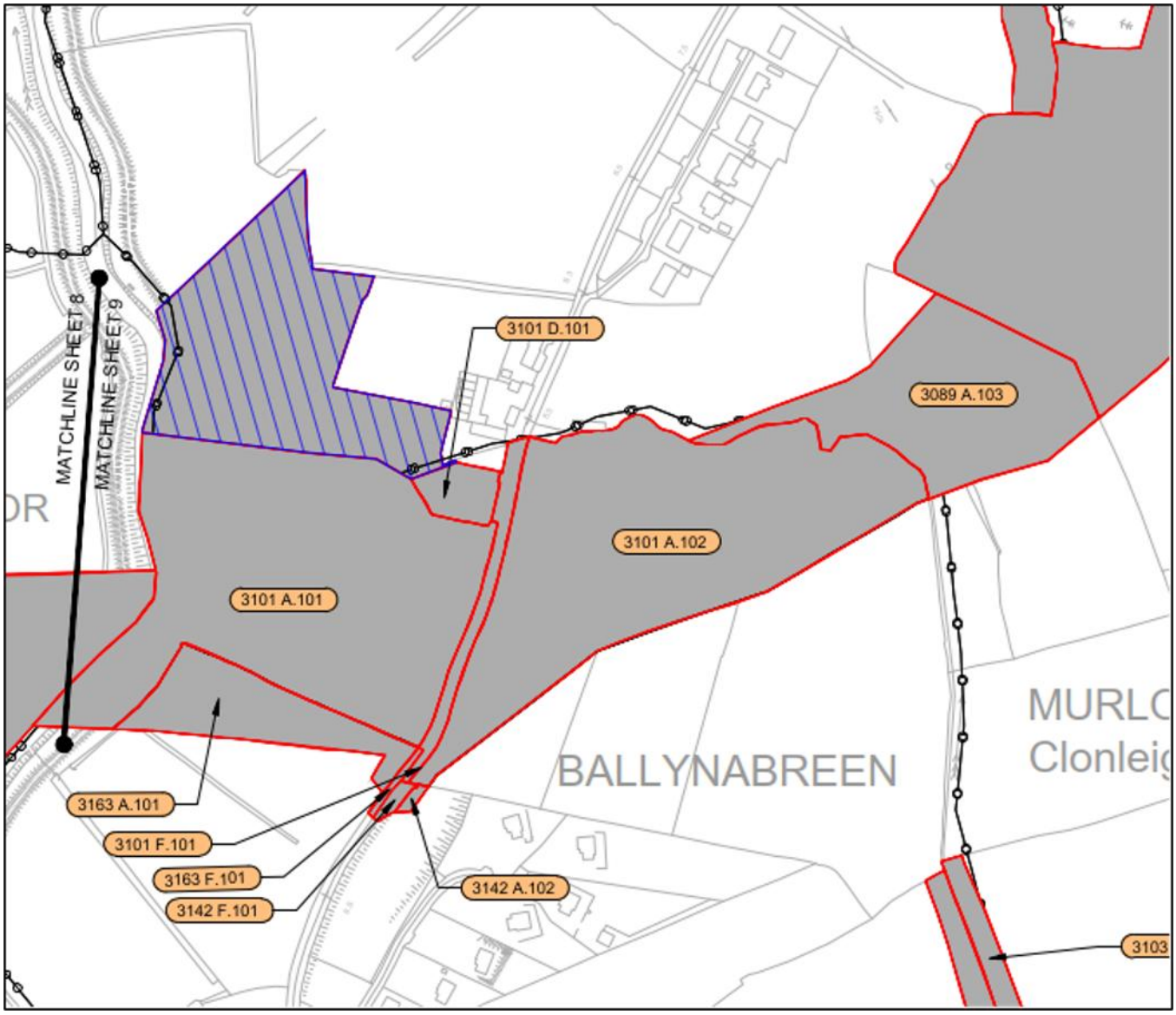


Figure 7.24: Plot 3101 A.101 as per the Deposit Maps Submitted in May 2026 with the area now proposed to be no longer acquired shown hatched in blue

The modified landtake remaining to be acquired in Plot 3101 A.101 is shown on the revised Deposit Map Section 3 Sheet 9 of 10 included in Appendix 5.3 to this Section 51 Response Document, the relevant part of which is shown on Figure 7.25 below.

In those circumstances, DCC is requesting that the Commission modify the CPO at this location, to reduce the landtake in plot 3101 A.101 from 5.3937ha to 3.4844 ha as set out below.

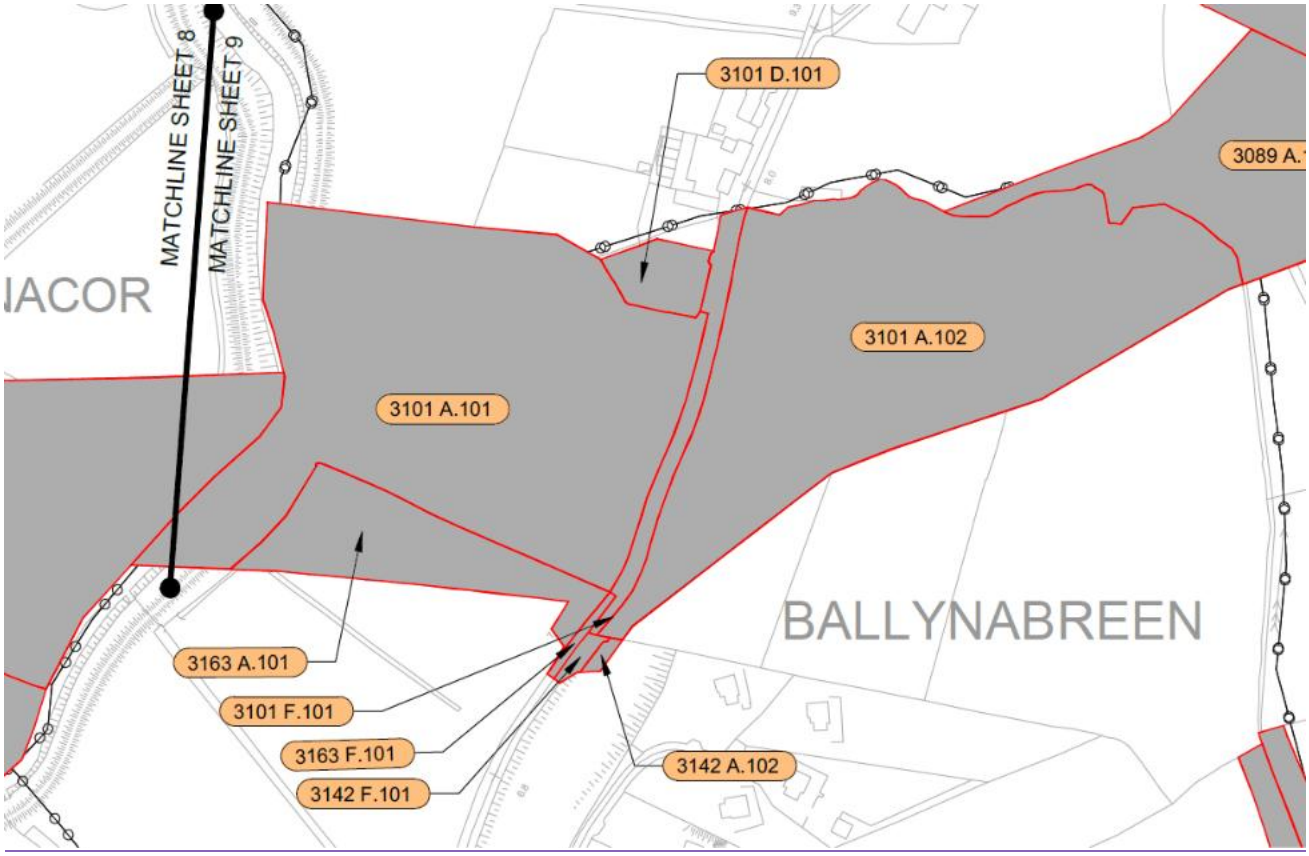


Figure 7.25: Plot 3101 A.101 Proposed Reduced Plot 3101 A.101

Therefore, should the Commission grant this proposed modification, Deposit Map Section 3 Sheet 9 of 10 should be replaced with the revised Deposit Map Section 3 Sheet 9 of 10 which is included in Appendix 5.3 to this Section 51 Response Document.

Further, should the Commission grant this proposed modification, Schedule Part IIa to the CPO should be amended as shown in Figure 7.26 below, to reflect the reduction in the landtake from plot 3101 A.101:

3101 A.101	~~5.3937~~ 3.4844	Ballynabreen Raphoe North Clonleigh South Co Donegal	Agricultural Land	LPR of Samuel Hunter Doleros Hunter	None	LPR of Samuel Hunter Doleros Hunter

Figure 7.26: Amendment to Schedule Part IIa to the CPO to reflect Proposed Reduction in Permanent Landtake from Plot 3101 A.101

As the Commission is aware, section 217C(1) of the Planning and Development Act 2000 (as amended) provides as follows:

> *"217C. (1) Notwithstanding any provision of any of the enactments referred to in section 214 [which includes the Housing Act 1966 under which this CPO was made], 215A, 215B or 215C concerning the confirming or otherwise of any compulsory acquisition, the Board shall, in relation to any of the functions transferred under this Part respecting those matters, have the power to confirm a compulsory acquisition or any part thereof, with or without conditions or modifications, or to annul an acquisition or any part thereof."*

Therefore, the Commission can confirm the CPO with the modification to reduce the area of plot 3101 A.101 as shown on the revised Deposit Map Section 3 Sheet 9 of 10 included in Appendix 5.3 to this Section 51

Response Document, and to amend Schedule Part IIa to the CPO to reflect the reduction in the area of plot 3101 A.101, and DCC formally requests that the Commission confirm the CPO with this proposed modification.

Assessment of impacts on Material Assets – Agriculture

Should the Commission grant this requested modification, an assessment of the reduced land acquisition from plot 3101 A.101 has been conducted for Material Assets – Agriculture.

As set out in Table 15.32 of Chapter 15 of the EIAR, the total land parcel associated with Plot 3101 is 16.984 ha. It was originally proposed to acquire a total of 8.6639 ha from this land parcel. However, should the Commission grant the modification requested, the landtake in Plot 3101 A.101 would be reduced by 1.9093 ha, resulting in a total agricultural landtake from this land parcel of 6.7546 ha.

This reduced landtake has been assessed by the authors of Chapter 15 (Material Assets Agriculture), following the appropriate methodology and guidance, who have concluded that the assessment of a Major impact originally set out in Chapter 15 of the EIAR for this land parcel remains. While the area proposed to be acquired has been reduced, this does not change the overall significance of the effects on this land parcel Further, should the Commission grant the requested modification, in Chapter 15 Material Assets – Non Agriculture of the EIAR, Table 15-32, the "Landtake (ha)" associated with Plot 3101 would change from 8.664 ha to 6.755 ha, and the "Landtake (%)" associated with Plot 3101 would change from 51% to 40%.

Requested Modification to the Section 51 Application

As a consequence of the reduction in size of Plot 3101 A.101 as described above, DCC is also requesting a minor modification of the Section 51 Application at this location.

It is noted that the Commission has the jurisdiction to consider modifications to a proposed road development pursuant to section 51(6) of the Roads Act 1993 (as amended).

Indeed, the Commission is expressly empowered under Section 51 (6) of the Roads Act 1993 (as amended) to *"approve a proposed road development, with or without modifications and subject to whatever environmental conditions (…) it considers appropriate"*.

Accordingly, it is clear that the Commission has jurisdiction to modify the proposed road development, whether on the application of Donegal County Council, or otherwise. In this regard, Donegal County Council is as mentioned above requesting a minor modification to the Proposed Road Development as described below, and requests that the Commission approve the proposed road development with this proposed minor modification.

Landscaping is proposed on part of plot 3101 A.101, as illustrated on sheets 20 and 21 of 24 of EIAR Drawing 18.21 - Landscape and Habitat Design Drawings, in Volume D of the EIAR. Because the size of Plot 3101 A.101 is proposed to be reduced, DCC is requesting a minor modification to the Section 51 Application, to omit from the Section 51 Application the landscaping on that part of plot 3101 A.101 which is no longer being acquired.

A revised version of sheets 20 and 21 of 24 of EIAR Drawing 18.21 - Landscape and Habitat Design (namely Rev P02 of that drawing) is included in Appendix 1 to this Section 51 Response Document) to reflect the reduced area of landscaping at this location.

Figure 7.27 below shows a comparison of the landscaping originally proposed at this location, and the reduced landscaping proposed on foot of this minor modification:

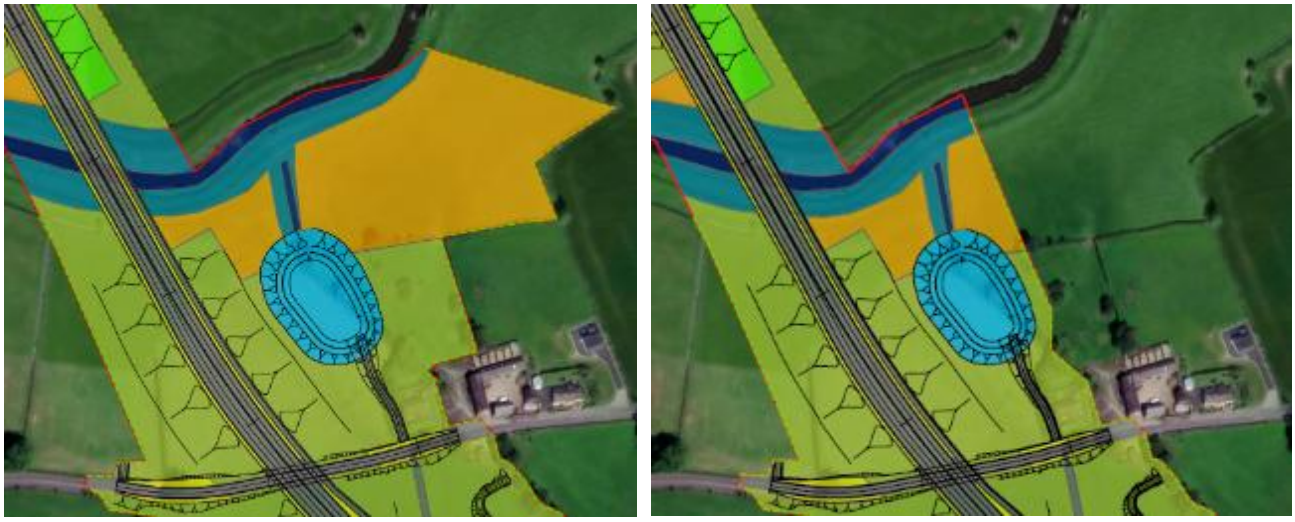


Figure 7.27: Plot 3101 A.101 Reduced Landscaping due to Reduction in Permanent Landtake (Original on left side, proposed on right side)

This minor modification to the Section 51 Application results in the omission of GS4 Wet Grassland (1.418ha), GS2 Meadow Grass (0.35ha), FS2 Tall-herb Swamps (0.107ha) and FW2 Depositing Lowland River – Existing River Retained (0.03ha) from the Section 51 Application. The length of WL1 hedgerows to be provided as part of the Section 51 Application is also reduced by 241m. An assessment of this requested minor modification has been conducted by all relevant experts, and the conclusion is that given the current and proposed habitats in this area, there are no likely significant impacts arising from this minor modification and there is no change to the assessments conducted in the EIAR.

As a consequence, should the Commission grant the requested modification to the CPO, the fenceline of the Proposed Development will be re-positioned to reflect the revised landtake at this location.

7.23.2 Material Assets: Agriculture

Ms Hunter's submission states that the material assets report is inaccurate describing the effect on the property as Major. In the opinion of Ms Hunter, the effect is Profound.

7.23.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology, as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities, as shown in Table 15.6 of Chapter 15, and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices, as shown in Table 15.1 of Chapter 15.

Agricultural lands directly affected by the Proposed Development were visited by members of the project team where landowners agreed to allow access. Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. The Applicant's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding, and any lands with likely significant effects received further one-to-one consultation with the agronomist prior to concluding the impact assessment. In particular, members of the project team, including DCC's agronomist, met with Ms Hunter at her dwelling on the 28th June 2021 and also in July 2021 at the Mount Errigal Hotel. The Project Team has maintained ongoing engagement with Ms Hunter since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide and regional levels. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farm's assessment can be found in Section 15.11 of Chapter 15.

With regard to Plot number 3101, it is fully assessed in Table 15.32, page 15-44, of Chapter 15 of Volume B of the EIAR. As shown in the table, the total land parcel associated with the plot is 16.984 ha. This was established through a review of Land Direct data and the relevant folio information registered to the appropriate landowner. The original proposed agricultural landtake was 8.66439 ha, (Plots 3101A.101 and 32101 A102 from page 104, Schedule - Part IIa of the CPO Schedules), rounded to 8.664 ha in Table 15.32. This represents approximately 51% landtake of the total landholding of 16.984 ha. In light of the proposed reduction in the area of Plot 3101 A.101 set out above, the total landtake will be reduced to 6.7546 ha, representing approximately 40% landtake.

With regard to plot number 3101, following the appropriate methodology and guidance, the assessment of major is deemed correct, both based on the original proposed landtake, and taking account of the proposed reduction in the area of plot 3101 A.101. This is because a sheep enterprise such as that carried out on these lands is considered to have Medium sensitivity, in accordance with Table 15.1 of Chapter 15, and the plot is subject to a High magnitude of effect, in accordance with Table 15.6, resulting in a Major significance of effect under the assessment matrix.

As set out in Section 15.3.1 of Chapter 15:

> *"Major – The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

Please note that the definition of Profound is:

> *"The Proposed Development is such that the current land use can no longer continue and no mitigation measures in the form of accommodation works can overcome the impact to allow any current land use activities to continue in this location."*

The effects associated with Plot 3101 do not meet the criteria for a Profound impact and the assessment therefore remains Major. For the reasons explained above, there is no change to this assessment as a result of the proposed reduction in the landtake from plot 3101 A.101.

7.23.3 EIAR

The submission suggests that the EIAR does not reflect the entirety of the land holding affected by the CPO.

7.23.3.1 Applicant's Response

As noted in the previous response, the assessment of Plot 3101 is fully assessed in Table 15.32, page 15-44, of Chapter 15 of Volume B of the EIAR. This included the total land parcel associated with the plot which was established through a review of Land Direct data and the relevant folio information registered to the appropriate landowner. This identified a total land parcel of 16.984 ha. The proposed agricultural landtake from the CPO was 8.6639 ha (Plots 3101A.101 and 32101 A102 from page 104, Schedule - Part IIa of the CPO Schedules) rounded to 8.664 ha in Table 15.32. This represents approximately 51% landtake of the total landholding of 16.984 ha. In light of the proposed reduction in the area of Plot 3101 A.101 set out above, the total landtake will be reduced to 6.7546 ha, representing approximately 40% landtake.

7.24 Edward & Mary Griffin

Name	Edward & Mary Griffin
Agent	Martin & Rea
Address / Plot No.	Plot No. 1055
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.24.1 Material Assets: Agriculture

The Griffin's fundamentally disagree with the Major impact in the material assets chapter and consider the impact as Profound as the farming business that was operated pre-CPO will not be able to operate post-CPO.

7.24.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1055, consultation with DCC's agronomist was undertaken on 6 January 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Griffins since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

With regard to plot number 1055, it is assessed in Table 15.30, page 15-30, of Chapter 15 in Volume B of the EIAR. The assessment followed the appropriate methodology and guidance set out in that chapter and the assessment of major is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> "*Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact.*"

7.25 Gavin Browne

Name	Gavin Browne
Agent	Martin & Rea
Address / Plot No.	Plot No. 2005
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.25.1 CPO

Mr Browne states that the land take is excessive being 23% of the landholding.

7.25.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding is necessary to facilitate the construction and operation of the proposed L-1064 Connector road including associated earthworks, drainage and a construction compound which will be in place for the duration of the works. The land requirements have been determined through the design development process, as outlined in Section 4.5 of Chapter 4 Project Description of Volume B of the EIAR. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping as detailed in EIAR drawing 18.20, sheets 1 and 2 of 11, in Volume D of the EIAR.

Lands acquired temporarily for the Proposed Development will be used during the construction of the Proposed Development and reinstated and returned to the landowner as set out at Chapter 4 Section 4.11.2.3 of the EIAR, lands will be made good following the completion of the construction works. In places this will comprise of reinstating the land to a similar condition as what existed prior to the construction works (e.g. levelling, re-seeding, re-erection of a fence/ gate, provision of a suitable replacement boundary treatment, closure of a temporary entrance), or as may otherwise be agreed with the landowner.

The extent of acquisition of lands for plot 2005, as per CPO Deposit Map for Section 2, sheet 1 of 5, and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.2, sheet 1 of 5, in Volume D Drawings of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.25.2 Material Assets: Agriculture

Mr Browne's submission states that the EIAR assessment is incorrect. The farm system is sheep and cattle and describes the effect as slight.

7.25.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the

Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. We note, that in relation to Plot 2005, Mr. Browne was offered a consultation with DCC's agronomist but declined on the 10th January 2025.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 2005 is presented in Table 15.31, page 15-35, of Chapter 15 of Volume B of the EIAR.

With regard to Plot number 2005, following the appropriate methodology and guidance, the assessment of slight is deemed correct. This is because a primary sheep enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a low magnitude of impact (see Table 15.6 of Chapter 15) resulting in a slight significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Slight - The Proposed Development causes a level of inconvenience and/or disturbance but does not require a change in current land use activities or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

Therefore, slight is still considered appropriate in this case.

7.26 Harry McLaughlin

Name	Harry McLaughlin
Agent	Martin & Rea
Address / Plot No.	Plot No. 1022
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.26.1 CPO

Mr McLaughlin's submission is in relation to Plot numbers 1022, F.1011022 F.102, 1022 H.103, 1022 A.104. He states that this should be in the name of Harry McLaughlin. Land east of Plot 1022A.104 is in the ownership of Harry McLaughlin [Jr]. Note that while the submission refers to Harry "McLoughlin" we understand this is Harry "McLaughlin"

7.26.1.1 Response

In relation to Plots 1022, F.1011022 F.102, 1022 H.103, 1022 A.104, both Harry McLaughlin and Orla McLaughlin are identified as "owners or reputed owners" of these plots in CPO Schedule Part IIa P13 and Schedule Part IIb P116. This is because:

- Harry McLaughlin is the registered owner of these lands on Land Direct; and,

- Orla McLaughlan has previously claimed to be a part owner of these lands and therefore was included as a reputed owner.

It is not clear from this submission which lands to the east of Plot 1022 A.104 are said to be in the ownership of Harry McLaughlin [Jr], and Harry McLaughlin [Jr] is not identified as the registered owner of the lands comprised in Plot 1022 A.104 or the adjoining lands to the east. However, given what is set out in this submission, DCC has no difficulty with Harry McLaughlin [Jr] being added as an additional owner/reputed owner, and an additional occupier, of Plot 1022 A.104 and the plot immediately to the east of that plot being Plot 1022 H.103.

A proposed modification to the CPO to reflect the addition of Harry McLaughlin [Jr] in respect of these plots is set out in Section 3.6.11 of this Section 51 Response Document.

7.26.2 Material Assets: Agriculture

Mr McLoughlin states that the agricultural and material assets assessment is incorrect.

7.26.2.1 Response

No detail is provided in this submission as to the basis on which Mr McLaughlin believes that the agricultural and material assets assessment is incorrect. The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15). The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment. We note, that in relation to Plot 1022, Mr. McLoughlin was offered a consultation with DCC's agronomist but declined on the 1st August 2025.

The assessment of Plot 1022 is presented in Table 15.30, page 15-29, of Chapter 15 of Volume B of the EIAR.

In reviewing the assessment of Plot 1022, an error was noted in Table 15.30, page 15-29, of Chapter 15 of Volume B of the EIAR. The farm is assessed as having a Significance of Residual Effect of Slight. This should be Imperceptible because

- the total landtake is 0%
- the farm is a Grade 3b drystock enterprise with field grazing which is considered Low sensitivity (see table 15.1 of chapter 15); and
- the magnitude of the impact is Low.

Applying the assessment matrix in Table 15.7, these factors result in an Imperceptible significance of effect rather than Slight. As set out in Section 15.3.1 of Chapter 15:

"Imperceptible – The Proposed Development is encroaching slightly on a property boundary causing a slight inconvenience and/or creates a small level of disturbance but there are no noticeable consequences in the day-to-day management or current land use activities."

The following errata is required to reflect this correction by way of update to Table 15.30 of Chapter 15 in Volume B of the EIAR and is therefore also included in Appendix 4 of this Section 51 Response Document.

Farm ID	Residual Effect
1022	~~Slight~~ Imperceptible

7.27 Hugh Patrick Temple

Name	Hugh Patrick Temple
Agent	Martin & Rea
Address / Plot No.	Plot No. 1080
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.27.1 Material Assets: Agriculture

Mr Temple contends that the impact on the farm is Profound.

7.27.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1080, consultation with DCC's agronomist was undertaken on 10 May 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Temple since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The agricultural land assessment of Plot 1080 is presented on page 15-31 of Table 15.30 in Chapter 15 of Volume B of the EIAR.

With regard to Plot number 1080, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> "M*ajor - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

To note on the use of Profound, its definition is '*The Proposed Development is such that the current land use can no longer continue and no mitigation measures in the form of accommodation works can overcome the impact to allow any current land use activities to continue in this location'*. It is reserved for those farms and enterprise that cannot continue post development due to the removal of 80% or more of the farm area and therefore would be not considered appropriate in this case.

7.28 Ian McBeth

Name	Ian McBeth
Agent	Martin & Rea
Address / Plot No.	Plot Nos. 3073 and 3094 (Note that the submission refers to Plot 3140 in error)
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.28.1 CPO

Mr McBeth states that the land take is excessive.

7.28.1.1 Response

While Mr. McBeth is the owner/reputed owner of Plot 3073, he is also listed in the CPO as the owner/reputed owner of plots 3072 A.107, 3072 A.108, 3072 F.109, 3072 A.110. The remainder of the 3072 plots are owned by Ian's brother, David McBeth. Ian McBeth is also the owner/reputed owner alongside Audrey Irene McBeth of 3094 plots.

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Plot 3073.A.101 is required for the construction of side road L2424 Mullinaveagh including road cross section, active travel and interceptor drainage.

Landtake of plots 3094 A101 is required for the L2444 Ballindrait side road cross section including active travel, earthworks, interceptor drainage and attenuation pond 15 and associated access road AR 3.57. Land is also required for landscaping as detailed in EIAR drawings 18.21, sheets 19 of 24, in Volume D of the EIAR.

Plot 3094 A.103 is required for the L2444 Ballindrait side road cross section including active travel, earthworks, interceptor drainage and maintenance strip adjacent to the fenceline.

As mentioned above, Mr Ian McBeth is also the owner of plots 3072 A.107 and 2072 A.108. On plots 3072 A.107 and 3072.A 108 (approximate chainage 790 to 1000), the L2444 Ballindrait side road and interceptor drainage has been provided both sides of the side road alignment to capture water flowing towards the Proposed Development and prevent water flowing from the Proposed Development to adjacent land. The side road alignment drainage in this vicinity is directed to attenuation pond 15. The drainage details are shown on EIAR Drawing 4.42 (Sheet 8 of 10) in Volume D of the EIAR.

Plot 3072 A.110 is required for the LX 3014 Rossgeir North Side Road plus interceptor drainage and maintenance strip adjacent to the proposed fenceline.

Plot 3073 F.102 is part of the existing public road (L-2424) and is required to construct the tie-in of the re-aligned L-2424 to the existing road alignment.

Plot 3073 F.103 is part of the existing public road (N14) and is required to construct the tie-in of the re-aligned N14 to the existing road alignment at Rossgier.

Plot 3072 A.111 is being acquired temporarily for the construction of the tie-in of Mr McBeth's existing access road to the re-aligned L2444 Ballindrait side road.

Plot 3072 A.112 is being acquired temporarily for the construction of a new access to Mr McBeth's retained land adjacent from the re-aligned L2444 Ballindrait side road.

The extent of acquisition of lands on plot 3073/ 3072/ 3094, as per CPO Map for Section 3 (sheets 7 and 8 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheets 7 and 8 of 10) in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development and these acquisitions are not excessive.

7.28.2 Drainage

Mr McBeth states that the drainage design is inadequate.

7.28.2.1 Response

No specific details have been provided as to why it is suggested that the drainage design is inadequate at this location. However, Chapter 4, Section 4.5.8 of Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings are included in the EIAR Volume D for the Proposed Development with EIAR Drawing 4.42, sheet 8 of 10, providing the design relevant at Plot 3073:

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11 Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

In particular for Mr McBeth's property, interceptor drainage has been provided adjacent to the realigned L2424 Mullinaveagh road. Interceptor drainage has been provided on both sides of the side road L2444 Ballindrait

Road to capture water flowing towards the Proposed Development and prevent water flowing from the Proposed Development to adjacent land. The side road drainage in this vicinity is directed to attenuation pond 15.

Therefore, there can be no question that the drainage design is in any way inadequate.

7.28.3 Material Assets: Agriculture

Mr McBeth states that the impact on the farm in the Material Assets chapter as Major is incorrect and it should be Profound.

7.28.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. Consultation with DCC's agronomist was undertaken on 28 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McBeth since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The agricultural assessment of Plot 3073 is presented in Table 15.32, page 15-43, of Chapter 15 of Volume B of the EIAR. The assessment states the impact on Plot 3073 is major and this remains as major: "*Major impact – the Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects.*"

7.29 IBEC

Name	IBEC
Agent	n/a
Address / Plot No. / Eircode	D02H720
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	All Sections

7.29.1 General

IBEC notes the historical infrastructure deficit in Donegal and the North-West Region, and the lack of connectivity that is a clear regional disparity that has played a part in the region's social and economic deprivation.

IBEC greatly encourage the aspects of inter-urban connectivity outlined in the plan to foster an integrated regional economy rather than siphoning talent and labour to larger population centres elsewhere on the island.

IBEC see that by upgrading the existing transport infrastructure to high-capacity dual-carriageways and bypassing urban centres, the project will successfully separate strategic commercial freight from local community traffic.

IBEC highlight that the Proposed Development will permanently remove heavy strategic and commercial traffic from local communities, easing congestion in the respective towns, allowing for urban regeneration and re-allocation of road space in urban areas, making these regional hubs more desirable places to work and live.

IBEC views this not just as a traffic management success, but as a generational opportunity for urban regeneration that can be used as a catalyst by local authorities to aggressively reclaim these town centres for people rather than vehicles. Coupled with the project's proposed 60 km of segregated active travel networks, the bypasses provide the necessary conditions to transition these urban cores into car-free, highly pedestrianised, and vibrant economic zones, boosting local retail, enhancing the night-time economy and vastly improving the quality of life for residents.

IBEC highlight that reliable and efficient transport infrastructure serves as a critical tool to enhance labour mobility and expand the effective talent catchment area for employers across the North-West. The upgraded road system reduces commuting barriers and enables a more inclusive and accessible labour market by connecting rural communities with major employment zones.

This comprehensive infrastructure upgrade ultimately opens Donegal to new opportunities for domestic and international investment, ensuring the region retains its brightest talent.

Overall, IBEC states that:

"the PRIP is a well-planned and long-awaited intervention which will meet the mobility needs of the North West's general population and workforce, aligning with national strategic objectives such as balanced regional growth and improved cross-border connectivity and the development trajectory for the region as outlined in the National Planning Framework, Project Ireland 2040 and the National Development Plan. We urge An Coimisiún Pleanála to approve this application and advance the project without delay."

7.29.1.1 Response

DCC welcomes IBEC's submission and agrees with their assessment of the infrastructure deficit in Donegal and the North-West Region, the lack of connectivity, clear regional disparity and that this has played a part in the region's social and economic deprivation.

As stated in the introduction, the scale of infrastructure deficits within the North-West region of Ireland is exemplified by the fact that the European Commission's Regional Competitiveness Index found that the Northern and Western Region of Ireland's transport infrastructure was ranked 218th out of 234 NUTS 2 Regions examined Donegal is the remotest and most disconnected of all parts of the Northern and Western Region of Ireland. This information was captured in the Northern & Western Regional Assembly's (NWRA) "Regional Infrastructure Tracker" (https://www.nwra.ie/wp-content/uploads/2024/07/regional-investment-tracker-10-07-2024.pdf).

The Proposed Development is a targeted action brought forward specifically to address this infrastructural deficit in the transportation systems in County Donegal and to improve connectivity to the Atlantic Economic Corridor to the south (N13 and N15) and to Northern Ireland, the midlands and the east (N13 and N14).

The Proposed Development is supported by the policies and objectives of local, regional and national plans, including the National Planning Framework and National Development Plan, as well as European policy under the TEN-T Regulations. This is comprehensively set out in the EIAR, Chapter 3: Planning and Policy.

7.29.2 Planning & Policy

IBEC highlight the need to ensure that the A5 Western Transport Corridor in Northern Ireland is also advanced to complete the strategic connection with Section 3 of the TEN-T PRIPD and the North-West.

7.29.2.1 Response

Section 3 of the Proposed Development includes the N14/N15 to A5 Link south of Lifford to the border with Northern Ireland on the River Finn where it will connect to a proposed Trunk Road T3 (A5 Western Transport Corridor to Land Frontier), which in-turn will connect to the proposed A5 Western Transport Corridor (WTC). A proposed Trunk Road T3 (of approximately 79 metres of new road) will provide a link between the proposed A5 WTC in Northen Ireland and the Project, meeting at the border between Northern Ireland and Ireland.

While we note, and agree with IBEC's opinion, that there is a need for the A5 WTC to be advanced this is being pursued by the Northern Ireland Department for Infrastructure and therefore cannot be ensured of progressing by either DCC or the Commission.

Section 4.9.1.1 of the EIAR sets out the scenarios for construction of Section 3 of the Proposed Development with and without the A5 WTC.

The EIAR assessed the Proposed Development which includes the N14/N15 to A5 Link to the border with Northern Ireland. Chapter 19 of the EIAR assesses the cumulative impacts of the Proposed Development (including the N14/N15 to A5 Link to the border with Northern Ireland), with a proposed Trunk Road T3 (A5 Western Transport Corridor to Land Frontier) and the proposed A5 Western Transport Corridor (WTC).

Section 19.1.1 concludes that the Trunk Road T3 and the A5 WTC will impact mainly on Section 3 and will likely reduce the amount of strategic traffic travelling through Lifford / Strabane. This is considered a positive effect. The Proposed Development, which includes the N14/N15 to A5 Link, is assessed cumulatively with the proposed A5 WTC development in Northern Ireland and a proposed Trunk Road T3, connecting Section 3 of the Proposed Development with the A5 WTC. Cumulatively, the Proposed Development in Ireland and those proposed in Northern Ireland will improve journey times, increase accessibility to amenities as well as the safety for road users. Chapter 19 also details cumulative benefits of the proposed Trunk Road T3 and the A5 WTC (both in Northern Ireland) including those related to Population (Section 19.9.2 of Chapter 19 in Volume B of the EIAR) and Human Heath (Section 19.9.3 of Chapter 19 in Volume B of the EIAR).

7.29.3 Active Travel

IBEC highlight currently, pedestrians and cyclists are often forced to share narrow, sub-par road verges with high-speed vehicles and heavy commercial freight, creating an unsafe environment that fundamentally prevents meaningful modal shift. IBEC strongly welcomes the inclusion of over 60 km of segregated active travel network as a core component of the Donegal TEN -T PRIP.

7.29.3.1 Response

DCC agrees with IBEC's assessment with regard to the safety issues faced by pedestrians and cyclists (non-motorised users) using the existing transport network. The TEN-T PRIPD meets the Transport Infrastructure Ireland (TII) design standards that include active travel as part of the design of a modern national road network. As part of the comprehensive TEN-T network, the TEN-T PRID has been designed to provide a segregated facility for non-motorised users to encourage modal shift and provides healthier mobility choices across Donegal and its hinterlands. The Proposed Development meets 7% of the national targets and contributes to the National Cycle Network.

7.29.4 Design

IBEC commends the inclusion of dedicated modal hubs at key locations across the three sections of the Proposed Development. In IBEC's view, for the TEN-T PRIP to succeed as a modern mobility solution, these transport hubs must be central to the project's delivery, seamlessly transitioning commuters between different transport modes.

7.29.4.1 Response

As noted in the IBEC submission, the eight modal-hubs are central to increasing opportunities for people to choose alternative modes of transport, including cycling and walking and car-share. The modal hubs provide dedicated centres at key locations across the Proposed Development to encourage people to adopt modal shift practices, thereby providing opportunities to choose healthy and more sustainable modes of transport and reduce carbon emissions.

7.29.5 Design

IBEC state that the TEN-T PRIP must be fully aligned with the Alternative Fuels Infrastructure Regulation (AFIR). IBEC urge the inclusion of a comprehensive, rapid Electric Vehicle (EV) charging network along the entirety of the new routes. Additionally, IBEC state that the road design must facilitate infrastructure for renewable liquid gases, BioCNG and green hydrogen refuelling to support the decarbonisation of heavy goods and freight.

7.29.5.1 Response

The Proposed Development will enable future opportunities to provide alternative fuel options to road users, including the roll-out of EV charging points across the national road network. The Proposed Development supports, facilitates and is consistent with, the policy to enable charging facilities for electric vehicles at the eight park and share/cycle hubs. This supports the national policies on the electrification of the vehicle fleet and accords with the AFIR Regulation on the TEN-T Network. The Proposed development will not directly provide alternate fuel options but through some of the eight hubs established offer and enable locations for provision of alternate fuel Infrastructure along the TEN-T /National Road Network.

7.29.6 Planning & Policy

While IBEC strongly supports the progression of the Donegal TEN-T PIRP to address the region's immediate road and active travel deficits. this development must not compromise or undermine the broader sustainable transport goals outlined in the All-Island Strategic Rail Review (AISRR).

IBEC see it as imperative that the planning, route alignments, and delivery of the TEN-T road upgrades are future-proofed to seamlessly accommodate, rather than obstruct or physically preclude, the eventual delivery of this critical cross-border rail infrastructure.

7.29.6.1 Response

DCC can confirm that the Proposed Development does not compromise or undermine the broader sustainable transport goals outlined in the All-Island Strategic Rail Review (AISRR).

DCC is committed to ensuring the best and most appropriate possible transport infrastructure and multimodal transport solutions for the county going forward. The legacy road network on which we currently rely must be maintained and upgraded to provide appropriate safety and capacity. The Proposed Development is essential to that. DCC also believe that a connection or connections to a comprehensive national rail network is important going forward and it is not an either/or situation. The current DCC Development Plan looks forward and plans for both our current and future needs and that includes rail.

DCC's consideration of the TEN-T Priority Road Improvement Project looked at all modal options. However, in the light of clear deficiencies in the core road network and the absence of an overall national rail strategy, rail options were not feasible to solve the transport problems in Donegal. Since the publication of the All Island Strategic Rail Review, a national strategic rail plan has been put in place. DCC engaged with that process during its development to seek to ensure that Donegal was adequately served by rail.

The Portadown – Derry-Londonderry line rail project mentioned in this submission, and its connection to Donegal is included in the published Rail Project Prioritisation Strategy 2025 as part of the AISRR process. Its initial programme for completion is not clearly established but overall initial programme for delivery of the entire AISRR is given as 2050.

DCC continue to engage with Irish Rail and with TransLink NI, and their consultants, to ensure that commuter rail needs for Donegal are properly addressed and that their development would be coordinated with, and would not conflict with, DCC's other immediate transport infrastructure programme in terms of roads and greenways, including more specifically the Proposed Development. Close cooperation will enable all our necessary transport infrastructure to progress in tandem, avoid conflicts, and ensure optimum efficiencies and connectivity across all modes.

7.29.7 Planning & Policy

IBEC advocates that this project be designated under the upcoming Critical Infrastructure Bill 2026, legally mandating accelerated approvals and prioritising it accordingly.

Furthermore, provisions within the Civil Reform Bill 2025 must be leveraged to place judicial reviews on a stricter statutory footing, balancing individual rights with the common good and preventing vexatious litigation from stalling this transformative regional project in the context of the various Compulsory Purchase Orders involved.

7.29.7.1 Response

DCC welcomes the comments made in this submission in relation to the Critical Infrastructure Act 2026. In that regard, Donegal County Council has recently formally made a request for the TEN-T Priority Route Improvement Project to be designated in the next tranche of designations by the Government as "Critical Infrastructure" in accordance with Section 3(1) of the Critical Infrastructure Act 2026, and DCC are confident that it will be so designated as it is essential for Donegal's economic growth, improved quality of life and sustainable transport goals, and vital to the continued growth and development of the North-West region.

Furthermore, the Proposed Development is critical to enabling a range of other important government policy goals including under housing, balanced national and regional development. While we note the comments made in this submission in relation to the Civil Reform Bill, it would not be appropriate for Donegal County

Council to comment on those matters, and in fact they are not matters for the Commission to consider in the context of the application for approval of the Proposed Development.

7.29.8 Access: to Businesses

DCC must implement comprehensive traffic management plans and establish alternate delivery routes to protect supply chains and minimise operational friction for local businesses during the construction window. Donegal businesses must be brought along and supported during this transitionary period the positive business case for the PRIP put front and centre. Provisions should be considered for businesses particularly impacted by construction and / or loss in footfall in the interim. We encourage proactive, early engagement between the National Roads Office Land Liaison Team and all parties effected by CPOs to resolve any potential issues, minimise formal objections, and expedite the planning process

7.29.8.1 Response

It is agreed that comprehensive traffic management plans are required for construction of this Proposed Development. A Construction Traffic Management Plan (CTMP) for this Proposed Development has been prepared as part of the EAIR (Appendix C4.02).

Chapter 6 of the EIAR also confirms that detailed traffic management plans will be prepared by the appointed Contractor, developed from the Construction Management Plan. Chapter 6, Section 6.5, also confirms that the Traffic Management Plan details measures to ensure that construction traffic impacts are minimised through the control of site access/egress routes, site access locations, pedestrian/cyclist provisions, traffic management including temporary diversions, temporary signage, deliveries to site and road cleaning.

Appendix C4.02 sets out requirements for maintaining access to businesses (Section 1.3.1 and 1.3.7) and also communication with businesses (1.3.20).

Chapter 7 of the EIAR commits to a Stakeholder Communication Plan (7.5.1.1 and 7.5.1.2) and that it shall consider, following liaison with local businesses, provision of temporary access to and temporary signage where necessary, for any affected commercial facilities.

7.30 Jack & Jean Kee

Name	Jack & Jean Kee
Agent	Walter P. Toolan & Sons Solicitors
Address / Plot No.	Plot No. 1050
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.30.1 General Comment #1

This submission includes a cover letter raising certain issues in relation to the policy support for the Proposed Development and its traffic impacts and also encloses a copy of the submission made by Walter P Toolan and Company Solicitors on behalf of David Kee which submission is adopted and endorsed by Jack & Jean Kee.

7.30.1.1 Response

While this submission suggests that the Proposed Development does not constitute proper planning and sustainable development in the area, that is not the case. The Proposed Development is a targeted improvement of specific sections of the existing national road network in Donegal to target efficiency, capacity and safety on the network as well as encourage modal shift and relieve urban centres (residential and

commercial) of congestion. It is an appropriately scaled intervention on long term unsafe and unreliable sections of Donegal's primary transport infrastructure, and is supported by local, regional, national and European policies and objectives. This is comprehensively set out in the EIAR Chapter 3 Planning and Policy of Volume B of the EIAR.

The Proposed Development is entirely consistent with European, national, regional and local transport policy and planning policy. This is comprehensively set out in the EIAR Chapter 3 Planning and Policy of Volume B of the EIAR. It forms part of the comprehensive network in Ireland under the TEN-T Regulations and includes a strategic cross-border link to Northern Ireland. It is identified in the National Planning Framework and listed as key transport infrastructure in the National Development Plan, which prioritises capital investment under Project Ireland 2040. Indeed, Donegal County Council has recently formally made a request for the TEN-T Priority Route Improvement Project to be designated in the next tranche of designations by the Government as "critical infrastructure" in accordance with Section 3(1) of the Critical Infrastructure Act 2026, and DCC are confident that it will be so designated as it is essential for Donegal's economic growth, improved quality of life and sustainable transport goals, and vital to the continued growth and development of the North-West region.

Further:

- The Proposed Development aligns with the investment priorities of the National Investment Framework for Transport in Ireland (NIFTI) and seeks to enhance regional and rural connectivity to one of the most peripheral regions of the country and the European Union. It also seeks to reduce congestion in Letterkenny, Ballybofey / Stranorlar and Lifford and to re-allocate road spaces for walking, cycling and active modes to promote sustainable mobility change contributing to decarbonisation and improving the attractiveness, vibrancy and economic vitality of those towns.
- It incorporates the roll-out of substantial active travel infrastructure including eight multi-modal hubs at the edge of key towns and at strategic locations and aligns with and supports actions under Goals 1, 3, 4, 5, 6 and 9 of the National Sustainable Mobility Policy Action Plan; and,
- As set out in detail in Chapter 13 (Climate) of Volume B of the EIAR:
    - There is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.
    - The delivery of 63 km of shared pedestrian/ cycle facilities as an integral part of the Proposed Development provides a positive climate impact and equates to 7% of the national target for the advance roll-out of 1,000 km walking/ cycling infrastructure as well as connectivity to National Cycle and Greenway Networks.
    - The Proposed Development will result in an estimated 688 daily cycling trips and an estimated 7,236 pedestrian daily trips, and the commuting and education aspects of these journeys will result in an emissions saving from this modal shift of 1,723 tonnes CO2e per annum.

The analysis set out in Chapter 13 (Climate) of Volume B of the EIAR demonstrates that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the Climate Action and Low Carbon Development Act, 2015, as amended. Further, Section 3.5.4 of Chapter 3 of Volume B of the EIAR also demonstrates how the Proposed Development delivers on climate action policy, goals and actions.

Therefore, having regard to the foregoing and as more fully set out in Chapter 3: Planning Policy of Volume B of the EIAR, the Proposed Development accords with international (having regard to the obligation need to implement the proposed development under the TEN-T Regulation), national, regional and local policies and plans and accords with the proper planning and sustainable development of the area.

The Proposed Development is not, as stated in the submission, a short-term solution. This development, if consented, will provide essential improved capacity for the anticipated population growth in County Donegal

and, more specifically, the urban centres which are served by the Proposed Development. As discussed in Section 5.3 of Chapter 5 of Volume B of the EIAR, alternatives to a road-based transport solution will not achieve the project objectives and certainly not the requirements of the TEN-T Regulations. As concluded in that section, a road-based transport solution is deemed to be the most appropriate solution. This is further expanded upon in Section 5.4 Road-based Alternative Options for the Proposed Development, which then leads to the selection of route corridors (Section 5.5) and the identification of a preferred option for Section 1 of the Proposed Development as summarised in Section 5.6.1.4 of Chapter 5 of Volume B of the EIAR.

Further Chapter 6: Traffic & Transportation in Volume B of the EIAR, details the results of the traffic modelling and demonstrates that the existing road infrastructure is operating at or beyond capacity. Regional traffic is also currently passing through the urban centres of Ballybofey / Stranorlar, Letterkenny and Lifford which is unsustainable. The Proposed Development provides an alternative route to bypass the urban centres which will greatly improve the environment of all these areas.

As also mentioned above, the traffic modelling and climate assessment confirms that there is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.

As noted above, this submission also includes a copy of the submission made by Walter P. Toolan & Sons Solicitors on behalf of David Kee, which submission is adopted and endorsed by Jack & Jean Kee. That submission is fully addressed in Section 7.18, which should be read in conjunction with this response.

7.31 James Anthony O'Donnell

Name	James Anthony O'Donnell
Address / Plot No.	Plot No. 3019
Date of Submission (received by ACP)	09/07/2026
Section of TEN-T PRIPD	Section 3

7.31.1 Access

Mr O'Donnell raises the issue with future access to Plot 3019 which they have considered as a future residential dwelling site. He states that future access to the site was specifically considered and agreed during discussions with DCC, and this access was incorporated into the scheme design via the L5574.

Mr O'Donnell is concerned that the Proposed Development will negatively impact on the site's accessibility, residential development potential and overall viability.

In addition, the Proposed Development is likely to give rise to visual and noise impacts that were not previously anticipated, potentially affecting the amenity, attractiveness, and suitability of the site for future family home.

7.31.1.1 Response

DCC confirms that access to Plot 3019 has been included in the scheme design as Access Road AR3.14 shown on EIAR Drawing 4.3, sheet 3 of 10, of Volume B of the EIAR. This provides access to the plot in question from the L5574.

The acquisition of 0.067 ha of the total holding of 0.405 ha results in a remaining landholding of 0.388 ha (approx. 0.84 acres). The landtake is at one corner of the land parcel and access has been provided to the local road network as noted above.

DCC notes that the subject lands are not zoned residential and no planning permission exists for future residential development on this land. The future development of the land is a matter for the owner of the land. The Section 51 Application has fully assessed the impacts of the Proposed Development on the environment, and this includes an individual assessment of Plot 3019 in Chapter 15 of Volume B of the EIAR in accordance with its current usage, i.e. agriculture. This is discussed further in the response below.

7.31.2 Material Assets: Non-Agricultural

Plot 3019 is classified as agricultural land in the assessment. Mr O'Donnell states that this is inconsistent with all discussion held with DCC where the site was presented as a future residential site. As such, the assessment does not consider the future residential use and viability of the site. Mr O'Donnell requests that Plot 3019 be reassessed and treated as a residential development site.

7.31.2.1 Response

The land in question is currently classified as agricultural land. No planning has been submitted in relation to a residential development. It is acknowledged that consultation has taken place with the landowner and access is provided to the land as part of the Proposed Development.

