

Planning Response Team  
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Telephone: 028 9056 9604

Date: 21 April 2022

Dear Sir/Madam,

**Planning Application Ref.:** LA11/2021/1211/TBA  
**Location:** Between Station Road  
Lifford  
County Donegal and Strabane  
County Tyrone.

**Proposal:**

Proposed Riverine Pedestrian and Cycle Bridge at Station Road, Lifford, County Donegal - 11m in length between Lifford Co. Donegal and Strabane, County Tyrone.

Thank you for your consultation on the above which was received by the Department on 11/01/2022.

This letter provides a single combined response for your consultation request across all of DAERA's area of environmental responsibility. Summary comments in relation to the reason for consultation are provided in the table below at Annex A, and, where appropriate, more detailed advice is enclosed and attached to this letter.

You should be aware that, in the absence of comment, no inference can be made on DAERA's position with regard to other environmental matters. It is the responsibility of the planning authority to ensure that all risks to the environment and requirements under environmental legislation and planning policy have been considered.

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This advice and guidance will enable you to identify and consider if there are other potential risks to the environment due to impacts from the construction and operation of the proposed development and also its location.

In addition, we would also refer you to DAERA's published advice and guidance on development proposals where there is potential for effects on the natural and marine environments and fisheries interests, available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planning>.

As the Planning Authority is the competent authority under The Conservation (Natural Habitats, etc.) Regulations 1995 (as amended), this responsibility extends to the carrying out of Habitat Regulations Assessments (HRAs) before a planning decision is made.

Should you require assistance or if you wish to discuss anything further, please do not hesitate to contact the Planning Response Team using the contact details below.

Kind regards.

### **Planning Response Team**

**On behalf of DAERA**

**Email:** [planningresponse.team@daera-ni.gov.uk](mailto:planningresponse.team@daera-ni.gov.uk)

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## Annex A

Advice Provided By:	Summary
Water Management Unit	Water Management Unit is content, subject to: The applicant referring and adhering to standing advice. Any required statutory permissions being obtained. To the caveat contained within the explanatory note. Conditions.
Drinking Water Inspectorate	A development must not impact on either the quality or sufficiency of a private water supply. Consideration should be given to the location of any infrastructure and protection of Drinking Water Protected Areas, especially at the proposed water course crossings.
Regulation Unit	Regulation Unit Land and Groundwater Team consider that the application would benefit from a Preliminary Risk Assessment as a minimum to ensure that potential risks from contamination are taken into account in the development.
Industrial Pollution & Radiochemical Inspectorate	The Industrial Pollution and Radiochemical Inspectorate (IPRI) will not have a regulatory role in regard to the proposed development and therefore the Inspectorate has no comment to make on this planning application.
Natural Environment Division	NED has considered the impacts of the proposal and on the basis of the information provided requires further information to be able to determine whether the proposal would have a likely significant effect on a protected site as well as a number of other natural heritage features not already associated with the designated site.

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## Drainage & Water

### Planning Reference: LA11/2021/1211/TBA

Proposed Riverine Pedestrian and Cycle Bridge at Station Road, Lifford, County Donegal - 11m in length between Lifford Co. Donegal and Strabane, County Tyrone: Between Station Road Lifford County Donegal and Strabane County Tyrone.

### Section Reference: PQ 2022/05

The Drinking Water Inspectorate (DWI) has considered the request and notes the information contained in:

- MCL Consulting – P2288, Environmental Impact Assessment Report, Volume 1: Non-technical Summary, Riverine Community Park, Lifford-Strabane, dated August 2021; and,
- MCL Consulting – P2288, Environmental impact assessment report, volume 2: EIAR Main Text, Riverine Community Park, Lifford-Strabane, dated August 2021.

### Summary:

A development must not impact on either the quality or sufficiency of a private water supply. Taking into account the scale, type, location and the potential impacts the proposal may have on private water supplies, a developer should as appropriate:

- (i) undertake searches and investigations; and
- (ii) follow the Standing Advice / Guidance, as detailed within Considerations.

### Considerations:

**1. Identification of Private Water Supplies** – A development must not impact on either the quality or sufficiency of a private water supply, and mitigation measures must be put in place, where required, in the protection of such drinking water supplies. Therefore dependent on the scale, type, location and the potential impacts the proposal may have on such supplies the developer should, if appropriate, undertake a scoping exercise to determine the location of any private water supplies. Details on undertaking a search for potential private water supplies within the vicinity of the proposed development can be undertaken by accessing the following link:

<https://docs.spatialni.gov.uk/applications/drinkingwaterinspectorate/Generalinformation.pdf>.

As per Section 9.5.6 of the EIAR, a search has been completed and no private water supplies abstractions have been identified within 1km of the site.

Further information on private water supplies can be obtained through contacting DWI by emailing at [dw@daera-ni.gov.uk](mailto:dw@daera-ni.gov.uk) or telephone 028 9056 9282 or from the DWI website: <https://www.daera-ni.gov.uk/articles/private-water-supplies>.