7.31.3 Material Assets: Agriculture

Mr O'Donnell highlights inconsistencies in the size of the site in the Section 51 Application documentation.

- In Chapter 15 the site is stated as being 0.067 hectares whereas the site area is approximately 0.405 hectares.
- Chapter 15 states no access is required yet the design includes two new access points.
- The documentation appears to suggest a land-take of up to 100% which requires clarification.
- Mr O'Donnell understands that approximately 670 m^2 is acquired under the CPO representing almost 17% of the site.

Mr O'Donnell states that the loss is significant in the context of a future dwelling site.

The cumulative impacts of the loss of land combined with the proximity of the proposed road restricting future development of the site has not been adequately assessed.

7.31.3.1 Response

As highlighted by Mr O'Donnell's submission, an error is noted on Plot 3019 within Table 15.32, page 15-41 of Chapter 15 of Volume B of the EIAR. The "Land Parcel (ha)" incorrectly states 0.067 ha. This should read 0.41 ha. The land take area remains unchanged at 0.067 ha. This results in a reduced "landtake (%)" from 100% to 16%.

In addition, as per Mr O'Donnell's submission, access is required. "No" was recorded under Access Required within table 15.32, page 15-41 of Chapter 15 of Volume B of the EIAR.

DCC notes that the "Significance of Residual Effect" after the assessment for Plot 3019 should be changed from Imperceptible to Slight, where: *"Slight impact – the Proposed Development causes a level of inconvenience and/or disturbance but does not require a significant change in current farming practices or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

The above errata are corrected in the table below and within the errata in Appendix 4 of this document.

Farm ID	Land Parcel (ha)	Landtake (ha)	Access Required	Landtake %	Significance of Residual Effect
3019	~~0.067~~ 0.405	0.067	~~No~~ Yes	~~100%~~ 16.5%	~~Imperceptible~~ Slight

The remaining area of land within Plot 3019 after the proposed CPO is 0.338 ha.

The Proposed Development includes the provision of two accesses to this plot.

As noted above, the Section 51 Application has fully assessed the impacts of the Proposed Development on the environment and this includes an individual assessment of Plot 3019 in Chapter 15 of Volume B of the EIAR in accordance with its current usage, i.e. agriculture.

7.31.4 Noise & Vibration

Mr O'Donnell states that it is difficult to accept the conclusion that noise impacts will be "imperceptible" when, considering the Visual Impact Assessment details the impact as Moderate to Significant, with increased traffic, noise at the site boundary and at any future dwelling is inevitable and should be assessed accordingly.

7.31.4.1 Response

The assessment of Plot 3019 has been carried out on the current usage of the site, i.e. agriculture. There is no dwelling or planning permission in place for a dwelling on Plot 3019. Therefore, this location has not been assessed as a noise sensitive location.

7.31.5 Environmental Assessments/ EIAR (General)

Mr O'Donnell states the following effects will be experienced:

- Permanent loss of land
- Proximity to major new infrastructure
- Increased noise levels to the immediate surroundings
- Visual impacts from road embankments and associated works detailed as Moderate to Significant within the documentation.

Taken together, these impacts are more appropriately considered Moderate to Significant in the context of a future residential site.

7.31.5.1 Response

It is DCC's understanding that there is no existing dwelling located on the plot and Plot 3019 has, accordingly, been assessed as agricultural.

DCC acknowledges that there will be a permanent loss of land acquired as part of the CPO process, which amounts to 0.067 ha of the 0.405 ha within Plot 3019.

DCC acknowledges that Plot 3019 will be in close proximity to the Proposed Development including the realigned local road L-5574 from which access to Plot 3019 has been provided.

Noise levels within Plot 3019 are not assessed as there are no noise sensitive receptors at this plot.

Visual impacts within Plot 3019 are not assessed as there are no landscape and visual receptors at this plot. However, the landscape and visual impact assessment has considered receptors within the immediate area of Plot 3019, including residential receptor 35 shown on EIAR drawing 18.15, sheet 1 of 5, in Volume D of the EIAR. This shows that the post-establishment impact at receptor 35 reduces to "Moderate to Significant" to "Slight to Moderate" with mitigation in place.

7.31.6 Access: to property

Mr O'Donnell raises the issue with access to Plot 3019 in the interim and final arrangements, especially around the implementation timeline. He requests clarification given the site's future residential viability which depends on safe and practical access.

7.31.6.1 Response

The access arrangements are shown on the drawings. The proposed access is shown on EIAR General Arrangement drawings 4.3, sheet 3 of 10, and EIAR Proposed Road Development with Landownership drawing 16.03, sheet 3 of 10, of Volume D of the EIAR.

The timeframe for the construction is currently programmed to be from 2028 to 2032. Section 4.10 of Chapter 4 Project Description of Volume B of the EIAR confirms that if all three sections of the Proposed Development are constructed at the same time this will require a 60-month construction period. If a phased construction programme is implemented, Section 3 of the scheme is estimated to take 36 months to construct. Item 5 listed in Section 15.8.1 Construction Phase Mitigation Measures (page 15-23) of Chapter 15 of Volume B of the EIAR confirms that "Existing accesses to property, including homes, farms and severed lands, where practicable, will be maintained during construction of the road, otherwise, reasonable temporary access will be provided.

7.32 James Robert Kee

Name	James Robert Kee
Agent	Walter P. Toolan & Sons Solicitors
Address / Plot No.	Plot No. 1050
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.32.1 General Comment #1

This submission includes a cover letter which raises issues in relation to the impact of the Proposed Development on James Robert Kee's family farm and also encloses a copy of the submission made by Walter P Toolan and Company Solicitors on behalf of David Kee whose submission is adopted and endorsed by James Robert Kee.

7.32.1.1 Response

DCC acknowledge the submission of James Robert Kee and the concerns raised in this submission in relation to the impacts of the Proposed Development on the family farm.

The impacts of the Proposed Development on the Kee family farm, which is comprised in Plot 1050, has been considered and addressed in Chapter 15: Material Assets (Agriculture) of Volume B of the EIAR, and as set out in Table 15.30 of Chapter 15, the conclusion of that assessment is that the Proposed Development will have a major impact on this property.

However, the allegation in this submission that the Proposed Development does not constitute proper planning and sustainable development in the area is not correct. The Proposed Development is a targeted improvement of specific sections of the existing national road network in Donegal to target efficiency, capacity and safety on the network as well as encourage modal shift and relieve urban centres (residential and commercial) of congestion. It is an appropriately scaled intervention on long term unsafe and unreliable sections of Donegal's primary transport infrastructure, and is supported by local, regional, national and European policies and objectives.

This is comprehensively set out in the EIAR Chapter 3 Planning and Policy.

The Proposed Development is entirely consistent with European, national, regional and local transport policy and planning policy. This is comprehensively set out in the EIAR Chapter 3 Planning and Policy of Volume B

of the EIAR. It forms part of the comprehensive network in Ireland under the TEN-T Regulations and includes a strategic cross-border link to Northern Ireland. It is identified in the National Planning Framework and listed as key transport infrastructure in the National Development Plan, which prioritises capital investment under Project Ireland 2040. Indeed, Donegal County Council has recently formally made a request for the TEN-T Priority Route Improvement Project to be designated in the next tranche of designations by the Government as "critical infrastructure" in accordance with Section 3(1) of the Critical Infrastructure Act 2026, and DCC are confident that it will be so designated as it is essential for Donegal's economic growth, improved quality of life and sustainable transport goals, and vital to the continued growth and development of the North-West region.

Further:

- The Proposed Development aligns with the investment priorities of the National Investment Framework for Transport in Ireland (NIFTI) and seeks to enhance regional and rural connectivity to one of the most peripheral regions of the country and the European Union. It also seeks to reduce congestion in Letterkenny, Ballybofey / Stranorlar and Lifford and to re-allocate road spaces for walking, cycling and active modes to promote sustainable mobility change contributing to decarbonisation and improving the attractiveness, vibrancy and economic vitality of those towns.
- It incorporates the roll-out of substantial active travel infrastructure including eight multi-modal hubs at the edge of key towns and at strategic locations and aligns with and supports actions under Goals 1, 3, 4, 5, 6 and 9 of the National Sustainable Mobility Policy Action Plan; and,
- As set out in detail in Chapter 13 (Climate) of Volume B of the EIAR:
    - There is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.
    - The delivery of 63 km of shared pedestrian/ cycle facilities as an integral part of the Proposed Development provides a positive climate impact and equates to 7% of the national target for the advance roll-out of 1,000 km walking/ cycling infrastructure as well as connectivity to National Cycle and Greenway Networks.
    - The Proposed Development will result in an estimated 688 daily cycling trips and an estimated 7,236 pedestrian daily trips, and the commuting and education aspects of these journeys will result in an emissions saving from this modal shift of 1,723 tonnes CO2e per annum.

The analysis set out in Chapter 13 (Climate) of Volume B of the EIAR demonstrates that the Proposed Development is consistent with all of the plans, strategies and objectives set out in section 15(1) of the Climate Action and Low Carbon Development Act, 2015, as amended. Further, Section 3.5.4 of Chapter 3 of Volume B of the EIAR also demonstrates how the Proposed Development delivers on climate action policy, goals and actions.

As noted above, this submission also includes a copy of the submission made by Walter P. Toolan & Sons Solicitors on behalf of David Kee, whose submission is adopted and endorsed by James Robert Kee. That submission is fully addressed in Section 7.18, which should be read in conjunction with this response.

7.33 James Rogers

Name	James Rogers
Agent	Martin & Rea
Address / Plot No.	Plot Nos. 3021 and 3022
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.33.1 CPO

Mr Rogers states that the land take is excessive, in particular south of Plot 3022.

7.33.1.1 Response

The extent of acquisition of lands and rights over lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Further, where land severance has resulted in significant impacts, particularly where the land remaining is rendered inaccessible and/or too small for use, these lands have also been included as permanent acquisition in the CPO. The methodology used to assess the land take has been set out in Chapter 15 Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of Volume B of the EIAR.

Landtake through plots 3021 A.104 and 3022 A.101 is required for the mainline road cross section including earthworks, Access Road AR3.20, AR3.21 plus interceptor drainage and maintenance areas adjacent to the Proposed Development fenceline. At the south of plot 3022, the land is required to provide an interceptor drain and a 3 m maintenance strip adjacent to the fenceline. The interceptor drain is approx. 3 m wide (1 m base width, 1 m deep and 1:1 side slopes and offset at minimum of 1 m from the top of the cutting. Land is also required for landscaping (WD1 Mixed Woodland) south of plot 3022 as detailed in EIAR drawings 18.21 (Sheets 5 and 6 of 24) in Volume D of the EIAR.

The extent of acquisition of lands for plot 3021/3022, as per CPO Map for Section 3 (sheet 3 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 3 of 10) in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.33.2 Material Assets: Agriculture

Mr Roger's submission states that while there is a material assets report summary on Table 15.32 section 3 plot 3021, no representative of DCC interviewed him.

Mr Rogers considers the assessment does not reflect correctly on the impact on the farm, the land is severed with a difficult access. He rejects entirely the effect described in the report as Moderate and considers it to be Severe/ Major.

7.33.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development.

DCC can confirm that Mr. Rogers was met by representatives from DCC. In relation to Plots 3021 and 3022, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Rogers since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3021 and Plot 3022 are both presented in Table 15.32, page 15-41, of Chapter 15 of Volume B of the EIAR.

With regard to plot number 3021, following the appropriate methodology and guidance, the assessment of Moderate is deemed correct. This is because a drystock enterprise is considered low sensitivity (see table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see table 15.6 of Chapter 15) resulting in a moderate significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

In reviewing the assessment of Plot 3022, an error was noted in Table 15.32, page 15-41, of Chapter 15 of Volume B of the EIAR. The area of land under "Land Parcel" should read 0.43 ha and not 0.017 ha. The Landtake remains unchanged. The "Landtake (%)" should therefore read 4% and not 100%. DCC notes that the "Significance of Residual Effect" after the assessment for Plot 3022 should remain as Slight where: "*Slight impact – the Proposed Development causes a level of inconvenience and/or disturbance but does not require a significant change in current farming practices or day to day management. Mitigation in the form of accommodation works would overcome any problems.*"

Farm ID	Land Parcel (ha)	Landtake (ha)	Landtake (%)	Significance of Residual Effect
3022	~~0.017~~ 0.43	0.017	~~100%~~ 4%	Slight

7.34 Joe Browne

Name	Joe Browne
Agent	Martin & Rea
Address / Plot No.	Plot No. 1027
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.34.1 Material Assets: Agriculture

Mr Browne notes in his submission that in chapter 15 material assets/ agriculture the impact on the farming activity is described as Major. Mr Browne believes this land take to be Profound.

7.34.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1027, consultation with DCC's agronomist was undertaken on 31 May 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Browne since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1027 is presented in Table 15.30, page 15-29, Chapter 15 of Volume B of the EIAR.

With regard to plot number 1027, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."

To note on the use of Profound, it is reserved for those farms and enterprises that cannot continue post development due to the removal of 80% or more of the farm area and therefore would be not considered appropriate in this case.

7.35 Joe McKean

Name	Joe McKean
Agent	Martin & Rea
Address / Plot No.	Plot No.3063 but assumed to be 3062 (see explanation below)
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.35.1 Material Assets: Agriculture

Mr McKean's submission states that in relation to chapter 15, the impact on the farming activity is described as Moderate. Mr McKean believes this is incorrect as 30% of the land is taken and the impact should be Major.

7.35.1.1 Response

It is noted that this submission is from Joe McKean but refers to CPO plot 3063. As per the CPO Schedule, CPO plot 3062 is Mr Joseph McKean while CPO plot 3063 is Elaine McKeane. CPO plot 3063 is a dwelling plot. CPO plot 3062 is agricultural land. Based on the named person in the submission and the queries raised, this submission is addressed relating to Plot 3062.

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plots 3062, consultation with DCC's agronomist was undertaken on 1 December 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McKean since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

Chapter 15 distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3062 is presented in Table 15.32, page 15-43, Chapter 15 of Volume B of the EIAR.

With regard to plot number 3062, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because a dairy enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a Moderate significance of effect.

7.35.2 Access

As presently designed, Mr McKean believes that the land is not safely accessible by tractor.

7.35.2.1 Response

A new agricultural access will be provided adjacent to plot 3062. In this regard, Section 4.10.1.7 of Chapter 4 of Volume B of the EIAR confirms that the construction will include accommodation works for landowners such as access roads, entrances, fences, gates, walls, ducting and reconnection of severed services.

7.36 John & Carmel Gallinagh

Name	John & Carmel Gallinagh
Agent	Martin & Rea
Address / Plot No.	Plot Nos. 1077
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.36.1 Active Travel

The Gallinagh's state that the proposed Active Travel (greenway) will see the acquisition of a very substantial area. The Active Travel is extremely close to the entrance to a garden centre with lorries and tractors and is undesirable for the owners of the garden centre.

They request that the Active Travel join the realigned local road at Chainage 175 and not Chainage 75.

7.36.1.1 Response

During the initial assessment and design development, an arrangement whereby the Active Travel facility connected to the L-2724 Connector Road at approximately Chainage 175 was considered. However, this option was not progressed as it did not satisfactorily meet the requirements of the applicable Cycling Design Manual (CDM) published by the National Transport Authority as set out in Chapter 4, Section 4.4 (Design Standards) of Volume B of the EIAR.

The proposed Active Travel facility and associated access arrangements have been developed in accordance with the above applicable design standards and the selected active travel alignment was identified through the design process as the most appropriate solution, having regard to safety and connectivity. In relation to any concerns regarding the proximity of the Active Travel facility to the garden centre entrance, the proposed layout has been designed to accommodate all users, including pedestrians, cyclists, commercial vehicles, agricultural vehicles and patrons of the garden centre, in a safe and efficient manner. Accordingly, it is considered that the proposed Active Travel alignment represents an appropriate and compliant design solution.

As set out in Section 4.5.4 of Chapter 4 the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT

facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR)

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.36.2 Biodiversity

The Gallinaghs highlight that on the north side of the mainline at approximate Chainage 5+175 there is a mature oak tree which was a mile-mark on the old Letterkenny road. The Gallinaghs request that the CPO line would be moved slightly towards the south so as to maintain this tree.

7.36.2.1 Response

A site visit was completed on 4th September 2026 to confirm the location of the mature oak tree. The location was confirmed by the landowner. The oak tree lies outside the CPO boundary; approximately 13 m to the north of the CPO boundary and 24 m from the top of the cutting / excavation at approximate Chainage 5+175. As the tree is outside of the CPO boundary it will not be felled as part of the construction or operation of the Proposed Development.

7.36.3 Design

The Gallinaghs consider the designed access to Dunwiley Fort will cause traffic hazard as no parking area for visitors is provided and it may hinder access for emerging vehicles. They consider that this road should be privatised with pedestrian access only and the road gated.

7.36.3.1 Response

The existing access to Dunwily Fort is severed by the proposed mainline and, as a consequence, an alternative access arrangement has been provided as part of the Proposed Development. Access to Dunwily Fort will be facilitated via the proposed local and access road network, which connects to the L-2724 Connector Road and ties into the severed section of the existing Dunwily Fort access road. The retained section of the existing access road will remain substantially in its current form. The development works proposed within the vicinity of Dunwily Fort comprise of a new proposed access arrangement intended to replicate the existing situation insofar as practicable. The proposed access road to Dunwily will provide continued access to Dunwily fort and multiple land parcels and therefore cannot be returned to the landowner as a private gated access.

7.37 John & Kathleen Browne

Name	John & Kathleen Browne
Address / Plot No. / Eircode	F93YHP4
Date of Submission (received by ACP)	10/06/2026
Section of TEN-T PRIPD	Section 1

7.37.1 Private Well, Hydrogeology

The submission raises concerns about potential impacts on the domestic water supply from a spring well located approximately 100 m from the Proposed Development and suggests that no impact assessment for the well has been carried out.

7.37.1.1 Response

Section 10.7.3.1, Domestic Water Supplies in Chapter 10 Land, Soils, Geology and Hydrogeology of Volume B of the EIAR states that no wells were identified along the scheme centreline, but 22 wells were identified within 250 m of the alignment. These are shown on the Wells and Springs Drawings (EIAR Drawings 10.24 to 10.26 in Volume D of the EIAR), including Browne's Well on sheet 2 along mainline CH2+150, the well in question.

Of the 22 wells identified within 250 m of the centreline, only those wells where a potential impact was identified due to possible lowering of the water table from earthworks cuttings was subject to a detailed impact assessment.

The Browne's well lies within 250 m of the centreline. However, it is situated along an area of fill and not cut. As such there is no expected impact to the ground water table in the vicinity of the well. Therefore, no impact is expected and no detailed impact assessment is required. With respect to Borrow Pits MED04 and MED05, located approximately 250 m from the well, these are material deposition areas and no material extraction is proposed (see Table 10.40). Accordingly, no impact on groundwater is expected from the lowering of the water table for earthwork cuttings or from material extraction from borrow pits.

There will be no impact to the well or the yield of the Browne's well as a result of the construction of the Proposed Development.

7.37.2 Water

The submission raises a query as to how the project aligns with the new EU water protection directive (Directive (EU) 2026/80) for protection of Water Sources & Wells.

7.37.2.1 Response

We assume the query relates to Directive (EU) 2026/805 not 2026/80. The EIA assessment was completed, and the application was submitted before the updated directive came into effect on 11 May 2026 and was based on the applicable law and guidance in place at that time. Further, the date for the transposition of this Directive into Irish Law is December 2027. For completeness, while this directive has been reviewed, and it is considered that the EIA remains robust in its assessment relative to water sources and wells.

There is no change to the assessment conclusions including with respect to the assessment carried out for domestic water supplies, including Browne's well, in Chapter 10 Land, Soils and Hydrogeology.

7.37.3 Land, Soils, Geology and Hydrogeology

7.37.3.1 The submission raises concerns about their septic tank and percolation area being located within 100 m of the Proposed Development. Response

An attenuation pond AR1.16 will be located approximately 135 m downstream of the septic tank and the associated drainage ditch will be approximately 60 m downstream of the septic tank. Due to the upgradient location of the septic tank and percolation area this drainage ditch will not interact with the property owner's septic tank or percolation area during the proposed construction of the road or post construction during the operational phase.

Road drainage will be constructed as part of the Proposed Development design which will direct flow from the roadway towards this drainage link and to the downstream attenuation pond which is referred to in the EIAR as a primary mainline conveyance system. The drainage design will be constructed in such a manner as to account for and protect groundwater quality (refer to Section 10.8.2.2 of the EIAR) through embedded mitigation which will be incorporated into the drainage design and designed in accordance with TII Design Manual for Roads and Bridges (DMRB). The EIAR commits to specifically designing the drainage system to reduce the risk of accidental spillage to the underlying groundwater environment.

The drainage ditch being proposed from the adjacent land to the attenuation pond will cater for overland flow only. The drainage ditch at the toe of the proposed embankment will capture any surface water runoff from the adjacent land and convey it to the outfall on the western side of the proposed alignment.

In addition, the works will be constructed sufficiently far away to avoid any of the concerns raised by the property owner in relation to groundwater contamination, vibrations, soil compaction/drainage failure or structural damage during the construction and operational phase of the Proposed Development.

7.37.4 Noise & Vibration

The submission seeks maximum noise abatement measures should the Proposed Development be approved particularly at the River Finn Bridge crossing.

7.37.4.1 Response

EIAR Chapter 14 (Noise and Vibration) identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

Operational Noise

As stated in Section 14.7.2 (p.14-46) of Chapter 14 of Volume B of the EIAR "*Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment.*"

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14 of Volume B of the EIAR, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes the Browne's dwelling (GeoDirectory ID 80986076). A noise level of 58 dB L_{den} with the construction of the Proposed Development during the design year (2047) is predicted, which is a 10 dB increase compared to the Do-Minimum scenario (without the construction of the Proposed Development). Whilst there will be an increase in noise level, the noise level is predicted to be

below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Moderate and does not qualify for mitigation (see Section 14.4.3.7 (p.14-9 and 14-10) of Chapter 14 of Volume B of the EIAR for operational noise criteria).

Construction Noise

The likely significant effects of noise during construction phase are assessed in Section 14.6 of Chapter 14 of Volume B of the EIAR. Section 14.8.1 identifies the mitigation measures to mitigate both noise and vibration impacts during the construction phase. The noise levels from the construction activity are predicted to be below the construction noise criteria outlined in Section 14.4.3.2 in the EIAR and hence, no specific mitigation is proposed for the Browne's dwelling.

Solar Panels – Vibration

The submission refers to the use of solar panels in the future, but none exist at this location at present. In any event the main source of vibration during the construction phase at this location is from vibratory rollers when preparing the embankments. However, given the distance between this activity and any proposed solar panels, vibration levels will have attenuated to such a level that they may not be perceptible by humans, and this level is substantially below thresholds for cosmetic damage to buildings. The vibration criteria are outlined in Section 14.4.3.5 of the EIAR.

7.37.5 Air Quality

The submission raises concerns about the impact of air quality and request mitigation measures.

7.37.5.1 Response

Air quality associated with the Proposed Development, both during construction and operation is comprehensively set out in Chapter 12 of Volume B of the EIAR. Section 12.6 describes the impacts on air quality from dust, traffic, plant, etc. This includes emissions associated with NOx, PM_{10} and $PM_{2.5}$ particles. The distance bands for Section 1 of the Proposed Development are shown on EIAR Drawing 12.04, sheet 1 of 1, in Volume D of the EIAR where the Browne's property is located on the outer edge of the 100m buffer from the Proposed Development. In terms of impact to receptors in Section 1 of the Proposed Development, Section 12.6.7.1 (p.12-36) states:

> "The results of the analysis indicate that the levels of NO_2, PM_{10} and $PM_{2.5}$ for Section 1 receptors will remain below the limits for the protection of human health to be imposed by the EU Directive on the 1st January 2030."

While a negative impact at the Browne's property is acknowledged, as they will be closer to a national road, in overall terms, the air quality levels remain below the limits for the protection of human health. Further, It must also be recognised that the vehicle fleet is transitioning to a higher proportion of electric vehicles and this is expected to continue to increase in the future. This will reduce the emissions associated with internal combustion engines and therefore the air quality impact is anticipated to reduce over time.

In relation to dust impact during the construction and the operational phase, this is assessed in Section 12.6 of Chapter 12 of Volume B of the EIAR. Further, dust mitigation measures have been proposed in Section 12.7 of Chapter 12. The creation of a dust barrier has not been proposed in the vicinity of the property due to the limited impact of this mitigation measure. While the pre-mitigation impacts associated with construction phase dust emissions are considered to pose a high risk for each section of the Proposed Development and the Proposed Development as a whole, a suite of best practice dust mitigation has been mandated in Section 12.7.1 of Chapter 12. This will be implemented in full along with the associated monitoring (refer to Section 12.7.3.2 of Chapter 12), the residual impact is reduced to a 'short term slight adverse impact', which is not significant in EIA terms.

7.37.6 Lighting

The submission raises concerns about the impact of lighting and they request the maximum mitigation measures.

7.37.6.1 Response

Lighting is limited to areas required for road safety such as junctions in accordance with DN-LHT-03038 Design of Road Lighting for the National Road Network. Lighting columns will be no higher than ten metres and focus light accurately where it is required to minimise light spill, refer to section 4.5.9.3 Public Lighting of Chapter 4 of Volume B of the EIAR.

In locations where lighting is on embankments and lighting spill is a concern additional shields / louvres will be included in the design to ensure nearby receptors, such as dwellings, are not impacted.

7.37.7 Landscaping

The submission requests mature planting given the level of impact at this location

7.37.7.1 Response

EIAR Drawing 18.13, sheet 1 of 4, of Volume D of the EIAR shows the residential visual impact assessment for Section 1 of the Proposed Development. The closest receptor to the Browne's property is number 98 and this shows that the pre-establishment and post-establishment impact is 'very significant to profound' at this location. A similar finding would apply to the Browne's property. However, the reference to 'significant/ profound' predicted impacts arising is in relation to predicted visual impacts during the initial operational phase of the Proposed Development. This is shown under item 9 (Viewpoint VP9) relating to the R252 Glenfin Road, identified in Table 18-58 of Chapter 18 of Volume B of the EIAR.

Table 18-69; Chapter 18: Landscape and Visual identifies the residual visual impacts arising because of Section 1 of the Project, following successful establishment of the identified mitigation measures. As shown on EIAR Drawing 18.16, sheet 1 of 4, of Volume D of the EIAR, screening woodland planting and hedge line are proposed as specific landscape mitigation measures along the Proposed Development facing the Browne's property. A variety of planting stock is proposed as part of the woodland planting to ensure its successful establishment as smaller planting stock is considered to be best suited for quicker establishment, thus ensuring that mitigation measures proposed screen and integrate the Proposed Development within the surrounding landscape context. An example of how this will appear in Year 15 can be seen on Viewpoint VP08 Drumboe Cottages in the Section 1 Photomontages provided in Volume C of the EIAR. While not at the same location as the Browne's residence, it does illustrate the Proposed Development on embankment with the River Finn bridge and how the landscape planting appears after 15 years of growth.

7.37.8 CPO

The submission is concerned about access and a right of way from the R252 to their property.

7.37.8.1 Response

The lands identified for CPO have been mapped in accordance with the existing roadway and access arrangements required for this scheme. The existing access and right of way from the R252 to the property are retained and are not affected by the proposed CPO. Accordingly, the proposed acquisition at this location does not impact the established access arrangements or the right of way serving the property, and these will continue to be maintained for the purposes of this scheme.

7.37.9 Shading, soil, dust and Future Solar Panels

The submission is concerned about potential shading/soil/dust on future solar panels.

7.37.9.1 Response

There are currently no solar panels at this location. In the future, in relation to shading, the EIAR Drawing 4.4 (Sheet 3 of 7) clarify location and levels of the Proposed Development; this includes new proposed road levels with respect to existing ground levels. This information can be used by the Browne's solar panel provider in their modelling for shade impacts.

Dust impacts during the construction and the operational phase are assessed in Section12.6 of Chapter 12 of Volume B of the EIAR. Dust Mitigation measured have been proposed in Section 12.7 of Chapter 12.

7.37.10 General Comments

The submission makes a number of points about water quality, impacts on homes and the Cappry Townland and Village community.

7.37.10.1 Response

DCC is committed to protecting the environment and clean water sources. Domestic wells have been considered in the design as discussed in Section 7.37.1 above.

Further the impacts on individual landowners and homeowners has been carefully considered in the design of the project. Where possible, direct and indirect effects have been avoided and/ or mitigated. We have held many one-on-one meetings with the affected landowners and homeowners as well as multiple public consultation events throughout the development of the project. The feedback from these consultations has been considered in the design of the Proposed Development. Mitigation measures have been designed to reduce likely significant effects on the environment along with measures to ensure there are no adverse effects on the integrity of the Natura 2000 network sites. A comprehensive suite of measures has been proposed as detailed in each specialist chapter of the EIAR and summarised in Chapter 21: Schedule of Environmental Commitments. Similarly, in the NIS, the mitigation measures are set out comprehensively in Section 7, pp.156-183. DCC acknowledges the positive and negative impacts on the communities across the Proposed Development and has appropriately addressed the impacts and effects, most notably in Chapter 7: Population, Chapter 8: Human Health, and Chapter 16: Material Assets: Non-Agricultural.

The Capry Townland and Village community and the surrounding communities have been negatively impacted by traffic avoiding congestion on the existing N15, or taking a short-cut, and using the below-standard, existing L-2794, with associated dangerous speeds and volumes of non-local traffic including HGVs. They have also had to contend with the existing N15 through the village and the associated significant volumes of traffic, noise vibration and dust. There is a significant deficiency in existing facilities for vulnerable road-users (e.g. pedestrians and cyclists). Overall, the existing situation does not provide for safe connectivity within the area and from the area to Ballybofey and local facilities such as schools.

This Proposed Development by providing an efficient bypass for non-local journeys and significant active travel facilities including connectivity to the adjacent Ballybofey solves these fundamental problems as well as providing safe and efficient connection to the National Primary and Regional Road network.

The local road is being realigned through two new roundabouts to further restrict through traffic while still allowing easy local journeys for all types and modes of road users to all destinations.

Overall, the objective of the TEN-T PRIPD is to provide improvements to critical transport infrastructure in County Donegal for human beings both in the local communities as well as the wider region. The Proposed Development has considered local communities, including Cappry and has provided alternative access arrangement to ensure that the community connection remains. Further, an extensive active travel facility is an integral component of the Proposed Development, and the community of Cappry will have access to this sustainable alternative to enhance walking and cycling facilities for this area which currently do not exist.

Cappry community in itself will greatly benefit from the Proposed Development, through a new bypass of Ballybofey and Stranorlar. This is because in the absence of the Proposed Development, Cappry and its

environs currently experience a portion of strategic traffic as an alternative route to Ballybofey and Stranorlar. As such, the Proposed Development will significantly reduce the volume of strategic traffic that currently travels through Cappry and its environs along the existing local road network, and unsuitable for strategic traffic. The Proposed Development will improve connectivity to the National and Regional road network, as it is centrally located between the primary junctions at Ch500 (Dooish) and Ch1,750 (Ballybofey Link).

Chapter 15: Material Assets: Agricultural addresses the impacts of the Proposed Development on individual agricultural land-holdings and fully addresses the effects on those land-holdings and farm enterprises in the Cappry area.

Chapter 16: Material Assets: Non-Agricultural addresses the impacts of the Proposed Development on residential properties, and businesses in the Cappry area. It acknowledges that there will be direct impacts on individual properties but when considered at a county, regional and national perspective, these are not significant.

Chapter 17: Cultural heritage addresses the impacts of the Proposed Development on archaeological and architectural heritage features in the area and found that in the context of the scale of the Proposed Development, the overall impact will not be significant.

Chapter 18: Landscape and Visual addresses the impact and effects of the Proposed Development on the landscape from the perspective of human beings, including in the Cappry area. Section 18.6.5.2 of Chapter 18 directly addresses the impact of the Proposed Development on the 174 receptors in Section 1 and acknowledges that 25 properties are predicted to experience moderate to significant effects and 35 properties are predicted to experience very significant to profound effects.

7.38 John & Kathleen O'Donnell

Name	John & Kathleen O'Donnell
Agent	Martin & Rea
Address / Plot No.	Plot No. 1009
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.38.1 CPO

The O'Donnell's state that the land take is excessive and suggest that there is a contradiction on the design between the landscape mitigation drawing at this location and the design drawing at this location, for example, existing utilities.

7.38.1.1 Response

The acquisition of lands required for the Proposed Development includes the lands to be acquired from Mr and Ms O'Donnell, which is both proportionate and justified. DCC are entirely satisfied that the CPO is for the exigencies of the common good and specifically the Proposed Development will provide a targeted improvement to the TEN-T Road Network in Donegal to address operational, capacity, and safety deficiencies, reduce congestion and improve efficiency along the existing network as well as maximising its climate action credentials through design focused on modal connectivity and carbon efficiency.

Lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and

embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Further, where land severance has resulted in significant impacts, particularly where small plots of land remaining are rendered inaccessible and/or too small for use, these lands have been included as permanent acquisitions in the CPO. Land rendered inaccessible include lands that cannot be reasonably accessed, as to do so would introduce substandard and/or unsafe traffic movements, including onto critical elements of a National Road.

Mr & Mrs O'Donnell's land is located within flat, low-laying land that slopes down from the existing N15 to the Burn Daurnett watercourse, a tributary to the River Finn. The existing N15 forms the boundary of the lands to the north, while the Burn Daurnett watercourse forms the southern boundary. The sole access to these lands is via the existing N15. The existing access will be severed by the Proposed Development, and in particular by the proposed Dooish Junction and upgraded N15 national network / TEN-T Comprehensive network. Providing an access to the remaining lands would not be in compliance with the TII Design Standards, where direct accesses onto the National Road network are prohibited and would be contrary to road safety requirements. Further it would not be in accordance with the objectives of the Proposed Development. Access to the south of the plot is constrained by the Burn Daurnett watercourse and therefore it is not possible to provide an alternative access to these lands.

Further, a portion of these lands is required for flood compensation area S1-FCA-01, as shown on EIAR Drawing 4.01, sheet 1 of 8, Ch0+350 to Ch0+500 (Dooish Junction) in Volume D of the EIAR. Taking into consideration the above, and the requirements for maintenance and landscaping associated with the Proposed Development at this location, as detailed in EIAR drawing 18.19, sheets 1 and 2 of 19, in Volume D of the EIAR, the full extent of the lands are required for the construction and operation of the Proposed Development.

The methodology used to assess the land take has been set out in Chapter 15 Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of Volume B of the EIAR.

Specifically for Mr and Mrs O'Donnell, land acquisition is required as follows:

- Plot 1009 A.101 is required for the Dooish Junction (roundabout) and local road LX-1001 including earthworks, interceptor drains, flood compensation area as detailed in EIAR drawing 4.40 (Sheet 1 of 8) and for landscaping (which will mitigate the impacts of the scheme at this location) as detailed in EIAR drawing 18.19 (Sheet 2 of 19) in Volume D of the EIAR.
- Plot 1009 F. 102, which forms part of the existing N15 national road, is required for the Dooish Junction (roundabout) and local road LX-1001 including earthworks and interceptor drains.

In that regard it is reasonable and proportionate for the Proposed Development to seek to acquire the area of land owned by Mr and Ms O'Donnell, which are required for the reasons outlined above to facilitate the construction of the Proposed Development and the operation of the Proposed Development in this location.

The extent of acquisition of lands for plot 1009, as per CPO Deposit Map for Section 1 (sheet 1 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 4.1 (Sheet 1 of 8), in Volume D of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and is not excessive.

7.39 John Graham

Name	John Graham
Agent	Martin & Rea
Address / Plot No.	Plot No. 3042
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.39.1 Material Assets: Agriculture

In relation to chapter 15, Mr Graham disagrees that the impact on the residual land is Major. The land take is stated as 39%, which he considers Profound, taking into account the farm shop (Ballyholey farm shop) to which this land is vital to the growing of the produce which is sold in the shop.

Additionally, there is a two-storey farmhouse located here. It is affected by the road project, and no account has been taking of this in the material assets report.

7.39.1.1 Response

The two-storey farmhouse is not within the CPO of the Proposed Development and has therefore not, on its own, been included in the assessment of Material Assets, either under Chapter 15 Material Assets Agriculture or Chapter 16 Material Assets Non-Agriculture of Volume B of the EIAR. The impact on Plot 3042 in terms of agriculture has been assessed in Chapter 15 of the EIAR. The farm shop (Ballyholey farm shop) is considered an ancillary use to the primary agricultural use of the landholding and therefore considered within the same assessment.

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3042, consultation with DCC's agronomist was undertaken on 1 December 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Graham since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3042 is presented in Table 15.32, page 15-42 of Chapter 15 of Volume B of the EIAR.

In regard to Plot number 3042, DCC notes the submission and confirms that the assessment remains major.

"*Major impact – the Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects.*"

7.40 John J & Elizabeth Jackson

Name	John J & Elizabeth Jackson
Agent	Martin & Rea
Address / Plot No.	Plot No. 1107
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.40.1 Material Assets: Agriculture

The Jackson's consider that the agronomy assessment set out on page 15 of 33 of volume B part 2 is incorrect. They proposed to elaborate on this at the oral hearing.

7.40.1.1 Response

The Jackson's reference to a page mentioned above is not clear and this response therefore deals with where their plot reference 1107 in mentioned in the EIAR.

Plot 1107 is dealt with in both Material Assets assessments. It is included in the agricultural impact assessment presented in Table 15.30, page 15-33, of Chapter 15 of Volume B of the EIAR and also, for the residential property, in Apx Table 0-1 of Appendix C16.01 in Volume C of the EIAR.

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1107, consultation with DCC's agronomist was undertaken on 6 January 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Jacksons since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

In regard to Plot number 1107, DCC notes the submission and confirms that the assessment remains moderate. "*Moderate impact – the Proposed Development requires a significant change in current land use*

practices with associated costs due to severance, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."

The Material Assets: Non-Agriculture assessment of Plot 1107 determined that significance of residual effect on the residential property is Profound. As stated in Apx Table 0-1 of Appendix C16.01 in Volume C of the EIAR the residential property is deemed a medium sensitivity. However, the dwelling is to be demolished, and therefore the magnitude of impact is high it will be permanently lost.

With regard to the holding of an oral hearing, this is at the sole discretion of the Commission.

Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") empowers An Coimisiún Pleanála (the "Commission") with absolute discretion to hold an oral hearing. In that regard, section 218(1) of the 2000 Act provides as follows:

"Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred."

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

7.41 John Long (Plot 1005)

Name	John Long
Agent	Martin & Rea
Address / Plot No.	Plot No. 1005
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.41.1 Material Assets: Agriculture

Mr Long considers that the Material Assets: Agriculture assessment of the impact as Moderate is incorrect. They consider that the impact is Major.

7.41.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist

to discuss the Proposed Development. In relation to Plot 1005, consultation with DCC's agronomist was undertaken on 10 October 2022 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Long since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1005 is presented in Table 15.30, page 15-28, of Chapter 15 of the Volume B of the EIAR.

With regard to Plot number 1005, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because a sheep enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.41.2 CPO

Mr Long states that the land take at Plot 1005A.101 is excessive and they are objecting to the portion of the land take at the west side of the holding which is marked by a yellow triangle on the land ownership mark to facilitate an active travel path because it is not necessary infrastructure.

7.41.2.1 Response

The extent of acquisition of lands and rights over lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Further, where land severance has resulted in significant impacts, particularly where the land remaining is rendered inaccessible and/or too small for use, these lands have also been included as permanent acquisition in the CPO. The methodology used to assess the land take has been set out in Chapter 15 Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of Volume B of the EIAR.

Specifically for Plot 1005, the land acquisition is required from the landholding Plot 1005A.101 to facilitate the construction and operation of the proposed L-6564 Connector. The extent of the land take includes provision for the road alignment, active travel path, park and share facility, associated road earthworks, drainage infrastructure and utility diversions, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description.

As set out in Section 4.5.4 of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal

transport network. Central to that is the provision of eight new modal hubs for the safe and seamless transition between modes, including active travel, public transport, private vehicle and future provision for EV charging. The eight multi-modal hubs and integration with 63km of new Active Travel infrastructure will promote smart and sustainable modes of transport and provides the opportunity for considerable emissions savings, as demonstrated in Chapter 13 Climate of the EIAR in Volume B. Furthermore, while the growth in the proportion of electric vehicles is outside the remit of the Proposed Development, the Proposed Development supports, facilitates and is consistent with, the policy to enable charging facilities for electric vehicles at the park and share/cycle hubs to support the national electrification of the vehicle fleet accords with the Alternative Fuel Infrastructure Regulation on the TEN-T Network, as set out in Chapter 3 Planning and Policy of the EIAR, Volume B. The extensive Active Travel network, and integration with the eight new modal hubs is an essential part of the Proposed Development for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards:

As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR)

The extent of acquisition of lands for plot 1005A.101, as per CPO Deposit Map for Section 1 (sheet 1 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 4.1 (Sheet 1 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.42 John Long (Plot 3089)

Name	John Long
Agent	Martin & Rea
Address / Plot No.	Plot No. 3089
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.42.1 CPO

Mr Long's submission is relation to Plot 3089 states that the land take is excessive.

7.42.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for plot 3089, land acquisition is required as follows:

Plot 3089 A.101 is required for the realignment of the L2444 Ballindrait Local Road South. The landtake is required for the road cross section including earthworks, interceptor drain between earthworks and fenceline and a maintenance strip adjacent to the fenceline.

Plot 3089 A.103 is required for the mainline cross section including earthworks, interceptor drains between the mainline and fenceline and maintenance strip adjacent to the fenceline.

Plot 3089 A.104 is required for the active travel link including earthworks to link the active travel mainline network to Murlough school and village and onwards connections to Lifford, to the North West Greenway (Lifford-Strabane), and the Lifford to Castelfinn Greenway.

The extent of acquisition of lands for plot 3089, as per CPO Map for Section 3 (sheets 8 and 9 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheets 8 and 9 of 10) in Volume D Drawings of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.42.2 Material Assets: Agriculture

Mr Long considers that the Material Assets: Agriculture assessment of the impact as Moderate is incorrect. They consider that the impact is Major.

7.42.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the

primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3089, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Long since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3089 is presented in Table 15.32, page 15-44, of Chapter 15 of the Volume B of the EIAR.

In regard to Plot number 3089, DCC notes the submission and confirms that the assessment remains moderate:

> "*Moderate impact – the Proposed Development requires a significant change in current land use practices with associated costs due to severance, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated.*"

7.43 John McConnell

Name	John McConnell
Agent	Martin & Rea
Address / Plot No.	Plot No. 3041
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.43.1 CPO

Mr McConnell states in his submission that the land take is excessive due to the location of the access track, which could be much closer to the new road.

7.43.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

Access track AR 3.32, as shown on EIAR drawing 4.03 (Sheet 5 of 10) General Arrangement and EIAR drawing 16.03 (Sheet 5 of 10) Proposed Road Development with landownership, in Volume D of the EIAR. It is partially located within Plot 3041 for approximately 480 m through plots 3041 A.104 and 3041 A.105. The remainder follows the existing N14. The section within Plot 3041 is required to be located within this holding

due to the proposed mainline alignment. The landtake between the mainline alignment and the proposed CPO line is required to accommodate the access road (6 m wide including verges plus earthworks slopes), interceptor drainage, maintenance strips (3 m for the mainline), a fence between the mainline and the access road to include screening between the access road and the mainline to prevent headlight glare. It is not therefore possible to reduce the proposed CPO landtake in this area and the acquisitions are not in any way excessive as is suggested.

7.43.2 Active Travel

Mr McConnell states that the installation of 60 km of active travel path is a waste of money and is leading to excessive land take.

7.43.2.1 Response

As set out in Section 4.5.4 of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and Cycle Connects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the active travel network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

The provision of active travel infrastructure is a key objective of national, regional and local transport and planning policy and is a fundamental component of the overall scheme. The cycleway/walking facility forms part of the wider Active Travel Network and provides important connectivity between residential communities, the local road network and the proposed Active Travel Network. The facility is intended to accommodate a broad range of users, including pedestrians, cyclists and other vulnerable road users, thereby promoting sustainable travel choices and enhancing accessibility within the area. Accordingly, the proposed active travel infrastructure and its associated land requirements have been incorporated into the overall scheme design

and optimisation process and are considered necessary to achieve the scheme's transport, connectivity and active travel objectives.

It is also to be noted that the Active Travel facility, as it impacts upon this landholding, is situated between the proposed new mainline alignment and the realigned existing road (adjacent to a junction between the two) and does not in itself contribute to additional landtake over that necessary for the road realignments alone.

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.43.3 Material Assets: Agriculture

Mr McConnell considers that the Material Assets: Agriculture assessment of the impact as Major is incorrect. They consider that the impact is Severe as 19% of the land is being taken.

7.43.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3041, consultation with DCC's agronomist was undertaken on 29 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McConnell since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3041 is presented in Table 15.32, page 15-42, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3041, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a dairy enterprise is considered medium sensitivity (see Table 15.1

of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect. As per the description in Section 15.3.1 of Chapter 15:

"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."

7.44 John McGinty

Name	John McGinty
Agent	Martin & Rea
Address / Plot No.	Plot No. 1025
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.44.1 CPO

Mr McGinty states that the land take is excessive and that the design of the land take is inadequate leaving the owner with very small and irregular fields.

7.44.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding is necessary to facilitate the construction and operation of the proposed works with the closure and realignment of the L-6584 (Cappry Lane). The extent of the land take includes provision for the road alignment, associated road earthworks, drainage infrastructure including an attenuation pond, maintenance access and landscaping as detailed in EIAR drawing 18.19 (Sheet 3 of 19) in Volume D Drawings of the EIAR, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR. It is acknowledged that the Proposed Development will result in the permanent severance of the existing agricultural holding. However, the land acquisition required is necessary to facilitate the construction and operation of the proposed road network. The proposed realignment of the L-6584 is required to maintain continued connectivity within the local road network following construction of the Proposed Development. A new overbridge is proposed as part of the scheme to carry the local road network across the Proposed Development and provide a connection between the L-6584 and the L-2794. The realignment of the L-6584 also minimises impacts on existing dwellings at the L-2794/ L-6584 junction.

The extent of acquisition of lands for plot 1025, as per CPO Deposit Map for Section 1 (sheet 2 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 2 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

CPO Plot 1025 A.102 includes a new attenuation pond. The following response below sets out the need for the attenuation pond and the fundamental design requirements as per TI Design Standards.

DCC notes Mr McGinty's submission regarding the extent and configuration of the landtake and the resulting size and irregular shape of the retained fields. Plot 1025 is a Grade 3b sheep enterprise with extensive field grazing. The land parcel measures 5.74 ha, of which 2.154 ha is subject to permanent landtake, representing 38% of the holding. The receptor sensitivity is assessed as Medium and the magnitude of effect as High, resulting in a Major significance of effect under the Chapter 15 assessment methodology. The effects of landtake and the resulting alteration to the configuration and usability of the retained fields have been considered in the assessment. On this basis, the assessment remains Major.

7.44.2 Drainage

Mr McGinty object to the attenuation pond on his land and contends that the drainage design is inappropriate.

7.44.2.1 Response

No specific details have been provided as to why it is suggested that the drainage design is inappropriate at this location. However, Chapter 4, Section 4.5.8 of Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings is included in the EIAR Volume D for the Proposed Development with EIAR Drawing 4.40, sheet 2 of 8 provided details relevant to Plot 1025.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11, Section 11.2.7 of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

A fully compliant drainage design has been provided at this location. An attenuation pond is required to limit the discharge from the Proposed Development to greenfield runoff rates and to provide treatment of the road pavement runoff prior to its outfall. The attenuation pond is located near the low point of the adjacent road and flows by gravity to the pond. Given the sloping nature of the plot the earthworks at the pond location are less than the opposite side of the proposed road. Levels on the other side of the proposed road are higher; this would increase the earthworks needed. The ditch to the south of the proposed road is also lower than that to the north making the outfall more practical at this location. This option proposed by the landowner is on lands with higher ground levels. This option was assessed but pond earthworks are much greater and encroach into the road alignments and neighbouring lands.

Therefore, there can be no question that the drainage design is in any way inappropriate.

7.44.3 Design

Mr McGinty states that the closure of the Cappry lane is not required and can be used for access without a diversion.

7.44.3.1 Response

The closure and realignment of the L-6584 (Cappry Lane) is required to maintain continued connectivity within the local road network following construction of the Proposed Development. A new overbridge is proposed as part of the scheme to carry the local road network across the Proposed Development and provide a connection between the L-6584 and the L-2794.

The introduction of the overbridge necessitates the realignment of the existing L-6584. Retention of the existing road alignment was considered during the design development process; however, this option would have resulted in significantly greater impacts on adjacent properties, including existing dwellings and the nearby Cappry Rovers Football Club. Accordingly, a number of alternative design options were assessed before the preferred alignment was selected.

The proposed realigned L-6584 has been developed to minimise impacts on adjoining lands, including Plot 1025, insofar as practicable. However, the final alignment is also required to satisfy the applicable geometric and road safety requirements and to ensure compliance with the design standards outlined in Chapter 4, Section 4.4, Design Standards, of the EIAR.

The location of the tie-in between the realigned L-6584 and the L-2794 has been selected to minimise impacts on existing properties, with the junction positioned at a location where there is no existing dwelling directly opposite the proposed connection. This arrangement reduces potential impacts on residential amenity while providing a safe connection to the local road network with setback from existing access as per DNG-GEO-3060.

Accordingly, the closure and realignment of the existing L-6584 are considered necessary to facilitate the Proposed Development, provide the required overbridge crossing, maintain local connectivity, minimise impacts on surrounding properties, and ensure compliance with the applicable design and road safety standards.

7.45 John Moody

Name	John Moody
Agent	Martin & Rea
Address / Plot No.	Plot No. 3044
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.45.1 Material Assets: Agriculture

Mr Moody considers that the Material Assets: Agriculture assessment of the impact as Slight is incorrect and that the impact is Severe to Major.

7.45.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3044, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Moody since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3044 is presented in Table 15.32, page 15-42, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3044, following the appropriate methodology and guidance, the assessment of slight is deemed correct. This is because a tillage enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a low magnitude of impact (see Table 15.6 of Chapter 15) resulting in a slight significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Slight - The Proposed Development causes a level of inconvenience and/or disturbance but does not require a change in current land use activities or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

7.46 John O'Malley

Name	John O'Malley
Agent	Barron O'Donnell LLP
Address / Plot No.	Plot No. assumed to be 1186
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.46.1 Consultation

The submission by Barron O'Donnell LLP on behalf of Mr O'Malley states that until the documentation was published, Mr O'Malley was unaware that any of his lands were affected or that any of his lands was required as part of the implementation of the Proposed Development.

Mr O'Malley was not informed of any proposals that his lands were included and that this is a requirement that must be complied with before the making of a Section 51 Application and specifically where the Council intend to compulsory acquire land which Mr O'Malley owns.

Mr O'Malley's agent states that their client has sought to examine the maps but finds the scale and detail and extent of those maps completely inadequate to deal with the description of the works and specifically how these works are likely to impact on their client's lands and in those circumstances they would require an explanation from DCC as to why, in respect of a proposal to compulsory acquire part of their client's lands that they have dealt with these lands as if the application for confirmation of the CPO was simply a formality that

their client did not need to be informed that these lands did not need to be considered and that the Commission would simply rubber stamp the Section 51 Application.

7.46.1.1 Response

Mr. John O'Malley is identified as an Owner or Reputed Owner for CPO Plot 1186 F.101 measuring 0.0097 ha. This plot is described in the CPO Schedules as 'Part of the Public Road', with DCC listed as the 'Occupier' of this plot. This plot, forming part of the public road, is in the charge of DCC. The plot is located at a tie-in to the existing N13 road network. The land acquisition is required and necessary to facilitate vegetation clearance to improve visibility and road safety at this location and also such that DCC can continue to maintain this area to ensure ongoing visibility from a road safety perspective.

In relation to Mr. O'Malley's complaint that he was not informed of the proposed acquisition of part of the public road in Plot 1186 F.101 prior to receiving the statutory Notice of the CPO of part of the public road, while DCC make every effort to liaise with landowners whose lands or interests in lands are being acquired in the CPO prior to such landowners receiving the statutory Notice of the CPO, that was not possible in the case of Mr. O'Malley despite a number of attempts to contact him. In this regard, Mr. O'Malley attended a number of consultation meetings (on 20/10/2021 and 28/04/2022) with his father in relation to separate lands impacted by the scheme (Plot number 1110) and so Mr. O'Malley was therefore aware of the general details of the Proposed Development prior to publication of the CPO. Further and more particularly, DCC made a number of attempts to engage with Mr. O'Malley specifically relating to this plot (Plot 1186) prior to publication of the CPO and sending a statutory CPO Notice to him. DCC first attempted to contact Mr O'Malley via a site visit to the property in question on the 06/05/2026. There was no-one present at the property at this time. As a result, DCC attempted to reach Mr. O'Malley via his father, who is also listed in the CPO, on the 07/05/2026. Mr O'Malley's father requested a call back on the 11/05/2026. DCC returned the call on the 11/05/2026 at which time Mr O'Malley's father provided a phone number for Mr O'Malley. DCC then attempted to call Mr O'Malley on the 11/05/2026, however there was no answer. A voice message was then left regarding the upcoming CPO publication. Despite these attempts, DCC were unable to make contact with Mr. O'Malley to discuss the acquisition of part of the public road with him prior to serving the formal statutory CPO Notice on the 13/05/2026. DCC therefore does not in the circumstances accept the criticism about a lack of prior notification suggested in this submission.

Further, in the statutory CPO Notice that was sent to Mr. O'Malley, it clearly sets out the basis upon which DCC is seeking to compulsorily acquire lands for the purposes of the Proposed Development. It also set out that a copy of the CPO can be inspected at 7 different locations, including at 6 locations in Donegal, and at the Commission's offices in Dublin, for a period from 15 May 2026 to 10 July 2026 and pointed out that the CPO was available on the project-specific website operated by Donegal County Council, and it advised when objections should be made to the Commission.

An extract from the Schedule to the CPO and a map indicating the lands in which Mr O'Malley may have an interest was also included with the Notice and in particular, the Notice stated "if you have any questions or queries in relation to the above or attached map" to please contact Brian Reid, and an email address and telephone number was provided for Mr. Reid. In addition, the cover letter enclosing the CPO Notice to Mr O'Malley, which letter was also dated 13 May 2026, stated "Should you have any queries or require any clarity, please contact Brian Reid, Senior Executive Engineer, NRDO who is dealing with this matter".

Mr. O'Malley did not make any contact with DCC following receipt of this Notice.

The CPO and indeed the Proposed Development were also advertised in in both a local newspaper (Donegal Democrat) and a national newspaper (Irish Independent) on Thursday 14th May 2026.

Mr. O'Malley had been afforded ample time and opportunity to make an objection/submission and has engaged legal representatives to do so on his behalf, which objection/submission will be considered by the Commission as part of its decision making processes. It is therefore entirely appropriate that the application for development consent is for the Proposed Development from an EIA Directive and Habitats Directive

perspective and these geographical and functional interconnections and overlapping environmental impacts have been fully described and assessed in the application documents, including the EIAR and NIS. This ensures that the Commission has sufficient information before it to conduct a valid and robust Environmental Impact Assessment and Appropriate Assessment of the Proposed Development.

In light of what is set out above, and particularly given the combined function of the three sections of the Proposed Development in addressing deficiencies in the TEN-T network in Donegal and in achieving the overall objectives of the Proposed Development as set out in section 1.2.1 of Chapter 1 (Introduction) of Volume B of the EIAR and enhancing all-island connectivity within the Northwest and Northwest City Region (Letterkenny-Derry-Strabane), the allegation made in this submission that the three sections of the Proposed Development are separate and distinct projects, is misconceived.

7.46.2 Environmental Assessments/ EIAR (General)

The submission made on behalf of Mr O'Malley states that the scheme requires an EIA and it is a necessary precondition of any such EIAR that there be consultation and involvement of people affected by the proposal at the earliest possible stage. The submission then states that no such consultation was conducted with Mr O'Malley in respect of the requirements for the preparation of the EIAR.

Further, the submission states that it is a necessary part of the approval process for DCC to show compliance with all the County Councils' obligations under the environmental impact assessment directive.

Mr. O'Malley's agent requests that the Commission, at oral hearing, afford to Mr O'Malley an opportunity to clarify why the Council have adopted the approach which they have, to give appropriate and detailed information as to the nature of the scheme works that are being proposed in the vicinity of Mr O'Malley's property, to have these works the subject matter of a proper assessment in accordance with the obligations in the environmental impact assessment directive and that they be considered in the context of the natura impact statement and produce these on a map and in a narrative that is capable of being understood in accordance with the obligations contained in the non-technical summary requirements of the environmental impact assessment directive.

7.46.2.1 Response

Mr. O'Malley seems to suggest that there are some issues with the assessment of impact because he was not consulted. This is not the case. What is being acquired here is part of the public road and as set out above there will be no impact on Mr. O'Malley's adjacent agricultural lands and no change to existing access arrangements and so that fact he was not consulted despite attempts by DCC to do so does not in any way undermine the assessment of the impacts at Plot 1186, which are none in the case of Mr. O'Malley. The attempts made to contact Mr O'Malley are set out in the preceding response.

It is also important to note that prior to the submission of the application for development consent in respect of the Proposed Development, DCC also engaged in a non-statutory consultation process with the public and interested stakeholders which enabled them to provide input to the design and planning stage of the proposals. The purpose of this process was to inform the public and stakeholders of the evolution of the proposal from an early stage and to seek feedback on the design proposals. The consultation process was undertaken by DCC on a voluntary basis and was not required by law. This non-statutory consultation process was undertaken in four phases between December 2017 and March 2019, as summarised below.

- Public consultation 1 took place in December 2017 and displayed the Project study area. A consultation event was held in Ballybofey on 6th December 2017.
- Public consultation 2 took place in April and May 2018 and displayed the preliminary options considered and the shortlisted options to be taken forward for further assessment. The Ballybofey consultation was held on Thursday 19th April 2018 from 2-8pm. A further consultation event was held in Ballybofey on 29th May 2018 from 2-8pm.

- Public consultation 3 took place in February 2019 and presented the preliminary conclusions of the Phase 2 Options Assessment and the proposed alignment of the Emerging Preferred Option and an outline draft design of the Emerging Preferred Option for each of the three sections of the Proposed Development. Private consultations were also held with individuals impacted by the emerging options consultations including individual, families and businesses. The Project's Land Liaison Officers (LLO) made every effort to inform those affected within the Emerging Preferred Options. The Ballybofey consultation took place on 21st February 2019 from 2-8pm.
- A separate Section 1 Ballybofey Link Road public consultation was held on 14th March 2019 from 2-8pm on four short-listed options linking the emerging preferred corridor for Section 1 with the town of Ballybofey.

DCC have presented full details on the Proposed Development to the Commission for consideration as part of the Section 51 Application which includes an EIAR and NIS both of which have been prepared in accordance with the relevant legislation. The Proposed Development is fully described in Chapter 4 Project Description of Volume B of the EIAR along with the associated drawings and maps included with Volume D of the EIAR. Similarly, the NIS presents the information necessary for the Commission to undertake an Appropriate Assessment of the Proposed Development and provides in Appendix 1 the Project Description and in Appendix 2 all necessary drawings and maps. Mr O'Malley is able to identify his property in those drawings and maps prepared for Section 1 N15/N13 Ballybofey/ Stranorlar Urban Region of the Proposed Development.

Plot 1186 is shown on EIAR Drawing 16.01, sheet 8 of 8 of Volume D of the EIAR. Further, the assessment of Plot 1186 is provided in Apx Table 0-1, page 13 of Appendix C16.01 of Volume C of the EIAR where the assessment concludes an imperceptible impact as it relates to the CPO of a small area of road bed which is "distinctly part of the road as opposed to the area bounding the entrance to the house or yard. Impact is negligible."

A Non-Technical Summary (NTS) is included as Volume A of the EIAR. This document provides a summary of the results of the environmental assessment of the Proposed Development as required under the EIA Directive.

The details contained in the application documentation, including the drawings, are entirely sufficient for Mr. O'Malley to consider the Proposed Development and any potential impacts on him and to make an objection/submission, as he has done, and any suggestion to the contrary is incorrect. In fact, the presentation of the assessments conducted in the application documents, including the EIAR and the NIS, is structured in such a manner that members of the public can readily access and engage with the sections or aspects of the Proposed Development most relevant to them, thus ensuring effective public participation. In each document, it is evident (either from the table of contents itself, or from the use of subheadings and sections within the document) where each section of the Proposed Development is addressed, enabling any member of the public to quickly and easily navigate to the parts of the documents that address the areas most relevant to them, while also having all information relating to the Proposed Development available. Therefore, there is no basis to suggest that the nature of the Proposed Development or the volume of material before the Commission inhibits the ability of the public to engage with the process as may be sought to be alleged in this objection/submission.

Further, as set out in Section 1.3.1 of Chapter 1 of Volume B of the EIAR, "it is entirely appropriate that there are three sections of the Proposed Development as they have geographical and functional connections and overlapping environment impacts" and the Proposed Development as described above having three sections is the "proposed road development" within the meaning of the 1993 Act and it is this "project" for which approval is sought that is the "project" for the purposes of the EIA Directive and the Habitats Directive and there are not "separate and distinct schemes" as is suggested in this objection/submission

The holding of an oral hearing is at the sole discretion of the Commission.

Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") empowers An Coimisiún Pleanála with absolute discretion to hold an oral hearing. In that regard, section 218(1) of the 2000 Act provides as follows:

"Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred."

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

7.47 John Quinn

Name	John Quinn
Agent	Martin & Rea
Address / Plot No.	Plot No. 1020
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.47.1 CPO

Mr Quinn states that the land take is excessive.

7.47.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains), utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding is necessary to facilitate the construction and operation of the proposed mainline route and the realigned L-6584 and Access Road 1.09. The extent of the land take includes provision for these roads, active travel path, associated road earthworks, drainage infrastructure and landscaping as shown on EIAR Drawings 4.01 (Sheet 2 of 8), 4.40 (Sheet 2 of 8) and 18.19 (Sheet 3 of 19) of Volume D: Drawings of the EIAR, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description.

The extent of acquisition of lands for plot 1020, as per CPO Deposit Map for Section 1 (sheet 2 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 2 of 8), in Volume D of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.47.2 Noise & Vibration

Mr Quinn states that adequate consideration has not been given in the EIAR to noise levels at this location.

7.47.2.1 Response

EIAR Chapter 14 (Noise and Vibration) of Volume B of the EIAR identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p.14-46) of Volume B of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.7.4 (p.14-48) of EIAR Chapter 14: *"Given the large number of receptor locations modelled, only receptors where mitigation is required or where significant effects are predicted without mitigation are presented."* However, all noise sensitive locations within the study area have been assessed with Section 14.9.2 (p/14-80) summarising the residual effects which state *"In summary, the Proposed Development will result in a positive aggregate residual effect under the END Noise Mapping and the Assessment of Change criteria. Therefore, the Proposed Development as a whole is judged to have a significant positive effect for RTN within the study area. This will result in beneficial environmental and health effects on the general population in the study area."*

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes the Quinn's dwelling (GeoDirectory ID 80506479). Noise levels of 53 dB L_{den} with the construction of the Proposed Development during the design year (2047) is predicted which is a 10 dB increase compared to the Do-Minimum scenario (without the construction of the Proposed Development). Whilst there will be an increase in noise levels, the noise levels are predicted to be well below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Slight and no mitigation is required.

7.48 Joseph Boyle

Name	Joseph Boyle
Agent	Martin & Rea
Address / Plot No.	Plot No. 3025
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.48.1 Material Assets: Non-Agriculture

Mr Boyle states that Appendix C16.01 (EIAR Volume C) does not show the impact on two family members.

7.48.1.1 Response

Mr Boyle is the owner of Plot 3025. Plot 3025 is assessed in Table 15.32, page 15-42, of Chapter 15: Material Assets (Agriculture) of Volume B of the EIAR and not in Appendix C16.01. This is discussed further below. No details of the additional family members suggested as being impacted have been provided by Mr Boyle in his submission and DCC have not been made aware of any other interested parties in this land.

7.48.2 Material Assets: Agriculture

Mr Boyle considers that the Material Assets: Agriculture assessment of the impact as Moderate is incorrect and that the impact is Profound due to 20% plus of the land being taken, a new road going through the farm and it being an equine farm.

7.48.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3025, consultation with DCC's agronomist was undertaken on 1 December 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Boyle since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3025 is presented in Table 15.32, page 15-42, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3025, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because an equine enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."

7.48.3 CPO

Mr Boyle states that the land take is excessive.

7.48.3.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for plot 3025, land acquisition is required as follows:

Landtake through plots 3025 is required for the mainline road cross section including earthworks, side road realignment LX3014 Doorable South, Access Road AR3.22, side road realignment L5524-1 Mondooey plus watercourse realignments, interceptor drainage, pond 05 and access to the pond and maintenance areas adjacent to the Proposed Development fenceline. Land has also been acquired to provide a turning head at the existing L5524-1 Doorable.

The area between the pond and the turning head and the area adjacent to access road AR 3.22 is required for landscaping, wet grassland (GS4), as detailed in EIAR drawings 18.21 (Sheet 6 of 24) in Volume D of the EIAR.

The extent of acquisition of lands for plot 3025, as per CPO Map for Section 3 (sheet 3 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 3 of 10) in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.49 Joseph Gallinagh Snr. & Seamus Gallinagh

Name	Joseph Gallinagh Snr. & Seamus Gallinagh
Agent	Martin & Rea
Address/ Plot No.	Plot Nos. 1052 and 1162
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.49.1 Drainage #1

The Gallinagh's state that the location of the attenuation pond on the Glenfin road is not in the appropriate location due to it being very good agricultural land. They suggest that Plot 1010 would be better suited.

7.49.1.1 Response

Chapter 4 Section 4.5.8 of Volume the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings are included in the EIAR Volume D for the Proposed Development with EIAR Drawing 4.40, sheet 2 of 8 providing detail for Plots 1052 and 1162 and sheet 4 of 8 providing details relevant to another part of Plot 1052.

Plots 1052 and 1162 are relevant to the submission query referring to the attenuation pond 11 and the Glenfin road (R252). Plots 1052 and 1162 impacted by attenuation pond 11 are shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.01 (Sheet 2 of 8) in Volume D of the EIAR.

As detailed in Section 3.3.2, a minor modification is proposed for attenuation pond 11, which has been re-shaped, to ensure that all of the construction and operation works for this pond will be carried out outside of the River Finn SAC boundary. This, however, does not affect the CPO landtake for Plots 1052 and 1162.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11, Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections. The attenuation pond is located adjacent to the low point of the road and close to the outfall to the River Finn. It takes into account constraints of the adjacent flood plain and SAC and is located in the most appropriate plot to accommodate these whilst providing a compliant drainage design.

Ground levels at Plot 1010 are circa 2 m higher than the proposed location which would increase the cut excavation depth. Plot 1010 is also located approximately 90 m further along the R252 and the drainage inlet to the pond would be lower; again this would increase the cut excavation depth. Overall, the additional earthworks to construct the attenuation pond on Plot 1010 for the same capacity pond would be significant. Because Plot 1010 is narrower, the base of the pond will be narrower and storage capacity more difficult to achieve. In addition to the above, Plot 1010 is heavily vegetated and would require clearance of established vegetation. Plot 1052 accommodates the outfall for the surface water drainage and therefore land acquisition at Plot 1052 is necessary for this outfall.

In conclusion, the most appropriate location for attenuation pond 11 is at Plot 1052.

7.49.2 Drainage #2

The Gallinaghs highlight in their submission that part of the lands of 1052 and 1162 are subject to partial flash flooding during heavy rainfall and this area acts as a natural attenuation for such flood water. They ask if, due to these two plots being used for natural attenuation, would it force the water to go someplace else? They consider the design for the drainage inadequate and have serious concerns that the house could be subject to flooding.

7.49.2.1 Response

The Flood Risk Assessment carried out for the Proposed Development has taken the adjacent flood plain of the River Finn into account. A hydraulic model was developed which indicates there is no negative effect on the flood plain extents based on the location of the attenuation pond. The proposed works will not cause any increased flood risk in the vicinity of the attenuation pond.

The proposed drainage design caters for both proposed road surface water runoff and overland flow in the vicinity. These are captured in separate systems and conveyed to the River Finn. The proposed road surface water runoff is attenuated in Pond 11 prior to outfall. The design of formal drainage systems will cater for and capture any surface water runoff. The proposed works will not cause any increased flood risk in the vicinity of the attenuation pond.

7.50 Joshua Miller

Name	Joshua Miller
Agent	Martin & Rea
Address / Plot No.	Plot No. 2053
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.50.1 Material Assets: Agriculture

Mr Miller considers that the Material Assets: Agriculture assessment of the impact as Moderate is incorrect and that the impact is Major.

7.50.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment to discuss the Proposed Development. In relation to Plot 2053, consultation with DCC's agronomist was undertaken on 15 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Miller since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 2053 is presented in Table 15.31, page 15-37, of Chapter 15 of the Volume B of the EIAR.

In reviewing Mr Miller's submission and the assessment, an error was noted that requires correction. The sensitivity of Plot 2053 is incorrect and is changed from Medium to High for a beef + enterprise. This then changes the 'Significance of Residual Effect' from Moderate to Major following the appropriate methodology. See also the errata in Section 8.0 of this document.

Farm ID	Value Sensitivity (Note 4)	Significance of Residual Effect
2053	~~Medium~~ High	~~Moderate~~ Major

7.50.2 CPO

Mr Miller states that the land take is excessive in respect of Plot 2053 A.109. He does not however, have an objection to this being a temporary CPO.

7.50.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The permanent land acquisition required from the subject landholding Plot 2053 A.109 is necessary to facilitate the construction and operation of the proposed realigned local road connection to the Trimragh Junction and its tie-in to the existing local road network. The extent of the land take includes provision for the road alignment, sight lines, associated road earthworks and drainage infrastructure, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR, Project Description, and Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping as detailed in EIAR drawing 18.20 (Sheet 9 of 11) in Volume D Drawings of the EIAR.

The extent of acquisition of lands for plot 2053 A.109, as per CPO Deposit Map for Section 2 (sheet 4 of 5) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.2 (Sheet 4 of 5), in Volume D Drawings of the EIAR, are necessary and required for the construction and the operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.50.3 Material Assets: Non-Agriculture

Mr Miller considers that the Material Assets: Non-Agriculture assessment of the impact as Slight is incorrect as the project is encroaching on the gardens which have a high level of landscaping and the entrance resulting in what they consider to be a major impact as it is having a cumulative effect.

7.50.3.1 Response

The ratings are guided by the TII Standard (2025) sensitivity and magnitude of impact criteria as set out in Tables 7-1 and 7-2 of Chapter 7 of Volume B of the EIAR (and cross-referenced in Chapter 16: Material Assets: Non-Agriculture of Volume B of the EIAR). The residential receptor in this case is assigned a high sensitivity as it is located within the settlement boundary of Letterkenny, a settlement identified as accommodating a high proportion of growth for the county under the NPF targets. This is the highest rating applicable to residential receptors and cannot be raised further. It should be noted that the high rating is influenced heavily by location of the house. The impact is assigned as low as there is a minor change arising which will not have a medium level of impact such as would be associated with a substantial change to access or a loss of land that would compromise the viability of the use of the land. While some landscaping is impacted, this relates to a slight encroachment on a residential plot of ample size.

Applying professional judgement to the foregoing in applying the EPA (2022) significance of effect guidance (See Table 7-3 of Chapter 7 of Volume B of the EIAR), it is considered appropriate to apply a slight rating to the significance of the effect arising from land take, noting the impact of the location of the house on the sensitivity rating.

7.50.4 Active Travel

Mr Miller considers that the land take is excessive in view of the land being used for the active travel. This is not critical infrastructure.

7.50.4.1 Response

As set out in Section 4.5.4 of Chapter 4 of Volume B of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63 km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*

Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*

(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.51 Kevin & Teresa O'Malley

Name	Kevin & Teresa O'Malley
Agent	Martin & Rea
Address / Plot No.	Plot No. 2049
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.51.1 Material Assets: Non-Agriculture

The O'Malley's consider that the Material Assets: Agriculture assessment of the impact as Low to Medium and also as Moderate. They consider these to be a contradiction and they disagree with them. They consider the impact to be significant both during construction and post construction as the works will remove mature trees at the end of their garden and their enjoyment of their external amenity due to the impact of the new road.

7.51.1.1 Response

The potential for likely significant effects on this property arising from land take were assessed using guidance from the TII Standard (2025). The residential property is assigned a high sensitivity given that it is located within the settlement boundary of Letterkenny which is identified to accommodate a high proportion of the anticipated growth in the county as per the provisions of the National Planning Framework.

It was considered appropriate to apply a low to medium magnitude. While there is sizeable land take, it is not considered to assign a high magnitude of impact as a resource (i.e. the dwelling house) is not being lost, nor is the plot losing key characteristics such as would render it unviable for future residential use. No severe severance applies.

According to the TII Standard (2025) a medium magnitude involves a partial loss of key characteristics, features or elements, compromising viability of the asset, or specified severance effects. In this case there is a partial loss of garden / amenity space whereby lands containing mature trees which contribute to the amenity of the use of the property are subject to land take. However, given the size of garden space remaining it could not be said that these will compromise the viability of the plot of land as a residential property, nor are there severance effects giving rise to any limited or moderate changes to accessibility.

A low magnitude of impact then might apply where there is a discernible change in attributes, quality or vulnerability; minor loss of, or alteration to, one or more key characteristics, features or elements which might result in minor changes to operating conditions. In a sense this is a more appropriate rating as there is a discernible change in quality of the amenity space which will alter the enjoyment of the rear garden but not compromise the residential use going forward. It was decided using professional judgement to raise the magnitude from 'low' to 'low to medium' given the proportion of amenity space being acquired and the amenity provided by the mature trees. There is no impact on the existing access and embedded mitigation is noted regarding a new boundary wall and wastewater facilities.

With respect to significance of effect, using the EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports (2022, p53) tool, and taking a high sensitivity receptor and applying low-medium impact there are a range of options for significance of effect from moderate to profound. This falls within the range of a moderate impact and it is considered appropriate to apply same; the high sensitivity rating is applied on the basis of the location of this residential property within the Letterkenny settlement boundary and there is no concern regarding the future viability of residential use.

7.52 Laura Hughes

Name	Laura Hughes
Agent	Martin & Rea
Address / Plot No.	Plot No. 2094
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.52.1 CPO

Ms Hughes states that the land take is excessive and also, that part of Plot 2094 A.101 to the north along the Swilly is not required for the construction of the road.

7.52.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding is necessary to facilitate the construction and operation of the proposed local road connection required to maintain connectivity following the severance of the existing Local Road L-5454 by the proposed mainline at Dromore Junction. The proposed local road will reconnect to the affected section of Local Road L-5454, which will be redesignated as the L-11141 Connector Road, and provide access to the Bonagee Local Roundabout, thereby maintaining continuity of the local road network. The extent of the land take includes provision for the road alignment, associated road earthworks and drainage infrastructure, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description, and Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping as detailed in EIAR drawing 18.20 (Sheet 8 of 11) in Volume D of the EIAR including the OPW bund which will be retained for monitoring and protection.

The inclusion of the northern part of Plot 2094 A.101 in the CPO is also because it is SAC lands to be retained for protection of the SAC and not able to be used by the owner for development and is therefore appropriate for this part of the plot to be included and enable the land owner to be compensated accordingly.

The extent of acquisition of lands for plot 2094 A.101, as per CPO Deposit Map for Section 2 (sheet 4 of 5) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.2 (Sheet 4 of 5), in Volume D of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.52.2 Material Assets: Agriculture

Ms Hughes considers that the Material Assets: Agriculture assessment of the impact as Moderate should be Major as 48% of the land is being taken.

7.52.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 2094, consultation with DCC's agronomist was undertaken on 15 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms Hughes since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 2094 is presented in Table 15.31, page 15-38, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 2094, the assessment stated in table 15.31 of chapter 15 (page 15-38) states a significance of effects on this plot as Major. DCC would like to note that the land take at this plot is 41%, and not 48% as stated in Laura Hughes submission.

7.53 Letterkenny Chamber of Commerce

Name	Letterkenny Chamber of Commerce
Agent	n/a
Address / Plot No.	F92 EK7Y
Date of Submission (received by ACP)	06/07/2026
Section of TEN-T PRIPD	All Sections

7.53.1 General Comment

The submission from the Letterkenny Chamber of Commerce states that the Donegal TEN-T route improvement project is welcomed by the members of Letterkenny Chamber of Commerce and key stakeholders across County Donegal.

Their submission highlights three key features of the project and concludes by stating that they believe it is not acceptable to still be moving goods, and people on single carriageway roads that are unsafe and not suitable for purpose. Their members have waited for a long time to see these routes developed and they support this Section 51 Application.

7.53.1.1 Response

DCC welcomes the positive submission from Letterkenny Chamber of Commerce. The scale of infrastructure deficits within the North-West region of Ireland is exemplified by the fact that the European Commission's Regional Competitiveness Index found that the Northern and Western Region of Ireland's transport infrastructure was ranked 218th out of 234 NUTS 2 Regions examined in the index, with Donegal a part of the Northern and Western Region of Ireland. The information was captured in the Northern & Western Regional Assembly's (NWRA) "Regional Infrastructure Tracker"[11].

The Proposed Development has been brought forward specifically to address this infrastructural deficit in the transportation systems in County Donegal and to improve connectivity to the Atlantic Economic Corridor to the south (N13 and N15) and to Northern Ireland, the midlands and the east (N13 and N14).

The Proposed Development is supported by the policies and objectives of local, regional and national plans, including the National Planning Framework and National Development Plan, as well as European policy under the TEN-T Regulations. This is comprehensively set out in the EIAR, Chapter 3: Planning and Policy.

7.54 LPR of Betty Smith

Name	LPR of Betty Smith
Agent	Martin & Rea
Address / Plot No.	Plot No. 3121
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.54.1 Material Assets: Agriculture

The submission on behalf of Ms Smith states that they consider that the Material Assets: Agriculture assessment of the impact as Slight should be Major to Profound.

7.54.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist

[11] Access here: https://www.nwra.ie/wp-content/uploads/2024/07/regional-investment-tracker-10-07-2024.pdf

to discuss the Proposed Development. In the case of the LLPR of Betty Smith, this meeting was declined on the 14 January 2025.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3121 is presented in Table 15.32, page 15-44, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3121, following the appropriate methodology and guidance, the assessment of slight is deemed correct. This is because a fodder enterprise is considered low sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a slight significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Slight - The Proposed Development causes a level of inconvenience and/or disturbance but does not require a change in current land use activities or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

7.54.2 CPO

The submission on behalf of Ms Smith objects to the description of the land as being agricultural land when its clearly residential development land.

7.54.2.1 Response

The subject lands are located outside the Settlement Framework boundary of Lifford and within an area designated as a Rural Area Under Strong Urban Influence in the County Donegal Development Plan 2024-2030 (As Varied).

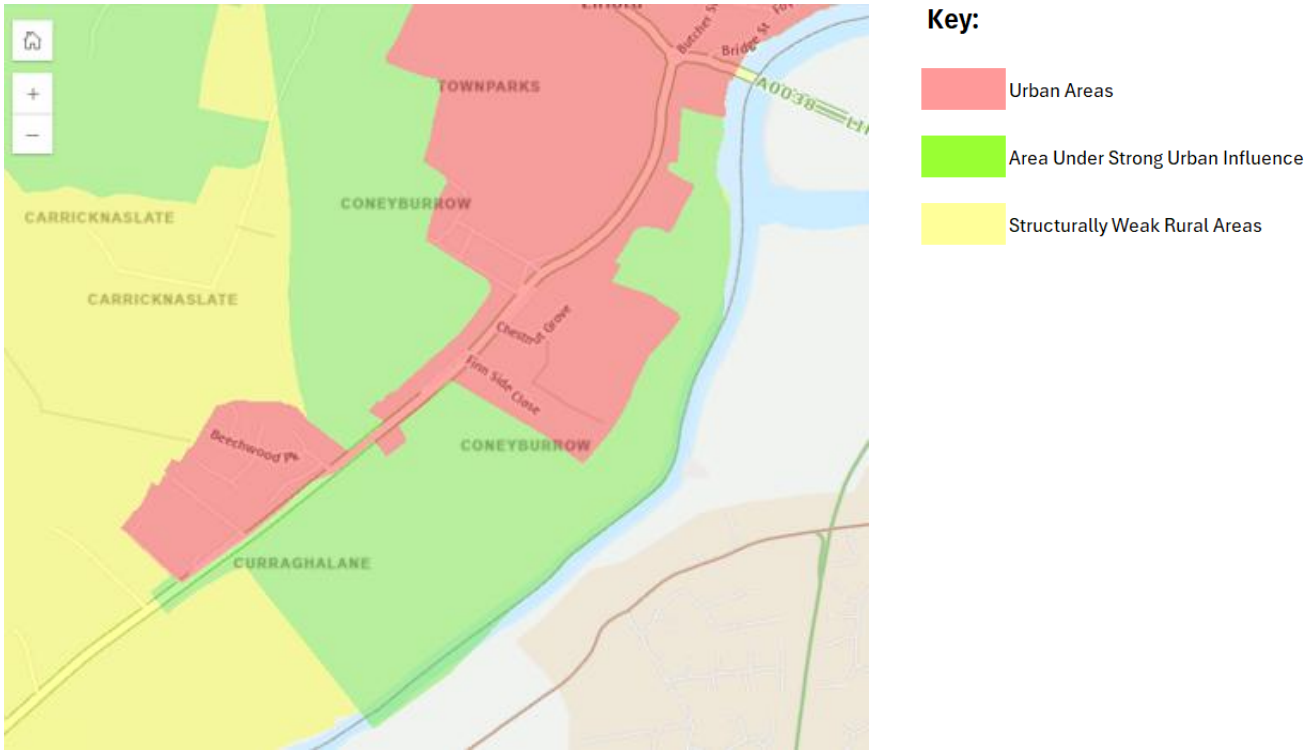


Figure 7.28 Extract from DCC County Development Plan 2024 – 2030 Map 6.3.1 Rural Area Types

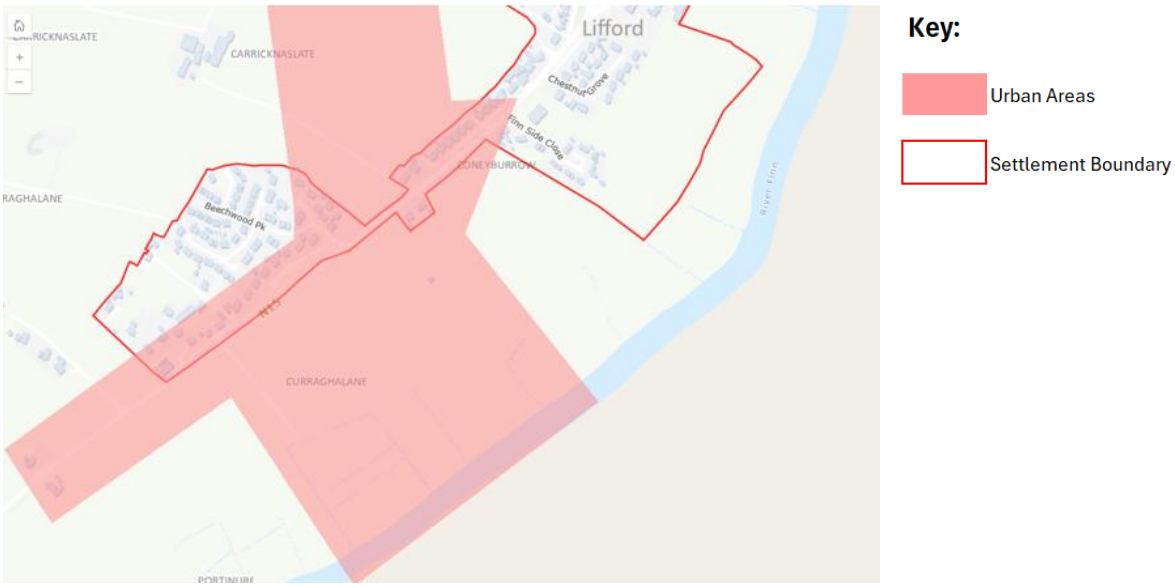


Figure 7.29 Extract from DCC County Development Plan 2024 – 2030 Settlements

In Rural Areas Under Strong Urban Influence the following objectives and policies are applicable:

RH-O-1 CC	To ensure that new residential development in rural areas provides for genuine rural need.
RH-O-2 CC	To protect rural 'Areas Under Strong Urban Influence', rural 'Areas Under Strong Holiday Home Influence', and rural areas immediately outside towns from intensive levels of unsustainable urban/suburban residential development.

RH-P-1 CC	To consider proposals for new one-off rural housing within 'Areas Under Strong Urban Influence' from prospective applicants that can provide evidence of a demonstrable economic or social need (see 'Definitions') to live in these areas including, for example, the provision of evidence that they, or their parents or grandparents, have resided at some time within the area under strong urban influence in the vicinity of the application site for a period of at least 7 years. The foregoing is subject to compliance with other relevant policies of this plan, including Policy RH-P-9. This policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site, unless exceptional circumstances can be demonstrated. An exceptional circumstance would include, but would not be limited to, situations where the applicant has sold a previously permitted, constructed and
	occupied dwelling, to an individual who fulfils the bonafides requirements of that permission. New holiday homes will not be permitted in these areas.

Furthermore UB_P-1 of the CDP 2024-2030 states as follows:

UB-P-1 [CC]	It is a policy of the Council that the provision of multiple housing developments (defined as 2 or more units and excluding holiday homes) will generally be acceptable in principle within those towns/settlements identified in the Core Strategy/Settlement Structure, subject in all cases to the principles of quality placemaking, compact growth and the sequential development of settlements from the centre out, the availability of supporting infrastructure and facilities (including school provision), sustainable wastewater treatment solutions and relevant zoning objectives. The scale of any such development shall be in line with the provisions of the Core Strategy, shall have regard to the circumstances of the specific settlement and shall be in accordance with all relevant objectives and policies of this Plan.

Consequently, on the basis of the location of the subject lands within an area designated as a Rural Area Under Strong Urban Pressure outside the Settlement Framework boundary of Lifford it is considered that a multiple residential development on said rural lands would not be in accordance with the abovementioned policy framework and as such the lands do not currently have potential in planning terms for such development.

Otherwise, it is noted that the south west portion the subject land parcel is located within the High End Future Scenario Flood Zone A and B.

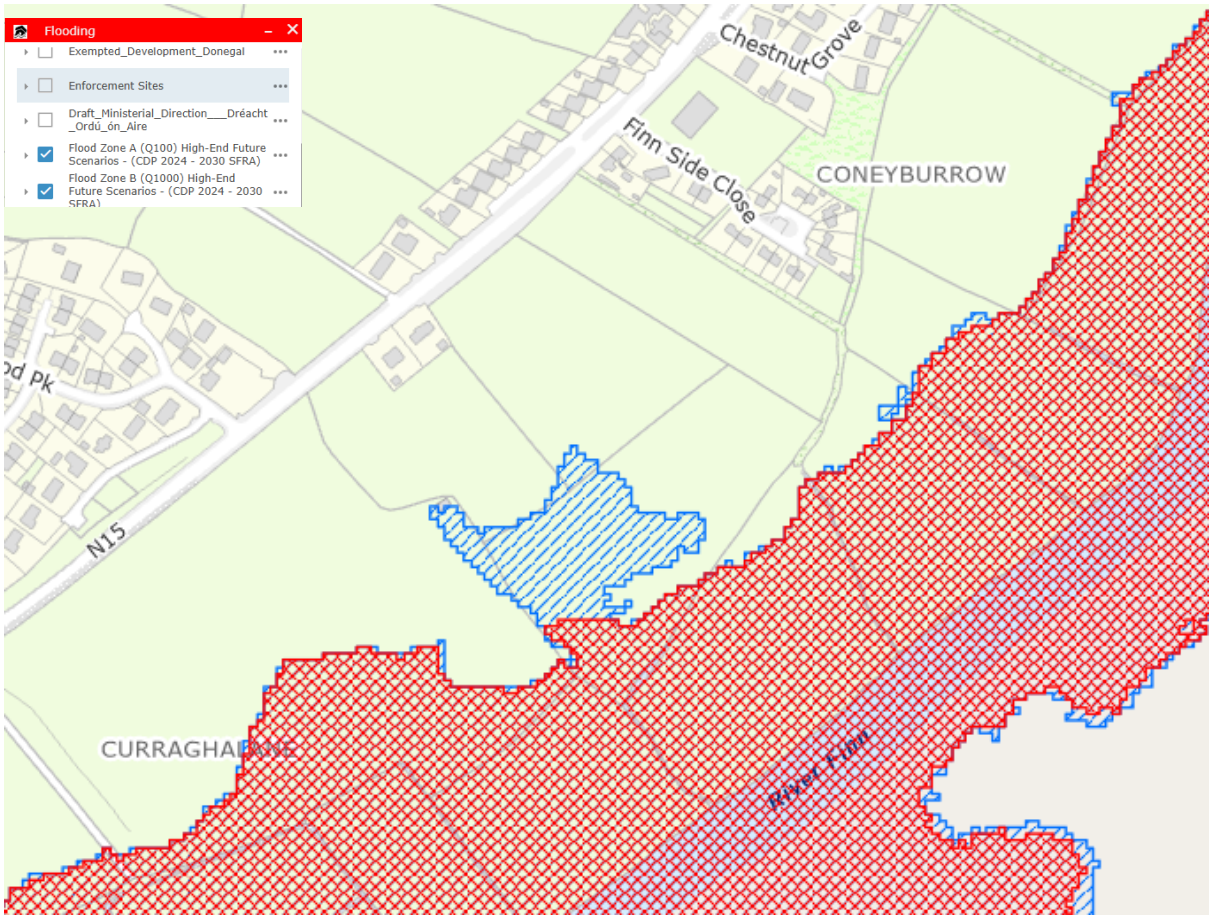


Figure 7.30 High End Future Scenario Flood Zone A and B

The Flood Risk Management Guidelines 2009 classify residential development as highly vulnerable development, seek to manage flood risk to development in accordance with the precautionary approach and the application of the avoid, substitute, justify, mitigate, sequential approach, and in so doing only recommend residential development in such flood zones where it cannot be avoided and it is strategically justified. In turn Policy F-P-1 of the CDP 2024-2030 (As Varied) states as follows:

F-P-1 CC	To only permit development where flood or surface water management issues can be successfully addressed and/or where there is no unacceptable residual flood risk for the development, its occupants and/or private property or public infrastructure elsewhere within the catchment. A precautionary approach shall be applied to the consideration of flood risk issues and shall include the application of the 'Avoid', 'Substitute', 'Justify' principles set out in the EU Floods Directive (2007/60/EC) and 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities', November 2009, DoEHLG. Where appropriate, applicants/developers shall be required to submit: a. an independent 'Flood Risk Assessment' in accordance with the aforementioned Guidelines or any subsequent related publication and/or 'Surface Water Drainage Calculations', from suitably qualified persons; and b. evidence of compliance with the Justification test set out in Section 5.15 of the aforementioned Guidelines or any subsequent related publication.

On the basis that residential development on the portions of the site within Flood Zone A or B can be avoided and has not otherwise been strategically justified it is considered that such development would not be in accordance with the above Flood Risk Management Guidelines. Consequently, it is considered that such development would be contrary to Policy F-P-1 above.

This assessment is irrespective of the additional designation of a small portion of the land as within the TEN-T PRIPD preferred route corridor which may preclude development on a portion of the subject lands.

7.55 Lyndon Stephenson

Name	Lyndon Stephenson
Agent	Martin & Rea
Address / Plot No.	Plot No. 2096
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.55.1 Material Assets: Agriculture

The submission from Lyndon Stephesnson considers that the Material Assets report and CPO are incorrect and does not include reference to the dwelling and curtilage of a house.

7.55.1.1 Response

The Stephenson's submission refers to a dwelling and the curtilage of a house on Plot 2096. As shown in Figure 7.31, there is a derelict, abandoned building on the plot that is uninhabitable. This structure is outside of the CPO line.

Plot 2096 was identified as having agricultural use and has been assessed as described in Table 15.31, page 15-38 of Chapter 15 of Volume B of the EIAR. The assessment concludes that the significance of residual effect is Slight and this remains unchanged.



Figure 7.31 Derelict house on Plot 2096

7.56 Maybel McKnight

Name	Maybel McKnight
Agent	Martin & Rea
Address / Plot No.	Plot No. 3024
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.56.1 Material Assets: Agriculture

Ms McKnight considers that the Material Assets: Agriculture assessment of the impact is incorrect. It is a dairy enterprise with the CPO lands used for replacement heifer rearing and silage making.

The CPO area is approximately 34% of the holding which is 7 miles from the main holding and it will be less viable to operate this holding.

7.56.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3024, consultation with DCC's agronomist was undertaken on 12 October 2022 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms McKnight since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3024 is presented in Table 15.32, page 15-42, of Chapter 15 of the Volume B of the EIAR.

In reviewing Ms McKnight's submission and the assessment, an error was noted that requires correction. The 'Land Parcel' of Plot 3024 is incorrect and is changed from 11.869 ha to 8.90 ha. The Landtake remains unchanged however, the 'Landtake (%)' changes from 22% to 30%. This then changes the 'Significance of Residual Effect' from Moderate to Major following the appropriate methodology. See also the errata in Section 8.0 of this document.

Farm ID	Land Parcel (ha)	Landtake (ha)	Landtake (%)	Significance of Residual Effect
3024	~~11.869~~ 8.90	2.637	~~22%~~ 30%	~~Moderate~~ Major

7.57 Marie & Pete Dabell & Other

Name	Marie & Pete Dabell & Other
Agent	n/a
Address / Plot No.	F92 CXE6
Date of Submission (received by ACP)	09/07/2026
Section of TEN-T PRIPD	Section 2

7.57.1 Noise & Vibration

The Dabell submission states that the proposed road is approximately 70 meters from the properties at L-5784, which is currently agricultural land with no/low noise impact. They state that the large cut area planned for one side of the road will have a detrimental effect to the properties in this area due to the increased potential for significant noise deflection causing increased noise pollution. There are no noise mitigation structures planned to mitigate this noise deflection for the residents in this area. These concerns have been raised previously with the project team.

Noise barriers are planned at S2 NB001 and they request that the decision not to place noise mitigation measures is reviewed as part of the planning process for the properties affected in this area.

7.57.1.1 Response

EIAR Chapter 14 (Noise and Vibration) of Volume B of the EIAR identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p.14-46) of Chapter 14 of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes the Dabell's dwelling (GeoDirectory ID 36598183). With the construction of the Proposed Development (i.e. Fo-Something Scenario) a noise level of 58 dB L_{den} during the design year (2047) is predicted which is a 5 dB increase compared to the Do-Minimum scenario (i.e. Proposed Development is not constructed). Whilst there will be an increase in noise level, the noise level is predicted to be below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Moderate and does not qualify for mitigation (see Section 14.4.3.7 (p.14-9) of EIAR Chapter 14 for operational noise criteria).

The submission that the Proposed Development will be cut into the landscape in proximity to the Dabell's dwelling is correct. However, the noise model produced is a 3d model and it accounts for the topography.

7.58 Martin McCrory

Name	Martin McCrory
Agent	Martin & Rea
Address / Plot No.	Plot No.3092
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.58.1 Material Assets: Agriculture

Mr McCrory considers that the Material Assets: Agriculture assessment of the impact is incorrect, and the CPO will have a Profound effect as 36% of the land area and all farmyard facilities on the holding. The CPO is severing the holding.

7.58.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3092A, consultation with DCC's agronomist was undertaken on 30 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McCrory since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3092 is presented in Table 15.32, page 15-44, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3092, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

7.58.2 Noise & Vibration

Mr McCrory states that the noise effects on the dwelling are not adequately addressed within the EIAR.

7.58.2.1 Response

EIAR Chapter 14 (Noise and Vibration) of Volume B of the EIAR identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p.14-46) of EIAR Chapter 14 *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.7.4 (p.14-48) of EIAR Chapter 14 *"Given the large number of receptor locations modelled, only receptors where mitigation is required or where significant effects are predicted without mitigation are presented."* However, all noise sensitive locations within the study area have been assessed with Section 14.9.2 (p.14-80) summarising the residual effects which state *"In summary, the Proposed Development will result in a positive aggregate residual effect under the END Noise Mapping and the Assessment of Change criteria. Therefore, the Proposed Development as a whole is judged to have a significant positive effect for RTN within the study area. This will result in beneficial environmental and health effects on the general population in the study area."*

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes Mr McCrory's dwelling (GeoDirectory ID 80525030). With the Proposed Development, predicted noise level adjacent to the northern façade will reduce, whilst the southern façade will increase. Overall, the Proposed Development results in an improvement in the noise environment at this dwelling as the realigned Rossiger Road is further away from Mr McCrory's dwelling. With the construction of the Proposed Development a noise level of 58 dB L_{den} during the design year (2047) without the A5 link is predicted which is a 3dB decrease compared to the Do-Minimum scenario (i.e. Proposed Development is not constructed). With the A5 link constructed, the predicted noise level from the Proposed Development for the design year reduces by 6 dB. The reason for the larger decrease at this dwelling with the A5 Link constructed is due to lower traffic volumes on the L2444 Ballindrait Side Road East.

With the construction of the Proposed Development, there will be an improvement in the noise environment.

7.59 Mary Rose & Noel Scott

Name	Mary Rose & Noel Scott
Agent	Martin & Rea
Address / Plot No.	Plot No.2019
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.59.1 Drainage/ Material Assets: Non-Agriculture

The Scott's state that the location of an attenuation pond in close proximity to the house has a Profound effect on the property.

7.59.1.1 Response

The Scott's are referring to Attenuation Pond 02 in Section 2 of the Proposed Development, just off the L-1094 connector road. The attenuation pond has been designed adjacent to the low point of the alignment and close to the outfall point. The pond is designed to be fully below adjacent ground level with no bunding etc. The side slopes will be planted to assimilate into the local landscape. There is no risk to the property from any flooding associated with the pond as it has been designed to accommodate the 100-year design storm including climate change and there is also freeboard provided above this level.

The impact on their property is assessed as Plot 2019 on Appendix Table 0-2, page 16, of Appendix C16.01 of Volume C of the EIAR. As acknowledged and assessed, the Proposed Development requires works to the existing driveway and boundary walls. Attenuation Pond 02 is located in the adjoining field and as such it does not impact directly on Plot 2019.

The residential visual impact assessment beside Plot 2019 is presented on EIAR Drawing 18.14, sheet 1 of 3, of Volume D of the EIAR. Receptor 95, which is beside Plot 2019 shows a pre-establishment Slight to Moderate effect improving to Not Significant to Slight post-establishment. In addition, EIAR Drawing 18.17, sheet 1 of 3, of Volume D of the EIAR shows that hedge line planting is to be undertaken around the land containing Attenuation Pond 02 which will screen the pond for viewers looking from Plot 2019.

Therefore, the assessment of Plot 2019 as having a Slight-Moderate Residual Effect, as presented in Table 0-2, page 16, of Appendix C16.01 of Volume C of the EIAR, remains unchanged.

7.59.2 Noise & Vibration

The Scott's state that the noise effects on the dwelling are not adequately addressed within the EIAR.

7.59.2.1 Response

EIAR Chapter 14 (Noise and Vibration) of Volume B identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p.14-46) Chapter 14 of Volume B of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.7.4 (p.14-46) of Chapter 14 of the EIAR "*Given the large number of receptor locations modelled, only receptors where mitigation is required or where significant effects are predicted without mitigation are presented."* However, all noise sensitive locations within the study area have been assessed with Section 14.9.2 summarising the residual effects which state *"In summary, the Proposed Development will result in a positive aggregate residual effect under the END Noise Mapping and the Assessment of Change criteria. Therefore, the Proposed Development as a whole is judged to have a significant positive effect for RTN within the study area. This will result in beneficial environmental and health effects on the general population in the study area."*

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes the Scott's dwelling (GeoDirectory ID 36598222). With the construction of the Proposed Development a noise level of 51 dB L_{den} during the design year (2047) is predicted which is a 3dB decrease compared to the Do-Minimum scenario (i.e. Proposed Development not constructed) and is predicted to be a Slight (Positive) effect.

7.60 Michael Gallagher

Name	Michael Gallagher
Agent	Martin & Rea
Address / Plot No.	Plot No.1108
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.60.1 Material Assets: Agriculture

Mr Gallagher considers that the Material Assets: Agriculture assessment of the impact is incorrect in view of the impact on the farm due to the new road. In view of the impact of water supply to his farm he considers the assessment is incorrect.

7.60.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1108, consultation with DCC's agronomist was

undertaken on 12 February 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Gallagher since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1108 is presented in Table 15.30, page 15-33, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1108, following the appropriate methodology and guidance for agricultural land take assessments, the assessment of moderate is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

Therefore, moderate would be considered appropriate in this case. The impact to the water supply is discussed below.

7.60.2 Land Soils and Hydrogeology

Mr Gallagher states that there is a well located approximately 100 meters from the road which will be substantially eliminated. This is a 4-foot dug well. There is a high risk the new road will impact the well. The well will need to be monitored during construction.

He also notes that there is a 3-foot well located to the entrance of his property which may be impacted. There are springs in the field opposite a neighbouring landowner's land. The spring well in the farmyard is providing water to that landowner's house. These spring wells are pipe to water tanks with gravity flow. There is a water course between property 1107 and 1108 which is a never-ending supply of water and Mr Gallagher has a gravity flow onto his lands from this, which will be cut off.

In view of the impact of water supply to his farm, Mr Gallagher considers the assessment is incorrect.

7.60.2.1 Response

Our response considers the following groundwater resources:

- A 4 foot well located approximately 100m from the Proposed Development.
- A 3 foot well (Our Ref: W1-6) located at the entrance of the property of Mr Michael Gallagher which is located approximately 135m from the Proposed Development road.
- Springs located in the field opposite a neighbouring landowner's land.

The 3 foot well located at the entrance of the property of Mr Michael Gallagher is included in the EIAR as part of the assessment carried out for potential impact on domestic groundwater wells. This well is referenced as W1-6 in EIAR Drawing 10.24 Section 1 – Groundwater Wells & Springs (Sheet 7 of 8) of Volume D of the EIAR and in Section 10.7.3.1 of Chapter 10 - Land, Soils, Geology and Hydrogeology of Volume B the EIAR.

Section 10.7.3.1 of Chapter 10 of Volume B of the EIAR concludes that no wells have been identified along the centreline of the route but 22 no. wells were identified within 250 m of the alignment. Of these, there are 7

no. domestic wells, including well W1-6, which was identified as having potential to be impacted by a lowering of the water table as a result of the construction of the Proposed Development.

The extent of impact on the supply to groundwater abstractions was assessed by calculating the Radius of Influence (Ro) of the Proposed Development road cutting (see Section 10.7.3.1, Domestic Water Supplies).

The assessment measured a distance of 135 m from Well W1-6 from the centreline of the proposed road (as per Table 10-50). No groundwater level monitoring data was available for W1-6, therefore the Ro was calculated using published transmissivity values (Irish Aquifer Properties Manual) and from these the hydraulic conductivity (K) was derived (i.e. transmissivity divided by the aquifer thickness) using the maximum depth of cut in metres below ground level (mbgl) and highest water level value (mbgl) per cut section, to give a conservative scenario.

This assessment estimates a 31 m zone of influence from the centreline within the Lough Esker Psammite and Killeter Quartzite Aquifer (see Table 10.49), based on a 12.5 m drawdown and a review of the Ground Investigation and Earthworks Plan and Profile drawings in EIAR Drawing 4.60 (Sheet 6 of 7) in Volume D of the EIAR. Based on these published values, a conservative estimate of the Ro from the edge of a cutting is in the order of 31 m; however, a well within this zone would also not necessarily have its yield significantly compromised. The standing water level would be reduced by less than the drawdown in the cutting.

Well W1-6 lies 135 m from the centreline of the proposed road, comfortably outside this calculated Ro and therefore it is considered that Well W1-6 will not be impacted due to a lowering of the water table.

The impact on loss of recharge area to the bedrock aquifer is assessed in Section 10.7.4 (Aquifer Recharge). A high-level estimate of paved area for Section 1 is estimated at 374,00 m² for the road and an additional 72,000 m² for cycle pavement. The loss in recharge will be very small (0.05%–0.2%) and overall this impact has been assessed as negligible in magnitude and imperceptible in significance.

The exact locations of the springs and 4 foot well located 100 m from the road referred to in the submission have not been identified [ND18.1]. For the purposes of addressing the concerns in the submission regarding these groundwater features, the Ro was recalculated assuming a "worst-case scenario" for the area of the Proposed Development closest to Well W1-6.

In the absence of water level data for these groundwater features, the maximum drawdown is taken as the depth of cut at the closest point to the groundwater features in this application which is 6.13 m (corresponding to Cut 5, see Table 10.50). The value for K for the underlying aquifer was taken as $6.9*10^{-7}$ (published value for Lough Eske Psammite & Killeter Quartzite Formation as per Table 10.50). This assessment estimates a 32 m Ro, based on a 6.13 m drawdown. This means a well located outside of 32 m from the centreline will not be impacted by a lowering of the groundwater table.

Accordingly, no impact on groundwater is expected from the lowering of the water table from earthwork cuttings on the groundwater features in question.

With respect to any watercourses in the vicinity of Well 1-6, as set out in Section 10.4.1.17 of Chapter 10, baseflow proportion of total streamflow is expected to be small owing to the poor productivity of the Ballybofey GWB. Recharge will be through rainfall, and it is unlikely that any major groundwater-surface water interactions occur (GSI, 2004). Accordingly, no impact on surface water is expected from any potential lowering of the water table and in any case the watercourse is located at sufficient distance from the centre line to be outside the calculated Ro for groundwater impact.

7.61 Michael O'Malley

Name	Michael O'Malley
Agent	Barron O'Donnell LLP
Address / Plot No.	Plot No. 1110
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 1

7.61.1 Planning/ Legal

The submission on behalf of Mr O'Malley's complains about the public notices and the identification of the Proposed Development and complains about the extent of the documentation in the application for approval.

7.61.1.1 Response

General support for the objectives of the Proposed Development expressed by Mr O'Malley

Firstly, the submission made on behalf of Michael O'Malley states that Mr O'Malley "acknowledges and supports the broad objective of the scheme in terms of improving road safety, connectivity and regional infrastructure", which general support for the objectives of the Proposed Development is noted and welcomed. Notwithstanding this general support, Mr O'Malley does set out a number of concerns on his part in relation to the Proposed Development in his submission, each of which is addressed in turn below.

Adequacy of the public notices published in relation to the Proposed Development

The Proposed Development has been properly and fully described in the public notices that have been published. As the Commission is aware, notice of the application for approval of the Proposed Development was published in the Irish Independent, the Donegal News, and the Donegal Democrat on 14 May 2026, which notices accurately described the Proposed Development in some detail, as follows:

> *"TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT - DONEGAL*
>
> *Donegal County Council ("the road authority") has applied under section 51(2) of the Roads Act, 1993 (as amended) to An Coimisiún Pleanála ('the Commission') for approval in relation to a proposed road development titled as above and comprising three sections, namely: -*
>
> - *Section 1 - N15/N13 Ballybofey/Stranorlar Urban Region*
> - *Section 2 - N56/N13 Letterkenny to Manorcunningham*
> - *Section 3 - N14 Manorcunningham to Lifford/Strabane/A5 Link*
>
> *and consisting of:*
>
> - *Approximately 4.4km of mainline N13 Type 1 dual carriageway*
> - *Approximately 30.9km of mainline N13, N14, N15 and N56 link Type 2 divided road*
> - *Approximately 3.1km of mainline N15 Primary Road Connector Type 3 divided road*
> - *Approximately 1.8km of realigned single carriageway national road*
> - *Approximately 40.3km of realigned single carriageway non-national road*
> - *Approximately 63km of shared pedestrian/cycle active travel facilities*
> - *7 major river bridge crossings including the Finn (Ballybofey), Backlees, Cloughroe, Swilly, Swilly Burn, Deele and Finn (Lifford)7 grade-separated junctions10 at-grade roundabout junctions*
> - *7 grade-separated junctions*
> - *10 at-grade roundabout junctions*

- *7 road overbridges*
- *16 road underbridges*
- *3 active travel bridges*
- *8 modal shift hubs (park and share / cycle facility)*
- *Approximately 3,700m of Noise barriers*
- *12 road signage gantries*
- *12 active travel and accommodation underpasses*
- *9 retaining walls*
- *Approximately 110 drainage culverts (> 1.2m span)*
- *Utility diversions including diversion and alteration of existing ESB 110kv overhead lines*
- *Drainage system, including attenuation ponds, flood storage areas and outfalls*
- *Ancillary roadworks such as lining and road studs, signage, safety barriers, fencing, lighting, ducting: and*
- *Landscaping and environmental mitigation measures*
- *together with all ancillary and consequential works.*

The proposed road development will be constructed within the County Donegal electoral divisions of (i) Dooish, (ii) Stranorlar, (iii) Convoy, (iv) Lettermore, (v) Magheraboy, (vi) Letterkenny Rural, (vii) Manorcunningham, (viii) Kincraigy, (ix) Treantaghmucklagh, (x) Feddyglass, (xi) Clonleugh North, and (xii) Clonleigh South. The location of the proposed road development is illustrated in the accompanying map."

The notices also included a detailed colour map indicating both the overall route of the Proposed Development, and a more zoomed in depiction of the route of each of the three sections that make up the Proposed Development.

Accordingly, the public notices have adequately and comprehensively described the Proposed Development, being the TEN-T Priority Road Improvement Project, Donegal.

The Proposed Development the subject of this application for approval is the TEN-T Priority Road Improvement Project, Donegal (which comprises the three sections of same as described above).

As set out in Section 1.3.1 of Chapter 1 of Volume B of the EIAR, *"it is entirely appropriate that there are three sections of the Proposed Development as they have geographical and functional connections and overlapping environment impacts."* The Proposed Development, as described above, with three sections within same, is the *"proposed road development*" within the meaning of the 1993 Act and it is this "*project*" for which approval is sought entailing assessment in accordance with the EIA Directive and the Habitats Directive as transposed into Irish Law including by the Roads Act, 1993, as amended.

The three sections that comprise the Proposed Development act together to address deficiencies in the TEN-T network in Donegal as described in detail in Section 2.3.4 of Chapter 2 of Volume B of the EIAR, which explains that core problems include higher than average national accident statistics, non-standard cross sections, frequent private accesses to the national road network, sub-standard alignments, above average at grade and sub-standard junction, congestion, poor network resilience and below average road speeds.

As detailed in Section 2.3.6 of Chapter 2 of Volume B of the EIAR, the Proposed Development, provides an efficient multi-modal transport solution, providing a safe, connected, high-quality transport network for all road users in the Northwest Region. This transport solution offers an accessible, efficient and seamless modal transition and choice across active travel, private road vehicles and road-based public transport. The Proposed Development will 'level up' on decades of underinvestment and disparity nationally to transform the North-West Region. It proved the basic core and multimodal transport improvements are essential to overcome regional imbalance and economic challenges, including those arising from UK leaving the EU. The Proposed Development is essential in order to support the growth potential of Ballybofey/ Stranorlar, Letterkenny, the North-West City Region (Letterkenny-Derry-Strabane) and the all-island economy as

envisaged under the National Planning Framework First Revision (2025) as well as meeting targets set in the EU TEN-T Regulation.

The aims and objectives of the Proposed Development are to provide a targeted improvement on the TEN-T Road network in Donegal to deliver safety, capacity and journey time reliability on the network as well as maximising its climate action credentials through design focused on modal connectivity and carbon efficiency. The Proposed Development, incorporating all three sections, will transform the core transport network in Donegal by improving over 42 km of national primary roadway. This includes bypasses and congestion relief of four urban centres: Ballybofey, Stranorlar, Letterkenny and Lifford, and by doing so will enable sustainable compact growth. This has been set out in section 1.2.1 of Chapter 1 of Volume B of the EIAR. In addition, Chapter 3 of Volume B of the EIAR (Planning and Policy) sets out the European, National and Local policy requirements and how the Proposed Development (incorporating the three sections) meets these policies. As an example, Strategic Objective S-O-7 of the Donegal County Development Plan as described in Table 3.21 of Chapter 3 of Volume B of the EIAR sets out that the progress and ultimately carry out/implement the Proposed Development as one of critical strategic importance to Donegal.

Section 1.3.1 of Chapter 1 of Volume B of the EIAR sets out that the Proposed Development, for the purposes of the EIAR comprises the entirety of Sections 1, 2 and 3. This is entirely appropriate given the geographical and functional connections and overlapping environment impacts.

For example, as set out in Chapter 9, 9B.8 of Volume B of the EIAR, Sections 1 and 3 have hydrological connectivity while Sections 2 and 3 have partial hydrological connectivity.

Also, as detailed in the Natura Impact Statement (NIS), at Section 3.1 and illustrated in Figure 3.2, the Proposed Development occurs in two distinct river catchments:

- HA01 Foyle – drainage from all of Section 1 and the southern 2/3rds of Section 3
- HA 39 Lough Swilly – drainage from all of Section 2 and the northern 1/3rd of Section 3

Section 1 and Section 3 both cross the River Finn SAC and have been assessed in the NIS.

Similarly, the nature of the existing transport network in Donegal necessitated the modelling of the three sections of the Proposed Development together in order to properly assess the likely significant effects of the Proposed Development on traffic as well as the likely significant effects on air quality, climate, noise and biodiversity in accordance with the EIA Directive. This is because the three sections of the Proposed Development interact with common parts of the road network. Section 1 impacts on both the N13 and N15. Section 2 impacts directly with the N13 and indirectly with the N14. Section 3 interacts with the N13, N14 and N15 directly.

It is entirely appropriate that the application for development consent is for the Proposed Development from an EIA Directive and Habitats Directive perspective given the geographical and functional interconnections and overlapping environmental impacts all of which have been fully described and assessed in the application documents, including the EIAR and NIS. This ensures that the Commission has sufficient information before it to conduct a valid and robust Environmental Impact Assessment and Appropriate Assessment of the Proposed Development. It also ensures that there can be no criticism of project splitting arising from the application for development consent and that all likely significant impacts from the overall development are properly and fully considered and assessed.

In light of what is set out above, the suggestion in Mr. O'Malley's submission that the three sections of the Proposed Development are separate and distinct projects, is misconceived. This is also particularly so given the combined function of the three sections of the Proposed Development in addressing deficiencies in the TEN-T network in Donegal and in achieving the overall objectives of the Proposed Development (as set out in section 1.2.1 of Chapter 1 (Introduction) of Volume B of the EIAR) and enhancing all-island connectivity within the Northwest and Northwest City Region (Letterkenny-Derry-Strabane), and the Atlantic Economic Corridor south from Donegal to Sligo and Galway.

7.61.2 Environmental Assessments/ EIAR (General)

The submission on behalf of Mr O'Malley makes complaints about the level of assessment in the Section 51 Application, the extent of the documentation and a suggestion that the Commission might find it difficult to "*adequately comply with its obligations to consider the impacts both direct, indirect and cumulative in respect of the EIA directive*."

7.61.2.1 Response

As explained above, the Proposed Development comprises a single "project" for the purposes of the EIA Directive and the Habitats Directive, and in those circumstances the Commission, as the Competent Authority, is required to consider and assess the likely significant effects on the environment of the Proposed Development. The EIAR and NIS submitted with the application provide the Commission with all of the information that it requires in order to carry out the necessary assessments in accordance with the law.

As described further below, the EIAR includes, in respect of all of the environmental disciplines required to be considered under the EIA Directive, a detailed description of each section of the Proposed Development and identifies the likely significant effects of the Proposed Development that arise within each section as well as the overall Proposed Development. The layout of each environmental discipline chapter in the EIAR has been careful to present both the impacts of the Proposed Development within each section and the overall impacts of the Proposed Development in a logical and coherent way such that the impacts can be considered and assessed by the Commission. The same is true of the NIS, which breaks its findings down by section wherever possible.

Further, insofar as the submission suggests that, due to the large area encompassed by the Proposed Development, the EIAR and NIS contain only a "superficial analysis" of the impacts of the Proposed Development on Mr O'Malley property, this is entirely incorrect. A full, detailed, and comprehensive assessment of the likely significant effects of the Proposed Development is set out in the EIAR and the NIS, including in respect of its impacts on Mr O'Malley's property.

A response regarding Mr O'Malley's farm has been provided in Section 7.61.3. The statement that alternatives have not been properly assessed is addressed in Section 7.61.4.

Each environmental discipline set out in the EIAR considers and assesses the overall impacts of the Proposed Development (that is all sections of the Proposed Development taken together) within the relevant chapter of the EIAR. Chapter 19: Interactions and Cumulative Effects of Volume B of the EIAR then considers the interactions between different environmental impacts, and the cumulative effects of the Proposed Development with other projects both pairwise and on an overall cumulative basis (namely the Proposed Development with all other projects). Similarly, Section 6.7 of the NIS, addresses in-combination effects comprehensively with other plans and projects both pairwise and in an overall in-combination basis (namely the Proposed Development with all other plans and projects).

With any significant piece of critical infrastructure such as the Proposed Development in order to comply with the requirements of the EIA Directive, the Habitats Directive, and indeed the 1993 Act, there is going to be a number of documents such as the EIAR and NIS that can be lengthy. There is nothing unusual about that.

In relation to this Proposed Development, the presentation of the assessments conducted in the application documents, including the EIAR and the NIS, is structured in such a manner that members of the public can readily access and engage with the sections or aspects of the Proposed Development most relevant to them, thus ensuring effective public participation. In each document, it is evident (either from the table of contents itself, or from the use of subheadings and sections within the document) where each section of the Proposed Development is addressed, enabling any member of the public to quickly and easily navigate to the parts of the documents that address the areas most relevant to them, while also having all information relating to the Proposed Development available.

The Non-Technical Summary, like the rest of the EIAR, is structured to be accessible and to summarise the Proposed Development in a concise and digestible manner. Page 1 of the Non-Technical Summary clearly and concisely summarises the Proposed Development and the type of intervention proposed in each section as follows:

"The TEN-T Priority Route Improvement Project, Donegal (the Proposed Development) involves the targeted and appropriate intervention on three sections of the TEN-T/ national road network in Donegal. The intervention includes online improvement and upgrade, bypass of three urban centres, route realignment and includes a substantial, segregated active travel network.

The Proposed Development consists of three sections as summarised below and illustrated in Figure 1-1:

- *Section 1 – N15/N13 Ballybofey/ Stranorlar Urban Region Active travel, modal hubs, urban bypass*
- *Section 2 – N56/N13 Letterkenny to Manorcunningham Active travel, online/upgrade, route realignment, urban bypass (Letterkenny), modal hub*
- *Section 3 – N14 Manorcunningham to Lifford / Strabane/ A5 Link Active travel, route realignment, urban bypass (Lifford) and access to border connection (Lifford/Strabane), modal hubs"*

It also includes a map of the three sections of the Proposed Development in Figure 1-1. Further, Sections 4.6 to 4.8 of the Non-Technical Summary include a more detailed description of each section of the Proposed Development.

Therefore while, as set out above, in any scheme of this nature there is a large volume of information set out in the application documents before the Commission, those documents have been structured in such a way as to fully facilitate public participation and enable members of the public to engage directly with the aspects of the documents most relevant to them. Therefore, there is no basis to suggest that the nature of the Proposed Development or the volume of material before the Commission inhibits the ability of the public to engage with the process as alleged in this submission.

7.61.3 Material Assets: Agriculture

The submission claims that the impact on Mr O'Malley's lands, as a human being, and on his farm, has not been addressed adequately.

7.61.3.1 Response

The agricultural land take assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners, including Mr. O'Malley, were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Mr. O'Malley's farm including Plot 1110, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr O'Malley since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Land take and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of impacts on Mr. O Malley farm has been conducted in accordance with the EIA Directive and relevant guidance on the assessment of impacts on agricultural lands.

The assessment of Plot 1110 is presented in Table 15.30, page 15-33, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1110, following the appropriate methodology and guidance, the assessment of major impact is deemed correct. This is because a sheep enterprise is considered to have medium sensitivity (see Table 15.1 of chapter 15), and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

7.61.4 Alternatives

The submission also makes complaints about alternatives and the provision of an overpass.

7.61.4.1 Response

The proposed road alignment has been positioned in accordance with the relevant design standards and requirements outlined in Section 4.4 of Chapter 4, Volume B of the EIAR. During the design development process, a number of alternative layout options were considered and assessed before the preferred arrangement was selected as detailed in Chapter 5 of Volume B of the EIAR, Assessment of Reasonable Alternatives (specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout). The selected preferred option provides an overpass N13O084, refer to EIAR Drawing 4.1 sheet 7 of 8 of Volume D of the EIAR, which provides connection for local traffic from the Meenavoy Road L-6674 to the downgraded N13 and the L-6674 to Raphoe. The preferred option improves local connectivity and reduces community severance between Meenavoy, Stranorlar and Raphoe, improves road safety and improves segregation between local and strategic traffic.

Accommodating an internal access structures, whether an overpass or underpass, at Plot 1110 would require substantial embankments or cuttings with consequent knock-on impacts in terms of the amount of land required to be acquired for construction and operation of the Proposed Development as well as impacting on neighbouring lands due to changes to the horizontal and vertical alignment of the mainline to accommodate such structures. This would also impact on the proposed local structures and tie-ins, including the L-6674 and overbridge N13O0084. This would result in additional environmental and property impacts, including increased visual and noise effects on nearby residences, additional direct impacts on a number of properties, and a greater overall infrastructure footprint.

Access to Mr O'Malley's severed lands is accommodated via the N13O084 overbridge and the L-66742 Tie-In, refer to EIAR Drawing 4.1 sheet 7 of 8 of Volume D of the EIAR.

7.61.5 Legislation/ Legal

Mr O'Malley's submission states that the Proposed Development requires to be the subject matter of an oral hearing and raises public participation issues.

7.61.5.1 Response

The holding of an oral hearing is at the sole discretion of the Commission.

Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") empowers An Coimisiún Pleanála (the "Commission") with absolute discretion to hold an oral hearing. In that regard, section 218(1) of the 2000 Act provides as follows:

> *"Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred."*

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

In relation to the request for a modular oral hearing, if any oral hearing is convened, again that is a matter entirely for the Commission.

In terms of any allegation in relation to public participation whether pursuant to the EIA Directive and/or the Aarhus Convention, the public has been given a full opportunity to participate during the statutory consultation process for the Proposed Development. The application for development consent in respect of the Proposed Development was notified to the public on 14 May 2026 by way of the publication of advertisements in three Irish newspapers (one national (Irish Independent) and two local (Donegal Democrat and the Donegal News)) in circulation in the relevant area. The newspaper notices state that the public concerned were entitled to make submissions to the Commission for a period of 8 weeks, which is in excess of the 30 days required by the EIA Directive and the 6 weeks required by domestic law. The public consultation period closed on 10 July 2026.

It is also important to note that prior to the submission of the application for development consent in respect of the Proposed Development, DCC also engaged in a non-statutory consultation process with the public and interested stakeholders which enabled them to provide input to the design and planning stage of the proposals. The purpose of this process was to inform the public and stakeholders of the evolution of the proposal from an early stage and to seek feedback on the design proposals. The consultation process was undertaken by DCC on a voluntary basis and was not required by law. This non-statutory consultation process was undertaken in four phases between December 2017 and March 2019, as summarised below.

- Public consultation 1 took place in December 2017 and displayed the Project study area. A consultation event was held in Ballybofey on 6th December 2017.
- Public consultation 2 took place in April and May 2018 and displayed the preliminary options considered and the shortlisted options to be taken forward for further assessment. The Ballybofey consultation was held on Thursday 19th April 2018 from 2-8pm. A further consultation event was held in Ballybofey on 29th May 2018 from 2-8pm.
- Public consultation 3 took place in February 2019 and presented the preliminary conclusions of the Phase 2 Options Assessment and the proposed alignment of the Emerging Preferred Option and an outline draft design of the Emerging Preferred Option for each of the three sections of the Proposed Development. Private consultations were also held with individuals impacted by the emerging options consultations including individual, families and businesses. The Project's Land Liaison Officers (LLO) made every effort to inform those affected within the Emerging Preferred Options. The Ballybofey consultation took place on 21st February 2019 from 2-8pm.
- A separate Section 1 Ballybofey Link Road public consultation was held on 14th March 2019 from 2-8pm on four short-listed options linking the emerging preferred corridor for Section 1 with the town of Ballybofey.

Further, pursuant to section 217A of the 2000 Act (in respect of compulsory purchase orders) and section 217B of the 2000 Act (in respect of a scheme or proposed road development) the Commission may at its

absolute discretion and at any time before making a decision, request further submissions or observations from any person who in the Commission's opinion have information relevant to its decision on the compulsory acquisition or scheme or Proposed Development, or from any person who made submissions or observations in relation to the scheme or proposed road development.

In relation to the contention that an oral hearing being required for DCC to explain "specific issues that arise", DCC is satisfied that the information contained in the EIAR and the other application documentation is of sufficient design and detail for an EIA to be conducted and for persons impacted to consider the impacts on them and to be able to make objections on the CPO and or submissions (on the application for development consent) to the Commission.

7.62 Niche Resourcing Ltd.

Name	Niche Resourcing Ltd.
Agent	n/a
Address / Plot No. / Eircode	F92 NHT0
Date of Submission (received by ACP)	09/07/2026
Section of TEN-T PRIPD	Section 2

7.62.1 Design: Bonagee Junction

The Niche Resourcing submission is concerned about the access arrangements and the potential impacts on the business at this location.

7.62.1.1 Response

The Proposed Development will not create a bottleneck or unacceptable restriction on access to Roe House as it suggested in this submission. As part of the scheme, the existing access arrangement from the Dry Arch Roundabout, which is of a sub-standard geometric layout, is being removed and replaced with a new access arrangement via the proposed Dromore Local Roundabout. The Dromore Local Roundabout has been designed in accordance with the applicable design standards set out in EIAR, Chapter 4, Section 4.4 and shown on EIAR Volume D Drawings, EIAR Drawing 4.2, Sheet 2 of 5 and will provide a safe, efficient and standards-compliant means of access to the affected property and the surrounding road network. New active travel facilities are also provided though this area improving access for non-motorised users.

The Dromore Local Roundabout forms an integral part of the Proposed Development and will ensure continued vehicular access to Roe House. Connectivity between Letterkenny and Roe House will significantly improve as free flow movements from the Ballyraine Junction over the new River Swilly crossing to the Bonagee Junction and to the Dromore Local Roundabout will significantly improve journey times from Roe House to Letterkenny and the northwest. In addition, Roe House will have easy access to the new Dromore Junction travelling south and to the Trimragh Junction travelling east and north.

The Proposed Development therefore delivers significant transport benefits for accessibility to Letterkenny and the wider network. As is evident from EIAR, Volume D Drawings, EIAR Drawing 4.2, Sheet 2 of 5, the Proposed Development provides Roe House with route options when accessing the wider network; this change to the existing cul-de-sac arrangement will offer benefits for passing trade and accordingly, the Proposed Development will not have a negative economic impact in terms of accessing the premises from Letterkenny.

During construction, access to the business will be maintained at all times. Where tie-in works are necessary to connect the existing access to the Proposed Development, these works will be short term (days) with

access to the business maintained during this period to minimise disruption. Refer to EIAR Volume B, Chapter 4, Section 4.11.7.2 on traffic management and temporary diversions, Section 4.11.2 regarding lands temporarily acquired and Section 4.11.2.3 regarding reinstatement.

7.62.2 Alternatives

The submission alleges that DCC has failed to demonstrate that alternative road alignments or junction designs were fully explored to mitigate impacts.

7.62.2.1 Response

There was a robust assessment of alternatives relating to the Proposed Development and this included alternatives in the vicinity of this business.

The 'Preferred Option' is the result of a multi-stage and multi-criteria assessment process. During the Phase 2 assessment process several mainline corridor options were assessed under the following criteria, Environment, Safety, Physical Activity, Economy, Accessibility and Social Inclusion and Integration. The Preferred Option was the best scoring mainline corridor option following assessment under all these criteria. The Options Selection Report, submitted with this Section 51 Application, details the options considered and the reasons why the corridor chosen was the preferred corridor for the Proposed Development. For further information on the option selection for Section 2 of the Proposed Development, including at the Dromore Roundabout, please refer to Sections 11, 12 and 13 of the Phase 2 Options Report that was submitted to the Commission as supplementary information with the Section 51 Application and which has also been available on the Donegal TEN-T project website (https://www.donegal-ten-t.ie/pages/documentsdownloads/phase-2.php) since its publication in early 2020.

During Phase 3 the design was further developed through environmental assessments, ground investigations, constraints, topography, stakeholder and landowner consultation, vertical and horizontal geometry design standards, safety and future maintenance. The land requirements have been determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR, Project Description, and the assessment of reasonable alternatives as described in Chapter 5 of Volume B of the EIAR, and is necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

As outlined in Chapter 5 of Volume B of the EIAR, Assessment of Reasonable Alternatives, (specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout), a number of alternative road layouts, junction arrangements and access options were considered in the vicinity of the business as part of the design development process. The proposed alignment and associated land requirements were developed having regard to engineering, road safety, environmental, drainage, land use, accessibility, connectivity, traffic circulation and operational considerations. The extent of the land take has been determined through the design development process and reflects the requirements of the proposed road alignment, associated earthworks, drainage infrastructure, active travel facilities, landscape, and other essential elements of the scheme. The proposed layout has been developed to maintain connectivity and accessibility within the local road network while facilitating the safe and efficient circulation of traffic and ensuring compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

EIAR, Volume B, Chapter 5 Assessment of Reasonable Alternatives, Section 5.7 and Table 5.35 set out several design alternatives developed and assessed for surrounding side roads and local roads so as to provide connection between the mainline and properties/developments in the Bonagee area. EIAR, Volume C, Appendix C5.02 provides further details of these design alternatives.

Examples of alternatives assessed but eliminated included left-in/left-out junctions along the proposed Bonagee Link Road. However. the limited length of the Bonagee Link Road meant the provision of a left-in/left-out junction with its associated junction radii, diverge auxiliary lanes and tapers, which would result in

departures from the applicable design standards. In addition, the proximity of the proposed left-in/left-out junction to adjacent roundabouts would result in significant weaving movements and driver decision-making requirements over a short distance, giving rise to road safety concerns. Accordingly, this option was eliminated during the design development process

Connectivity for business to the proposed mainline routes, without a need to travel long distances to access the wider road network, was a key consideration. Direct connectivity to mainline 2.3 and 2.5 and the Bonagee Link Road (for the reasons outlined above) would not comply with design standards and would introduce safety concerns. Similarly, the Dry Arch and Dromore Junctions were 4-arm junctions and did not offer additional suitable connection for the local businesses.

The Bonagee Junction, a 3-arm junction, provides appropriate accessibility, connectivity and network efficiency and the preferred alternative, including the Dromore Local Roundabout, was further developed from this junction. The Dromore Local Roundabout forms an integral component of the Proposed Development and provides a safe and standards-compliant means of access to the subject property and surrounding lands through the proposed local road network, while maintaining the operational efficiency and road safety requirements of the wider road network. Appendix C5.02 shows the many alternatives considered and the design development and refinement then implemented to minimise impacts.

7.62.3 Consultation

The submission requests that the Council host a consultative design meeting with Roe House businesses to allow for direct commercial input, ensuring the property's layout and positioning are safely integrated into any finalised road layout.

7.62.3.1 Response

In terms of consultation, extensive consultation has been undertaken throughout the development of the TEN-T PRIP. This has included 11 project-specific public consultation events, together with the presentation of the proposed scheme at 5 additional Letterkenny-specific public consultation events. Members of the Project Team were available to discuss the proposed design, respond to queries and receive feedback from members of the public and affected parties. In addition, a dedicated Land Liaison Team has been in place throughout the development of the Project, providing an ongoing point of contact for affected land and property owners and other interested parties. Accordingly, there have been extensive opportunities throughout the development of the Project for affected businesses and property owners, including those at Roe House, to engage directly with the Project Team.

DCC will continue to liaise as appropriate with landowners and businesses and other affected parties as the Project progresses should the Proposed Development receive approval from the Commission.

7.62.3.2 Oral Hearing

The submission requests that Niche Resourcing are afforded the opportunity to be heard in person at an oral hearing

7.62.3.3 Response

The holding of an oral hearing is at the sole discretion of the Commission under Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act").

7.63 O'Donnell Enterprises Ltd.

Name	O'Donnell Enterprises Ltd.
Agent	O'Donnell Property Consultants
Address / Plot No.	Plot Nos. 2183 C.101 and 2183 C.102
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 2

7.63.1 CPO

The O'Donnell Enterprises Ltd. submission relates to Plot No. 2183 C.102 and contends that this Plot No. 2183 C.102 should be acquired on a temporary basis rather than permanent and suggests that the permanent acquisition would deprive O'Donnell Enterprises of lands that are critical to its business

7.63.1.1 Response

The section of lands identified as Plot 2183 C.102 (and measured as 0.145 hectares, being the equivalent of 0.358 acres) has no independent access provision and any direct access to same would be entirely unsafe as too close to the proposed roundabout at Ballyraine. The lands to the South of same (Plot 2134) have a separate legal owner. Refer to Figure 7.32 below.

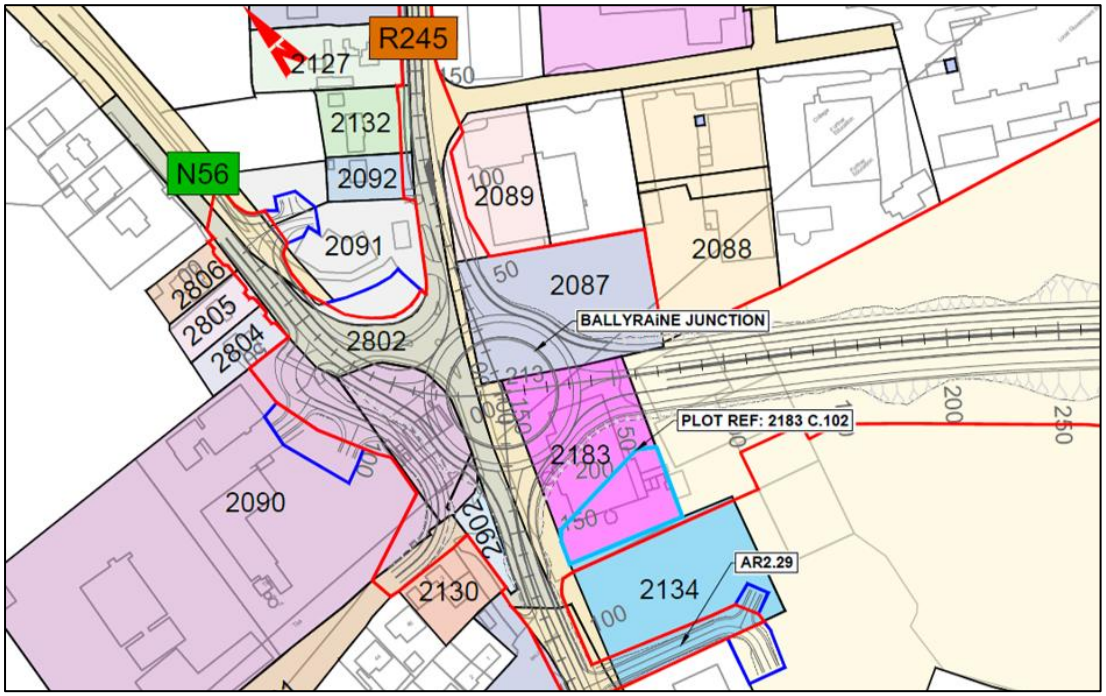


Figure 7.32: Location of Plot 2183 C.102

As noted above it would not be possible to provide a direct access from Plot 2183 C.102 due to its proximity to the proposed Ballyraine Junction as provision of an access would be non-compliant with the design standards set out in Chapter 4, Section 4.4 (Design Standards) of Volume B of the EIAR and would present road safety concerns.

To attempt to provide an access to Plot 2183 C.102 with an entrance onto the public road network at a sufficient distance from the roundabout would entail the acquisition of so much of the neighbouring plots and

lands as would exceed the size of Plot 2183 C.102 and the impact of same on the neighbouring plots would appear disproportionate and indeed would exceed the value of Plot 2183 C.102.

In addition, the Plot 2183 C.102 is to be used for permanent landscaping as part of the proposed road development and therefore the permanent land acquisition as outlined remains valid and necessary to facilitate the construction and operation of the Proposed Development.

7.63.2 Landscape & Visual

O'Donnell Enterprises is concerned that the proposed landscaping, screening, may impact on the visibility of the business.

7.63.2.1 Response

Fossitt Code WS1 Scrub plantings will be used at Plot 2183 C.102 as shown on EIAR Volume D, Book of Drawings, EIAR Drawing 18.20 Landscape and Habitat Design, sheet 7 of 11. These plantings include low height shrubs and brambles with a low canopy height which may partially obstruct visibility of the business; these plantings are typical on undeveloped lands in the area.

7.64 One Stop Motor Shop Ltd.

Name	One Stop Motor Shop Ltd.
Agent	Genesis Planning Consultants
Address / Plot No.	Plot Nos 2064 L.101 and 2069 C.101
Date of Submission (received by ACP)	09/07/2026
Section of TEN-T PRIPD	Section 2

7.64.1 CPO

The submission queries the criteria used in relation to the acquisition of the plots referred to.

In addition, the submission queries the consideration of alternatives and necessity for the junction and land take at Dromore.

7.64.1.1 Response

Plot 2064 I.101 which is being permanently acquired measuring 1.7031 hectares includes provision for the mainline alignment connecting the proposed Dromore Junction to the proposed Bonagee Junction, the proposed LX-2009 road, the proposed LX-2011 road, active travel infrastructure, associated road earthworks and drainage infrastructure and landscaping, all of which are essential components of the Proposed Development. Refer to EIAR Volume D Drawings, EIAR Drawing 4.2, Sheet 2 of 5. Plot 2064 I.101 is undeveloped scrubland, with an area of gravel hardstanding, with no physical buildings on it, and no extant planning permission on it. Plot 2064 I.101 was purchased by Mr Doherty and registered to him in July 2025.

Plot 2069 C.101 measuring 0.0038 hectares (38 square metres) is being temporarily acquired for the Proposed Development to facilitate access construction to/from Plot 2069.

Legal Test for Compulsory Acquisition

As well as dealing with the issues raised under the 4 headings raised in this submission, it is important to firstly note what the Superior Courts have said about the legal test for the exercise of compulsory acquisition powers and secondly, assess what the Proposed Development achieves.

It is a fundamentally recognised principle of the law relating to compulsory acquisition that any acquisition must be proportionate and justified. The CPO is demonstrated in the EIAR and this response document to be necessary for the exigencies of the common good and is proportionate in this regard. Significant benefits including for human health and public safety arise from the Proposed Development, for which the lands the subject matter of the CPO complained of are required.

In particular, the Proposed Development will provide a targeted improvement to the TEN-T Road Network in Donegal to address operational, capacity, and safety deficiencies, reduce congestion and improve efficiency along the existing network as well as maximising its climate action credentials through design focused on modal connectivity and carbon efficiency. As part of this, approximately 63km of new, fully segregated active travel network will be provided alongside the road network, as well as eight park and share/cycle facilities (modal hubs) which are integrated with the proposed new road infrastructure and the active travel network.

DCC has properly exercised its powers to compulsorily acquire lands in accordance with Section 76 of the Housing Act 1966 and the Third Schedule hereto, as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act 1966 and as amended by section 6 and the Second Schedule to the Roads Act, 1993 and as amended by the Planning and Development Act, 2000 (as amended) and section 184 of the Local Government Act 2001 (as amended).

In his judgment in Reid v Industrial Development Agency [2015] 4 IR 494, ("Reid") McKechnie J laid down a number of principles in relation to how statutory powers for the compulsory acquisition of land should be interpreted and applied as follows:

> (*i) "The conferring and exercise of statutory powers in this regard, must accord with the Constitution and must respect and implement the principles of both natural and constitutional justice. There has never been any doubt but that such applies to any state interference with property rights (Foley v Irish Land Commission [1952] IR 118, Nolan v Irish Land Commission [1981] 1 IR 23).*
>
> *(ii) The impact on the right to private property, which can vary from the minimal to the absolute, as in this case where the entire holding including the family dwelling house is sought to be expropriated, must be justified, or necessitated by the exigencies of the common good, which will of course have regard to the principles of social justice.*
>
> *(iii) Even where so justified, compensation will virtually always be an important aspect of constitutional protection.*
>
> *(iv) The conferring and exercise of such power must be granted and carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power.*
>
> (v) Such power must be expressly conferred by statute on the body which seeks to implement it. Further, where constitutional rights are abrogated by statutory intervention, such provisions must be construed in a way which gives full effect to above principles.
>
> (vi) As the 1986 Act is a post-constitutional statute, there is a presumption, inter alia, that all steps taken within and as part of the compulsory process will be duly compliant with the aforesaid principles. (East Donegal Co-operative Livestock Mart Ltd v. The Attorney General [1970] I.R. 317)."

The CPO has been made in order to facilitate the implementation of the Proposed Development, and has been made in full compliance with the above principles set out in the Reid decision that:

a. There is a need that advances the common good which is to be met by the acquisition of the lands in question;

b. The particular property is suitable to meet that need;

c. Any alternative methods of meeting the need have been considered; and

d. The landowner is entitled to be compensated.

In addition, the Proposed Development is clearly in full accordance with the Development Plan as is set out in greater detail below.

As explained by the Supreme Court in Reid, a CPO must be "*carried out in such a way that the impairment of the individual's rights does not exceed that which is necessary to attain the legitimate object sought to be pursued*". It is axiomatic that the acquisition of land will result in interference with the use of those lands by owners/lessees/occupiers. However, in this instance, such interference is entirely proportionate to the legitimate aim being pursued by the Proposed Development, in the interests of the common good and the land take has been limited to that necessary for the Proposed Development.

As also noted by the Supreme Court in Reid, the enjoyment of constitutional rights can be delimited to serve the needs of wider society:

> *"[44] …Accordingly, provision has been made in Article 43.2.1° and 43.2.2° of the Constitution that the exercise of such rights "ought, in civil society, to be regulated by the principles of social justice and could be restricted with a "view to reconciling their exercise with the exigencies of the common good". Therefore, whilst the right to have and to retain one's property is safeguarded at the highest level possible within our system of law, nevertheless, when it becomes necessary to facilitate the common good, there will inevitably be, to some degree or other, an interference with the exercise of these rights…"*

DCC has demonstrated that the interference with the landowner's rights has been limited to what is necessary and that same is proportionate. There has been no unjust attack on those property rights, a concept which can be considered by reference to both the delimiting words in Article 40.3.2 and Article 43.2.1 (see analysis of Supreme Court in In Re Article 26 and Part V of the Planning and Development Bill 1999 [2000] 2 IR 321), which incorporates a proportionality analysis (per McMahon J in J&J Haire).

The CPO herein complies with the proportionality test as set out in Heaney v Ireland [1996] 3 I.R. 321, namely that the means adopted must:

> *"(a) be rationally connected to the objective and not be arbitrary, unfair or based on irrational considerations*
>
> *(b) impair the right as little as possible; and*
>
> *(c) be such that their effects on rights are proportional to the objective…"*

The proper approach to the application of the proportionality test in the context of an allegation of there being an infringement of a constitutional right was recently considered by the Supreme Court in O'Doherty & Anor v. Minister for Health [2022] IESC 32. In particular O'Donnell C.J held:

> *"57. … While proportionality does provide some analytical structure for determining issues, it would be a mistake to treat it as an almost mathematical formula providing a scientifically measurable and repeatable result wherever and however applied. It is too easily forgotten that different articles of the Constitution contain different limiting provisions, and thus the application of a proportionality test in the case of any given right must take account of the particular constitutional text. There remain wide areas which require judgment, such as the nature of the objectives sought to be pursued, whether it is justifiable the nature of the restriction and whether any lesser such restriction would achieve the objective and most obviously the fundamental test of the proportionality of the measure, which is normally the subject of most contention in the decided cases. That involves judgements on the value to be attributed to the right involved, the assessment of the degree of interference and the value of the objective None of these matters are capable of objective measurement on a single scale. There remain areas on which decision-makers may reasonably disagree, as indeed exemplified by the fact that the provisions upheld by the Irish courts in Heaney were considered to fall foul of the Convention*

Heaney and McGuinness v. Ireland (2001) 33 E.H.R.R. 12. The reference in Heaney to Chaulk and, by extension, Oakes, cannot be taken, therefore, as endorsing the approach to burden of proof adopted in the latter case."

When assessed in light of the above criteria, the compulsory acquisition of the lands in question here is proportionate having regard to the nature of the interference with the rights engaged and the purpose of the Proposed Development and the benefits associated with the entire Proposed Development. This applies across the scheme and specifically here where a very small area of land Plot 2069 C101 is only required temporarily and where plot 2064 I.101 is undeveloped scrubland, with an area of gravel hardstanding, no physical buildings and for which no extant planning permission exists. Plot 2064 I.101 is required for the provision of the mainline alignment connecting the proposed Dromore Junction to the proposed Bonagee Junction, the proposed LX-2009 road, the proposed LX2011 road, active travel infrastructure, associated road earthworks and drainage infrastructure and landscaping, all of which are essential components of the Proposed Development.

The community need is also supported by European, National, Regional and Local plans, policies and objectives as comprehensively documented in Chapter 3 Planning & Policy of Volume B of the EIAR, including:

- TEN-T Regulations,
- Project Ireland 2040,
- National Planning Framework (NPF) and National Development Plan (NDP), both as revised,
- National Sustainable Mobility Policy,
- Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES),
- County Donegal Development Plan 2024-2030, and
- Letterkenny Plan and Local Transport Plan 2023-2029.

The proposed compulsory acquisition advances the community need; the lands are required for the exigencies of the common good and the lands being acquired are suitable to meet that need.

Alternatives

There was a robust assessment of alternatives relating to the Proposed Development and this included alternatives in the vicinity of this business.

The 'Preferred Option' is the result of a multi-stage and multi-criteria assessment process. During the Phase 2 assessment process several mainline corridor options were assessed under the following criteria, Environment, Safety, Physical Activity, Economy, Accessibility and Social Inclusion and Integration. The Preferred Option was the best scoring mainline corridor option following assessment under all these criteria. The Options Selection Report, submitted with this Section 51 Application, details the options considered and the reasons why the corridor chosen was the preferred corridor for the Proposed Development. For further information on the option selection for Section 2 of the Proposed Development, including at the Dromore Roundabout, please refer to Sections 11, 12 and 13 of the Phase 2 Options Report that was submitted to the Commission as supplementary information with the Section 51 Application and which has also been available on the Donegal TEN-T project website (https://www.donegal-ten-t.ie/pages/documentsdownloads/phase-2.php) since its publication in early 2020.

During Phase 3 the design was further developed through environmental assessments, ground investigations, constraints, topography, stakeholder and landowner consultation, vertical and horizontal geometry design standards, safety and future maintenance. The land requirements have been determined through the design development process, as outlined in Chapter 4 of Volume B of the EIAR, Project Description, and the assessment of reasonable alternatives as described in Chapter 5 of Volume B of the EIAR, and is necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

As outlined in Chapter 5 of Volume B of the EIAR, Assessment of Reasonable Alternatives, (specifically Section 5.7 Design Alternatives and Appendix C5.02 Key Alternatives for Road Layout), a number of alternative road layouts, junction arrangements and access options were considered in the vicinity of the business as part of the design development process. The proposed alignment and associated land requirements were developed having regard to engineering, road safety, environmental, drainage, land use, accessibility, connectivity, traffic circulation and operational considerations. The extent of the land take has been determined through the design development process and reflects the requirements of the proposed road alignment, associated earthworks, drainage infrastructure, active travel facilities, landscape, and other essential elements of the scheme. The proposed layout has been developed to maintain connectivity and accessibility within the local road network while facilitating the safe and efficient circulation of traffic and ensuring compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

EIAR, Volume B, Chapter 5 Assessment of Reasonable Alternatives, Section 5.7 and Table 5.35 set out several design alternatives developed and assessed for surrounding side roads and local roads so as to provide connection between the mainline and properties/developments in the Bonagee area. EIAR, Volume C, Appendix C5.02 provides further details of these design alternatives.

Examples of alternatives assessed but eliminated included left-in/left-out junctions along the proposed Bonagee Link Road. However. the limited length of the Bonagee Link Road meant the provision of a left-in/left-out junction with its associated junction radii, diverge auxiliary lanes and tapers, which would result in departures from the applicable design standards. In addition, the proximity of the proposed left-in/left-out junction to adjacent roundabouts would result in significant weaving movements and driver decision-making requirements over a short distance, giving rise to road safety concerns. Accordingly, this option was eliminated during the design development process.

Connectivity for business to the proposed mainline routes, without a need to travel long distances to access the wider road network, was a key consideration. Direct connectivity to mainline 2.3 and 2.5 and the Bonagee Link Road (for the reasons outlined above) would not comply with design standards and would introduce safety concerns. Similarly, the Dry Arch and Dromore Junctions were 4-arm junctions and did not offer additional suitable connection for the local businesses.

The Bonagee Junction, a 3-arm junction, provided appropriate accessibility, connectivity and network efficiency and the preferred alternative, including the Dromore Local Roundabout, was further developed from this junction. The Dromore Local Roundabout forms an integral component of the Proposed Development and provides a safe and standards-compliant means of access to the subject property and surrounding lands through the proposed local road network, while maintaining the operational efficiency and road safety requirements of the wider road network. Appendix C5.02 shows the many alternatives considered and the design development and refinement then implemented to minimise impacts.

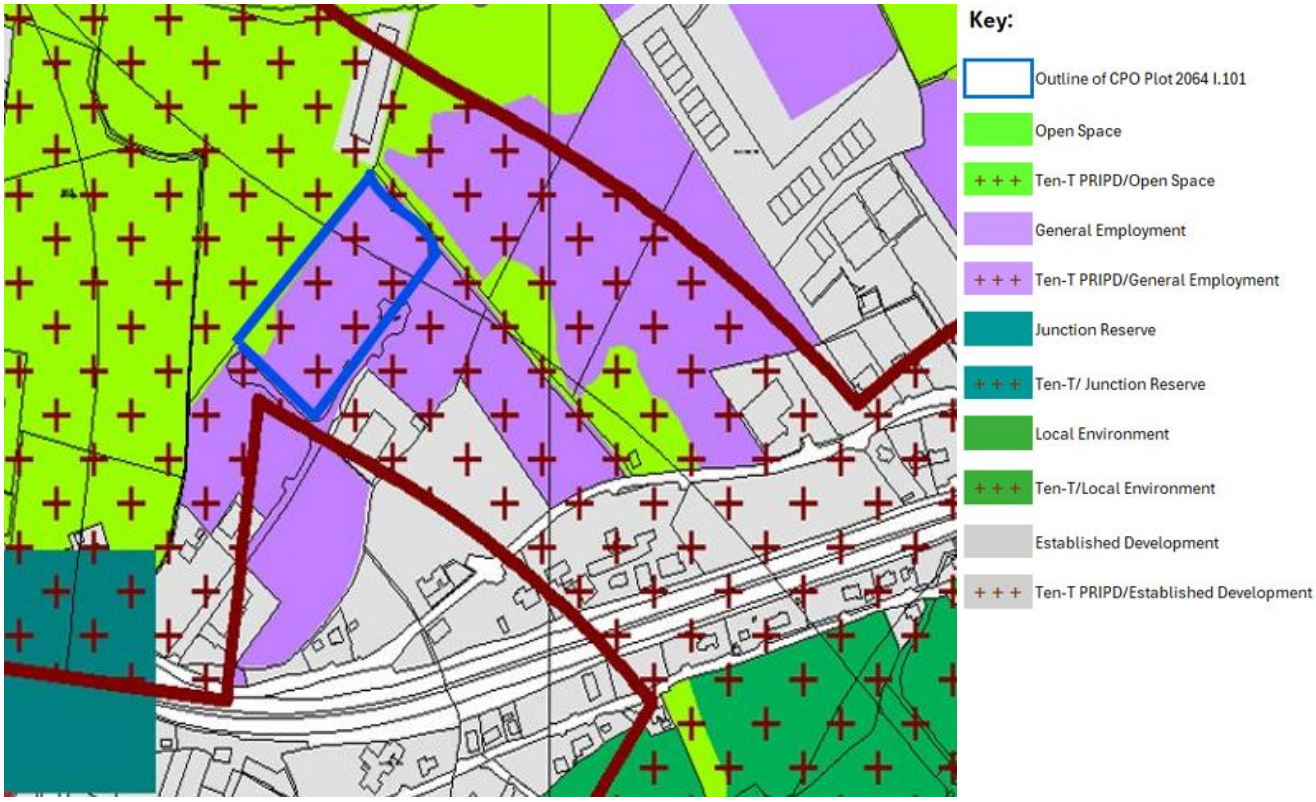
As mentioned above, the extent of the land take for Plot 2064 I.101 includes provision for the mainline alignment connecting the proposed Dromore Junction to the proposed Bonagee Junction, the proposed LX-2009 road, the proposed LX-2011 road, active travel infrastructure, associated road earthworks and drainage infrastructure and landscaping, all of which are essential components of the Proposed Development. The proposed land take is required for the delivery and operation of the Proposed Development as is detailed in EIAR drawings 4.2 (sheet 2 of 5) and 18.20 (Sheet 5 of 11) in Volume D Drawings of the EIAR.

Compensation

In relation to another limb of the test in Reid clearly if the CPO is confirmed and Notice to Treat are served by DCC, then the owner of the lands the subject lands will be entitled to compensation in accordance with the statutory compensation rules.

1. Accordance with the Development Plan

The majority of the subject lands for permanent acquisition are zoned as TEN-T PRIPD/General Employment and Commercial whilst a small portion are zoned as TEN-T PRIPD/Open Space in the Letterkenny Plan and Local Transport Plan 2023-2029. (See extract map below, Plot 2064 I.101 is outlined in blue).



The zoning objectives for said zonings are as follows (Table 7.1 of the above Plan refers):

TEN-T PRIPD/General Employment and Commercial	To reserve land for commercial, industrial and non-retail purposes[4] and car sales and to provide for the development of the TEN-T Priority Route Improvement Project, Donegal.
TEN-T PRIPD/Open Space	To conserve and enhance lands for formal and informal open space and amenity purposes, to make provision for new recreation, leisure and community facilities and to provide for the development of the TEN-T Priority Route Improvement Project, Donegal.

[4] The provision of services ancillary to industry and business including day to day facilities such as childcare facilities and cafes will be acceptable in principle. Proposals for retail uses that are ancillary to a permitted zoned use may be acceptable in principle, subject to the details set out in the land-use zoning matrix and associated footnotes.

Key strategic objective S-0-7 of the County Development Plan 2024-2030 (As Varied) states as follows:

S-0-7	To progress and ultimately carry out/implement the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD) as one of critical strategic importance to Donegal subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted).

Furthermore T-O-11 of the CDP 2024-2030 (As Varied) states as follows:

T-O-11	To deliver improvements to the Trans European Transport Network (TEN-T), (as required by EU Regulation (EU) No.1 58315/2013 "Guidelines for the development of the Trans European Transport Network as part of the core and comprehensive transport network of Ireland. In this regard it is a specific objective of the Council to: 1. a) Progress and ultimately carry out/implement the TEN-T Priority Route Improvement Project, Donegal as one of critical strategic importance to Donegal subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted).

In addition, T-O-12 of the CDP 2024-2030 (As Varied states as follows:

T-O-12	Should there be any ostensible or apparent conflict between, on the one hand, the Objectives, Policies and/or provisions of the development plan herein providing for the development of the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD) and the N13 Bridgend to County Boundary TEN-T Priority Route Improvement Project, and on the other hand, any other Objectives, Policies and/or provisions of the development plan, those Objectives, Policies and Provisions which provide for the development of the TEN-T projects shall take priority over all or any other provisions of the development plan and any such other provisions or Objectives shall be read and construed as subservient to and not in any material way contravening so much of the Objectives, Policies and provisions contained within this development plan as provide for the development of the TEN-T projects.

On the basis of:

- The strategic prioritisation and explicit support for the project provided by S-O-7, T-O-11, and T-O-12.
- The specific provision for the project at this specific location provided by the above relevant zoning objectives.

The development of the TEN-T PRIPD at this location is entirely consistent with the Letterkenny Plan and Local Transport Plan 2023-2029, the CDP 2024-2030 (As Varied) and, in turn, the Proper Planning and Sustainable Development of the area.

The manner in which the Proposed Development accords with the CDP 2024-2030 (As Varied) is comprehensively documented in Section 3.7.1 of Chapter 3 Planning & Policy of Volume B of the EIAR. Accordance with the Letterkenny Plan and Transport Plan 2023-2029 is also comprehensively documented in Section 3.7.5 of Chapter 3 Planning & Policy of Volume B of the EIAR.

The permanent acquisition of Plot 2064 I.101 is required to facilitate the construction and operation of the Proposed Development and includes provision for the mainline alignment connecting the proposed Dromore Junction to the proposed Bonagee Junction, the proposed LX-2009 road, the proposed LX-2011 road, active travel infrastructure, associated road earthworks and drainage infrastructure and landscaping, all of which are essential components of the Proposed Development.

The temporary acquisition of Plot 2069 C.101 is required to facilitate the proposed new access tie-in to/from Plot 2069 to the Proposed Development.

The Options Report

The submission seeks to raise issues suggesting that the Options Selection Report should be reopened.

Response

The Options Selection process was a robust and comprehensive assessment of the reasonable alternative design options that resulted in the selection of the preferred option brought forward for design and environmental evaluation. This is all documented in the Option Selection Report included in the supplementary information submitted to the Commission with the Section 51 Application. While the Option Report was published in 2020, its content and analysis remain valid and further in accordance with the EIA Direction reasonable alternatives were also considered and assessed in the Chapter 5 of the EIAR submitted to the Commission as part of the Section 51 Application in May 2026.

In so far as the submission is in some way relying on the fact that An Bord Pleanála, as it then was, consented to the quashing of the N6 GCRR in December 2021 to somehow support its contention that the Option Report is outdated, the submission misunderstands the position on the N6GCRR where under Section 15 of the 2015 Climate Action and Low Carbon Development Act (as amended) (the 2015 Act) the Board, as it then was, had an obligation to consider the mostly recently approved Climate Action Plan and had not done so. This has no relevance here. As is clearly out in Chapter 13: Climate of Volume B of the EIAR the provisions of Section 15 of the 2015 Act are fully considered including the National Planning Framework and the most recently approved Climate Action Plan 2025.

The potential impact on the business is discussed in the following sections below.

7.64.2 Material Assets: Non-Agriculture

The submission states that compulsory acquisition of 2064 L.101 will have a direct and material adverse impact on the future operation of the business. They allege that the socio-economic effects of the Proposed Development on the established business haven not been adequately assessed in the EIAR.

Also, they state that the acquisition of Plot 2069 C.101 impacts the means of access to Mr Doherty's lands and would have the practical effect of restricting access to the business premises.

7.64.2.1 Response

While the submission does not identify any specific impacts causing concern, the businesses operating on plots 2064 and 2069 are not losing any building or storage / paved and lined parking spaces.

Access will change to the established business as a result of the Proposed Development however, Plot 2069 C.101 is a temporary acquisition only so that the existing access can be tied into the Proposed Development. This temporary acquisition will be short duration works (days) and access to the business will be maintained throughout the construction to minimise disruption. Refer to EIAR Volume B, Chapter 4, Section 4.11.7.2 on traffic management and temporary diversions, Section 4.11.2 regarding lands temporarily acquired and Section 4.11.2.3 regarding reinstatement. Post-construction the Proposed Development provides easy access to the Bonagee Junction and from there all destinations.

No significant impacts on the business by reason of the development in question have been identified.

Socio-economic impacts have been considered in Chapter 7 Population of Volume B of the EIAR based on the guidance provided by the TII Standard (2025).

7.64.3 Access

Mr Doherty seeks clarification as to whether any part of the Scheme, including construction access, drainage or other ancillary works will result in severance of the remaining lands from the public road network or likewise restrict existing access to the site.

7.64.3.1 Response

Refer to EIAR Volume D Drawings, EIAR Drawing 4.2, Sheet 2 of 5 and EIAR Drawing 16.02, Sheet 2 of 5 for the new proposed access to Plot 2069.

Access to the business will be retained at all times during construction and operation. The tie-in works necessary to connect the existing access to the Proposed Development are short term works (days) and access to the business will be maintained during this construction to minimise disruption. Refer to EIAR Volume B, Chapter 4, Section 4.11.7.2 on traffic management and temporary diversions, Section 4.11.2 regarding lands temporarily acquired and Section 4.11.2.3 regarding reinstatement.

Construction works that affect access points to businesses and residences will be scheduled in such a way as to minimise disruption. Where accesses are affected by construction activities, affected property owners/ occupiers will be notified in advance. As stated above refer to EIAR Volume B, Chapter 4, Section 4.11.7.2 on traffic management and temporary diversions, Section 4.11.2 regarding lands temporarily acquired and Section 4.11.2.3 regarding reinstatement.

7.64.4 Flooding

The submission suggests that there is no evidence demonstrating that flood risk considerations were taken into account in selecting the detailed alignment affecting the lands and suggests that if there is no detailed flood risk analysis, the proposal is a Material Contravention of the Development Plan.

7.64.4.1 Response

Flood risk considerations have been taken into account in selecting the preferred option for the proposed road development. The Phase 2, Option Selection Report demonstrates that flood risk considerations were taken into account. It notes that a number of options were eliminated as part of the Stage 1 assessment due to 'High impact on area prone to flooding' and the preferred route was chosen to minimise potential flood impact.

A detailed flood risk assessment (FRA) was undertaken as part of the scheme development for Section 2 which included the referenced plot numbers. The flood risk assessment is included as an appendix to Chapter 11 of the EIAR (Appendix C11.02) and included the development of a hydraulic model to assess any impacts of the proposed works on the existing flooding regime in the vicinity of the works. The flood extents output by the model showed an increase in inundated flood areas from the existing to proposed scenarios. Flood compensation areas were proposed to increase flood volume storage locally as shown in Figure 4.11 of Appendix C11.02. The flood compensation areas have been reduced to 1.0 mOD (between 500 mm and 1600 mm deeper than existing ground level) and together they provide approximately 28,000 m3 of storage. The model outputs indicate that the flood compensation areas effectively mitigate the impacts of the proposed route alignment on flood impact locally.

Further, the flood risk analysis undertaken for the Proposed Development complies with the County Development Plan 2024 – 2030 and is not a material contravention of the Development Plan, for the reasons set out below:

The relevant CDP 2024-2030 (As Varied) flooding policy is F-P-1 (See below):

F-P-1 [CC]	To only permit development where flood or surface water management issues can be successfully addressed and/or where there is no unacceptable residual flood risk for the development, its occupants and/or private property or public infrastructure elsewhere within the catchment. A precautionary approach shall be applied to the consideration of flood risk issues and shall include the application of the 'Avoid', 'Substitute', 'Justify' principles set out in the EU Floods Directive (2007/60/EC) and 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities', November 2009, DoEHLG. Where appropriate, applicants/developers shall be required to submit: a. an independent 'Flood Risk Assessment' in accordance with the aforementioned Guidelines or any subsequent related publication and/or 'Surface Water Drainage Calculations', from suitably qualified persons; and b. evidence of compliance with the Justification test set out in Section 5.15 of the aforementioned Guidelines or any subsequent related publication.

The Phase 2, Option Selection Report issued in December 2019 demonstrates that flood risk considerations were taken into account. It notes that a number of options were eliminated as part of the Stage 1 assessment due to 'High impact on area prone to flooding' and the preferred route was chosen to minimise potential flood impact.

Furthermore, a Development Plan Justification Test was prepared as part of the Strategic Flood Risk Assessment of the Letterkenny Plan and Local Transport Plan 2023-2029 (Section 2.2 refers) in respect of the TEN-T PRIPD related objectives and zonings. This Justification Test strategically justifies the Project in accordance with the requirements of the Flood Risk Management Guidelines as required by Policy F-P-1 above. This justification notes the strategic importance of the TEN-T PRIPD vis-à-vis the National Development Plan, Regional Spatial and Economic Strategy, and the National Planning Framework, its contribution toward sustainable urban development, and the fact that there were no other suitable alternative routes in areas at lower risk of flooding that could have been selected for Section 2 of the scheme.

Furthermore, a detailed flood risk assessment (FRA) was undertaken as part of the scheme development for Section 2 which included the referenced plot numbers. The flood risk assessment is included as an appendix to Chapter 11 of the EIAR (Appendix C11.02) and included the development of a hydraulic model to assess any impacts of the proposed works on the existing flooding regime in the vicinity of the works. The flood extents output by the model showed an increase in inundated flood areas from the existing to proposed scenarios. Flood compensation areas were proposed to increase flood volume storage locally as shown in Figure 4.11 of Appendix C11.02. The flood compensation areas have been reduced to 1.0 mOD (between 500 mm and 1600 mm deeper than existing ground level) and together they provide approximately 28,000 m^3 of storage. The model outputs indicate that the flood compensation areas effectively mitigate the impacts of the proposed route alignment on flood impact locally.

On the basis of the flood risk analysis in the Option Selection report, the Development Plan Justification Test in the SFRA of the Letterkenny Plan and the detailed flood Risk assessment undertaken as part of the scheme which demonstrates that flood risk management issues can be successfully addressed, it is considered that the TEN-T PRIPD complies with Policy F-P-1 of the County Development Plan 2024-2030 and is not therefore a material contravention of the Development Plan.

7.64.5 Biodiversity

The submission references the decision of the Court of Justice of the European Union in Case C-166/22 (Hellfire Massy Residents Association v An Bord Pleanála & Ors) in relation to derogation licensing, and states that no derogation licence under Regulation 54 of the 2011 Regulations is referenced in the Baseline Report or elsewhere in the EIAR, but that there are confirmed bat roosts within, or immediately adjacent to, the CPO boundary, and otter holts in proximity to the CPO boundary. It states that the only licences referenced are Schedule II survey licences. In this context, the submission states that the CPO cannot be granted as to do so would be contrary to the Habitats Directive.

7.64.5.1 Response

As set out in Section 9A.6.1.1 (page 9-121) of Chapter 9A: Biodiversity: Terrestrial of Volume B of the EIAR, DCC has applied for and obtained the necessary Regulation 54 derogation licences for bat species from the National Parks and Wildlife Service (NPWS) in respect of the impacts of the Proposed Development on bats, and no derogation licences are required for the Proposed Development in respect of impacts on otter.

Bat Derogation Licences

In relation to the bat derogation licences that have been granted in respect of the Proposed Development, Section 9A.6.1.4.1 (page 9-125) of Chapter 9A: Biodiversity: Terrestrial of Volume B of the EIAR states that:

"As part of the Proposed Development, seven bat roosts have been identified in Section 1, one in Section 2 and four in Section 3 that will be lost as a result of the Proposed Development. Two separate derogation licence applications have been submitted to NPWS in December 2025. These Derogation Licences have been received and are provided in Appendix C9A.06. One derogation (Derogation Licence Number: DERBAT-2026-93) covers the roosts lost in both Section 1 and 2 of the Proposed Development and the other (Derogation Licence Number: DER-BAT-2026-94) covers the roosts lost in Section 3 of the Proposed Development."

As noted above, the bat derogation licences themselves were attached at Appendix C9A.06 in Volume C of the EIAR, and were published with the EIAR on the Commission's website (available here: https://www.pleanala.ie/publicaccess/Case%20Documentation/324272/Applicant%20Documents/Application%20Documents/3.%20EIAR/EIAR%20Vol%20C%20Technical%20Appendices/Chapter%209a%20-%20Appendices/Appx%20C09A.06%20Bat%20Derogation%20Licenses.pdf?r=425263699172).

The derogation licences, together with the licence applications and supporting documents, are also publicly available on the NPWS website at https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation/derogations-2026/bat-derogations-2026-87 (in respect of Sections 1 and 2 of the Proposed Development) and https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation/derogations-2026/bat-derogations-2026-88 (in respect of Section 3 of the Proposed Development).

These derogation licences authorise the activities that result in impacts and effects from the Proposed Development on confirmed, and otherwise legally protected, bat roosts as identified in the EIAR and highlighted in this submission. Therefore, no issue arises in this respect in relation to compliance with the Habitats Directive or the decision of the CJEU in Case C-166/22 (Hellfire Massy Residents Association v An Bord Pleanála & Ors) as referenced in this submission.

Further, as the Commission may be aware, the derogation licences granted in respect of the Proposed Development will expire on 31 December 2026 as NPWS only issue bat derogation licences to the end of the calendar year in which the application for the licence is made. DCC will, therefore, be submitting further applications to the NPWS for bat derogation licences for 2027, to ensure that DCC continues to hold valid derogation licences in respect of the Proposed Development and, in that regard, DCC do not envisage any issue in procuring such further licences. Should a decision on the Proposed Development not be made by the Commission before the expiry date of these 2026 bat derogation licences, the Commission will be able to obtain a copy of the 2027 Bat Derogation Licences from NPWS (at the website linked below) so that it can consider those 2027 Bat Derogation Licences in its assessments of the Proposed Development.

Derogation licences granted by NPWS for 2027 will be published on their "Bat Derogations 2027" webpage (See Link: https://www.npws.ie/licensesandconsents/disturbance/application-for-derogation/derogations-2027/bat-derogations-2027), along with the applications and supporting documents.

Please note that the Commission will be able to obtain a copy of the 2027 Bat Derogation Licences, once they have been granted, by clicking on the above link. If the Commission has any difficulty at all in accessing a copy of the 2027 derogation licences, please contact: Ms Aine McHugh

of Donegal National Roads Design Office, Donegal County Council by email at AINE.MCHUGH@DNRDO.IE.

Further, DCC will publish a copy of the 2027 derogation licences, once granted, on the project website: https://www.donegal-ten-t.ie/. The Commission will also be able to see when the derogations are granted on the NPWS website at the above the link.

A thorough and robust assessment of potential impacts on bats has been undertaken within Section 9A.6.1.4.1 to 9A.6.1.4.2 of Chapter 9A: Biodiversity: Terrestrial of Volume B of the EIAR. Through the implementation of the derogation licences, further enhancements and the landscape and lighting strategy for the Proposed Development, the likely significant residual effects are reduced to 'Not Significant', other than a Locally significant, short-term, adverse effect for habitat loss, fragmentation and alteration. However, in the medium- to long-term the effect will be non-significant, due to the landscaping.

Impacts of the Proposed Development on Otter

Separately, in relation to otter, while the submission suggests that active or potentially active otter holts were identified in proximity to the CPO boundary, Section 9A.6.1.4.4 (page 9-133) of Chapter 9A: Biodiversity: Terrestrial of Volume B of the EIAR confirms that "Based on the current baseline, no holts or couching sites will be lost or disturbed, and therefore, no derogation licensing is required with respect to otter."

It should be noted that the given that otters are a dynamic species the status of holts and couches will change over time. The assessment can only be made on the most current data available at the time of the assessment. The information pertaining to otters at section 3.6.1.1 within Appx C9A.01 Biodiversity Baseline of Volume C of the EIAR does mention active and potential holts identified within proximity to the Proposed Development as mentioned within the submission. However, these relate to historic survey data and the baseline goes on to state that during the latest surveys in both 2023 and 2025 no active holts or couches were recorded through extensive survey effort.

The assessment does acknowledge within Chapter 9A at Section 9A.6.1.4.4.2 'Loss or disturbance of holts and couching sites' that otters are a mobile species and that there is the potential for active otter holts to be established within proximity to the Proposed Development. Mitigation is proposed in the form of pre - construction surveys to establish up to date baselines for otter and, if required, derogation licences will be applied for detailing any additional mitigation to ensure that no significant adverse effect on otter holts will occur.

The assessment goes on to demonstrate in Table 9A-13: 'Predicted Residual Impacts of the Proposed Development and their Significance' that through the implementation of the proposed mitigation measures the likely significant residual effects are reduced to 'Not Significant'.

7.64.6 Oral Hearing

The submission requests that they are afforded the opportunity to be heard at any upcoming oral hearing held in relation to this Proposed Development.

7.64.6.1 Response

The holding of an oral hearing is at the sole discretion of the Commission, as provided for by section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") which applies to both the Section 51 Application and the application for confirmation of the CPO pursuant to the Housing Act of 1966 and otherwise. Section 218(1) of the 2000 Act provides as follows:

"*Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred.*"

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with

the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

Further, where it is suggested in this objection/submission that the Commission "cannot confirm the Order in respect of the objectors' lands while this objection, made by persons upon whom notice of the making of the Order was required to be served, is not withdrawn", this appears to come from Article 5(2) of the Third Schedule to the Housing Act 1966, as amended. However, as is clear from section 218 of the 2000 Act above that Article 5(2) has been affected by the provisions of section 218 such that oral hearings are at the absolute discretion of the Commission

7.65 Patricia Montgomery

Name	Patricia Montgomery
Agent	Martin & Rea
Address / Plot No.	Plot No.3058
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.65.1 Material Assets: Agriculture

Ms Montgomery's submission states that the Material Assets: Agriculture assessment classifies the farm as tillage. This was 2 years ago, and it is now a dairy enterprise.

7.65.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15). The significance of effect was determined using the assessment matrix provided in Table 15.7 of Chapter 15.

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3058, consultation with DCC's agronomist was undertaken on 6 October 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Ms Montgomery.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3058 is presented in Table 15.32, page 15-42, of Chapter 15 of the Volume B of the EIAR.

In regard to Plot number 3058, DCC notes that Ms Montgomery highlights that the farm is now a dairy enterprise rather than tillage. Based on this, the receptor sensitivity and magnitude of effect have been assessed as high, and the assessment is changed to Major.

> *"Major impact – the Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects."*

Farm ID	Enterprise	Value Sensitivity (Note 4)	Magnitude (Note 4)	Significance of Residual Effect
3058	~~Tillage~~ Dairy	~~Medium~~ High	~~Medium~~ High	~~Moderate~~ Major

7.65.2 CPO

Ms Montgomery considers that the Landtake here is excessive.

7.65.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team. All lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for plot 3058, land acquisition is required as follows:

Landtake through plot 3058A.101 is required for side road realignments L2374 Whitescross and LX 3024 Whitecross Tie In plus for Tullyrap stream W3-12 as shown on EIAR drawing 4.3 (Sheet 5 of 10) in Volume D of the EIAR.

Landtake through plot 3058A.102 is required for the mainline road cross section including earthworks, side road realignment L-X 3014 Tullyrap and attenuation pond 09. The area between the mainline and the existing N14 is required for the realignment of the Tullyrap stream W3-12 as shown on EIAR drawing 4.3 (Sheets 5 and 6 of 10) in Volume D of the EIAR.

Landtake through plot 3058A.103 is required for side road realignment LX 3024 Whitecross Tie In.

The extent of acquisition of lands for plot 3058, as per CPO Map for Section 3 (sheets 5 and 6 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheets 5 and 6 of 10) in Volume D Drawings of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.66 Patrick & Anne McDermott

Name	Patrick & Anne McDermott
Agent	Martin & Rea
Address / Plot No.	Plot No.1101
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.66.1 CPO

The McDermott's submission states that the land take from plot 1101 A.101 is excessive.

7.66.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The acquisitions required from for Plot 1101 are necessary to facilitate the construction and operation of the proposed road network. The extent of the land take includes provision for the road alignment, active travel infrastructure, associated road earthworks, construction compound and drainage infrastructure including a proposed attenuation pond, all of which are essential components of the scheme.

Specifically, Plot 1101 A.101 as mentioned in this submission is a strip of land to the west of the N15 Connector. The north side is bounded by a watercourse to be diverted, and the west side is bounded along its full length by cut-off drainage to be located 2 m from the top cutting, which is 5m wide at a minimum. The plot also accommodates a proposed ESB Diversion (S1 ESB 30 as shown in EIAR Drawing 16.07 Sheet 8 of 8). Landscaping is also proposed in this strip as detailed in EIAR drawing 18.19 (Sheets 18 and 19 of 19) in Volume D Drawings of the EIAR (which will mitigate the impacts of the Proposed Development at this location). In addition, a 3m wide maintenance strip is required in this location adjacent to the proposed fenceline.

The proposal by the landowner to temporarily acquire Plot 1101 A.101 and provide access to it following construction via an accommodation access road through Plot 1101 A.106 is not feasible for the following reasons. Firstly, providing access to this plot would introduce safety concerns as it would require mixing of strategic traffic with slow moving agricultural vehicles through the N15 Treenamullin junction and immediately east and west of the upgraded N15. Secondly, the space constraints within Plot 1101 A.106 caused by the proposed attenuation pond, the drainage channel required at the top of the cutting, and the ESB diversion means that it is not feasible to provide an access road extending as far as Plot 1101 A.101. Thirdly, as explained above, all of the lands within Plot 1101 A.101 are required for the construction and operation of the Proposed Development, including for landscaping as detailed in EIAR drawing 18.19 (Sheets 18 and 19 of 19) in Volume D Drawings of the EIAR (which will mitigate the impacts of the Proposed Development at this location). Maintenance and workspace strips, landscaping and environmental mitigation are all essential components of the Proposed Development.

The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description, and Chapter 5 of the EIAR, Assessment of Reasonable Alternatives. They are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

Further, in cases such as here where land severance has resulted in significant impacts, particularly where the small plots of land remaining are rendered inaccessible, these lands have also been included as permanent acquisition in the CPO. The methodology used to assess the land take has been set out in Chapter 15 Section 15.3 for Material Assets (Agriculture) and Chapter 16 Section 16.2 for Material Assets (Non-Agriculture) of the EIAR.

Therefore, the extent of acquisition of lands from plot 1101, as per CPO Deposit Map for Section 1 (sheet 8 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 8 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development, and these acquisitions are not excessive as is suggested in the submission.

7.66.2 Material Assets: Agriculture

The McDermott's disagree with the assessment of the agricultural business and property in the Material Assets: Agriculture assessment.

7.66.2.1 Response

No specific detail is provided in this submission as to the basis on which the McDermotts disagree with the assessment of their agricultural business. The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of Volume B of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15. Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment. In relation to Plot 1101A, consultation with DCC's agronomist was undertaken on 6 January 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the McDermotts since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The assessment of Plot 1101 is presented in Table 15.30, page 15-32, of Chapter 15 of the Volume B of the EIAR.

In regard to Plot number 1101, DCC notes the submission and confirms that the assessment remains major.

> *"Major impact – the Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects."*

Further, while the McDermotts refer in their submission to elaborating on their submission at an Oral Hearing, the holding of an oral hearing is at the sole discretion of the Commission.

7.67 Patrick McDaid & Brendan McDaid & Donegal Commercial Vehicles Ltd.

Name	Patrick McDaid & Brendan McDaid & Donegal Commercial Vehicles Ltd.
Agent	Mollahan Solicitors
Address / Plot No.	Plot Nos. 2009 F.101 2009 C.102 Private Right of Way (AF1-AF1 and AF2-AF2)
Date of Submission (received by ACP)	10/07/2026
Section of TEN-T PRIPD	Section 2

7.67.1 Error in company name listed in the CPO

The McDaid's submission highlights that the CPO Schedule refers to "Donegal Commercial Vehicles", rather than to Donegal Commercial Vehicles Limited. It states that the company is the occupier/operator of the undertaking on the lands, and any confirmation of the CPO should modify the Schedule to identify the limited company and its status accurately.

7.67.1.1 Response

As set out in Section 3.6.3 of this document Plot 2009 is included in the CPO Schedule for Section 2 (p. 41 and p. 124). The schedule shows that the owner/reputed owner of Plot 2009 is Brendan McDaid, Patrick McDaid and Donegal Commercial Vehicles. However, we understand from an examination of submission that Donegal Commercial Vehicles is a Limited company.

The Council is happy to agree to the modification of the name of Donegal Commercial Vehicles to read "Donegal Commercial Vehicles Limited", and also to list same as an additional owner/reputed owner and additional putative occupier of Plot 2009 C.102, and an as additional owner/reputed owner and additional putative occupier of the right of way between AF1-AF1 and AF2-AF2. The proposed modifications to the CPO Schedule are set out in Section 3.6.3 above.

7.67.2 Receptor Sensitivity

The McDaid's submission contends that the business should be identified as a High sensitivity business.

7.67.2.1 Response

The basis upon which the sensitivity of population receptors has been determined is explained in Table 7-1 of Chapter 7 of Volume B of the EIAR, which is taken from the 2025 TII Standard "Population and Human Health Assessment of Proposed National Roads" (the "**TII Standard**") (being the standard referred to in the submission on behalf of the McDaid's).

This table explains that for *'Socio-economics, businesses and development land'* receptors, *"Specialist businesses, workforces or economies that are at risk and have no capacity to experience the impact without incurring a significant socio-economic loss (or gain) of an economic resource, or employment"* are high sensitivity receptors, and that *"Businesses, workforces or economies that are at risk and that have little or no capacity to experience the impact without incurring a significant socio-economic loss (or gain) of an economic resource, or employment"* are medium sensitivity receptors.

The table also refers to the ZoI or Zone of Influence, stating for *'Socio-economics, businesses and development land'* receptors, *"Existing employment sites (excluding agriculture) and land allocated for*

employment (e.g., strategic employment sites) covering a large area of land in comparison to other land uses within the ZoI" are high sensitivity receptors, and that "*Existing employment sites (excluding agriculture) and land allocated for employment (e.g., strategic employment sites) covering a moderate area of land in comparison to other land uses within the ZoI"* are medium sensitivity receptors.

The business operated by Donegal Commercial Vehicles Limited is a vehicle testing centre which accommodates a variety of vehicle types. It is identified in Section 7.4.3.3.2.3 of Chapter 7 of Volume B of the EIAR as a business at which changes to the operating conditions / access arrangements may arise as a direct result of the Proposed Development. That assessment states that the custom base of this commercial entity comprises a range of vehicle sizes, some of which can be very long and require substantive manoeuvring space, but that the greater proportion of the custom base involves vehicles within the 55 ft to 60 ft range (16.8 m to 18.3 m), with the larger vehicles (in excess of 19m), using the premises less frequently. It also confirms that, with the Proposed Development in place, vehicles ranging from 9 m to 18.75 m in length that would use the facility can be accommodated, however vehicles that range from 22 m to 31.6 m in length cannot be accommodated with the Proposed Development in place. While acknowledging that the building interior is laid out such that vehicles enter from the existing national road, it also notes that direct access from or reversing onto national roads is not permissible.

Therefore, having regard to the criteria set out in Table 7-1 of Chapter 7 of Volume B of the EIAR, it is the expert view that the position in relation to this premises is that there will be 'little or no capacity' for this business to experience the impacts of the Proposed Development without incurring a significant socio-economic loss, as opposed to there being 'no capacity' to experience the impact. The reason for this conclusion is that a significantly larger portion of custom arises from vehicles which can be accommodated under the proposed arrangements (namely vehicles ranging from 9 m to 18.75 m in length) meaning that the impact of the Proposed Development affects a smaller proportion of the business and there is therefore more capacity to experience that impact. Further, while some less frequently used elements of the facility might be deemed 'specialist' business, much of the business is less so, catering for standard length vehicles including HGVs up to 18-19 m. All of this means that the business is not a "high sensitivity" receptor based on the criteria set out in the TII Standard and in Table 7-1 of Chapter 7 of Volume B of the EIAR and is correctly classified as a "medium sensitivity" receptor.

Finally, the business covers a small to medium area of land in the context of land uses within the ZoI and so would equally not be considered a high sensitivity receptor having regard to ZoI on the basis of what is set out in Table 7-1 of Chapter 7 of Volume B of the EIAR as quoted above.

Therefore, the business operated by Donegal Commercial Vehicles Limited at this location has been correctly categorised as a "medium sensitivity" receptor for the purposes of the Population assessment set out in Chapter 7 of Volume B of the EIAR and the claim made in this submission that the business should be classified as a "high sensitivity" receptor is not correct when one considers the nature of the business operated at this location, and the criteria set out in the TII Standard and in Table 7-1 of Chapter 7 of Volume B of the EIAR.

7.67.3 Access Road Name

The submission states that the EIAR refers to the proposed new access road to the business as the L-5704, while project mapping identifies the relevant local road as the L-5794, and that the Council should clarify the correct road reference.

7.67.3.1 Response

DCC confirms that the access road AR2.23 to the business is from the L- 5794 as shown on EIAR Drawing 4.2 (sheet 1 of 5) in Volume D of the EIAR. The reference to L-5704 on page 7-64 of Chapter 7: Population of the EIAR is incorrect and should state L-5794. The road is correctly identified as the L-5794 in Table 4-17, page 4-56, of Chapter 4: Project Description in the EIAR.

The erroneous reference to the L-5704 on page 7-64 of Chapter 7: Population of the EIAR has been corrected in the errata spreadsheet included at Appendix 4 to this Section 51 Response Document.

7.67.4 Description of Plot 2009 F.101

The submission states that Plot 2009 F.101 is described in the Schedule as "Part of Public Road" and the Schedule records DCC as its occupier, but that this strip forms part of the lands over which the undertaking has been in continuous occupation for many years. The Objectors require that their long occupation of this land be recognised, that the effect of the proposed permanent acquisition and of any future works on it upon the Objectors' occupation and use be identified and assessed, and that the necessity for acquiring it permanently from the Objectors be justified. It suggests that the CPO Schedule should be modified to identify the Objectors as the occupier of this plot.

7.67.4.1 Response

Plot 2009 F.101 forms part of the Public Road, namely the existing N13 national road, and DCC is correctly identified in the CPO Schedule as the Occupier of this plot. Further, Brendan McDaid, Patrick McDaid, and Donegal Commercial Vehicles Limited are identified as the owners/reputed owners of this plot as they are the owners of the land beneath this part of the public road.

Therefore, the CPO Schedule accurately reflects the ownership and occupation of this plot, including the McDaid's interest in the plot, and no change is required to the CPO Schedule in this respect (save the correction of the company name described in Section 7.67.1 above).

Further, while as explained above Plot 2009 F.101 forms part of the existing N13 national road and is not, therefore, occupied by the McDaid's, the impacts of the Proposed Development (including the works proposed on Plot 2009 F.101, on the McDaid's and their business has been fully identified and assessed in the EIAR, in particular under Sections 7.4 and 7.6 of Chapter 7 of Volume B of the EIAR.

7.67.5 Commercial Viability

The McDaid's submission states that the EIAR understates the impact of the scheme on the lands and business and the continued viability of the commercial operations at this location. In particular, it alleges that the likely outcome of the acquisition is the closure of the business and the loss of 25 jobs, meaning that the effect of the acquisition ought to be characterised as "profound".

7.67.5.1 Response

The expert assessment of the impacts of the Proposed Development on this business is that same will not result in the closure of this business. While very long vehicles will no longer be able to access the business, the significant majority of the businesses customers and its staff will be in a position to continue to access the business which will also become more accessible to customers utilising the national road network by reason of the improvements to same by reason of the Proposed Development.

Section 7.67.2 above explains how the sensitivity rating applied within Chapter 7: Population was arrived at, on the basis of the criteria set out in Table 7-1 of Chapter 7 of Volume B of the EIAR and the TII Standard. The same criteria were applied in determining the sensitivity of receptors for the purposes of Chapter 16: Material Assets (Non-Agriculture), as explained in section 16.2.1.1 of Chapter 16 of Volume B of the EIAR.

The assessment within Appendix 16.01 notes that the business is a medium sensitivity commercial receptor and applies an impact magnitude rating of medium to high on the basis that the alteration to the operating conditions of this business is substantial and viability may be compromised.

In relation to impacts on individual business, arising from land take as assessed within Chapter 16: Material Assets (Non-Agriculture), Table 7-2 of the EIAR also identifies the criteria used to determine the magnitude of impacts on businesses. A medium magnitude of impact is assigned where there is *'partial loss of / damage to key characteristics, features or elements, e.g. partial removal or substantial amendment to access or area of*

land, compromising viability of the asset'. The comparable criteria for assigning a high magnitude of impact is *'the permanent loss of a resource, or loss of key characteristics that make it unviable*'.

Given the concerns raised by the McDaid's during consultation, relating to the potential inability to accommodate the full range of vehicles currently tested at the premises with the Proposed Development, a range of 'medium to high' was assigned with respect to significance of impact within Chapter 16. This is because the Proposed Development alters the point of vehicular access to the premises, making it more difficult for certain vehicles, that currently use the facility, to be able to access the units.

Access to the premises and the individual units has been verified using Autodesk Vehicle Tracking: Swept path analysis and design software (considered the industry standard software for evaluating the movement of steered vehicles. Autodesk are a global engineering software provider), as set out in more detail in Section 7.67.8 below. Unit 4 (the most southerly unit) will not accept vehicles over 12m however; Mr. Pat McDaid has confirmed that Unit 4 is used for light goods vehicles therefore the unit can still perform the services for which it is used. The majority of vehicles that currently access the premises will still be able to access the premises and units that service those vehicles and therefore the Proposed Development will not result in the closure of the business.

In determining the significance of the residual impacts of the Proposed Development on this business, the EPA (2022) Significance of Effect tool (which is reflected in Table 7-3 of the EIAR) was used. A 'Significant' effect rating has been assigned to the impacts on this business, which is an impact that would *'alter the characteristics of the environment in a manner that goes beyond an alteration that is consistent with existing and emerging baseline trends'*.

According to the EPA (2022, Table 3-4), a Profound Effect is one which obliterates a sensitive characteristic. In this case, for all of the reasons set out above, the business at this location will not have to close as a result of the Proposed Scheme and therefore it would not be correct to characterise the impact of the Proposed Scheme on this business as "profound" as suggested in this submission. Further, the interim severity rating of 'Very Significant' is defined as '*An effect which, by its character, magnitude, duration or intensity, significantly alters most of a sensitive aspect of the environment*.'

In this case the alteration relates to a smaller proportion of overall use and activity as explained above, the permanent land take at the location of the test centre business comprises solely of lands currently in use as roadbed and not active commercial use. A new access is proposed on the northern boundary of the premises to replace the existing access. The new access will displace some existing car parking spaces at the premises. Therefore, the overall impact of the Proposed Development could not be said to significantly alter most of the business, and it would not be correct to characterise this as a very significant impact.

The residual impact has therefore been correctly identified in Appendix 16.01 to the EIAR as "significant" in accordance with the relevant EPA guidance and the methodology set out in the EIAR.

Without implementing modifications to the entrance of Units 3 and 4 (by way of a shared widened entrance opening as described in Section 7.67.8 below) McDaid's will lose a small proportion of their customer base but not sufficiently as to make the business unviable. The medium to high magnitude of effect, and significant residual impact, reflects this, noting that the operators will have to adjust to revised operating conditions and are likely to lose some trade. This could lead to a small proportion of job losses but not the loss of all 25 jobs and would not result in the closure of the business. However, the implementation of modifications to the existing unit door entrances described below would facilitate access for the largest of the vehicles in the recovery scenario and therefore avoid any such job losses.

7.67.6 Direct Access and Boundary Treatment

The McDaid's state that the acquisition of lands at this location, and works are not shown to be necessary and would constitute a disproportionate interference with the McDaid's property rights, and query in particular why it is necessary to erect a boundary wall along the frontage of the premises and close the existing direct access

from the N13 national primary road, and to provide an alternative access using adjoining lands that form part of Plot 2010, and raise issues in relation to the consideration of alternative access arrangements.

7.67.6.1 Response

The acquisition of these lands is proportionate and necessary for the purposes of the Proposed Development, and this is set out in more detail in below. In this section, we have specifically addressed the queries raised in that regard in relation to (i) the closure of the direct access from the existing N13 National Primary Road, (ii) the proposed boundary fencing, and (iii) the alternative access arrangements considered for this premises.

Closure of the Direct Access from the existing N13 National Primary Road

The existing direct access to the McDaid premises is located on the 100 kph TEN-T Comprehensive Network / National Primary Road. The existing 55m long open frontage direct access will be removed as part of the Proposed Development in the interests of road safety and to comply with design standards set out in Chapter 4, Section 4.16 of the EIAR and with Article 30 of Regulation (EU) 2024/1679.

Design standard DN-GEO-03060 (listed in Section 4.16 of the EIAR) part 5.5 relates to Direct Accesses onto National Primary Roads and confirms: *'Direct vehicular accesses shall not be provided onto a National Primary Road'*. The standard highlights that National Primary Roads *'are intended to perform a mobility function, providing for the safe and efficient movement of people and freight'* and that *'the provision of direct accesses onto such roads can result in an unacceptable risk of high-speed collisions'*.

The existing N13 National Primary Road is also part of the TEN-T Comprehensive Network, meaning that Regulation (EU) 2024/1679 also applies. Article 30 of that Regulation sets out the transport infrastructure requirements for the TEN-T Comprehensive Network, including that Member States shall ensure that:

a) the safety of road transport infrastructure is ensured, monitored and, when necessary, improved in accordance with Directive 2008/96/EC and,
b) the roads are designed, built or upgraded and maintained with high quality and safety standards.

Closure of the existing direct access is necessary and justified to ensure consistent high quality and safety standards are provided across the entire TEN-T Comprehensive Network / National Primary Road.

During the design development of the Proposed Development, access arrangements, like that shown below at McDaid's with a reduced frontage, were initially considered, however for the same reasons as outlined above in relation to the closure of the existing access onto the national primary road, all of these alternatives (which similarly involve a direct access onto the national primary road) would not comply with design standards and with Article 30 of Regulation (EU) 2024/1679 as set out above, and presented significant safety concerns for road users.

In addition, direct access options were impacted by level changes along the existing National Primary Road required as part of the Proposed Development, making access more difficult. The proposed alignment of the National Primary Road as part of the Proposed Development at the south end of the premises is close to existing National Primary Road levels, however on the north end of the premises the proposed alignment of the National Primary Road will be one metre lower than its existing level (and therefore 1m lower than the level of the McDaid's premises).

The above comprise the very clear reasons for the closure of the direct access to the premises from the existing N13 National Primary Route which forms part of the TEN-T network and why alternative arrangements involving such a direct access were not progressed.



Figure 7.33 Sample of early rejected alternative access from National Primary Road

Proposed Boundary Fencing

The closure of the existing access along the frontage of the premises necessitates the provision of a boundary treatment to restrict direct access to and from the TEN-T Comprehensive Network / National Primary Road for road user safety and to provide security for the McDaid premises. The boundary treatment will be located along the boundary line near the back of the National Primary Road verge (approximately at the back of the existing paved hard shoulder).

The boundary treatment proposed is steel palisade security fence (as per CC-SCD-00317 in TII publications), or equivalent. The steel palisade security fence will be placed along the CPO boundary and behind a low height retaining wall provided to account for level differences between McDaid's yard and the lowered National Primary Road in the Proposed Development. The National Primary Road (ref. Mainline 2.1 in the Proposed Development) along the frontage of the McDaid's premises is to be lowered. The level drop varies from between 0m (on the south) to 1m (on the north) and is shown on EIAR Volume D Drawings, EIAR Drawing 4.5, Sheet 1 of 7.

Other boundary treatments were considered however steel palisade security fence is consistent with the existing boundary treatment at the McDaid's business (see images below). It will also provide security while maintaining visibility to the premises and ensuring the yard area in front of McDaid's business is maximised for vehicles and swept paths expected.

Roadside of the proposed boundary fence, a low height retaining wall will be constructed and this will be protected by a vertical road restraint system (safety barrier) to protect National Primary Road users and the McDaid premises.

Having no boundary treatment would introduce safety implications for the National Primary Road and therefore a boundary fence is required. The steel palisade security fence proposed along the frontage of the McDaid premises is proportional and a best solution for reasons of location, security, space and consistency.



Figure 7.34 Image of existing steel palisade security boundary fence at McDaid's (Google Maps)

Alternative Access Arrangements

Alternatives which involved a direct access from the existing N13 National Primary Road were rejected for the reasons set out above. In addition, continuous boundary treatment is required along the back of the TEN-T Comprehensive Network / National Primary Road verge to restrict direct access for the reasons set out above. Extinguishment of the existing direct access is included as AF1-AF1 to AF2-AF2 in the Section 2, Compulsory Purchase Order, 2026 - Deposit Map, Sheet 1 of 5 and in the accompanying CPO Schedule Part IV (page 149).

Extinguishment of the existing direct access meant a new access to the premises was required. Key factors in the consideration of new access alternatives included the position of the existing entrances to the units and the orientation of the units. Vehicles currently enter the units from the front and retaining a workable frontage manoeuvring capability needed to be prioritised. The image below identifies Units 1 to 4 (numbering agreed with McDaid's) and the approximate location of the proposed boundary fence along the premises frontage.



Figure 7.35 Image showing unit entrances, unit orientation and proposed boundary constraints

Access alternatives from the northern boundary of the premises were most favourable as these options provided optimum manoeuvrability for vehicle swept paths to be accommodated given the existing unit orientation and unit entrances. Alternatives from the north were assessed whose horizontal geometry best accommodated the largest vehicle swept paths being able to enter the premises and the different units; which

was a key concern for McDaid's and while also facilitating access to adjoining plots. The images below show two of the alternatives which were considered.

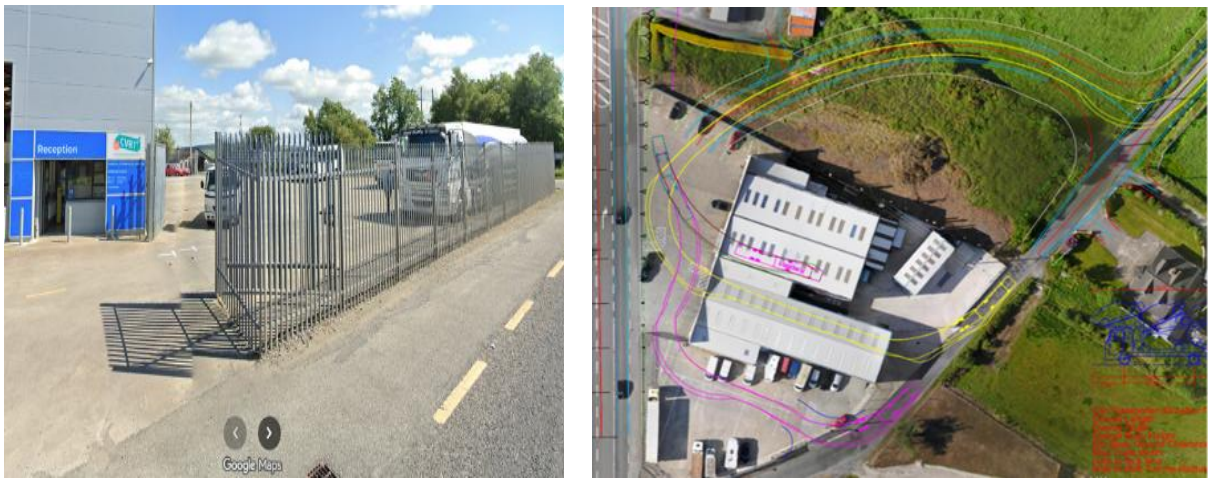


Figure 7.36 Example of Access Alternatives considered at McDaid's

The alternatives above were eliminated after the assessment of the impacts of the Proposed Development at the adjoining property (Plot 2010) led to part of this property being acquired and the demolition of the dwelling on that plot; refer to Section 7.67.10 below. The demolition of the adjoining property allowed for consideration of a further alternative access option into McDaid's premises. This new access option's horizontal geometry facilitated additional vehicles accessing the units and this alternative then became the preferred new access option and now forms part of the Proposed Development.

7.67.7 Acquisition of Private Right of Way

The McDaid's state that no justification has been offered for the acquisition of the right of way between AF1-AF1 and AF2-AF2.

The McDaid's require the Council to identify; (a) the necessity for its acquisition; (b) the works proposed; (c) the arrangements proposed for equivalent access during and after construction; and (d) why a less intrusive interference would not suffice

7.67.7.1 Response

The acquisition of the right of way between AF1-AF1 and AF2-AF2 is necessary and proportionate, and required for the purposes of the Proposed Development for the reasons set out below.

1. The necessity for its acquisition

The acquisition of the right of way between AF1-AF1 and AF2-AF2 is necessary to facilitate the closure of the existing direct access between the subject property and the existing N13 national primary road, as previously explained in Section 7.67.6 above. The removal of the existing access forms part of the Proposed Development and has been done in the interests of road safety and to comply with design standards for National Primary Roads, in particular Design standard DN-GEO-03060 (listed in Section 4.16 of the EIAR) which do not permit direct accesses on to national primary routes. The removal of the existing access also aligns with Section 30 of the TEN-T Comprehensive Network Regulation (EU) 2024/1679 whose transport infrastructure requirements seek for roads to be upgraded and maintained to high quality and safety standards.

2. The works proposed at the location of this right of way

The works proposed at this location comprise the permanent closure of the existing frontage access to the national primary road. The works will include the provision of a low height retaining wall and boundary fencing

along the frontage, at the back of the road verge, to prevent access to the TEN-T Comprehensive / National Primary Road, as shown on EIAR Volume D, EIAR Drawing 4.58, Sheet 1 of 5. Within the road verge a vertical road restraint system (safety barrier) will be installed to protect National Primary Road users and the McDaid premises. The works are necessary to prevent unsafe vehicle movements and to ensure that the operation of the national road satisfies road safety guidance and design standards.

3. Access to the McDaids' premises during and after construction

Construction works that affect access points to businesses and residences will be scheduled in such a way as to minimise disruption. Where accesses are affected by construction activities, affected property owners/ occupiers will be notified in advance. During the construction of the new access to the premises McDaid's existing access will remain open and operational. Construction of the new access to the premises will require the temporary acquisition of lands along the north boundary line (identified as Plot 2009 C.102 on Section 2 CPO 2026 Deposit Map Sheet 1 of 5) and displacement of some onsite parking spaces at the north boundary line. EIAR Volume B, Chapter 4, Section 4.11.7.2 addresses traffic management and temporary diversions, Section 4.11.2 addresses lands temporarily acquired and Section 4.11.2.3 reinstatement.

Once McDaid's new access is constructed the existing access will be closed and boundary fencing and retaining wall along the TEN-T Comprehensive Network / National Primary Road will be constructed. The new boundary fence will be connected into the existing boundary treatments to secure the premises.

4. Why a less intrusive approach would not suffice

The Proposed Development will provide significant improvements along the National Primary Route that will benefit all road users. The Proposed Development will deliver a high-quality National Primary Road and improve safety and efficiency for all users reducing the risk of high-speed collisions. The closure of this direct access onto the National Primary Road at McDaid's is necessary to achieve these scheme objectives and any less intrusive approach would not achieve the closure of this direct access. DCC will continue to liaise with McDaid's in relation to their concerns so that any interference during the construction phase is minimised.

7.67.8 Auto-Track Analysis

The McDaid's submission states that vehicles in the 22 m to 31.6 m range cannot be accommodated once the scheme is in place. The McDaid's submission also refers to other vehicles that cannot be accommodated in some of the units once the scheme is in place.

7.67.8.1 Response

It is acknowledged in the EIAR that the new access arrangement to be provided as part of the Proposed Development will not facilitate vehicles in the 22m to 31.6m long-range entering the units at the premises. However, it is also true that the existing arrangement does not facilitate vehicles in the 22m to 31.6m range entering the units.

For example, the Tent Engineering Report (included in the McDaid's' submission) includes scenarios that demonstrate a 22m long articulated vehicle (not common to Irish roads) using the new proposed access will not be able to enter the units. However, the Tent Engineering Report does not demonstrate how the same 22m long articulated vehicle enters the units in the existing scenario. The swept path analysis shown in the image below shows the same 22m long articulated vehicle failing to enter Unit 3 from the designated lane in the existing National Primary Road.



Figure 7.37 Existing Scenario: 22m long articulated vehicle: entry to Unit 3 not feasible

The images that follow demonstrate that if the 22m long articulated vehicle were able to enter Unit 3 it is unable to exit unit 3 by the rear exit and so must reverse out the front entrance across the National Primary Road. This type of reversing manoeuvre across live lanes on the National Primary Road compromises safety for all road users. Therefore, it must be concluded that the 22m long articulated vehicle used in the Tent Report cannot be accommodated (or at least safely accommodated) using the current access arrangement, and so any criticism of the Proposed Development for not facilitating access for this type of vehicle is misconceived.



Figure 7.38 Existing Scenario: 22m long articulated vehicle: exit, turn right from Unit 3 not feasible



Figure 7.39 Existing Scenario: 22m long articulated vehicle: exit, turn left from Unit 3 not feasible

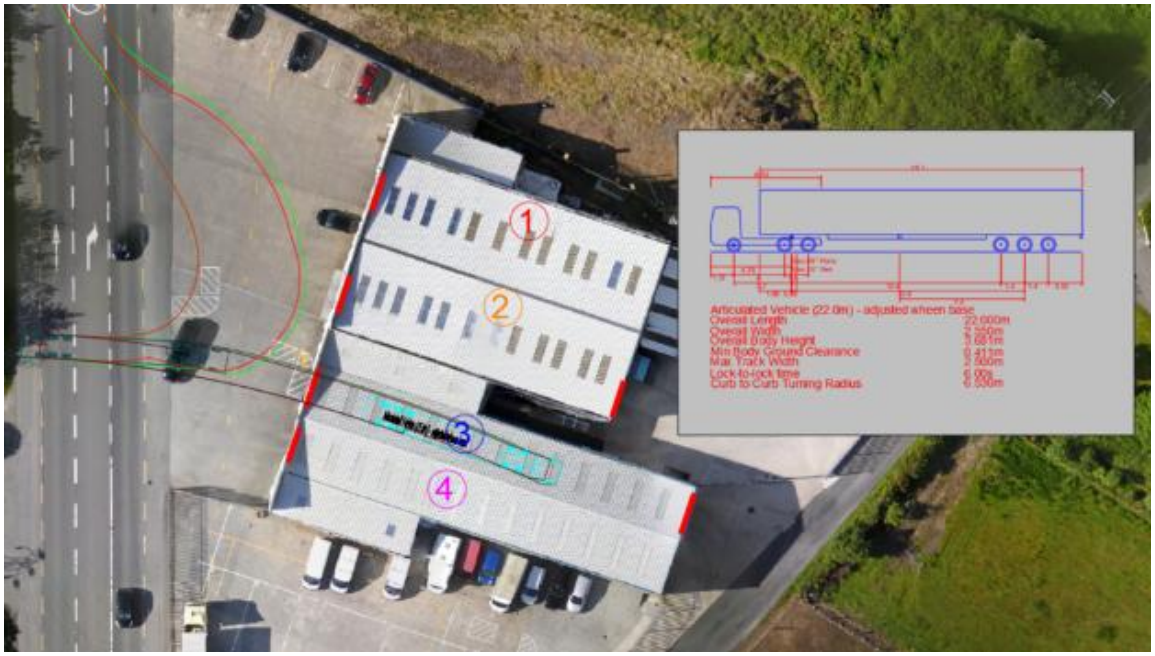


Figure 7.40 Existing Scenario: 22m long articulated vehicle: exit by reversing not feasible without closing the National Road

Having reviewed the Tent Report included with this submission, we wish to make the following observations:

- The Report numbers the Units in the opposite direction to previous correspondence with McDaid's.
- The services carried out in each unit are aligned with the services confirmed by McDaid's. Units 1 and 3 are used by heavy commercial vehicles and Units 2 and 4 are used by Light Goods Vehicles for LGV testing (numbering is as above).

- In their Swept Path Analysis, the Tent Engineering Report uses a 22m articulated vehicle that is not common to Irish roads and not listed by McDaid's as a vehicle serviced by them. In fact, McDaid's confirm that 22m long vehicles in general are a rare occurrence at the business, yet the Tent Engineering Report has put a heavy focus on this vehicle.

Consultation with Mr. Pat McDaid during the design development included a letter to DCC, dated 10 March 2022, providing details of their business operations; extracts from this letter are included below and a full copy of the letter is enclosed at the end of this response Section 7.67.8, and immediately prior to Section 7.67.9. The McDaid's later confirmed by e-mail, dated 20 April 2022, that Units 1 to 4 in their 10 March 2022 letter are numbered from north to south. The previous images identify each unit by their number corresponding to the McDaid's letter.

In their letter the McDaid's outline the Typical Heavy Commercial Vehicle Lengths encountered by the business. The letter clarifies unit #1 and unit #3 are used for the larger vehicles (with unit #2 and unit #4 used for light commercial vehicles). The letter also clarifies that 22m long vehicle combinations are a relatively rare occurrence.

Where a 22m long vehicle is recovered the letter confirms the 22m long vehicle combination as a large tractor unit with two trailers (not the 22m articulated vehicle used in the Tent Report which would have a more onerous swept path). This is further reason that the 22m long articulated vehicle, which is considered in the Tent Engineering Report, is not representative of the typical vehicles using the premises.

Below are some examples of the recovery and testing of the more common long vehicles used in our region. These scenarios include works we have completed in the past and will be able to carry out in the future.

Scenario A Recovery of *3 axle Rigid HCV 12m in length* using 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m. Total length of vehicle combination **23.6m**.

Scenario B Commercial Vehicle Roadworthiness Testing of *2 axle Coach 13.5m in length.*

Scenario C ADR Testing of *6 axle articulated tanker vehicle 16.5m in length.* If such vehicle were to be recovered using a 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m the total length of vehicle combination would be **28.1m.**

Scenario D Maintenance and/or repair of *4 axle rigid truck with 3 axle tow bar trailer with max permitted length of 18.75m. If this vehicle were to be recovered* using 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m the total length of vehicle combination would be **29.81m.**

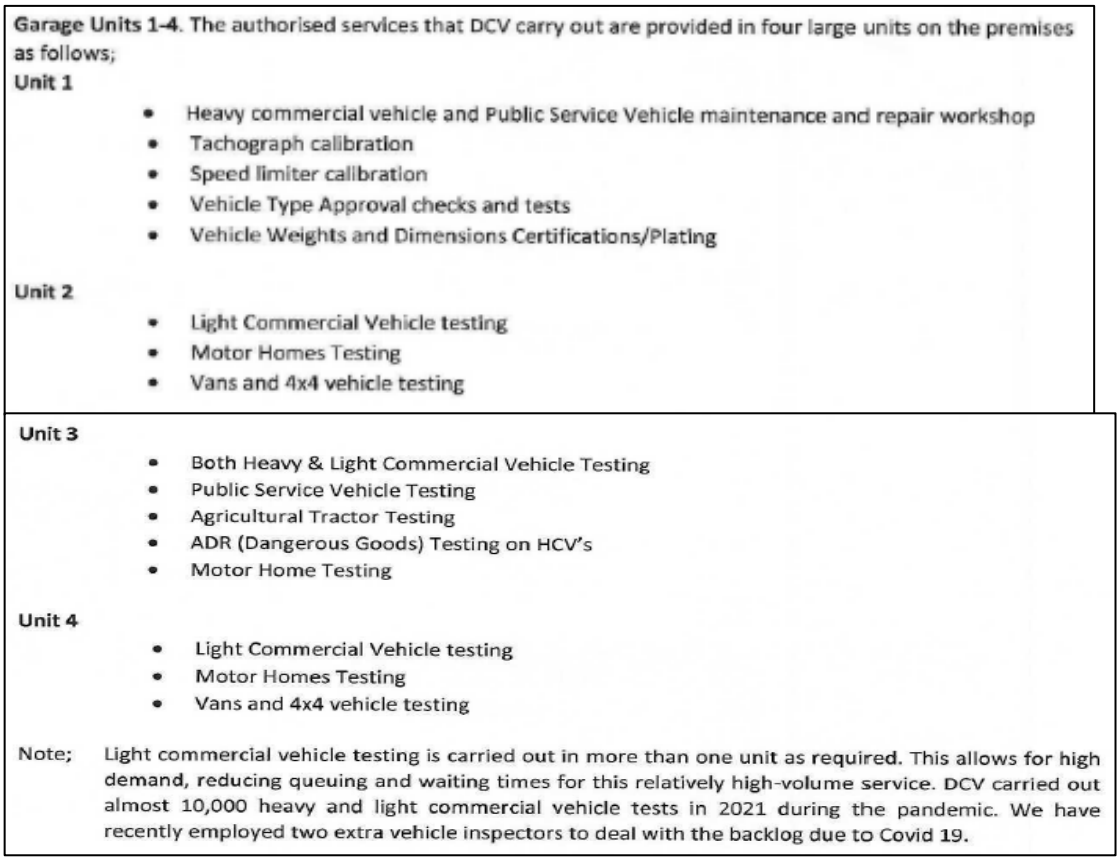
In many cases, except for coaches and buses, vehicles being recovered may be laden with goods, oil or fuel in the case of tankers which can be very difficult to manoeuvre. In general, the max permissible weight of six axle vehicles, (Artic's and Vehicle Combinations) is 46 tonnes. DCV's Recovery vehicles are plated and approved for towing 52 tonne and 80 tonne gross train weights.

Table 1. Typical Heavy Commercial Vehicle Lengths Recovered by DCV

VEHICLE	LENGTH	TOWBAR EXTENSION
3 Axle Coach	15m	NA
4 Axle Rigid Vehicle	12m	NA
Articulated Vehicle	16.5	NA
Vehicle Combination (Rigid Vehicle with tow bar trailer)	18.75m	Incl.
Large Vehicle Combination (Large tractor unit pulling two trailers)	22m	Incl.
DCV Existing Recovery Truck	9.6m	2.5m
DCV New Recovery Truck	9.6m	2.6m

Note(i) 22m Large vehicle combinations are relatively rare, however, DCV must be able to recover this type of vehicle if required.

Note (ii); SI 5/2003, *The Road Traffic (Construction and Use of Vehicles) Regulations 2003* do not prohibit the towing or recovery of the above vehicle types.



Garage Units 1-4. The authorised services that DCV carry out are provided in four large units on the premises as follows;

Unit 1

- Heavy commercial vehicle and Public Service Vehicle maintenance and repair workshop
- Tachograph calibration
- Speed limiter calibration
- Vehicle Type Approval checks and tests
- Vehicle Weights and Dimensions Certifications/Plating

Unit 2

- Light Commercial Vehicle testing
- Motor Homes Testing
- Vans and 4x4 vehicle testing

Unit 3

- Both Heavy & Light Commercial Vehicle Testing
- Public Service Vehicle Testing
- Agricultural Tractor Testing
- ADR (Dangerous Goods) Testing on HCV's
- Motor Home Testing

Unit 4

- Light Commercial Vehicle testing
- Motor Homes Testing
- Vans and 4x4 vehicle testing

Note; Light commercial vehicle testing is carried out in more than one unit as required. This allows for high demand, reducing queuing and waiting times for this relatively high-volume service. DCV carried out almost 10,000 heavy and light commercial vehicle tests in 2021 during the pandemic. We have recently employed two extra vehicle inspectors to deal with the backlog due to Covid 19.

Figure 7.41 Extracts from Pat McDaid correspondence letter dated 10 March 2022

The Proposed Development has sought to maximise the type and size of vehicles which can enter the units, having regard to the existing unit layout and entrances. A summary of the vehicle types listed by McDaid's and Swept Path Analysis findings, with the Proposed Development in place, is presented below (Yes = vehicle specified can access the unit specified).

Entry to and Exit from McDaid Units (units numbered from north to south)				
Vehicle Type	**Unit 1**	**Unit 2**	**Unit 3**	**Unit 4**
	Heavy Good Vehicles	**Light Goods Vehicles**	**Heavy Good Vehicles**	**Light Goods Vehicles**
3 Axle Coach (15m)	Yes	Yes	Yes	No direct access to Unit 4 however access can be accommodated through the Unit 3 entrance or exit
4 Axle rigid vehicle (12m)	Yes	Yes	Yes	Yes
Articulated vehicle (16.5m)	Yes	Yes	Yes	No direct access to Unit 4 however access can be accommodated through the Unit 3 entrance or exit
Vehicle Combination (Rigid vehicle with tow bar trailer) (18.750m)	Yes	Yes	Yes	No direct access to Unit 4 however access can be accommodated through the Unit 3 entrance or exit
Large Vehicle combination (Large tractor unit pulling two trailers) (22m). (per McDaids requirements dated March 2022)	Yes	Yes	Yes, entry from back and exit from front (slight adjustment to fencing at back of premises required)	No direct access to Unit 4 however access can be accommodated through the Unit 3 entrance or exit

A similar summary is presented below for the above vehicles recovered by a 9m tow truck.

Recovery of above vehicles (by tow truck)				
Vehicle Type	**Unit 1**	**Unit 2**	**Unit 3**	**Unit 4**
	Heavy Good Vehicles	**Light Goods Vehicles**	**Heavy Good Vehicles**	**Light Goods Vehicles**
Recovery of 3 Axle coach	Yes	Yes	Yes, entry from back and exit from front (slight adjustment to fencing at back of premises required)	No direct access to Unit 4 however access to Unit 4 can be accommodated through the rear exit of Unit 3
Recovery of 4 axle rigid vehicle	Yes	Yes	Yes, entry from back and exit from front (slight adjustment to fencing at back of premises required)	No direct access to Unit 4 however access to Unit 4 can be accommodated through the rear exit of Unit 3
Recovery of articulated vehicle (28.1m)	Yes	Yes	No	No
Recovery of rigid vehicle with tow bar trailer (29.81m)	Yes	Yes	No	No
Recovery of large tractor pulling two trailers (34m)	Yes (but length of the vehicle with recovery vehicle exceeds the length of the unit	Yes (but length of the vehicle with recovery vehicle exceeds the length of the unit	No	No

The 22m long articulated truck has not been included in the tables above for reasons already outlined, in circumstances where such a vehicle cannot be accommodated (or at least safely accommodated) using the existing access arrangement. This vehicle is uncommon and is not listed by McDaid's in their consultation letter dated 10 March 2022.

For the Proposed Development scenario all vehicle types can access Units 1, 2 and 3 although for the 22m large vehicle combination (Large tractor unit pulling two trailers) accessing Unit 3 is only feasible from the rear (exiting the front) and with minor fencing modifications in the rear.

Unit #4 is the most constrained unit however given the Unit 4 is, as confirmed by McDaid's, used for light commercial vehicle testing and given a 4 Axle rigid vehicle (= 12m truck) can access the unit then Light commercial vehicles (vans and pickups) will be able to access the unit.

Vehicles such as 3 Axle coaches (15m) would need to use the Unit 3 entrance to access Unit 4. As these are combined Units, 42m long with an open interior, this manoeuvre would be feasible.

In conclusion it is clear that for the services carried out in the respective units and for the vehicle sizes expected in the units that the business remains viable into the future.

Mitigation

While widening of entrance openings, or modifications to fencing to the rear of the site, are outside the red line boundary of the Proposed Development and so cannot be implemented as part of the Proposed Development, such changes could easily be implemented by the landowner in advance of the closure of the existing direct access from the N13 National Primary Road, and subject to any planning permission that might be required.

In that regard, minor adjustments to the rear fencing would allow for larger vehicles to exit Unit 3 to the rear. In addition, widening the entrance to unit 3 and 4 would facilitate significantly longer vehicles entering these two units in the Proposed Development scenario. An assessment of a widened door opening to Unit 3 and Unit 4 (illustrated in green outline on the image below) demonstrates that a 22m long articulated vehicle, under recovery, will be able to enter these units.

Such a modification, if carried out by the landowner, would mitigate against potential impacts identified above on the ability of very long vehicles to enter Units 3 and 4, and would further reduce the impacts of the Proposed Development on the business.



Figure 7.42 Option to Widen Opening between Units 3 and 4

For completeness, while the submission refers to discussions in in 2021, the scenarios considered at that stage did not reflect the future built scenario and the future access to the premises and units has been verified

as described in detail above using Autodesk Vehicle Tracking: Swept path analysis and design software. Autodesk are a global engineering software provider, and this software is the industry standard for evaluating the movement of steered vehicles.

7.67.8.2 Pat McDaid correspondence letter dated 10 March 2022

Donegal Commercial Vehicles Ltd

T/A McDaid Bros

CVRT

TACHOGRAPH & SPEED LIMITER AGENTS
VEHICLE PLATING
ADR Testing

24 Hour Recovery Service
Approved ATC Centre

VTN
VEHICLE TESTING NETWORK

10 Mar 2022

To: Brian Reid, Erin Neary,

Re: TEN-T Project Implications for Donegal Commercial Vehicles Services Provision

Hi Brian and Erin, thanks for meeting with myself and Robert last Thursday 03 Mar to consider the possible affect on our business if our access is moved to the North (rear) of our site. We thought it might help to give you some more information on Donegal Commercial Vehicles' (hereinafter referred to as DCV) business activities including the types of vehicles we work on and recover.

DCV provides commercial vehicle services to the Road Transport Industry within the northwest region. These services comprise of;

- Commercial Vehicle Roadworthiness Testing of heavy and light commercial vehicles, Public Service Vehicles (PSV) and Agricultural Tractors
- ADR (Dangerous Goods Vehicles) Testing
- Heavy vehicle recovery using specially adapted HGV recovery vehicles
- Vehicle Type Approval
- Tachograph Calibration
- Speed Limiter Calibration
- NSAI Weight & Dimension Plating
- HGV, PSV and light commercial vehicle repairs and overhaul

DCV have provided these services for more than 30 years. These business operations rely heavily upon the unrestricted vehicle access afforded by direct access to and from the N13 carriageway. We are fully authorised by the Road Safety Authority (RSA), the National Standards Authority of Ireland (NSAI), the Society of the Irish Motor Industry (SIMI), the Freight Transport Association of Ireland (FTA) and other government bodies to supply a range of essential technical services to transport operators and the general public over the whole northwest region of the country.

DCV currently have a 5-year contract with Bus Eireann to provide coach and bus recovery services within the Northwest Region. Bus Eireann's fleet operates with 2 and 3 axle vehicles with maximum permitted lengths of 13.5m and 15m respectively. We recently ordered a new Recovery Vehicle with modified tow bar crane to enhance our heavy vehicle recovery services.

An Garda Siochana also use DCV to recover heavy commercial vehicles and Public Service Vehicles involved in Road Traffic Collisions (RTC's) where injury or death may have occurred. In such cases the complete vehicle combination, artic prime mover plus trailer must be recovered as a single unit and preserved on-site until An Garda Siochana take control and/or examine the vehicle on-site. The same applies to large vehicle combinations such as road trains, 4 or 5 axle rigid truck with 3 axle tow bar trailers.

DCV are currently able to recover all and any types of Heavy vehicles and Public Service Vehicles permitted to operate on Irish and European roads. This work has been undertaken for decades at these premises. We have recovered many long vehicle combinations to this site directly from the N13 and to date have done so without any issue.

QUALITY
I.S. EN ISO 9001:2008
NSAI Certified

FTA Ireland

SIMI

Below are some examples of the recovery and testing of the more common long vehicles used in our region. These scenarios include works we have completed in the past and will be able to carry out in the future.

Scenario A Recovery of *3 axle Rigid HCV 12m in length* using 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m. Total length of vehicle combination **23.6m**.

Scenario B Commercial Vehicle Roadworthiness Testing of *2 axle Coach 13.5m in length.*

Scenario C ADR Testing of *6 axle articulated tanker vehicle 16.5m in length.* If such vehicle were to be recovered using a 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m the total length of vehicle combination would be **28.1m**.

Scenario D Maintenance and/or repair of *4 axle rigid truck with 3 axle tow bar trailer with max permitted length of 18.75m. If this vehicle were to be recovered* using 3 axle Recovery Vehicle 9m in length plus extended tow crane 2.6m the total length of vehicle combination would be **29.81m**.

In many cases, except for coaches and buses, vehicles being recovered may be laden with goods, oil or fuel in the case of tankers which can be very difficult to manoeuvre. In general, the max permissible weight of six axle vehicles, (Artic's and Vehicle Combinations) is 46 tonnes. DCV's Recovery vehicles are plated and approved for towing 52 tonne and 80 tonne gross train weights.

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Note(i) 22m Large vehicle combinations are relatively rare, however, DCV must be able to recover this type of vehicle if required.

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- Motor Home Testing

Unit 4

- Light Commercial Vehicle testing
- Motor Homes Testing
- Vans and 4x4 vehicle testing

Note; Light commercial vehicle testing is carried out in more than one unit as required. This allows for high demand, reducing queuing and waiting times for this relatively high-volume service. DCV carried out almost 10,000 heavy and light commercial vehicle tests in 2021 during the pandemic. We have recently employed two extra vehicle inspectors to deal with the backlog due to Covid 19.

With reference to the document titled; *Auto-track scenarios for all commercial vehicle units*, provided to DCV on 15 Sept 2021. I met on-site with Brian Reid, Erin Neary and another Engineer and we tried using an articulated vehicle (Approx. 16.5m in length) within the boundaries contained in said document. We agreed at that time that the scenarios using the proposed boundary fence would not provide sufficient clearance for a common sized articulated vehicle nor indeed other longer combination vehicles or large combination vehicles towed by a Recovery vehicle. We believe that your latest proposal to move the boundary fence out by 1.5m would still not be sufficient to allow recovered vehicles to be brought onto our site to access our garage units. The proposed boundary would also hinder our daily activities of testing large combination vehicles.

I am willing to consider any reasonable proposal to allow the placing of a fence to the front of our premises for road safety purposes. Any such proposal must allow for the continued safe operation of all commercial vehicle operations, activities and services currently provided on this site. I might also be willing to consider a move to a suitable alternative site with similar infrastructure if such site should be proposed.

I hope this information is of some assistance to your design engineers, please let me know if you have any further questions, I'll be happy to respond as quickly as possible.

Yours Sincerely,

[redacted]

Pat McDaid

7.67.9 Existing Authorisations

The McDaid's state that the EIAR does not assess whether the permanent loss of capacity to receive and test the largest vehicle categories would jeopardise the renewal or retention of the statutory authorisations held by the business, i.e. Commercial Vehicle Roadworthiness Test (CVRT) centre, an Accord Dangereux Routier (ADR) (Hazardous Goods) test centre, an Individual Vehicle Approval (IVA) approved test centre and an NSAI plating facility, and also suggests that the mitigation identified for the business is not shown to be workable.

7.67.9.1 Response

The assessment clearly shows that the majority of vehicles can still be accommodated at the premises and the loss of capacity is minimal, without any additional mitigation being carried out within the premise. If mitigation were implemented within the premises by the landowner as described above its expected there would be no loss in capacity to the business as all vehicle types listed (even under recovery) could then be accommodated.

The renewal or retention of the statutory authorisations held by the business is a matter for the business. However, what is clear from the assessments outlined herein is that the Proposed Development will provide access to both the premises and the units. Details of the business operations provided by McDaid's confirm vehicle types most expected; in particular that 30m vehicles are a rare occurrence. The assessments therefore demonstrate that the business will be able to continue to service the vehicle types currently served (with a minor adjustment as described above required to continue to accommodate the longest vehicle combinations) and this should not, therefore, impact on the business' ability to maintain its existing authorisations.

7.67.10 Acquisition and Demolition of Adjoining Property

The submission states that the acquisition of an existing dwelling located immediately to the north of the McDaid's premises, on plot 2010, appears to be required solely to provide a replacement access to the McDaid's business, and, on this basis, raises issues in relation to the consideration of alternatives.

7.67.10.1 Response

The acquisition of the existing dwelling on Plot 2010 is not required solely to provide a replacement access to the McDaid's business as suggested in this submission. In fact, as explained in detail below, the acquisition of this dwelling was necessitated by the impacts of the Proposed Development on the existing dwelling, and it was only after it had been determined that the dwelling on Plot 2010 would need to be acquired that the area was then used, in part, for the provision of an alternative access to the McDaid's premises.

During the design development of the Proposed Scheme, assessments were ongoing at several locations along the route of the Proposed Scheme including at the location of the property adjacent to the McDaid's premises, on Plot 2010. The assessments at this property identified a significant impact on the dwelling, which ultimately led to the need to acquire the dwelling. These impacts included:

- Noise levels at the dwelling were estimated at 70dB following mitigation (this is +10dB over the 60dB threshold),
- A 7m encroachment into the front garden area requiring removal of established vegetation (including the existing hedge) at the front of the property to facilitate the works required for the Proposed Development. Refer to EIAR Volume D, EIAR Drawing 4.2, Sheet 1 of 5. The existing hedge at the front of the property is located 14m from the dwelling; the new N13 National Primary Road boundary would be located 7m from the dwelling.
  The 7m encroachment arises because the level of the National Primary Road along the front of Plot 2010 is lower by approximately 1m at the southwest corner and by approximately 2 metres at the northwest corner. In addition, the design requires a widened verge in front of Plot 2010 to achieve full forward visibility exiting the Listellian Junction; as per the design standards in Chapter 4, Section 4.4

of Volume B of the EIAR. Earthworks from the back of the National Primary Road verge are required to tie-in to existing levels in Plot 2010. The provision of cut-off drainage is also required.

- Encroachment at the rear of the dwelling for the new access provision which would also provide access to McDaid's commercial traffic. Alternatives being considered at the time are clearly visible in EIAR, Chapter 5, Appendix C5.02. Table 2 under the L-1064 Connector and Connections at Listellian Junction. The image below shows one of these alternative access proposals to Plot 2010; this alternative access is included in the Drawings included with the McDaid submission.
- Severance of the plot by the new combined access road.



Figure 7.43 Impacts on Plot 2010 and Access Options to McDaid's

The overall impacts of the Proposed Development at the dwelling were recognised as significant and the landowner considered the impacts to be severe and did not object to the acquisition of the dwelling in those circumstances. The acquisition of the adjacent dwelling was therefore necessary as a result of the impacts of the Proposed Development on the dwelling. It is not being acquired 'in order to facilitate the replacement access' to McDaid's. For the avoidance of doubt, while Table 0-2 in Appendix C16.01 in Volume D of the EIAR refers to the provision of an access to property 2009 in discussing the acquisition of plot 2010, the summary in that table does not reflect the full reasoning behind the acquisition of the dwelling on Plot 2010 as described above and merely reflects the fact that, as the dwelling is being acquired, part of Plot 2010 is now being used to provide access to Plot 2009.

Following the assessment of the impacts on Plot 2010 and the decision that demolition of the dwelling was required, the designers then re-visited the access provision to the McDaid premises, and to determine if a new alternative access making use of the space available following the demolition of the dwelling, might improve further accessibility for larger vehicles to the premises and the existing units.

7.67.11 Access During the Construction Phase

The submission requests that DCC provide details on the precise timing and duration of the temporary acquisition of Plot 2009 C.102, and of the works on the road network to the north of the premises (together with assurances in relation to continuous operational access to the facility.

7.67.11.1 Response

Lands identified as being temporarily acquired for the purposes of the construction of the Proposed Development shall be required for the full duration of the construction period; up to 3 years. In reality the works at this location are not complex and the Contractor will seek to complete the works at the property boundary in a short number of weeks. The appointed contractor shall, as set out in liaise with impacted landowners in relation to the precise timing and duration of those works.

Until the new access to the premises is constructed, access to the premises will be maintained at all times. The works will be scheduled in a way as to minimise disruption with the affected property owners / occupiers notified in advance. Refer to Section 11 of Chapter 4 Project Description of the EIAR for details regarding the Construction Phase.

7.67.12 Access Both During and After Construction

The submission raises issues in relation to access during construction and operation.

7.67.12.1 Response

The private right of way to be acquired under Part IV of the CPO Schedule is labelled AF1/AF2. As explained in Section 7.67.7, this private right of way is being acquired in order to meet design standards and to ensure the safe movement of vehicles on the national road network by removing the direct access to this premises from the existing N13 national primary road.

During construction, access shall be maintained to and from the business and the appointed contractor will be required to coordinate the works accordingly so that access is maintained until the permanent works at this location are constructed and operational.

Completion of the new proposed access to the McDaid's premises will facilitate closure of the existing direct access onto the national road for all vehicles. Vehicles will then enter and exit the premises via the new Listellian Junction, new L-1064 Connector and improved L-5794 local road. Access road AR2.23 off the L-5794 local road has been designed to facilitate the turning movements of large vehicles, reducing impacts on the business.

There is no requirement for a deed of easement in this respect, as Access Road AR2.23 will be a public road providing access to the premises and so no private right of way will be needed. The existing private right of way labelled AF1/AF2 will not be replaced or substituted, as the direct access to the N13 national primary road at this location is to be permanently closed.

7.67.13 Reinstatement of Plot 2009 C.102

The submission requests that DCC provide details on arrangements for the reinstatement of Plot 2009 C.102 to its former condition and confirmation of whether any permanent works are proposed on it.

7.67.13.1 Response

Plot 2009 C.102 is required on a temporary basis to facilitate the construction of the replacement access arrangement. The works will require the partial demolition of the existing boundary wall to accommodate the proposed access and to accommodate the access tie-in to the existing paved yard of the premises. Following completion of the construction works, the affected areas will be reinstated, as far as practicable, to a condition consistent with the completed access arrangement. Permanent works within Plot 2009 C.102 will be limited to those required to facilitate the replacement access tie-in to the property. The permanent access arrangement will result in the permanent loss of approximately six existing parking spaces in the front of the business which are currently located on Plot 2009 C.102 but would, if not removed, block the new entrance to the premises from the proposed Access Road AR2.23.

7.67.14 Material Assets: Non-Agriculture - Utilities

The submission requests that DCC provide details on whether any services, utilities or safety infrastructure serving the facility lie within the lands to be acquired or the works area, and the arrangements for their protection, diversion or replacement.

7.67.14.1 Response

Existing utilities and utility diversions are identified on EIAR, Volume D Drawings, EIAR Drawings 16.05, 16.08, 16.11, 16.14, 16.16 and 16.18 Where conflicts are identified with the proposed works diversions have been agreed in consultation with the relevant utility providers. In the area around the subject landholding there are proposed diversions to UE and ESB utilities. Existing utility diversions are likely to require short term disconnections while the new diversion is being reconnected. All existing services will be protected during the works. Details regarding utilities and proposed utility diversions is included in Chapter 4 Project Description and Chapter 16 Material Assets: Non-Agriculture.

7.67.15 Planning & Policy

The submission alleges that the permanent impairment of the undertaking, and the potential loss of its specialist licensed functions, would be inconsistent with the policy emphasis in the County Donegal Development Plan 2024-2030 and the Letterkenny Plan and Local Transport Plan 2023-2029 on retaining and growing employment and economic activity, and contrary to proper planning and sustainable development.

7.67.15.1 Response

Applicable Policy Framework

Letterkenny Plan and Local Transport Plan 2023-2029

In the first instance the Proposed Development is not located within the geographical remit of the **Letterkenny Plan and Local Transport Plan 2023-2029** and would not therefore conflict with the objectives and policies of said plan. In this regard whilst Section 2 is demarcated on the associated Land Use Zoning Map, the Proposed Development lies outside the Plan Boundary.

County Donegal Development Plan 2024-2030 (the "CDP 2024-2030")

With regard to the nature and location of the Proposed Development, the subject business, and the reliance on what is said to be the "policy emphasis in the County Donegal Development Plan 2024-2030 on retaining and growing employment and economic activity and contrary to the proper planning and sustainable development", it is important to note that there are a number of specific objectives and policies of the CDP 2024-2030 (as varied) that specifically provide for the TEN-T PRIPD, in particular S-O-7 (Chapter 2: Vision and Ambition, page 15), ED-O-20 (Chapter 7: Economic Development, page 112), CS-O-6 (Chapter 3: Core Strategy, page 29), T-O-11 (Chapter 8: Infrastructure, page 150) and T-P-10 (Chapter 8: Infrastructure, page 150). In this regard it is considered that the term Proper Planning and Sustainable Development encompasses a wider remit than just economic development.

These policies and objectives, among others, are set out below.

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.

S-O-7	To progress and ultimately carry out/implement the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD) as one of critical strategic importance to Donegal subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted).
T-O-11	To deliver improvements to the Trans European Transport Network (TEN-T), (as required by EU Regulation (EU) No.1 58315/2013 "Guidelines for the development of the Trans European Transport Network as part of the core and comprehensive transport network of Ireland. In this regard it is a specific objective of the Council to: 1. a) Progress and ultimately carry out/implement the TEN-T Priority Route Improvement Project, Donegal as one of critical strategic importance to Donegal subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted).
T-O-12	Should there be any ostensible or apparent conflict between, on the one hand, the Objectives, Policies and/or provisions of the development plan herein providing for the development of the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD) and the N13 Bridgend to County Boundary TEN-T Priority Route Improvement Project, and on the other hand, any other Objectives, Policies and/or provisions of the development plan, those Objectives, Policies and Provisions which provide for the development of the TEN-T projects shall take priority over all or any other provisions of the development plan and any such other provisions or Objectives shall be read and construed as subservient to and not in any material way contravening so much of the Objectives, Policies and provisions contained within this development plan as provide for the development of the TEN-T projects.
T-P-10	It is a policy of the Council to support and facilitate the appropriate development, extension and improvement of the TEN-T network (Map 8.1.1 refers) within Donegal in accordance with the Core Strategy and subject to environmental, safety and other planning considerations. In this regard it is a specific policy of the Council to: a. Progress and implement the TEN-T Priority Route Improvement Project, Donegal as one of critical strategic importance to Donegal subject to the granting of the required statutory approvals and the terms and conditions of any such approvals (if granted).
ED-O-13	To support and facilitate, where appropriate, the further growth and development of the County's economic base through the key sectors identified in this plan. Proposals outside of these sectors shall be open for consideration and assessed against all policies and objectives of this plan, as well as national, regional plans, policies and guidelines.

ED-O-20	To progress the delivery of key strategic enabling infrastructure including roads, rail, broadband, gas, electricity, water and wastewater as identified in this plan in close collaboration with government departments, agencies and utilities operators in order to align the Core Strategy and the economic development objectives of this plan with the development and roll out of their respective investment programmes.

Objective S-O-7 emphasises the *critical strategic importance* of the TEN-T PRIPD and sets out a goal of implementing the TEN-T PRIPD. This goal and importance of implementing the TEN-T PRIPD is further set out and supported in T-O-11 and T-P-10 set out above. Furthermore ED-O-20 sets a goal of delivering *key strategic enabling infrastructure* including roads.

Further, Section 8.1.3 of the CDP 2024-2030 clearly outlines the economic benefits of the TEN-T PRIPD namely: *Facilitating economic growth and allowing Donegal to successfully compete for inward investment by improving the efficiency and capacity of the road network including improving journey time and journey time reliability at a local, regional and national level.*

The current deficit in strategic roads infrastructure which the TEN-T PRIPD will address and the negative implications for same on local economic activity in the Letterkenny area are also well documented. Collectively it can be concluded that the policy emphasis in the CDP 2024-2030 is overwhelmingly in support of the delivery the TEN-T PRIPD as a project which will actively support employment and economic activity. In addition, Section 8.1.3 of the CDP 2024-2030 also outlines other benefits of the TEN-T PRIPD including inter alia safety, environmental, quality of life, regional accessibility, and strategic/cross border which would broadly support proper planning and sustainable development.

Nature of Existing Business and Changes To Same Arising from the Proposed Development

Before turning to the specific allegations made by this business, which seem to contend that the TEN-T PRIPD is contrary to Proper Planning and Sustainable Development, it is important to set out the nature of the business and the changes to it arising from the TEN-T PRIPD.

The existing business owned by Patrick and Brendan McDaid consists of a long established LGV, HGV, and CVRT Test centre at Lurgybrack Letterkenny. The business is currently accessed directly off the N13 National Primary route. During the operation of the Proposed Development, the business would be accessed from a link road onto a minor roundabout and then onto a major roundabout on the south-western end of Section 2 of the Proposed Development.

Consistency with the Policy Emphasis in the CDP 2024-2024 and Proper Planning and Sustainable Development

In the first instance it is noted that the EIAR acknowledges that the changes to the access arrangements arising from the Proposed Development will have implications for manoeuvring of some longer vehicles accessing the business, and the most likely outcome from the Proposed Development is a reduced intensity of activity associated with the business. Furthermore, auto track analysis shows that vehicles of up to 18.75 m can be accommodated during the operation of the Proposed Development, and the business would continue to be able to able cater for the majority of standard length vehicles including HGVs up to 18-19m.

It is acknowledged that the Proposed Development may result in some loss of business and possibly employment at the business related to specialist HGVs in excess of 18.75m. However, this loss will not result in the permanent closure of the business as the larger portion of custom arises from standard length vehicles. In addition, should McDaid's implement remedial works, like the mitigation suggested earlier in this response, to widen access doors to units on the premises, and allowing for the potential of requiring planning permission

for same, it is our expert opinion that the risk to the intensity or level of employment at the business would be negligible, or eliminated entirely.

Consequently, it is considered that any such loss to the business arising from the Proposed Development must be properly considered and assessed against the broader policy framework of the CDP 2024-2030, which as stated above explicitly provides for, the carrying out and implementation of the TEN-T PRIPD (S-O-7 above). Large scale strategic infrastructure projects such as the Proposed Development can be expected to result in localised effects including impacts on established businesses including those described above. However, any such economic/employment impacts would be significantly outweighed by the overwhelming positive impact of the Proposed Development in terms of economic development and the proper planning and sustainable development of the area.

Overriding Objective for the TEN-T PRIPD

Further and in any event, objective T-O-12 (Chapter 8: Infrastructure, page 151 of the CDP 2024-2030) specifically states that, should there be any conflict between the TEN-T PRIPD and any objectives, policies and/or provisions of the CDP 2024-2030 (which is not the case here) the TEN-T PRIPD shall take priority.

A similar provision is contained in the Letterkenny Plan and Local Transport Plan 2023-2029 at LTP-T-O-1 (Chapter 22, Section 22.2, page 142 of that plan).

7.67.16 Request for an Oral Hearing

The submission requests that the Commission hold an oral hearing.

7.67.16.1 Response

Section 218 of the Planning and Development Act 2000 (as amended) (the "2000 Act") empowers An Coimisiún Pleanála (the "Commission") with absolute discretion to hold an oral hearing. In that regard, section 218(1) of the 2000 Act provides as follows:

> *"Where, as a result of the transfer of functions under section 214, 215, 215A, 215B or 215C, the Board would otherwise be required to hold a local inquiry, public local inquiry or oral hearing, that requirement shall not apply to the Board but the Board may, at its absolute discretion, hold an oral hearing in relation to the matter, the subject of the function transferred."*

While section 218 of the 2000 Act says that the Commission has absolute discretion to hold an oral hearing and that is entirely a matter for the Commission, this is a power which is to be exercised in accordance with the principles of fair procedures and constitutional justice (which has been acknowledged in case law) and the question of whether an oral hearing is required will depend on the circumstances before the Commission.

7.67.17 Issues Raised in Relation to the CPO

In addition to the specific issues addressed above in relation to particular aspects of certain acquisitions, the submission from the McDaids raises a number of issues in relation to the CPO. It is suggested that the nature and extent of the interference as a result of the acquisition and the works "are not shown to be necessary" and "would constitute a disproportionate interference with the objectors' property rights", on the "specialist commercial vehicle testing and service facility" located at Ballybofey Road, Listellian, Letterkenny, Co. Donegal and operated by Donegal Commercial Vehicles Limited.

7.67.17.1 Response

The acquisition of the lands which are required for this scheme including the lands to be acquired from the McDaids and Donegal Commercial Vehicles Limited (and including the private right of way) is both proportionate and justified. DCC and its legal advisors are entirely satisfied that the CPO is for the exigencies of the common good and is proportionate in this regard. The submission has regretfully neglected to consider the significant benefits arising from the Proposed Development, for which the lands the subject matter of the CPO complained of are required.

The Proposed Development will provide a targeted improvement to the TEN-T Road Network in Donegal to address operational, capacity, and safety deficiencies, reduce congestion and improve efficiency along the existing network as well as maximising its climate action credentials through design focused on modal connectivity and carbon efficiency. As part of this, approximately 63km of new, fully segregated active travel network will be provided alongside the road network, as well as eight park and share/cycle facilities (modal hubs) which are integrated with the proposed new road infrastructure and the active travel network. Further, as set out in detail in Chapter 13 (Climate) of Volume B of the EIAR:

- There is no significant increase in traffic emissions associated with the Proposed Development as the proposed alignments will reduce congestion and allow for an increased efficiency and redistribution of traffic on the road network.
- The delivery of 63 km of shared pedestrian/ cycle facilities provides a positive climate impact and equates to 7% of the national target for the advance roll-out of 1,000 km walking/ cycling infrastructure as well as connectivity to National Cycle and Greenway Networks.
- The Proposed Development will result in an estimated 688 daily cycling trips and an estimated 7,236 pedestrian daily trips, and the commuting and education aspects of these journeys will result in an emissions saving from this modal shift of 1,723 tonnes CO2e per annum.

DCC has the power to compulsorily acquire lands in accordance with Section 76 of the Housing Act 1966 and the Third Schedule hereto, as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act 1966 and as amended by section 6 and the Second Schedule to the Roads Act, 1993 and as amended by the Planning and Development Act, 2000 (as amended) and section 184 of the Local Government Act 2001 (as amended)) which provides as follows:

> *"A housing authority acquiring land compulsorily for the purposes of this Act may be authorised to do so by means of a compulsory purchase order made by the authority and submitted to and confirmed by the Minister in accordance with the provisions contained in the Third Schedule to this Act."*

The CPO herein accords with the principles enunciated by McKechnie J.in his judgment in Reid v Industrial Development Agency [2015] 4 IR 494 where the learned Supreme Court Judge laid down a number of principles in relation to how statutory powers for the compulsory acquisition of land should be interpreted and applied:

> *(i) "The conferring and exercise of statutory powers in this regard, must accord with the Constitution and must respect and implement the principles of both natural and constitutional justice. There has never been any doubt but that such applies to any state interference with property rights (Foley v Irish Land Commission [1952] IR 118, Nolan v Irish Land Commission [1981] 1 IR 23).*
>
> *(ii) The impact on the right to private property, which can vary from the minimal to the absolute, as in this case where the entire holding including the family dwelling house is sought to be expropriated, must be justified, or necessitated by the exigencies of the common good, which will of course have regard to the principles of social justice.*
>
> *(iii) Even where so justified, compensation will virtually always be an important aspect of constitutional protection.*
>
> *(iv) The conferring and exercise of such power must be granted and carried out in such a way that the impairment of the individual's rights must not exceed that which is necessary to attain the legitimate object sought to be pursued. In other words, the interference must be the least possible consistent with the advancement of the authorised aim which underlines the power.*
>
> *(v) Such power must be expressly conferred by statute on the body which seeks to implement it. Further, where constitutional rights are abrogated by statutory intervention, such provisions must be construed in a way which gives full effect to above principles.*

(vi) As the 1986 Act is a post-constitutional statute, there is a presumption, inter alia, that all steps taken within and as part of the compulsory process will be duly compliant with the aforesaid principles. (East Donegal Co-operative Livestock Mart Ltd v. The Attorney General [1970] I.R. 317)."

On this basis, in circumstances where the CPO has been made in order to facilitate the implementation of the Proposed Development, DCC did (in making the CPO) ensure that:

a. There is a need that advances the common good which is to be met by the acquisition of the lands in question;
b. The particular property is suitable to meet that need;
c. Any alternative methods of meeting the need have been considered; and
d. The landowner is entitled to be compensated.

In the present case both the acquisition of the lands from these and the other landowners and occupiers and the works to be done on such lands are both necessary and justified and the acquisition is proportionate In relation to the acquisition of a private right of way within the townland of Listellian between the points marked AF1-AF1 and AF2-AF2 on the CPO deposit map, which comprises the direct access to the premises from the existing N13, which is to be removed as part of the Proposed Development. As explained in Sections 7.67.6 and 7.67.7 above, the removal of the existing access and acquisition of this right of way is required in the interests of road safety and to comply with design standards for national roads and the TEN-T Comprehensive Network Regulation (EU) 2024/1679, which advise against the permitting of direct accesses of this type on to national primary routes and which require the TEN-T network to be safe. The acquisition of these lands and the right of way is consistent with and achieves the common good and accords with the proper planning and sustainable development of this area. The lands and private right of way that are required for and necessary for the construction and operation of the Proposed Development.

The EIAR for the Proposed Development has considered and assessed the effects of the Proposed Development on Patrick McDaid, Brendan McDaid and Donegal Commercial Vehicles Limited, and has assessed the impact on their commercial vehicle testing centre and their private right of way during the construction and the operation of the Proposed Development, Sections 7.67.6 through 7.67.12 above.

As explained by the Supreme Court in Reid, a CPO must be "*carried out in such a way that the impairment of the individual's rights does not exceed that which is necessary to attain the legitimate object sought to be pursued*". Indeed, it is axiomatic that the acquisition of land and rights over land will result in interference with the use of those lands by owners/lessees/occupiers. However, in this instance, such interference is entirely proportionate to the legitimate aim being pursued by the Proposed Development, in the interests of the common good. The earlier response with respect to the need for the lands in question in order to achieve the objectives of the Proposed Development, outlined that the objectives of the Proposed Development include:

- Enhance regional accessibility and geographic integration to and within the North-West;
- Facilitate sustainable compact growth in Letterkenny (Regional Centre) and Key Towns;
- Enhance all-island connectivity within the North-West city region (Letterkenny-Derry-Strabane);
- Contribute to Climate Action goals through improved sustainable travel;
- Provide a safe and efficient transport network in the north-west for all users.

These objectives are also set out in Section 2.3.6 of Chapter 2 of Volume B of the EIAR and in more detail in Table 5.1 of Section 5.1.4 Project Objectives in Chapter 5 of Volume B of the EIAR.

In that regard it is reasonable and proportionate for the Proposed Development to seek to acquire the area of land owned by Patrick McDaid, Brendan McDaid and Donegal Commercial Vehicles Limited to facilitate the construction of the Proposed Development and the operation of the Proposed Development in that location.

It is also suggested by Mollahan Solicitors on behalf of Patrick McDaid, Brendan McDaid and Donegal Commercial Vehicles Limited that "*compulsory acquisition is a major interference with property rights guaranteed by Articles 40.3.2 and 43 of the Constitution and by Article 1 of Protocol No, 1 to the European*

Convention of Human Rights". They raise a number of issues and rely on certain caselaw in support of their position which is dealt with in the following paragraphs.

The submission also seems to suggest that the constitutional protections afforded to property rights under Article 40.3.2 and Article 43 of the Constitution are an unlimited guarantee. That is not the case.

As noted by the Supreme Court in Reid, the enjoyment of constitutional rights can be delimited to serve the needs of wider society:

> *"[44] …Accordingly, provision has been made in Article 43.2.1° and 43.2.2° of the Constitution that the exercise of such rights "ought, in civil society, to be regulated by the principles of social justice and could be restricted with a "view to reconciling their exercise with the exigencies of the common good". Therefore, whilst the right to have and to retain one's property is safeguarded at the highest level possible within our system of law, nevertheless, when it becomes necessary to facilitate the common good, there will inevitably be, to some degree or other, an interference with the exercise of these rights…"*

In the specific context of an allegation that there has been an interference with property rights, it is necessary for the objectors to demonstrate that there has been an unjust attack on those property rights, a concept which can be considered by reference to both the delimiting words in Article 40.3.2 and Article 43.2.1 (see analysis of Supreme Court in In Re Article 26 and Part V of the Planning and Development Bill 1999 [2000] 2 IR 321), which incorporates a proportionality analysis (per McMahon J in J&J Haire).

The test of proportionality is found in Heaney v Ireland [1996] 3 I.R. 321, namely that the means adopted must:

> *"(a) be rationally connected to the objective and not be arbitrary, unfair or based on irrational considerations*
>
> *(b) impair the right as little as possible; and*
>
> *(c) be such that their effects son rights are proportional to the objective…"*

The proper approach to the application of the proportionality test in the context of an allegation of there being an infringement of a constitutional right was recently considered by the Supreme Court in O'Doherty & Anor v. Minister for Health [2022] IESC 32. In particular O'Donnell C.J held:

> *"57. … While proportionality does provide some analytical structure for determining issues, it would be a mistake to treat it as an almost mathematical formula providing a scientifically measurable and repeatable result wherever and however applied. It is too easily forgotten that different articles of the Constitution contain different limiting provisions, and thus the application of a proportionality test in the case of any given right must take account of the particular constitutional text. There remain wide areas which require judgment, such as the nature of the objectives s sought to be pursued, whether it is justifiable the nature of the restriction and whether any lesser such restriction would achieve the objective and most obviously the fundamental test of the proportionality of the measure, which is normally the subject of most contention in the decided cases. That involves judgements on the value to be attributed to the right involved, the assessment of the degree of interference and the value of the objective None of these matters are capable of objective measurement on a single scale. There remain areas on which decision-makers may reasonably disagree, as indeed exemplified by the fact that the provisions upheld by the Irish courts in Heaney were considered to fall foul of the Convention Heaney and McGuinness v. Ireland (2001) 33 E.H.R.R. 12. The reference in Heaney to Chaulk and, by extension, Oakes, cannot be taken, therefore, as endorsing the approach to burden of proof adopted in the latter case."*

Against that background, the compulsory acquisition of the lands in question here is proportionate having regard to the nature of the asserted interference with the rights engaged and the purpose of the Proposed Development and the benefits associated with the entire Proposed Development.

Sections 7.67.6 through 7.67.8 of this response outlines alternatives assessed in respect to McDaid's and clarifies that the Proposed Development includes most appropriate solutions that are proportional and in keeping with the operations and layout of the existing business premises and fully consider the information provided by McDaid's.

Further, in relation to the consideration of alternatives, Lissan Coal Company (Ireland) Limited & Anor v An Bord Pleanála & Ors [2026] IEHC 255, Holland J stated:

> *"66. In King [footnote: King v An Bord Pleanála [2024] IEHC 6, [2024] 1 JIC 2201], Simons J observed that, unusually, statute does not expressly prescribe the criteria by which the Commission is to decide whether to confirm a CPO. He said that its approach in practice applies a form of proportionality exercise – often applying the four-stage test identified in Galligan & McGrath [footnote: Galligan & McGrath, Compulsory Purchase and Compensation in Ireland: Law and Practice (Bloomsbury Professional, 2013, 3.26 (footnotes omitted)]. The four tests are essentially those I have just recorded the Inspector as applying – including whether alternatives are "demonstrably preferable". I add that it is often said that a CPO must be based on the "necessity" of the acquisition of all lands to be acquired. However, as was said in Clifford [footnote: Clifford v An Bord Pleanála, O'Connor v An Bord Pleanála [2021] IEHC 459], such necessity is not absolute and does not represent an "artificially high threshold". Rather, it requires a judgement that the acquisition is desirable or expedient having regard to public benefits such as the creation of public infrastructure or meeting community need. Necessity cannot be disproved by the landowner demonstrating merely that alternatives exist which would allow that need to be met without requiring acquisition of the land in question."*

The submission also refers to the European Convention of Human Rights, and contends, without any explanation or reasoning, that the Proposed Development would represent a breach of Article 1 of the First Protocol (peaceful enjoyment of possessions). There are no such breaches.

Article 1 of the First Protocol (peaceful enjoyment of possessions) itself qualifies the right to the peaceful enjoyment of possessions by reference to the concept of public or general interest, a concept given a broad interpretation by the European Court of Human Rights. To reiterate, as mentioned above, these lands are a critically important part of the Proposed Development and their acquisition is necessary to achieve the objectives of the Proposed Development which will result in an improvement in public health and safety.

Further in this regard, in the event that the CPO is confirmed by An Coimisiún Pleanála, and DCC exercises its powers of acquisition pursuant to the confirmed CPO, the owners, lessees, and occupiers of those acquired lands and interests in lands will be entitled to submit a claim for compensation which, in default of agreement, will be determined by a Property Arbitrator, pursuant to a separate statutory scheme.

Conclusion

DCC has fully complied with all legislative and statutory requirements (including with its obligations under the EIA Directive and national transposing legislation), and given the importance of the land at this location as part of the Proposed Development (as evidenced above), were An Coimisiún Pleanála to approve the Proposed Development, there could be no question of any unconstitutional interference with the property rights of Patrick McDaid, Brendan McDaid and Donegal Commercial Vehicles Limited.

7.68 Paul McDermott

Name	Paul McDermott
Agent	Martin & Rea
Address / Plot No.	Plot No.1072
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.68.1 Material Assets: Agriculture

Mr McDermott considers that the Material Assets: Agriculture assessment of the impact as Moderate is incorrect and the impact will be Severe.

7.68.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1072, consultation with DCC's agronomist was undertaken on 30 November 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr McDermott since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1072 is presented in Table 15.30, page 15-31, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1072, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.69 Paul O'Donnell

Name	Paul O'Donnell
Agent	Martin & Rea
Address / Plot No.	Plot No.1088
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.69.1 Material Assets: Agriculture

Mr O'Donnell considers that the Material Assets: Agriculture assessment of the impact as Major is incorrect and the impact will be Profound.

7.69.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1088, consultation with DCC's agronomist was undertaken on 12 January 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr O'Donnell since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1088 is presented in Table 15.30, page 15-32, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1088 following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a sheep enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact"*

7.70 Raymond & Patricia Treacy

Name	Raymond & Patricia Treacy
Agent	Martin & Rea
Address / Plot No.	Plot No. 1073
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.70.1 Material Assets: Agriculture

The Treacy's consider that the Material Assets: Agriculture assessment of the impact as Slight is incorrect and the impact will be Major.

7.70.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1073, consultation with DCC's agronomist was undertaken on 28 January 2025 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1073 is presented in Table 15.30, page 15-31, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1073, following the appropriate methodology and guidance, the assessment of slight is deemed correct. This is because a horticultural enterprise is considered low sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a low magnitude of impact (see Table 15.6 of Chapter 15) resulting in a slight significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Slight - The Proposed Development causes a level of inconvenience and/or disturbance but does not require a change in current land use activities or day to day management. Mitigation in the form of accommodation works would overcome any problems."*

7.70.2 Access

The Tracey's consider that the turning facilities for articulated lorries are inadequate and unsafe.

7.70.2.1 Response

Vehicle tracking assessments for articulated vehicles have been undertaken as part of the scheme design. These assessments demonstrate that articulated vehicles can safely manoeuvre and turn within the limits of the CPO lands, and the proposed layout is considered adequate to accommodate the anticipated vehicle movements. The current access arrangements for the property have been maintained.

7.71 Richard J Rea

Name	Richard J Rea
Agent	Martin & Rea
Address / Plot No.	E34 FH01
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	All Sections

7.71.1 Active Travel

Mr Rea's submission objects to the inclusion of approximately 64 km of active travel on the following grounds:

- It is not critical infrastructure
- It will result in taking excessive land. Assuming a minimum of 6 meters wide to include verge and each kilometre will take an additional 0.6 HA or 1.4 acres on 64 km = 38.4 Ha or 94.72 acres of land.
- Very few people will have any desire to walk close to a new national road – active waking paths/greenways are suitable for areas of natural beauty not beside a new national road.
- The land being taken for active travel path would be more desirable to construct a better standard of new road.
- It is a waste of taxpayers' money.

7.71.1.1 Response

Active Travel

As set out in Section 4.5.4 of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network, and necessary to meet critical transport infrastructure needs, for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5 Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5 Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

AT Demand: The new AT network, as assessed in Chapter 6 of the EIAR in Volume D, delivers a high value of benefits accrued to active mode users, which is likely to facilitate a step change in connectivity to education, health, community facilities and local visitor attractions (leisure and tourism). The high standard of the new AT is a contributary factor, being developed in accordance with TII Rural Cycleway Design (Offline & Greenway) DN-GEO-03047 under the seven principles of 'coherence, convenience, directness, safety, comfort, attractiveness and access'. This Proposed Development will therefore deliver a high quality, attractive segregated active mode provision that is comfortable and convenient experience for both cyclists and pedestrians.

Chater 6, Section 6.4.7, Traffic and Transportation Assessment of the EIAR sets out the detailed assessment of active mode impacts of the proposed cycling and pedestrian infrastructure improvements by the Proposed Development. The assessment follows guidance presented in Project Appraisal Guidelines for National Roads Unit 13.0 – Pedestrian and Cyclist Facilities (February 2024, PAG Unit 13) and accompanying TEAM (Tool for Economic appraisal for Active Modes v0.4). The value of total benefits accrued to active mode users is €37.4m (2016 prices and values). The forecast demand of active travel users is discussed in the EIAR in Section 6.4.4 (Table 6-16). The list of benefits of the Active Travel network is listed in Section 6.4.7. Benefits include reduced carbon, improved air quality, reduction in noise, reduced congestion, reduced mortality, improved wellbeing and increased levels of international visitor expenditure, confirming the demand for the new active travel network within the Proposed Development.

Compliance with TII Guidance and Design Standards: As part of the assessment of reasonable alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5 Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section

requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that:

> *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*
>
> *(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;"*

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5
- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

Landtake

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

Land is required for the active travel proposed as part of the scheme.

The proposed road cross section has been determined as detailed in Section 4.5.1.1 of the EIAR. The provisions / or non-provision of active travel would not impact on providing as the optimum cross section has been appraised and selected, taking account of Safety, EU and National Policy, user benefits and traffic volumes. In fact, for the majority of the Proposed Development, as described above, active travel is required to be provided as part of the road cross section and forms an integral component of the sustainable transport solution by the proposed development for the North West region and that these acquisitions are not in any way excessive as is suggested.

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdff.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

Therefore, the Active travel, is required as part of the road cross section, to meet the scheme objectives and policies, provide significant benefits, will be utilised and is not a waste of tax payers money.

7.72 Robert Reilly

Name	Robert Reilly
Agent	Martin & Rea
Address / Plot No.	Plot Nos. 1026 1183 1094
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.72.1 Material Assets: Agriculture

Mr Reilly considers that the Material Assets: Agriculture assessment of the impact is incorrect.

7.72.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each

agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plots 1026, 1183 and 1094, consultation with DCC's agronomist was undertaken on 6 January 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Reilly since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 1026 is presented in Table 15.30, page 15-29, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1026, following the appropriate methodology and guidance, the assessment of major is deemed correct. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Major - The Proposed Development is such that while a level of current land use can continue, no mitigation measures in the form of accommodation works can overcome the impact."*

The assessment of Plot 1083 is presented in Table 15.30, page 15-31, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1183, following the appropriate methodology and guidance, the assessment of imperceptible is deemed correct. This is because an equine enterprise is considered medium sensitivity and this plot is subject to a negligible magnitude of impact, resulting in an imperceptible significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Imperceptible - The Proposed Development is encroaching slightly on a property boundary causing a slight inconvenience and/or creates a small level of disturbance but there are no noticeable consequences in the day-to-day management or current land use activities."*

The assessment of Plot 1094 is presented in Table 15.30, page 15-32, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 1094, following the appropriate methodology and guidance, the assessment of imperceptible is deemed correct. This is because a sheep enterprise is considered medium sensitivity and this plot is subject to a negligible magnitude of impact, resulting in an imperceptible significance of effect. As per the description in Section 15.3.1 of Chapter 15:

> *"Imperceptible - The Proposed Development is encroaching slightly on a property boundary causing a slight inconvenience and/or creates a small level of disturbance but there are no noticeable consequences in the day-to-day management or current land use activities*.

7.73 Robin Craig

Name	Robin Craig
Agent	Alexander Gurley
Address / Plot No.	Plot No. 3065
Date of Submission (received by ACP)	09/07/2026
Section of TEN-T PRIPD	Section 3

7.73.1 Design

Mr Craig's submission states that the design of the new Link Road LX3014 Tullyrap is not required. A fundamental change in design is required here – all of which he considers can be redesigned within the overall land take at this location.

7.73.1.1 Response

The provision of the LX3014 Tullyrap side road is required to provide continued access along the existing N14 Road. As outlined in Chapter 5 of the EIAR, Assessment of Reasonable Alternatives, and further described in Appendix C5.02 Key Alternatives for Road Layouts, Volume C of the EIAR, a range of alternatives were considered during the scheme development process. Appendix C5.02 Table 3 (in Appendix C5.02) of the EIAR details the preliminary options assessed which includes 5 different options assessed for this side road realignment including an option of a bridge crossing the proposed mainline at approximate chainage Ch10+400. This option required the side road to be realigned behind / very close to a dwelling at approx. mainline Ch 10+150m which would have resulted in acquisition. It also resulted in additional landtake from the landowner at Plot 3059. This option also had a significant impact on the wooded area along Tullyrap side road which has been identified as a Key Ecological Receptor (KER).

The proposed option does not require the acquisition of any dwellings. There are also benefits in the alignment running parallel to the mainline alignment thereby reducing land severance. The proposed option also improves safety by removing a crossroads junction at White's Cross. Further, the proposed option is preferred due to a higher quality road alignment, particularly the vertical alignment as the bridge option crossing over the proposed mainline was complex due to the topography of the existing ground. In addition, the proposed option is preferred as it significantly reduces the impact on the Key Ecological Receptor (KER) to the south of the existing Tullyrap Road.

7.73.2 CPO

Mr Craig states that the land take is excessive.

7.73.2.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Plot 3065 A.101 and part of Plot 3065 F.102 is required for the mainline road cross section including earthworks, access road AR 3.41, access road AR 3,42, interceptor drains on both sides of the mainline and a

maintenance strip adjacent to the proposed fenceline. The triangular plot between approximate chainages 10+700m and 10+780m is required for Scrub planting (WS1) to provide landscaping as detailed on EIAR drawing 18.21 (Sheet 11 of 24) in Volume D of the EIAR.

Plot 3065 A.103 and part of Plot 3065 F.102 is required for the mainline road cross section including earthworks, side road L6104 Broadlea, access roads AR 3.43 and AR 3.44, interceptor drains on both sides of the mainline, active travel link from the mainline to the L6104 Broadlea road and a maintenance strip adjacent to the proposed fenceline.

Plot 3065 A.104 is required for the realignment of the L6104 Broadlea side road, including the provision of an interceptor drain and maintenance strip adjacent to the fenceline.

The extent of acquisition of lands for plot 3065, as per CPO Map for Section 3 (sheet 6 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 6 of 10) in Volume D of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.73.3 Active Travel

Mr Craig contends that the inclusion of Active Travel paths is not required, it is not critical infrastructure, and the Commission should delete this from the design on the overall scheme.

7.73.3.1 Response

As set out in Section 4.5.4 of the EIAR, the inclusion and promotion of the new Active Travel ("AT") network within the Proposed Development is an essential and integral part of the new and upgraded multi modal transport network for the reasons set out below:

Climate: The delivery of the Proposed Development will facilitate the effective implementation of the modal shift to sustainable and active travel modes that is required in order to achieve the objectives of the Climate Action Plan 2025, namely Action TR/25/7: advance roll-out of walking/cycling infrastructure in line with National Cycle Network and CycleConnects plans. Central to that, and as set out at TR2.4 of the Donegal County Council Climate Action Plan 2024-2029, is the design of a network of segregated, attractive and safe Active Travel paths as part of the TEN-T Priority Route Improvement Project (Donegal) to encourage a greater uptake of walking and cycling. The combined AT networks in the Proposed Development being 63 km equates to 7% of the national target for walking/cycling infrastructure set out in the Climate Action Plan 2023 (Action TR/23/29).

Chapter 13 Sections 13.5.2.2 and 13.8.2 of the EIAR align the inclusion of pedestrian and cycle facilities in the Proposed Development with Ireland's net zero goals, which will, for example, lead to a net reduction in atmospheric greenhouse gas ("GHG") concentration through the reduction in private car journeys. The inclusion of active travel infrastructure also forms part of the 'good practice' measures which contribute to the mitigation of the Proposed Development's GHG impacts.

Safety: As set out in Chapter 2 Section 2.3.4.1 of the EIAR, the road network in Donegal has a poor safety performance with high accident statistics, including pedestrian and cyclist fatalities. There are no walking and cycling facilities connecting rural communities and there is equally limited pedestrian/cycle access to social, public, sport and community facilities within the targeted areas. It is therefore, as set out in Chapter 5, Table 5.1 of the EIAR, a project objective to improve safety for vulnerable road users by providing and enabling AT facilities. By delivering approximately 63 km of safe and segregated walking and cycling facilities, the Proposed Development will improve the safety of pedestrians and cyclists in these areas in the North-West region and reduce accidents.

Health & Wellbeing Benefits: Another project objective in Chapter 5, Table 5.1 of the EIAR is to encourage and facilitate physical activity. The inclusion of the AT network as part of the Donegal TEN-T PRIPD will enable greater use of healthier and more sustainable mobility choices across urban and rural Donegal. This

will also result in relieved traffic congestion, improved urban environments, enhanced access to recreational and tourist attractions and a better quality of life including improved air and noise conditions.

Compliance with TII Guidance and Design Standards: As part of the assessment of alternatives, a Multi-Criteria Analysis (MCA) was undertaken, as required by the National Investment Framework for Transport in Ireland (NIFTI) 2021, for each Common Appraisal Framework (CAF) criterion in relation to the interventions considered the most appropriate for the Proposed Development. This assessment, which is set out at Chapter 5, Section 5.3.6 and Appendix C05.01 of the EIAR, concluded that a Hybrid solution comprising Road / Bus Priority / Active Travel is the most appropriate solution.

The AT network has been developed in accordance with TII Standards. TII 'Rural Cycleway Design (Offline & Greenway)' Standard DN-GEO-03047 states:

> "*The 'avoid-shift-improve' approach will be central to transport and mobility infrastructure planning. A key element of this approach is an objective to shift carbon-intensive journeys to zero carbon modes such as walking, wheeling, and cycling.*
>
> *Necessarily, to encourage more sustainable travel patterns and safer road networks, the Designer must place people walking, wheeling, and cycling at the apex of consideration as part of transport and mobility infrastructure planning*."

Furthermore, AT provision complies with TII Standards for a Type 2 Divided Road, as described and illustrated at Chapter 4 Section 4.5.1.1 of the EIAR, where segregated AT forms part of the cross-section requirements as required by TII Publication Standard DN-GEO-03036, Cross Sections and Headroom, May 2023.

Therefore, incorporation of the new AT network is a core requirement of this TII Standard.

Policy: TEN-T Regulation Article 32 (d), as set out in the EIAR section 3.4.1.5 requires that:

> *"In the promotion of projects of common interest related to road infrastructure, and in addition to the general priorities set out in Articles 12 and 13, attention shall be given to the following:*
>
> *(d) when building or upgrading road infrastructure, ensuring the continuity and accessibility of pedestrian and cycling paths in order to promote the active modes of transport and improving, where relevant, the infrastructure for active mobility;"*

This Proposed Development accords with the objectives set out at Article 32 (d). Approx. 63 km of new Active Travel infrastructure is proposed connecting into existing footways and cycleways. Together with the eight multi-modal hubs, the Proposed Development will significantly upgrade the active travel facilities and promote active modes of transport.

In addition, as set out in section 3.4.1.4 of the EIAR, Article 12 of the TEN-T Regulations requires particular consideration contributing to positive health and environmental effects by promoting the use of active modes of mobility through the development of corresponding infrastructure for cycling and walking.

The provision of active travel infrastructure also meets the requirements of other European and National policy requirements as described in Chapter 3 of the EIAR including:

- The European Green Deal (Section 3.4.3 of the EIAR)
- National Planning Framework (Section 3.5.1.1 of the EIAR) and in particular National Strategic Outcome 5 Sustainable Mobility
- National Development Plan (Section 3.5.1.2 of the EIAR)
- National Investment Framework for Transport In Ireland 2012 (Section 3.5.2 of the EIAR)
- TII National Roads 2040 (Section 3.5.3 of the EIAR)
- Our Journey Towards Vision Zero, Ireland's Government Road Safety Strategy 2021-2030 (EIAR Section 3.5.5

- National Adaptation Framework: Planning for a Climate Resilient Ireland 2024 (EIAR Section 3.5.6)
- National Sustainable Mobility policy (Section 3.5.7 of the EIAR).

The provision of active travel infrastructure is a key objective of national, regional and local transport and planning policy and is a fundamental component of the overall scheme. The cycleway/walking facility forms part of the wider Active Travel Network and provides important connectivity between residential communities, the local road network and the proposed Active Travel Network. The facility is intended to accommodate a broad range of users, including pedestrians, cyclists and other vulnerable road users, thereby promoting sustainable travel choices and enhancing accessibility within the area. Accordingly, the proposed active travel infrastructure and its associated land requirements have been incorporated into the overall scheme design and optimisation process and are considered necessary to achieve the scheme's transport, connectivity and active travel objectives.

We also highlight the August 2026 publication from the National Transport Agency (NTA) The Benefits of Active Travel Investment (NTA, 2026), which can be accessed here: https://www.nationaltransport.ie/wp-content/uploads/2026/08/ActiveTravelBenefits_Turley_Report_August2026_FINAL.pdf.

This NTA report assesses and quantifies the economic benefits that have arisen from the NTA Active Travel Investment Programme since 2021 and out to 2030. They report that almost all investment in active travel infrastructure is translated into benefits for Ireland's economy, helping to support domestic economic development and create jobs. However, achieving these wider economic benefits depends on several interrelated factors. A safe, continuous, and well-connected active travel network is essential to encourage walking and cycling, improve safety, and maximise economic returns. The report also acknowledges that ensuring balanced [active travel] investment across urban and rural types is important to avoid widening regional disparities in accessibility.

7.73.4 Biodiversity

Mr Craig states that the works at this location will interfere with part of the spawning area for salmon in the local stream. This enters Lough Foyle downstream.

7.73.4.1 Response

The "Tullyrap" Stream (EPA name Drumbeg) stream flows south to join the Swilly Burn River, then east to meet the River Foyle which ultimately flows to Lough Foyle. DCC assumes that this comment relates to "Tullyrap Stream Diversion" - Tullyrap (EPA Drumbeg) as these are the only works being undertaken in the location raised in this submission.

As stated in Chapter 9B Section 9B.5.3.4, Section 3 of the EIAR:

> *"The Swilly Burn tributary (EPA name Drumbeg, Site W3-12) at Tullyrap will require an extensive realignment over a total length of approx. 1km (Ch.9+200 to 10+200). The existing N14 at this location will be realigned to the east of the proposed new road to avoid requirement for a series of extensive culverts. The proposed realignment will be to the west of the proposed road and adequate land take has been included to create a meandering channel which is marked "Tullyrap Water Diversion" in the General Arrangement EIAR Drawing 4.3 (sheets 5 and 6 of 10) and Drainage Layout EIAR Drawings 4.42 (sheets 5 and 6 of 10) in Volume D: Book of Drawings. The latter drawing series shows the newly created channel with morphology designed to mimic 'natural' and the location of proposed culverts S3-CUL-24, S3-CUL-25 and S3-CUL-26 (refer to Appendix 9B.04 for construction phase details for culverts). The proposed design, whilst resulting in temporary disturbance of the aquatic habitat, will ensure the channel remains largely open in the construction phase. The watercourse along this stretch is mainly within a modified steep-sided channel with a base width of c.2.0 m and a riffle / glide flow'.*

While instream habitat in the stream is suitable to support fish, the water quality in the stream was generally poor (Q3) with extensive algal mats and no evidence of fish during early field sampling (2020) but had slightly improved (Q3-4) by surveys of 2025.

The historic channel modification along much of this stream has resulted in there being very limited amounts of potentially suitable salmonid spawning habitat within the stream along the length of the proposed realignment. Water quality within the stream has been consistently poor over the entire duration of the survey work undertaken for the Proposed Development (spanning a decade). As noted above, no evidence of fish was recorded during any survey work undertaken and the consistently poor water quality suggests that any salmonid ova (Trout or Salmon) would not survive. Section 9B.5.3 of Chapter 9B acknowledges there are small numbers of trout present on occasion, but not salmon, and sets out that biological water quality is moderate /poor which would limit salmonid success overall, especially for salmon which require high/good status. However, the stream may potentially have supported salmon in the past when water quality was consistently higher.

The reasoning as to why this stream is not a salmon spawning stream has been set out comprehensively in the EIAR through use of Loughs Agency electrofishing data in Section 9B.5.3.4 (Section 3 Culverts and Realignments – Construction Phase Effects). Specifically, the EIAR states: "Loughs Agency electrofishing data (Appendix 9B.06) showed small numbers of juvenile trout do occur in the stream on occasion. Trout were captured in 2020 (5 no. 1+ fish) and 2024 (1 no. 0+ fish). No fish were captured in 2022 sampling, and no salmon were present in any of the samples (Loughs Agency data, formal data request)." The electrofishing data shows that salmon migrating up the Swilly Burn from Lough Foyle do not currently utilise this tributary of the Swilly Burn for recruitment.

As set out in Chapter 9B.6.1.2 Site-Specific Mitigation Measures, "The watercourse realignment (of the Tullyrap Stream, W3-12) in Section 3 between Ch. 9+200 to Ch10+200 will be constructed offline, i.e., in dry conditions, incorporating all features as described in Stream Diversion and Channel Realignment Measures, above, and subject to any conditions prescribed under Foyle Fisheries Act 1952 Section 47 permit from Loughs Agency. The existing channel shall be destocked of fish under Foyle Fisheries Act 1952 Section 70 permit from Loughs Agency before diverting it into the new channel. Fish shall be relocated upstream of the new channel as there is potential habitat availability and they can drop downstream and colonise new habitats".

With the implementation of the mitigation as set out in the EIAR, there will be no loss of salmonid habitat on the Tullyrap Stream as the proposed channel realignment will reinstate a semi-natural channel with increased availability of salmonid spawning habitat. The channel diversion should result in an improvement on the current channel (much of which has been straightened and has a uniform flow regime) with enhanced instream channel variation and a more diverse riparian fringe. Whether salmon ever return to spawn within the Tullyrap Stream however, is dependent on there being a significant and permanent improvement in water quality within the stream.

In conclusion, the stream in question does not currently support salmon. Furthermore, the proposed works on the stream have been carefully designed, cognisant of the fact there is at least a small resident trout population, such that the extent of required culverting is minimised, culverts are correctly embedded according to Loughs Agency Guidelines, and the extent of open stream channel is maximised. As set out in EIAR Section 9B.5.3.4 (Section 3 Culverts and Realignments – Construction Phase Effects), "the proposed design of the realigned channel and associated landscaping will, over time (operational phase), provide better instream conditions for fish and a nett increase in area of aquatic and riparian habitat." Because trout and salmon have similar requirements in terms of spawning and nursery habitats; if water quality in the Tullyrap stream (EPA name Drumbeg) was to improve in the future, salmon migrating from Lough Foyle will not be precluded from using the watercourse for recruitment. Details of the Tullyrap stream diversion including culverts were provided to the Loughs Agency who have provided approval in principle for the project on the 7th August 2026.

7.74 Seamus Crumlish

Name	Seamus Crumlish
Agent	Martin & Rea
Address / Plot No.	Plot No.1053
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.74.1 CPO

Mr Crumlish states that the land take is excessive.

7.74.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding is necessary to facilitate the construction and operation of the Proposed Development. The extent of the land take includes provision for the road alignment, access road, Attenuation Pond 08, active travel underpass with walking path connecting to St Eunan's Holy Well, associated road earthworks, drainage infrastructure, landscaping and maintenance access per EIAR Drawings 4.01 (Sheet 4 of 8), 4.40 (Sheet 4 of 8) and 18.19 (Sheet 7 of 19) in Volume D of the EIAR, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description.

The extent of acquisition of lands for plot 1053, as per CPO Deposit Map for Section 1 (sheet 4 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 4 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.74.2 Drainage

Mr Crumlish highlights that there is natural valley within the plot and the adjoining plot which could be considered the natural location for the attenuation pond.

7.74.2.1 Response

Mr Crumlish is referring to Attenuation Pond 8 (approximate chainage Ch3+250 on mainline 1.2 in Section 1 of the Proposed Development). This is shown on EIAR Drawing 4.1, sheet 4 of 8, of Volume D of the EIAR. The pond location has been optimised to accommodate the sloping nature of both plots, the storage volume requirement of the pond and its location with respect to the adjacent proposed road and outfall. This configuration takes into account all of these and is the most appropriate location and shape.

7.74.3 Material Assets: Agriculture

Mr Crumlish considers that the Material Assets: Agriculture assessment of the impact is incorrect in stating that 29% of the plot is removed when in fact it is 1.66 Ha out of 3.70 Ha, which is 44% of the parcel. He therefore suggests that the impact assessment should be Profound.

7.74.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology, as detailed in Section 15.3.1 of Chapter 15 of the EIAR. The assessment considered the magnitude of effect, including the extent and orientation of landtake and severance/division and the removal or severance of buildings and agricultural facilities, as shown in Table 15.6 of Chapter 15. It also considered the sensitivity of the agricultural receptor, having regard to the primary farm enterprise, the intensity of agricultural use and the viability of the farming operation, in accordance with Table 15.1 of Chapter 15. The significance of effect was determined using the assessment matrix in Table 15.7.

All agricultural lands directly affected by the Proposed Development were visited by members of the project team. Landowners and/or their representatives were consulted to understand existing farming practices and identify concerns. All agricultural landowners were offered a one-to-one consultation with DCC's agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 1053, consultation with DCC's agronomist was undertaken on 10 October 2022 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Crumlish since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The assessment distinguishes between effects at individual farm-holding level and effects at county-wide and regional levels. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farm's assessment is provided in Section 15.11 of Chapter 15.

The assessment of Plot 1053 is presented in Table 15.30, page 15-30, of Chapter 15 of the Volume B of the EIAR.

With regard to Plot 1053, DCC confirms that the plot comprises two separate parcels of land, as shown below in the extract from EIAR Drawing 16.01, sheet 4 of 8, of Volume D of the EIAR.

The western parcel comprises approximately 3.70 ha and is the parcel affected by the Proposed Development. The landtake from this parcel is approximately 1.66 ha, representing approximately 44% of that individual parcel, and 29% of the overall plot.

Notwithstanding that the western parcel is the only parcel associated with Plot 1053 directly affected by the Proposed Development, the agricultural assessment in Chapter 15 is undertaken by reference to the entire landholding associated with the relevant plot number. This includes the total area of one or more parcels associated with that plot number, together with the overall agricultural use, management and viability of the holding. The assessment is therefore not based solely on the percentage of the individual parcel directly affected.

On this basis, the full landholding associated with Plot 1053 has been taken into account in determining the significance of effect. The assessment remains Major.

This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a high magnitude of impact (see Table 15.6 of Chapter 15) resulting in a major significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15.

"Major impact – The Proposed Development results in a major change in current land use practices, substantial losses and/or disruption to the farm unit, with mitigation measures only partly able to address the effects."

The effects associated with Plot 1053 do not meet the criteria for a Profound impact, and the assessment therefore remains Major.

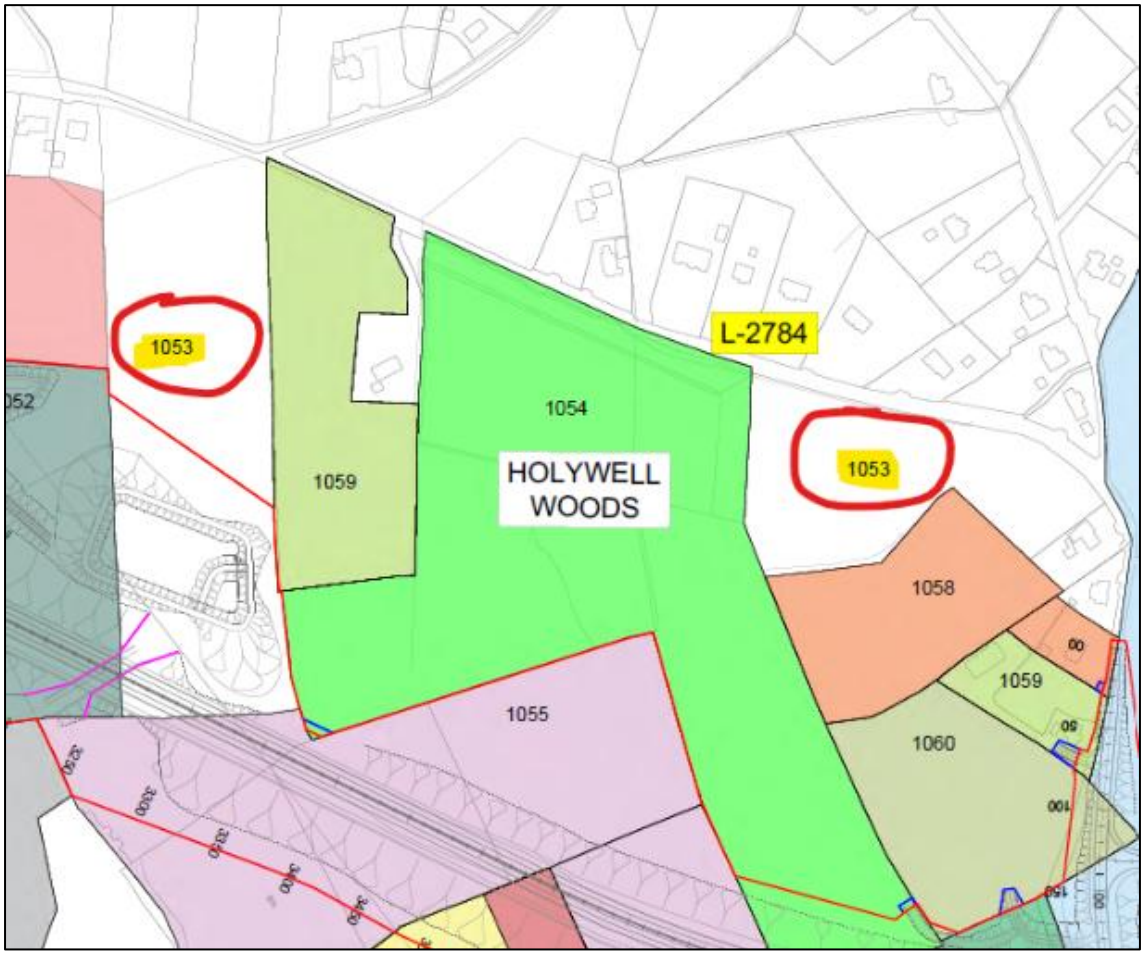


Figure 7.44 Plot 1053 consisting of two land parcels, extracted from EIAR Drawing 16.01, sheet 4 of 8, of Volume D of the EIAR

7.75 Seamus Doherty

Name	Seamus Doherty
Agent	Martin & Rea
Address / Plot No.	Plot No. 2017
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 2

7.75.1 CPO

Mr Doherty states that the land take is excessive.

7.75.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently and temporarily for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from Plot 2017 is necessary to facilitate the construction and operation of the L-1094 connection to the proposed realignment of the N13 national road at Listellian, re-aligned local road LX-2004, the L-1094 / LX-2004 Junction and Attenuation Pond 02. The extent of the land take includes provision for the road alignment, roundabout, associated road earthworks and drainage infrastructure including an attenuation pond, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping as detailed in EIAR drawing 18.20 (Sheets 2 and 3 of 11) in Volume D Drawings of the EIAR.

The extent of acquisition of lands for plot 2017, as per CPO Deposit Map for Section 2 (sheet 1 of 5) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.2 (Sheet 1 of 5), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.75.2 Drainage

Mr Doherty states that the drainage design is inadequate.

7.75.2.1 Response

No specific details have been provided as to why it is suggested that the drainage design is inadequate at this location. However, Chapter 4 Section 4.5.8 of Volume B of the EIAR details the drainage design for the Proposed Development. A comprehensive set of drainage drawings are included in the EIAR Volume D for the Proposed Development including EIAR Drawing 4.41, sheet 1 of 5 which shows specific details for Plot 2017, including Attenuation Pond 2.

The drainage design for the Proposed Development is in accordance with sustainable drainage design principles and guidance provided in:

- TII Publication Standards,
- CIRIA C648 Control of water pollution from linear construction projects, and
- CIRIA C532 Control of water pollution from construction sites: guidance for consultants and contractors.

The treatment of surface water run-off, including spill containment measures and attenuation treatment facilities, are provided prior to mainline outfall discharge at all locations. The drainage design ensures that mainline road surface drainage is carried by means of a road drainage network to surface attenuation features catering for storm water storage up to 1 in 100 year return period before discharging discharge to watercourses at greenfield run-off rates.

Chapter 11, Section 11.2.7 of Volume B of the EIAR provides additional information in relation to the design methodology for surface water drainage and Section 11.5 sets out the construction of new surface water drainage systems across all sections.

A fully compliant drainage design has been provided at this location. The Mainline has been drained using surface water drainage channels which outfall to the adjacent Attenuation Pond 2. Pre-earthworks drains are provided on both sides of the road embankment to collect water running off the embankment and/or flowing from adjacent lands towards the embankment. S2.CUL.09 is provided in this area to convey existing watercourses under the new alignment at the L-1094 / LX-2004 Junction. All drainage systems/culverts have been sized as per the TII DMRB requirements.

7.75.3 Material Assets: Agriculture

Mr Doherty considers that the Material Assets: Agriculture assessment of the impact is incorrect in stating that the impact is Moderate.

7.75.3.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 2017, consultation with DCC's agronomist was undertaken on 14 June 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Doherty since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 2017 is presented in Table 15.31, page 15-36, of Chapter 15 of the Volume B of the EIAR.

In regard to Plot number 2017, DCC notes the submission and confirms that the assessment remains moderate. This is because a beef enterprise is considered medium sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15

> *"Moderate impact – the Proposed Development requires a significant change in current land use practices with associated costs due to severance, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.76 Shaun & Lorraine McGinty

Name	Shaun & Lorraine McGinty
Agent	Martin & Rea
Address / Plot No.	Plot No. 1017
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.76.1 CPO

Mr and Mrs McGinty state that the land take is excessive.

7.76.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently and temporarily for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from the subject landholding of Plot 1017 is primarily roadbed necessary to facilitate the road realignment tie-in, drainage, sightlines and existing property access connection to the L-6574 and Proposed Development. The extent of the land take includes provision of the above, all of which are essential components of the Proposed Development. The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description.

The extent of acquisition of lands for plot 1017, as per CPO Deposit Map for Section 1 (sheet 1 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 1 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.76.2 Noise & Vibration

The McGintys' state that the EIAR does not adequately address noise concerns and mitigation for the property.

7.76.2.1 Response

EIAR Chapter 14 (Noise and Vibration) of Volume B identifies, describes and presents an assessment of the likely significant noise and vibration effects of the Proposed Development on the receiving environment during both the construction and operational phases of the development.

As stated in Section 14.7.2 (p.14-46) of Chapter 14 of the EIAR *"Noise predictions were undertaken for 4,585 receptor locations. At some of these locations, predictions were undertaken adjacent to multiple façades and elevations (depending on the number of storeys) as the most exposed façade is not obvious. In some instances, the most exposed façade varied between the Do-Minimum and Do-Something scenarios and, for completeness, where this occurred both façades have been included in the assessment."*

As stated in Section 14.7.4 (p.14-48) of Chapter 14 of the EIAR *"Given the large number of receptor locations modelled, only receptors where mitigation is required or where significant effects are predicted without mitigation are presented."* However, all noise sensitive locations within the study area have been assessed with Section 14.9.2 (p.14-80) summarising the residual effects which state *"In summary, the Proposed Development will result in a positive aggregate residual effect under the END Noise Mapping and the Assessment of Change criteria. Therefore, the Proposed Development as a whole is judged to have a significant positive effect for RTN within the study area. This will result in beneficial environmental and health effects on the general population in the study area."*

As stated in Section 14.4.3.7 (p.14-9) of EIAR Chapter 14, TII has established a "design goal" of 60 dB L_{den} free field façade level for receptors. This design goal is an absolute noise design criteria for new national road schemes in Ireland. Where operational road traffic noise is predicted to be below the TII design goal of 60 dB L_{den}, the initial significance of effect is determined to be not significant. Where operational traffic noise levels are above the design goal, the impact rating is dependent on the magnitude above the design goal and the increase above the baseline noise environment.

The noise and vibration impact assessment includes the McGinty's dwelling (GeoDirectory ID 38529171). With the construction of the Proposed Development (i.e. Do-Something Scenario) a noise level of 58 dB L_{den} during the design year (2047) is predicted which is an 8 dB increase compared to the Do-Minimum scenario (i.e. Proposed Development is not constructed). Whilst there will be an increase in noise levels, the noise levels are predicted to be below the TII Design Goal of 60 dB L_{den} and the impact at this dwelling is predicted to be Moderate and does not qualify for mitigation (see Section 14.4.3.7 (p.14-9) of Chapter 14 of the EIAR for operational noise criteria).

7.77 Trevor & Hazel Kee

Name	Trevor & Hazel Kee
Agent	Martin & Rea
Address / Plot No.	Plot No. 1071
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 1

7.77.1 CPO

CPO: Plot 1071A.103

Trevor and Hazel Kee's submission states that they consider that the land take is excessive, in particular part of Plot 1071A.103 in between chainage 150 and 300 on the northside of the new road. The submission states that the Kees have no objection to part of this land being taken as a temporary land take for the purposes of the works or alternatively fall under the surplus land clause.

7.77.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments,

attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

The land acquisition required from plot 1071A.103 is necessary to facilitate the construction and operation of the new proposed road network and realignment of the new road network. The extent of the land take includes provision for the mainline road alignment, the L-2724 Connector road, active travel, associated road earthworks including extraction/deposition, drainage, utility diversions and landscape infrastructure, all of which are essential components of the scheme.

The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping (mixed broadleaved woodland) as detailed in EIAR Drawing 18.19 (Sheet 9 of 19) in Volume D Drawings of the EIAR.

The extent of acquisition of lands for plot 1071 A.103, as per CPO Deposit Map for Section 1 (sheet 5 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 5 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.77.2 CPO

CPO: Plot 1071A.101

The Kee's submission states land take is excessive, in particular part of Plot 1071A.101 in between chainage 450 and 500 on the realigned local road.

7.77.2.1 Response

The land acquisition required from plot 1071A.101 is necessary to facilitate the construction and operation of the Proposed Development. The extent of the land take includes provision for the mainline road alignment, the L-2724 Connector road, the L-27241 Connector, active travel infrastructure, associated road earthworks, drainage, utility diversions, retailing structure and landscape infrastructure, all of which are essential components of the scheme. Lands within the development boundary that are not part of the road alignment and drainage are required for maintenance access and landscaping (mixed broadleaved woodland) as detailed in EIAR Drawing 18.19 (Sheet 9 of 19) in Volume D Drawings of the EIAR

The land requirements have been determined through the design development process, as outlined in Chapter 4 of the EIAR, Project Description and are necessary to achieve compliance with the applicable design standards set out in Chapter 4, Section 4.4, Design Standards, of the EIAR.

The extent of acquisition of lands for plot 1071 A.101, as per CPO Deposit Map for Section 1 (sheet 5 of 8) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.1 (Sheet 5 of 8), in Volume D Drawings of the EIAR, are necessary and required for the construction of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.78 Victor Laird

Name	Victor Laird
Agent	Martin & Rea
Address / Plot No.	Plot No. 3103
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.78.1 Material Assets: Agriculture

Mr Laird considers that the Material Assets: Agriculture assessment of the impact is incorrect in stating that the impact is Moderate. This should be Profound as there is major disruption to the water supply and disruption to the layout of the farm.

7.78.1.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3103, consultation with DCC's agronomist was undertaken on 6 October 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with Mr Laird since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3103 is presented in Table 15.32, page 15-44, of Chapter 15 of the Volume B of the EIAR.

In regard to Plot number 3103, DCC notes the submission concerning the potential disruption to the layout and operation of the farm. The CPO affects approximately 8.04 ha of the holding, representing approximately 15% of the total landholding. The lands subject to acquisition are located in the northern portion of the holding and do not result in severance of the retained lands. The retained farm buildings, infrastructure and agricultural facilities are not directly affected by the Proposed Development, and no significant disruption to the layout or day-to-day management of the remaining farm holding is anticipated. The assessment therefore remains Moderate:

"Moderate impact – The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, landtake, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated".

While there will be a change to the existing water supply to the property, the supply of water to the property will be maintained throughout the construction of the works. This was taken into account in the Material Assets: Agriculture assessment for Mr. Larid's property. Please see DCC's response below regarding the new water connection to the property.

7.78.2 Material Assets: Agriculture

Mr Laird states in his submission that, as designed, the permanent water supply to the house, farmyard and farm is cut off.

7.78.2.1 Response

It is proposed to provide a new water connection from the new proposed watermain diversion on the L-6144 Lifford Common road to the landowner's property. Discussions with the landowner were held on 07/02/2022 and this proposal was discussed. A survey was taken for the levels of the header tank on the 25/03/2022. The final layout and location of the water connection pipe will be agreed as part of the Accommodation Works.

The permanent water supply to the property will not be cut off.

7.79 Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.

Name	Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.
Agent	Martin & Rea
Address / Plot No.	Plot No. 3071
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.79.1 CPO

The submission from the Hastings states that the land take is excessive.

7.79.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for plot 3071, land acquisition is required as follows:

Plot 3071 A.101 is required for the mainline road cross section including earthworks, interceptor drainage on both sides of the mainline and access road AR 3.45 from the L2424 Mullinaveagh Road to attenuation pond 11.

Plot 3071 A.102 is required for the side road realignment L2424 Mullinaveagh Road.

The extent of acquisition of lands for plot 3071, as per CPO Map for Section 3 (sheet 7 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 7 of 10) in Volume D Drawings of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.79.2 Material Assets: Agriculture

The Hastings consider that the Material Assets: Agriculture assessment of the impact is incorrect and that the impact should be Major.

7.79.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3071, consultation with the DCC's agronomist was undertaken on 6 October 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Hastings since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3071 is presented in Table 15.32, page 15-43, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3071, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because a dairy+ enterprise is considered high sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate impact – the Proposed Development requires a significant change in current land use practices with associated costs due to severance, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.80 Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.

Name	Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.
Agent	Martin & Rea
Address / Plot No.	Plot No. 3070
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.80.1 CPO

The Hastings consider that the land take is excessive.

7.80.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

In this regard, lands to be acquired permanently for the Proposed Development will mainly be used for the mainline, side road and access road carriageways, hardstrips, verges, active travel facilities, earthworks slopes (cuttings and embankments), drainage (including interceptor drains, watercourse realignments, attenuation ponds), flood compensation, utilities, maintenance and workspace strips, landscaping and environmental mitigation.

Specifically for plot 3070, land acquisition is required as follows: Landtake through plots 3070 A.101 is required for the mainline road cross section including Swilly Burn River Bridge, earthworks, attenuation pond 11 and access road AR 3.45 from the L2424 Mullinaveagh Road to the attenuation pond. Land around the attenuation pond is required for landscaping as detailed in EIAR drawings 18.21 (Sheets 15 and 16 of 24) in Volume D Drawings of the EIAR.

Plots 3070 A.102 and 3070 A.104 are required for side road realignment L-2424 Mullinaveagh, interceptor drainage and maintenance strip between the side road / interceptor drainage and the proposed fenceline.

The extent of acquisition of lands for plot 3070, as per CPO Map for Section 3 (sheet 7 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 7 of 10) in Volume D Drawings of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not in any way excessive as is suggested.

7.80.2 Material Assets: Agriculture

The Hastings consider that the Material Assets: Agriculture assessment of the impact is incorrect and that the impact should be Major.

7.80.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. In relation to Plot 3070, consultation with DCC's agronomist was undertaken on 6 October 2021 to establish the existing agricultural use, farm management practices and potential effects of the Proposed Development. The Project Team has maintained ongoing engagement with the Hastings since and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3070 is presented in Table 15.32, page 15-43, of Chapter 15 of the Volume B of the EIAR.

With regard to plot number 3070, following the appropriate methodology and guidance, the assessment of moderate is deemed correct. This is because a dairy+ enterprise is considered high sensitivity (see Table 15.1 of chapter 15) and this plot is subject to a medium magnitude of impact (see Table 15.6 of Chapter 15) resulting in a moderate significance of effect using the matrix provided in Table 15.7 of Chapter 15. As per the description in Section 15.3.1 of Chapter 15:

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

7.81 Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.

Name	Wesley Hastings & Roy Hastings & Hastings Dairy Company Ltd.
Agent	Martin & Rea
Address / Plot No.	Plot No. 3163
Date of Submission (received by ACP)	08/07/2026
Section of TEN-T PRIPD	Section 3

7.81.1 CPO

The Hastings consider that the land take is excessive.

7.81.1.1 Response

The extent of acquisition of lands for the Proposed Development has been considered and evaluated by the design team and all lands included in the CPO are necessary and required for the construction and the operation of the Proposed Development.

Specifically for plot 3163, land acquisition is required as follows: Landtake of plot 3163 A.101 is required for the mainline road cross section including earthworks, the river bridge N14R144, side road realignment R264 Murlog, an interceptor drainage ditch and the maintenance strip between the interceptor ditch and the fenceline.

The extent of acquisition of lands for plot 3163, as per CPO Map for Section 3 (sheet 9 of 10) and as shown on Proposed Road Development with Landownership Drawing EIAR Drawing 16.03 (Sheet 9 of 10) in Volume D Drawings of the EIAR are necessary and required for the construction and operation of the Proposed Development and that these acquisitions are not excessive.

7.81.2 Material Assets: Agriculture

The Hastings consider that the Material Assets: Agriculture assessment of the impact is incorrect and that the impact should be Major.

7.81.2.1 Response

The agricultural landtake assessment was carried out through a combined desktop and field-based methodology as detailed in Section 15.3.1 of Chapter 15 of the EIAR. It assessed the likely effects of the Proposed Development on agriculture by considering the magnitude of the effect, which is influenced by the extent and orientation of severance or division and the removal or severance of buildings and agricultural facilities (shown in Table 15.6 of Chapter 15); and the sensitivity of the receptor, which is influenced by the primary farm enterprise affected and the intensity and viability of farming practices (shown in Table 15.1 of Chapter 15).

Landowners and/or their representatives were consulted to understand the farming practices and identify concerns. DCC's specialist in agronomy assessed the potential impacts and effects on agriculture at each agricultural landholding. All agricultural landowners were offered a one-to-one consultation with the agronomist prior to concluding the impact assessment with many accepting and meeting with the agronomist to discuss the Proposed Development. The Project Team has maintained ongoing engagement with the Hastings and are not aware of any material changes to the existing agricultural use of the lands and or associated farm management practices relative to the assessment of potential effects of the Proposed Development.

The chapter distinguishes between effects at individual farm level and those at county-wide or regional level. Landtake and severance/division are the principal agricultural effects requiring assessment. The summary of each farms assessment can be found in Section 15.11 of Chapter 15.

The assessment of Plot 3163 is presented in Table 15.32, page 15-45, of Chapter 15 of the Volume B of the EIAR.

In reviewing the assessment of Plot 3163, an error was noted in Table 15.32, page 15-45, of Chapter 15 of Volume B of the EIAR. The farm is dairy+ enterprise which is considered high sensitivity (see table 15.1 of chapter 15) and not "Low" as entered on Table 15.32, page 15-45, of Chapter 15. The remaining fields remain unchanged, however, and the overall impact remains Moderate.

> *"Moderate - The Proposed Development requires a significant change in current land use activities with associated costs due to severance/division, land take, loss of buildings and/or disturbance. The level of impact requires considerable mitigation in the form of accommodation works and not all difficulties are negated."*

The following errata is required to reflect this correction by way of update to Table 15.32 of Chapter 15 in Volume B of the EIAR and is therefore also included in Appendix 4 of this Section 51 Response Document.

Farm ID	Magnitude
3163	~~Low~~ High

8.0 Errata

Certain errata are required to the information contained in the Section 51 Application documents, namely the EIAR and the NIS, which have arisen as a result of the submissions/ objections received by the Commission on the Section 51 Application and the CPO, including arising from the requested minor modifications A, B, C, D and E as described in Section 3.0 of this Section 51 Response Document and/or the clarifications set out in Section 9.0 hereof. These errata are detailed in the spreadsheet in Appendix 4.

9.0 Clarifications

This section sets our certain clarifications that are required in relation to aspects of the EIAR and the NIS, which have primarily arisen as a result of the submissions/ objections received by the Commission on the Section 51 Application and the CPO, including arising from the requested minor modifications A, B, C, D and E as described in Section 3.0 of this Section 51 Response Document

9.1 Update to the River Finn SAC Boundary

In relation to the update to the boundary of the River Finn SAC, which was identified arising from the submission of Walter P. Toolan on behalf of Mr Kee as described in Section 7.18 above and which necessitated the requested minor modifications as set out in Section 3.0 above, the figures below have been generated for completeness, to illustrate and provide clarity regarding the minor changes to the River Finn SAC boundary, in areas that are in close Proximity to the Proposed Development.

An overview of the locations of the figures below is provided in Figure 9.1.

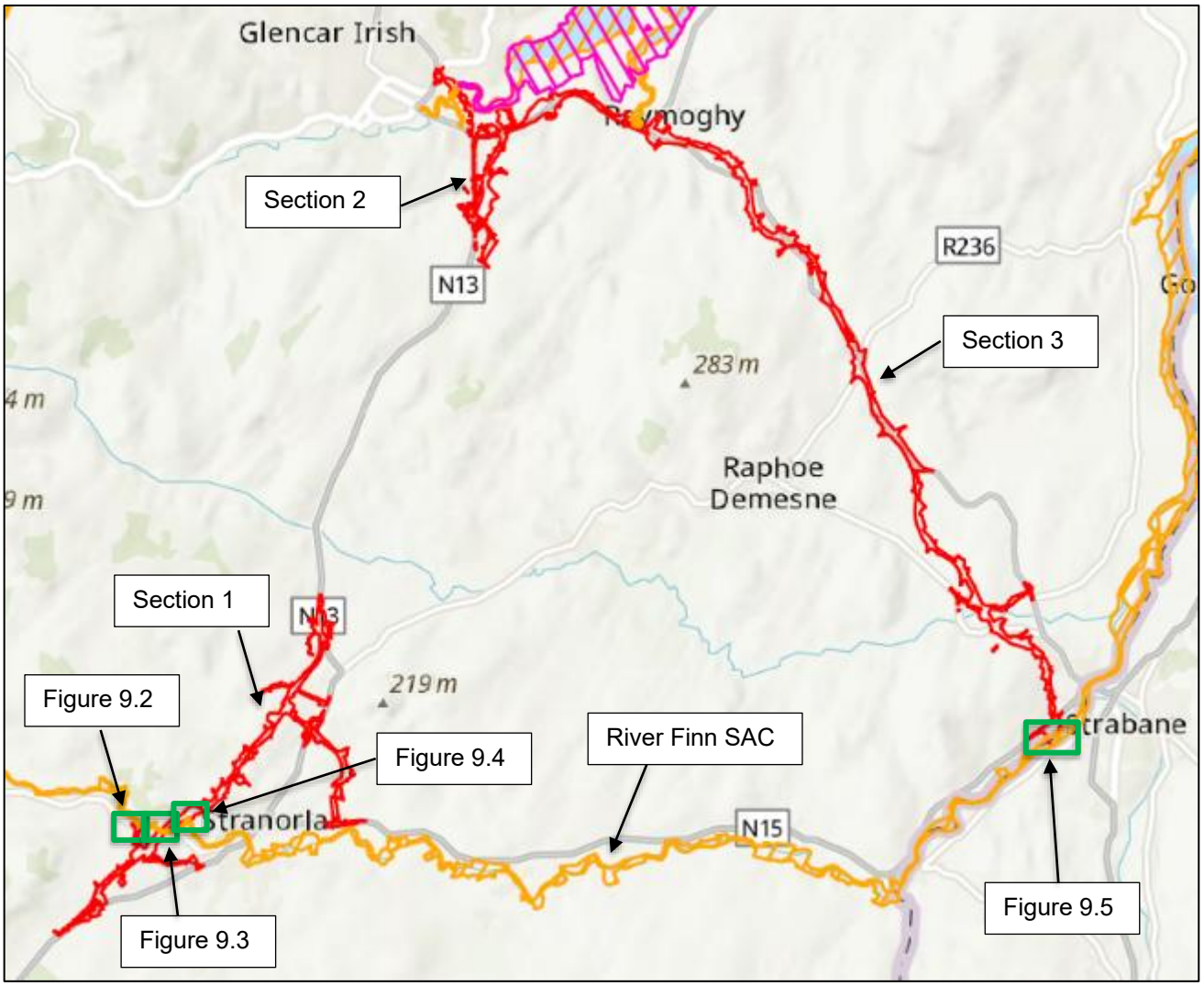


Figure 9.1 Overview of locations for illustrating the interactions between the Proposed Development Boundary and the River Finn SAC Boundary

In the figures below, the yellow shaded area is the previous River Finn SAC Boundary, the blue shaded area is the current River Finn SAC Boundary, and the green shaded area is the overlap between the two.

As shown in Figure 9.2 below, at the location of Attenuation Pond 11, the River Finn SAC boundary has extended southwards into the Proposed Development boundary.



Figure 9.2 Section 1 River Finn SAC Boundary Change where it intersects with the Proposed Development at Attenuation Pond 11 (the blue line is the previous SAC boundary and attenuation pond)

As shown in Figure 9.3 below, at the crossing point of the mainline in Section 1 of the River Finn, the SAC boundary has narrowed slightly and shifted northwards.



Figure 9.3 Section 1 River Finn SAC Boundary Change where it intersects with the Proposed Development at the Proposed River Finn Bridge Crossing (the blue line is the previous SAC boundary)

As shown in Figure 9.4 below, at the location just downstream of culvert S1-CUL13 (approx. mainline chainage Ch3+000), the River Finn SAC boundary has shifted slightly into the Proposed Development boundary.



Figure 9.4 Section 1 River Finn SAC Boundary Change where it intersects with the Proposed Development downstream of Culvert S1-CUL13 at approx. Ch3+000 (the blue line is the previous SAC boundary)

As shown in Figure 9.5 below, at the crossing point of the mainline in Section 3 of the River Finn south of Lifford (i.e. the N14/N15 to A5 Link), the SAC boundary has narrowed slightly, reducing the area of the Proposed Development within the SAC boundary.



Figure 9.5 Section 3 River Finn SAC Boundary Change where it intersects with the Proposed Development (the green line is the previous SAC boundary)

9.2 Clarifications on the References to PR1 Project (being the A5 WTC and the proposed Trunk Road T3 in Northern Ireland)

Chapter 19 of the EIAR contains some descriptions for this project PR1 which it is considered should be clarified in the context of the assessment of the cumulative impacts of the Proposed Development with project PR1, being the A5 Western Transport Corridor Road Scheme ("the A5 WTC") and the proposed Trunk Road

T3 in Northern Ireland. To clarify, the Proposed Development includes the N14/N15 to A5 Link up to the border with Northern Ireland. Project PR1 includes the A5 WTC and proposed Trunk Road T3 (which Trunk Road T3 includes the section of the River Finn Bridge in Northern Ireland and connects to the N14/N15 to A5 Link at the border between Ireland and Northern Ireland). It is noted that the Court of Appeal in Northern Ireland has, as of the 6th October, 2026, given judgement in favour of the progression of the first phase of the A5 WTC within Northern Ireland (being Section 2 of the A5 WTC and the part of Section 3 of the A5 WTC known as "Phase 1b"). A copy of the judgment of the Court of Appeal in Northern Ireland is available here:

https://www.judiciaryni.uk/files/judiciaryni/2026-10/John%20Hamilton%20Hassard%20and%20Others%20and%20The%20Department%20for%20Infrastructure.pdf [12].

Therefore, any references to the project identified as PR1 in Chapter 19 of the EIAR and Appendices C19.01 and C19.02, should be read as references to the A5 WTC and proposed Trunk Road T3. Further, any references to the Proposed Development should be read as referring to the Proposed Development including the N14/N15 to A5 Link up to the border with Northern Ireland. For the avoidance of doubt, the N14/N15 to A5 Link is not part of project PR1.

Further, we confirm that, notwithstanding the above, the cumulative impact assessment set out in Chapter 19 of the EIAR and its Appendices has correctly assessed the cumulative impacts of (i) the A5 WTC (including the proposed Trunk Road T3) in Northern Ireland with (ii) the Proposed Development (including the N14/N15 to A5 Link) in Ireland

9.3 Information for Screening for Appropriate Assessment (ISAA) Report and Natura Impact Statement (NIS)

9.3.1 Lough Swilly SAC (002287) Conservation Objectives Document Updated

We wish to highlight to the Commission that on 11th September 2026 the NPWS published an updated Conservation Objectives Series for Lough Swilly SAC (002287) available:

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002287.pdf

See further discussion on this below.

9.3.2 Unpublished Site-Specific Conservation Objectives (SSCO)

In light of the publication on 16 July 2026 of the Court of Justice of the European Union (CJEU) judgement in the joined cases of Knocknamona (C-27/25) and Massey (C-356/25), DCC and their project team have checked and reviewed the Natura 2000 designations referred to and assessed within the submitted Information for Screening for Appropriate Assessment (ISAA) report and the Natura Impact Statement (NIS) for the Proposed Development.

At the time of submission of the planning application, published Site-Specific Conservation Objectives (SSCOs) were available for all Natura 2000 designations considered by the ISAA and NIS with the exception of the following:

- Lough Swilly SAC [Site Code: 002287]; only as it related to two Qualifying Interests (QIs), namely Harbour Porpoise [1351] (Phocoena phocoena) and Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410];

[12] As is set out in Section 4.9.1.1 of Chapter 4 of Volume B of the EIAR, in Northern Ireland, the proposed A5 WTC is currently divided into three sections. Section 1 of the A5 WTC will connect to a proposed Trunk Road T3 which in turn will connect to the N14/N15 to A5 Link section of the Proposed Development. Section 1 of the A5 WTC is being advanced through the statutory planning process in Northern Ireland.

- Lough Foyle SPA (ROI) [Site Code: 004087]; only as it related to one Special Conservation Interest (SCI), namely Red-throated Diver (Gavia stellata) [A001]; and
- Mulroy Bay SAC [Site Code: 002159]; only as it related to one QI, namely Mudflats and sandflats not covered by seawater at low tide [1140].

These exceptions did not prevent clear conclusions to be drawn with respect to either the ISAA or the NIS given that the assessments, completed with reference to a Source-Pathway-Receptor model, identified no effect pathways for any impacts arising from the Proposed Development on these receptors, and they remain outside of the Zone of Influence for the Proposed Development.

However, with respect to the above exceptions, DCC wrote to the National Parks and Wildlife Service (NPWS) on 28 August 2026 requesting that valid SSCOs are adopted as a matter of urgency with respect to the above in light of the CJEU judgement.

As mentioned above, NPWS published updated SSCOs with respect to Lough Swilly SAC on 11 September 2026 (available: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002287.pdf). The updated SSCOs included those previously omitted from the published Conservation Objectives with respect to Harbour Porpoise [1351] (Phocoena phocoena) and Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]. DCC's competent experts have considered the updated SSCOs with respect to the assessment made within the ISAA and NIS with respect to both QIs and their assessment concluded there are no changes with respect to the assessment made of the Proposed Development with respect to these QIs, including the measures identified to address any effects documented therein, or the overall conclusion of either the ISAA or NIS. The assessments of these two QIs within the NIS are set out in Section 6.6.3.4 (Molina Meadows) and Section 6.6.3.7 (Harbour Porpoise); respectively. For the avoidance of doubt, no habitat with affinity to "Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)" [6410] were mapped within the CPO boundary of the Proposed Development.

With respect to the remaining unpublished SSCOs of those SCIs relevant to Lough Foyle SPA (ROI) and those QIs relevant to Mulroy Bay SAC, DCC subsequently wrote again to NPWS on 22 September 2026; following up on its earlier letter and again requested that the SSCOs are adopted for these as a matter of urgency. DCC understands that updated SSCOs for both sites, which will include the QI and SCI listed below, will be published in the coming weeks, shortly after the submission of this document. Notwithstanding the imminent publication of these updated SSCOs:

- The conclusion of the ISAA with respect to Mulroy Bay SAC (as summarised in Tables 4-2, pp.21-22, and 5-1, p.40, of the ISAA), including with respect to Mudflats and sandflats not covered by seawater at low tide [1140] remains valid. Likely significant effects on the SAC and its QIs are screened out within the ISAA as it is outside the Zone of Influence of the Proposed Development[13]. There is no effect pathway between the Proposed Development and the SAC. This SAC was screened out on that basis.
- In respect of the Lough Foyle SPA and Red-throated diver (Gavia stellata) [A001], no records of the species were made during over-wintering bird surveys (as summarised in Section 5.2 of the NIS and as supported by Appendix 5 of the NIS) completed over multiple seasons between 2017 and 2026 to inform the assessment of the Proposed Development. The conclusion of the NIS with respect to Lough Foyle SPA (ROI) (as summarised in Section 6.6.5 of the NIS), remains valid. As no records of Red-throated Diver (Gavia stellata) [A001] were recorded during the surveys undertaken, there is no

[13] As set out in section 4.2.2 of the ISAA, the Zone of Influence of the Proposed Development is "the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European Site", as defined in the Office of the Planning Regulator's 2021 guidance in relation to Appropriate Assessment Screening for Development Management.

effect pathway for this species arising from the impacts of the Proposed Development. There is, consequently, no potential for effects on this SCI from the Proposed Development.

9.3.3 Lough Foyle SPA (NI) SCI

9.3.3.1 Qualifying Interest Code [A999] Wetland and Waterbirds

Within the Information for Screening for Appropriate Assessment (ISAA) report and the Natura Impact Statement (NIS), reference is made to qualifying interest (QI) code [A999] with various descriptors such as "wetland", "wetland habitat", "wetland and waterbirds", and "habitat". For the avoidance of doubt, wherever a reference is made to the QI [A999], it should be read as "[A999] Wetland and Waterbirds".

In keeping with the above, the title of Section 6.6.6.2 of the NIS should be amended from the as submitted "Assessment of Habitats" to "Assessment of [A999] Wetlands and Waterbirds".

An inconsistency is noted between the published Standard Data Form and published Conservation Objectives of the Lough Foyle SPA (NI) [Site Code: UK9020031]. The NIS assessment has been completed with reference to the published Conservation Objectives. An errata is included in Appendix 4 to this Section 51 Response Document in this regard.

9.3.3.2 Cormorant

In the course of the review of Natura 2000 designations carried out in light of the publication of the CJEU judgement in the joined cases of Knocknamona (C-27/25) and Massey (C-356/25) mentioned above, it was identified that Cormorant is designated as an SCI of Lough Foyle SPA (UK9020031) (NIEA 2015 – Version 4). This SCI was inadvertently omitted from the Information for Screening for Appropriate Assessment (ISAA) Report and Natura Impact Statement (NIS) [14]. The assessment in respect of Cormorant that was omitted from the ISAA and NIS is set out below.

Information for Screening for Appropriate Assessment (ISAA) Report

As noted in the ISAA, Lough Foyle SPA (NI) [Site Code: UK9020031] is located approximately 26.1 km from the Proposed Development at its closest point, measured as a straight-line distance, and approximately 35 km downstream of the Proposed Development, measured by hydrological connectivity (Table 4-2, page 25). The ISAA identifies potential sources of impact for the Lough Foyle SPA (NI) at section 5.3.1, and potential pathways between the Proposed Development and Lough Foyle SPA (NI) at 5.3.2.

On foot of the potential pathways and impacts identified, the ISAA concludes that the only potential pathway by which the Proposed Development could have likely significant effects ("LSEs") on Lough Foyle SPA (NI) is through ex-situ effects on SCI bird species, because it is a European Site "which supports QI or SCI species which have been shown through survey to be present in ex-situ habitats within 500m to the Proposed Development boundary. This is particularly focussed on ornithological QIs and SCIs mindful of the proximity of the Proposed Development to Lough Swilly and its interaction with Lough Foyle." (ISAA, pages 43 and 37). This pathway is identified as "rule" no. 7 in the ISAA (Section 5.3.3, page 37[SM4).

Lough Foyle SPA (NI) is screened in on that basis for potential LSEs on all SCI species for which the site is designated. As Cormorant is an SCI species for Lough Foyle SPA (NI), the same pathway for LSEs exists for Cormorant as for all other SCIs, and the screening set out in the ISAA should therefore be read to include the potential for LSEs on Cormorant.

Table 5-1 of the ISAA confirms that the above is the only pathway for LSEs in respect of Lough Foyle SPA (NI). **Table 5-1 should be read as being updated to include Cormorant as an SCI species of Lough Foyle SPA (NI).**

[14] There is a reference to cormorant within the NIS, at Section 5.2.2.5 (page 48) of the NIS which references cormorant and recognises it is an additional SCI of Lough Foyle SPA (NI) compared to Lough Foyle SPA (ROI).

Table 5-2 of the ISAA identifies the relevant LSEs which could arise from the Proposed Development on each of the identified European sites, including Lough Foyle SPA (NI). As noted, the LSEs identified for this European Site are as follows:

> *"LSEs identified. The disturbance of ex-situ SCI bird populations which, based on survey, use land within and adjacent to the Proposed Development for foraging and roosting which could move between this land and Lough Foyle (and Lough Swilly) as part of their lifecycle. Their de-placement from this land due to disturbance during construction and operation could result in a LSE on the SCI populations of Lough Foyle SPA.*
>
> *Potential for the following LSEs:*
>
> ***Construction***
>
> *Habitat fragmentation.*
>
> *Disturbance from construction activities (noise and vibration).*
>
> *Unintended incursion by construction personnel, equipment or materials associated with the construction phase.*
>
> ***Operational***
>
> *Disturbance due to operational activities (noise).*
>
> *Habitat fragmentation for SCI species."*

As mentioned above, the same pathway for LSEs exists for Cormorant as for all other SCI species of Lough Foyle SPA (NI). Therefore, no change is required to Table 5-2 of the ISAA, save to note that what is set out in this Table 5-2 applies equally to Cormorant.

Natura Impact Statement (NIS)

Further to the conclusions of the ISAA, the NIS then considers potential impacts on Lough Foyle SPA (NI) on foot of the LSEs identified.

The ecological studies undertaken in respect of Wintering Birds and the Proposed Development are outlined in Section 5.1.7 (page 30 onwards) of the NIS. These studies were undertaken in respect of a number of SCI species, including Cormorant.

1. Section 1

The results of these surveys in respect of Over-Wintering Birds are outlined at section 5.2.1.4 of the NIS in respect of Section 1 of the Proposed Development. The results of these surveys show that the lands within and adjacent to Section 1 of the Proposed Development did not support any notable populations or assemblages of over-wintering birds, including SCI species of European Sites.

2. Section 2

The results of these surveys in respect of Over-Wintering Birds are outlined at section 5.2.2.5 of the NIS in respect of Section 2 of the Proposed Development. This section does reference Cormorant and notes that it is an additional species in comparison to Lough Foyle SPA (ROI).

Section 5.2.2.5 of the NIS outlines 33 SCI species (which includes Cormorant) from Lough Swilly SPA, Lough Foyle SPA (ROI) and Lough Foyle SPA (NI) in respect of which surveys were carried out for the purposes of the assessments in the NIS in respect of Section 2. The results of the surveys showed that 20 of the 33 SCI species were recorded within the survey area in respect of Section 2.

The NIS notes, at page 48, that Cormorant (along with nine other species) was not recorded within the survey area. In fact, this is incorrect in respect of Cormorant and the record in respect of Cormorant is corrected below. However, this statement remains correct in respect of the nine other species mentioned.

Cormorant was recorded within the survey area for the Proposed Development during wintering bird surveys completed between 2017 and 2026 as follows:

- During the 2022/2023 survey season 1 no. Cormorant was recorded during one of the fifteen survey visits completed for Section 2 (see Table 5.20 within the NIS and Table A5.1 within the Appendix 5: Wintering Bird Evidence). This Cormorant was recorded within the Big Isle area and over 500m from the Proposed Development. This is pertinent with respect to ZoI "rule" no.7 set out in 5.3.3 of the ISAA.
- During the 2025/26 survey season cormorant was recorded during eight of the forty survey visits completed for Section 2 (see Tables A5.3, A5.5, A5.6 and A5.7 within Appendix 5 Wintering Bird Evidence). The majority of these records were of flyover individual birds or birds that did not utilise lands within 500m of the Proposed Development. Only two out of the forty survey visits completed recorded Cormorant within 500m of the Proposed Development boundary (relevant also to "rule" no. 7 above); with a count of 2no. and 1no. individuals, respectively, on those two occasions.

No Cormorant was recorded during surveys completed for Section 1 and 3 between 2017 and 2026 or for Section 2 for surveys completed between 2018 and 2021.

The above results show that Cormorant was not recorded within the survey area at a frequency or in numbers sufficient to indicate significant use of habitats within or adjacent to the Proposed Development. It remains correct, therefore, that there is no potential for the Proposed Development to adversely affect Cormorant.

The following statement in the NIS (Section 5.2.2.5, p. 48) should be corrected to read as follows:

"The following SCI species were not recorded using the area of the proposed scheme and were therefore considered not relevant to the NIS: red-throated diver, Bewick's swan, light-bellied brent goose, red-breasted merganser, scaup, goldeneye, knot, common tern, ~~cormorant~~ and sandwich tern."

This is included in the errata spreadsheet included at Appendix 4 to this Section 51 Response Document

Section 5.2.2.5 of the NIS identifies the four SCI species (Curlew, Teal, Greylag Goose and Redshank) recorded within the survey area for Section 2 as having potential to be adversely affected by the Proposed Development – Cormorant is not one of those species.

3. Section 3

Section 5.2.3.4 of the NIS then continues to outline survey results for Section 3 and notes that, in addition to the SCI species identified in Section 5.2.2.5 and discussed above, Whooper Swan (which is also an SCI species for Lough Foyle SPA (NI)) was identified in significant numbers (greater than 1% of the population threshold) and was also brought forward as an SCI species for assessment within the NIS.

NIS Assessment

The assessment in respect of Lough Foyle SPA (NI) is then undertaken in Section 6.6.6 of the NIS. **The conservation objectives listed in Section 6.6.6 inadvertently omit reference to Cormorant and should include Cormorant as an SCI species of Lough Foyle SPA (NI).** Accordingly, the list of Features of Lough Foyle SPA (NI) set out on pages 128 and 129 of the NIS should be updated to include Cormorant and this is included in the errata spreadsheet included in Appendix 4 to this document.

The assessment of Lough Foyle SPA (NI) in Section 6.6.6 of the NIS is undertaken in respect of the five SCI species identified as having potential to be adversely affected by the Proposed Development. There is no potential for adverse effects on any other SCI species. As Cormorant was not one of the five SCI species recorded within the survey areas at a frequency or in numbers sufficient to indicate significant use of habitats within or adjacent to the Proposed Development, no potential for adverse effects is identified in respect of Cormorant, and therefore no update to the assessment in Section 6.6.6 of the NIS is required.

10.0 Cumulative and In-combination Assessments Updates

In order to ensure that the Commission has up-to-date information in relation to cumulative and In-combination effects[15], DCC and their specialists have completed an update to the Cumulative Impact Assessment for the Proposed Development to include applications submitted to DCC, the Commission and NI planning register since the finalisation date for cumulative impacts / in-combination effects (November 2025) in the EIAR/NIS. This is supplemental to the assessment presented in Chapter 19: Interactions and cumulative effects of Volume B of the EIAR as submitted with the Section 51 Application. The methodology used is the same as the methodology described in section 19.4.2 of Chapter 19 of Volume B of the EIAR.

10.1.1 Environmental Impact Assessment Report, Chapter 19

An updated list of projects was collated and then screened by the relevant environmental discipline experts to determine if any project should be screened in for likely significant cumulative effects on the environment when considered alongside the Proposed Development. Table 1 below lists the additional projects that were screened-in for further consideration and lists the specific environmental discipline that resulted in the project being screened in for consideration.

The projects in Table 10-1 have been considered and assessed by all the environmental specialists in both a pairwise assessment with the Proposed Development and for an overall cumulative assessment with all projects in the EIAR and in Table 10-1 and the Proposed Development. They have concluded that none of the projects, either individually or in combination with the Proposed Development, will result in any significant cumulative effects for the following reasons: the construction activities are of a sufficiently limited scale or magnitude; the construction activities of these projects are localised or of limited duration; and, with the application of appropriate mitigation measures give rise to minimal or no likely significant cumulative effects.

10.1.2 Natura Impact Statement, Section 6.7

Similarly, an in-combination assessment under the Habitats Directive to include applications submitted to DCC, the Commission and NI planning register since the finalisation date for cumulative impacts / in-combination effects (November 2025) in the NIS was also undertaken. The assessment of in-combination effects has regard for existing and planned developments and plans potentially affecting the River Finn SAC, Lough Swilly SAC, River Foyle and Tributaries SAC, Lough Swilly SPA and the two Lough Foyle SPAs with which a potential pathway was identified in the NIS submitted with the Section 51 Application. The assessment of existing developments is part of the baseline and has been assessed previously in the NIS.

No additional projects relevant to the assessments in the NIS were identified as having the potential for likely significant in combination effects. Two additional or updated plans were identified, as documented in Table 10-2. These have been considered and assessed by the competent experts with respect to the assessment in the NIS. They have concluded that none of the new or updated plans, in-combination with the Proposed Development, either pairwise or overall cumulatively with all other plans and projects in the NIS and in the plans in Table 10-2 will have any adverse effects on the integrity of any European Sites; as assessed with reference to their published detailed Site Specific Conservation Objectives (SSCOs) and there is no doubt in that conclusion.

[15] Noting that the submission of Michael O'Malley (see Section 7.61 of this document) specifically refers to the Commission's obligations in relation to the assessment of cumulative impacts under the EIA Directive.

Table 10-1 EIAR: List of new projects screened in for an update to the likely significant Cumulative Impact Assessment for the Proposed Development, submitted to the relevant planning authority since the finalisation of the EIAR

Project reference	Project Title	Summary – Brief Summary Description	Screening in for following disciplines
DCC ref. 2661208	Windyhall, Letterkenny	A period of 10 years for a large-scale residential development (LRD) consisting of the provision of a total of 346 no. residential units along with the provision of a neighbourhood centre that will incorporate a creche.	Traffic and Transport Population Water Material assets agriculture
DCC ref. 2561937	Development at Lisnenan, Letterkenny	A period of 10 years for development consisting of construction of 42 no. new dwelling units.	Water Noise & Vibration
DCC ref. 2562209	Development at Glencar Scotch, Letterkenny	Construction of (1) Block A containing 8 no. 2 storey terraced houses with 6 no. apartments at lower level of site, Block B containing 2 no. semi-detached houses at lower level of site (total no. of units = 16).	Water
DCC ref. 2660124	Development at Lismonaghan Letterkenny	(1) Demolition of existing dwelling and 2 no. sheds and (2) construction of a housing development containing 20 no. residential units.	Water
DCC ref. 2660296	School Development at Derry Road, Raphoe	(1) Construction of a new 2,240 m² two-storey school building containing specialist teaching rooms for science, construction studies, engineering, art and home economics; physical education facilities etc.	Water
DCC ref. 2660444	Development at Killyclug, Letterkenny	(1) Construction of 60 no. dwellings; (2) all associated site-development works, including car parking, landscaped amenity areas etc.	Water
DCC ref 2660788	Development on lands within and adjoining the permitted Lettergull Wind Farm	Development on lands within and adjoining the permitted Lettergull Wind Farm (Planning Ref. No. 18/50156, ACP Ref. 304685-19), comprising the provision of a renewable-energy development	Water

Project reference	Project Title	Summary – Brief Summary Description	Screening in for following disciplines
DCC ref 2661192	Development at Donegal Road, Ballybofey	Construction of 20 no. apartments in two separate buildings of two and three storeys, with dedicated car parking and associated site works etc., including footpaths, landscaping and connection to services.	Water Noise and vibration Air
ACP ref. 501011	Student Accommodation Development at Ramelton Road, Letterkenny	Demolition of existing house and sheds for construction of 4 storey student accommodation unit containing 30 bedrooms and 2 apartment blocks containing 15 apartments with all associated site works.	Water
ACP ref. 500523	Development at Carnamuggagh Lower, Letterkenny	Construction of a 4 storey apartment block containing 22 apartments and all associated site works.	Water
ACP ref. 500262	Development at Amalfi Court, Lisnennan, Letterkenny	Construction of 12 houses and all associated site works.	Water
ACP ref. 501197	Development at Lios Na Gráine, Lisnennan, Letterkenny	10 year permission for the construction of 42 dwellings and all associated site works.	Water

Table 10-2 NIS: List of new Plans screened in for an update to the In-combination Assessment for the Proposed Development, submitted to the relevant planning authority since the finalisation of the NIS

Project/ Plan	Description of Potential In-combination Effects of Project on the Proposed Development	In-combination Adverse Effects?	Mitigation Necessary to address In-combination Adverse Effects?
County Donegal Development Plan 2024-2030 Variation 1	The Development Plan sets out guiding principles in relation to physical growth and renewal, economic, social and cultural activity, and environment protection and enhancement. The Development Plan sets out a vision to identify, protect, conserve and manage the cultural and natural heritage of the County and to encourage its sensitive integration into the sustainable development of the County for the benefit of present and future generations. The Proposed Development works will not interfere with the design objectives of the Development Plan. The benefits of the TEN-T Priority Route Improvement Project remain significant and wide-ranging including economic, safety, environmental, quality of life, enhancing regional accessibility, and strategic/cross border.	No in-combination adverse effect on integrity either during construction or operation of Proposed Development.	No
All Ireland Pollinator Plan (AIPP) 2026-2030	The third All-Ireland Pollinator Plan (AIPP) 2026-2030 was published by the NBDC and is intended to provide a plan of actions to be carried out collectively by conservation organisations, national and local public bodies, transport authorities, farmers, gardeners, schools and colleges, businesses, researchers, and local community groups (NBDC, 2026). The AIPP outlines the approach that Ireland will take to protect our pollinators. As the overall aim of the AIPP is to protect and /or improve the conservation of pollinators in Ireland, there are no predicted in-combination adverse effects from the AIPP Plan with the Proposed Development on any European site(s).	No in-combination adverse effect on integrity either during construction or operation of Proposed Development.	No

Project/ Plan	Description of Potential In-combination Effects of Project on the Proposed Development	In-combination Adverse Effects?	Mitigation Necessary to address In-combination Adverse Effects?
County Donegal Biodiversity Action Plan 2026-2030	The County Donegal Biodiversity Action Plan 2026-2030 was published by DCC and intends to provide a plan of actions to protect and restore County Donegal's biodiversity. The Plan is designed around 5 five themes with associated actions and targets. As the aim of the of the plan is to improve and support biodiversity, there are no predicted in combination adverse effects from the plan with the Proposed Development on any European site(s).	No in-combination adverse effect on integrity either during construction or operation of Proposed Development.	No

Appendix 1A: Revised EIAR Drawings from Volume D of the EIAR Resulting from the Minor Modifications to the Proposed Development

Appendix 1A: Revised EIAR Drawings from Volume D of the EIAR

Book No.	Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
1	EIAR Drawing 4.01	Section 1 General Arrangement drawing	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
1	EIAR Drawing 4.01	Section 1 General Arrangement drawing	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.
1	EIAR Drawing 4.14	River Finn Crossing (N15 R024) Access and Piling	1	1	TT_MGT0337-RPS-P3-S1-DR-C-RB N15R024 BR0099-01	P02	River Finn SAC boundary updated.
1	EIAR Drawing 4.15	River Finn Construction & Temporary Works	1	1	TT_MGT0337-RPS-P3-S1-DR-C-RB N15R024 BR0099-02	P02	River Finn SAC boundary updated.
8	EIAR Drawing 16.07	Section 1 Proposed ESB Diversion	8	2	TT_MGT0337-RPS-P3-S1-DR-C-UT1002	P03	"Attenuation Pond 11 design updated.
9	EIAR Drawing 18.21	Landscape and Habitat Design	24	20	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Potential alternative boundary.
9	EIAR Drawing 18.21	Landscape and Habitat Design	24	21	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Potential alternative boundary.

Appendix 1B: Revised NIS Drawings from Appendix 2 of the NIS Resulting from the Minor Modifications to the Proposed Development

Appendix 1B: Revised NIS Drawings from Appendix 2 of the NIS

Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
NIS Drawing 1	Section 1 General Arrangement drawing	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
NIS Drawing 1	Section 1 General Arrangement drawing	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.
NIS Drawing 23	River Finn Crossing (N15 R024) Access and Piling	1	1	TT_MGT0337-RPS-P3-S1-DR-C-RB N15R024 BR0099-01	P02	River Finn SAC boundary updated.
NIS Drawing 24	River Finn Construction & Temporary Works	1	1	TT_MGT0337-RPS-P3-S1-DR-C-RB N15R024 BR0099-02	P02	River Finn SAC boundary updated.

Appendix 1C: Drawing Illustrating Minor Modification A.1

Appendix 1C: Drawings Illustrating Minor Modification A.1 Vegetation Management and Removal at the River Finn SAC

Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
New Drawing	Minor Modification A.1: Vegetation Management and Removal within the River Finn SAC	1	1	TT_MGT0337-TTI-AP-S1-D-Z-0010	P01	This is a new drawing for Minor Modification A.1 created to illustrate the vegetation management, and removal works at the proposed River Finn bridge crossing in Section 1 of the Proposed Development.

Appendix 2: Consequential Drawings Updated Resulting from the Minor Modifications, Errata and Clarifications to the Proposed Development

Appendix 2: Consequential Drawings Updated Resulting from the Minor Modifications, Errata and Clarifications

Book No.	Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
Natura Impact Statement (NIS)							
N/A	NIS Drawing 22	22 NIS Finn Crossing Elevations	1	1	TT_MGT0337-RPS-P3-S1-DR-C-BR0122	P02	River Finn SAC boundary updated. Plan view of River Finn Bridge pilecaps (piers) updated to show correct layout.
N/A	NIS Drawing 25	25 NIS Finn Crossing Constructive Method	2	1	TT_Y16112-BT-1A-SBR-S3-DR-S-17503	P02	River Finn SAC boundary updated.
N/A	NIS Drawing 30	30 NIS Section 1 Road Lighting	8	2	TT_MGT0337-RPS-P3-S1-DR-C-PL0001	P02	Attenuation Pond 11 design updated.
N/A	NIS Drawing 33	33 NIS Section 1 Drainage	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DR0001	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
N/A	NIS Drawing 33	33 NIS Section 1 Drainage	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DR0001	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.
Volume B Main EIAR Chapter							
1	EIAR Drawing 4.10	Section 1 Link roads Plan & Profile	4	1	TT_MGT0337-RPS-P3-S1-DR-C-LR0001	P02	Attenuation Pond 11 design updated.
1	EIAR Drawing 4.10	Section 1 Link roads Plan & Profile	4	2	TT_MGT0337-RPS-P3-S1-DR-C-LR0001	P02	Attenuation Pond 11 design updated.
1	EIAR Drawing 4.13	Section 1 River Finn Crossing	1	1	TT_MGT0337-RPS-P3-S1-DR-C-BR0122	P02	River Finn SAC boundary updated. Plan view of River Finn Bridge pilecaps (piers) updated to show correct layout.
2	EIAR Drawing 4.35	Section 3 N14-N15 to A5 Link	1	1	TT_Y16112-BT-1A-SBR-S3-SK-S-00940	P02	River Finn SAC boundary updated.
2	EIAR Drawing 4.36	N14-N15 to A5 Link – River Finn Crossing – Indicative Construction Method	2	1	TT_Y16112-BT-1A-SBR-S3-DR-S-17503	P02	River Finn SAC boundary updated.
2	EIAR Drawing 4.40	Section 1 Drainage Layout	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DR0001	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
2	EIAR Drawing 4.40	Section 1 Drainage Layout	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DR0001	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.
2	EIAR Drawing 4.47	Section 1 Proposed Haulage Route	1	1	TT_MGT0337-RPS-P3-S1-DR-C-DG0016	P02	Attenuation Pond 11 design updated.
2	EIAR Drawing 4.50	Section 1 Park and Share Facility	4	1	TT_MGT0337-RPS-P3-S1-DR-C-DG0019	P02	Attenuation Pond 11 design updated.
2	EIAR Drawing 4.54	Section 1 Proposed Road Lighting Network	8	2	TT_MGT0337-RPS-P3-S1-DR-C-PL0001	P02	Attenuation Pond 11 design updated.

Book No.	Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
3	EIAR Drawing 4.57	Section 1 Fencing and Environmental barrier	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DG0034	P02	River Finn SAC boundary updated.
3	EIAR Drawing 4.57	Section 1 Fencing and Environmental barrier	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DG0034	P02	River Finn SAC boundary updated.
3	EIAR Drawing 4.59	Section 3 Fencing and Environmental barrier	10	10	TT_Y16112-BT-1A-HFE-S3-DR-C-03010	P02	River Finn SAC boundary updated.
3	EIAR Drawing 4.60	Section 1 Ground Investigation & Earthworks Plan & Profile Mainline	7	3	TT_MGT0337-RPS-P3-S1-DR-C-GI0001	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
3	EIAR Drawing 4.63	Confirmatory GI Section 1	9	3	TT_MGT0337-RPS-P3-S1-DR-C-GI0003	P02	Attenuation Pond 11 design updated.River Finn SAC boundary updated.
3	EIAR Drawing 4.67	Section 1 Ground Investigation & Earthworks Plan & Profile Side Roads	20	4	TT_MGT0337-RPS-P3-S1-DR-C-GI0002	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
6	EIAR Drawing 11.06	OPW Historical Flood Events Map Section 1	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0403	P02	Attenuation Pond 11 design updated.
7	EIAR Drawing 11.15	CFRAM & NIFM Flood Extents Fluvial - HEFS Section 1	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0406	P02	Attenuation Pond 11 design updated.
7	EIAR Drawing 11.24	Flood Zone Maps - CFRAM & NIFM Section 1	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0411	P02	Attenuation Pond 11 design updated.
7	EIAR Drawing 11.30	Water Quality Map Section 1	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0413	P02	Attenuation Pond 11 design updated.
7	EIAR Drawing 11.36	Section 1 Locations of Bridge Crossings and Drainage Outfalls	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0415	P02	Attenuation Pond 11 design updated.
7	EIAR Drawing 11.39	Section 1 EPA Delineated Watercourse Interactions	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN0416	P02	Attenuation Pond 11 design updated.
8	EIAR Drawing 16.01	Section 1 Proposed Road Development with Landownership	8	2	TT_MGT0337-RPS-P3-S1-DR-Z-EN0901	P02	Attenuation Pond 11 design updated.
8	EIAR Drawing 16.02	Section 2 Proposed Road Development with Landownership	5	3	TT_MGT0337-RPS-P3-S2-DR-Z-EN0008	P02	CPO boundary updated at Ballyraine for Plot 2091 change from permanent to temporary CPO.
8	EIAR Drawing 16.04	Section 1 Existing Utilities	8	2	TT_MGT0337-RPS-P3-S1-DR-C-UT1001	P02	Attenuation Pond 11 design updated.
8	EIAR Drawing 16.10	Section 1 Proposed IW Diversion	8	2	TT_MGT0337-RPS-P3-S1-DR-C-UT1003	P02	Attenuation Pond 11 design updated.
8	EIAR Drawing 16.13	Section 1 Proposed E-Net Diversions	8	2	TT_MGT0337-RPS-P3-S1-DR-C-UT1004	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 16.15	Section 1 Proposed EIR Diversions	8	2	TT_MGT0337-RPS-P3-S1-DR-C-UT1005	P02	Attenuation Pond 11 design updated.

Book No.	Drawing Reference	Drawing Title	Total No. of Sheets	Replaced Sheet No.	File Reference Number	Revision No.	Change(s) made on drawing
9	EIAR Drawing 18.01	Section 1 Landscape Character Areas/Designations	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN1201	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 18.07	Section 1 Rural Area Types	1	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN1203	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 18.13	Section 1 Residential Visual Impact Assessment	8	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN1205	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 18.16	Landscape Mitigation - Section 1	4	1	TT_MGT0337-RPS-P3-S1-DR-Z-EN1206	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 18.19	Landscape and Habitat Design	19	6	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Attenuation Pond 11 design updated.
9	EIAR Drawing 18.19	Landscape and Habitat Design	19	7	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Attenuation Pond 11 design updated.
Volume C EIAR Technical Appendices							
N/A	Appx C4.03	Drawing: Landscape and Habitat Design, page 47 of 97 of Biodiversity Management Plan	19	6	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Attenuation Pond 11 design updated.
N/A	Appx C4.03	Drawing: Landscape and Habitat Design, page 48 of 97 of Biodiversity of Management Plan	19	7	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Watercourse realignment.
N/A	Appx C11.01	River Finn crossing bridge option - 2 (STEEL MULTI-GIRDERS) on page 75 in Appendix B of Section 1 FRA	1	1	TT_MGT0337-RPS-P3-S1-DR-C-BR0122	P02	River Finn SAC boundary updated. Plan view of River Finn Bridge pilecaps (piers) updated to show correct layout.
N/A	Appx C18.01	Section 1 Photomontages VP09 Page 26 of 34	1	1	Figure 9B	P02	Proposed View – Year 1, View of R252 Glenfin Rd.
N/A	Appx C18.01	Section 1 Photomontages VP09 Page 27 of 34	1	1	Figure 9B	P02	Proposed View – Year 15, View of R252 Glenfin Rd.
Biodiversity No Net Loss (BNNL)							
N/A	Appx B-Section 1	Post Development Habitat Maps – Landscape and Habitat Design, Page 8 of 58	19	6	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Attenuation Pond 11 design updated.
N/A	Appx B-Section 1	Post Development Habitat Maps – Landscape and Habitat Design, Page 9 of 58	19	7	TT_MGT0337-RPS-P3-S1-DR-Z-EN1207	P02	Watercourse realignment.
Information for Screening for Appropriate Assessment (ISAA)							
N/A	Appx 1.2	Section 1 General Arrangement drawing, Page 75 of 230	8	2	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Attenuation Pond 11 design updated. River Finn SAC boundary updated.
N/A	Appx 1.2	Section 1 General Arrangement drawing, Page 77 of 230	8	4	TT_MGT0337-RPS-P3-S1-DR-C-DG0024	P02	Watercourse design downstream of culvert S1-CUL.13 updated. River Finn SAC boundary updated.

Appendix 3: Explanatory Drawings for the Minor Modifications to the Proposed Development

Appendix 3: Explanatory Drawings for the Minor Modifications to the Proposed Development

Drawing Reference	Drawing Title	Total No. of Sheets	File Reference Number	Revision No.	Modification
Drawing 0001	Minor Modification A and B	1	TT_MGT0337-RPS-P3-S1-DR-C-SK0033	P01	A and B
Drawing 0002	Minor Modification A Vegetation Management and Removal	1	TT_MGT0337-RPS-P3-S1-DR-C-SK0034	P01	A.1
Drawing 0003	Minor Modification A Attenuation Pond 10 Outfall	1	TT_MGT0337-RPS-P3-S1-DR-C-SK0034	P01	A
Drawing 0004	Minor Modification B Attenuation Pond 11 Re-Shaped	1	TT_MGT0337-RPS-P3-S1-DR-C-SR0001	P01	B
Drawing 0005	Minor Modification C Watercourse	1	TT_MGT0337-RPS-P3-S1-DR-C-SK0034	P01	C
Drawing 0006	Error Correction Pilecaps for River Finn Bridge in Section 1	1	TT_MGT0337-RPS-P3-S1-DR-C-SK0035	P01	D.1

Appendix 4: Summary of Errata in the Section 51 Application Documents

Appendix 5.1: Modifications to the Section 1 CPO Deposit Maps and Schedule

Appendix 5.2: Modifications to the Section 2 CPO Deposit Maps and Schedule

Appendix 5.3: Modifications to the Section 3 CPO Deposit Maps and Schedule