Please be aware that if the applicant intends to use any borehole / private water supply on site, and its intended usage would abstract over 10m<sup>3</sup>/day then it will require further

## **Drainage & Water**

consultation with the NIEA Abstractions and Licencing Team - more information is available at: <https://www.daera-ni.gov.uk/articles/applying-abstract-or-impound-water>.

**2. Engagement with NI Water (Public Water Supplies)** – All catchments are considered as Drinking Water Protected Areas (DWPAs) under Article 7 of the Water Framework Directive. The nationwide basins are utilised by the primary Water Undertaker, Northern Ireland Water Limited (NI Water), to provide the public supply of water. Consideration should be given to the location of any infrastructure and protection of DWPAs, especially at the proposed water course crossings. NI Water should be consulted on the proposal to allow for consideration in their water safety plans.

**3. Standing Advice** – The developer is directed to the following list of standing advice which should, as appropriate and relevant, be considered in relation to the scale, type, location and potential impacts the proposal may have on the water environment;

<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>.

## **Water Management Unit**

### **Section Reference:**

WMU/PC/ 33835-1

### **Considerations:**

Water Management Unit is content, subject to:

- The applicant referring and adhering to standing advice
- Any required statutory permissions being obtained
- To the caveat contained within the explanatory note
- Conditions

All DAERA Standing Advice documents are available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

### **Conditions:**

Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice:

**Condition:** Once a contractor has been appointed, a full Final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

In addition the recommended conditions and informatives as set out in DAERA Standing Advice Commercial and Industrial Developments are appropriate for this development.

**All standing advice referred to in this response unless otherwise stated can be found at the following link** [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)

### **Explanatory Note:**

Water Management Units response is related to the elements of the scheme that are within Northern Ireland only. All elements outside of Northern Ireland are outside of Water Management Units jurisdiction.

The applicant must refer and adhere to all the relevant precepts contained in DAERA Commercial or Industrial Developments.

Water Management Unit's (WMU) response is on the basis that this proposal will not generate any foul sewage. If this is not the case clarification should be provided and Water Management Unit re-consulted.

Due to the proximity to watercourses, Water Management Unit require a full Final Construction Environmental Management Plan (CEMP) from the appointed contractor and that it should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Details of mitigating measures to address the environmental impacts on the aquatic environment should be presented in the contractors CEMP.

WMU note that the bridge construction phasing works documents make reference to double skinned fuel bowzers. These may not comply with the legislation WMU would direct the applicant to GPP2 Above ground oil storage tanks as and would seize opportunities to reinforce the importance of compliance with the Control of Pollution (Oil Storage) Regulations (NI) 2010. <http://www.legislation.gov.uk/nisr/2010/412/contents/made>

Water Management Unit's Pollution Prevention Team will be happy to advise on the CEMP or to provide any other pollution prevention advice the applicant requires. The appointed contractor can liaise with Water Management Unit Pollution Prevention Team at [nieapollutionprevention@daera-ni.gov.uk](mailto:nieapollutionprevention@daera-ni.gov.uk).

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

Water Management Unit recommends the installation of an oil interceptor for car parks with 50+ spaces to prevent oil from on-site activities leaving the site. The applicant should consult Pollution Prevention Guideline (PPG) 03 - Use and design of oil separators in surface water drainage systems, for further advice regarding the installation and maintenance of oil interceptors/separators which can be found at the link given below. [http://www.netregs.org.uk/library\\_of\\_topics/pollution\\_prevention\\_guides/all\\_ppgs.aspx](http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides/all_ppgs.aspx)

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction and operational phases. Any proposed discharges not directly related to the construction of the development, such as from septic tanks, wash facilities or the Car Park Interceptor, will also require separate discharge consent applications. The applicant must refer and adhere to relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

**Informatives:**

The informatives contained in DAERA Standing Advice Commercial or Industrial Developments.

In addition the applicant must refer and adhere to the precepts contained in DAERA Standing Advice

- Pollution Prevention Guidance
- Discharges to the Water Environment

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.



## Regulation Unit

**Section Reference:** LA11/2021/1211/TBA

Station Road, Lifford, County Donegal & between Station Road, Lifford, County Donegal and Strabane, County Tyrone.

### Considerations

**An Environmental Impact Assessment (EIA) report has been provided by MCL Consulting Ltd in support of this consultation. The EIA summarises the site situation and development plans, however the site history with regard to potential land contamination has not been assessed.**

**This proposal is in very close proximity to a railway line and other potential contaminating historical activities. Regulation Unit Land and Groundwater Team consider that the application would benefit from a Preliminary Risk Assessment as a minimum to ensure that potential risks from contamination are taken into account in the development.**

### Explanatory note

The comments below are not exhaustive but serve to capture key points in support of the Regulation Unit (RU) position outlined above. These comments are made on consideration of:

- MCL Consulting Ltd. Environmental Impact Assessment Report. Volume 2: Main Text. Riverine Community Park, Lifford-Strabane. August 2021.
1. The priorities of the RU Land and Groundwater Team in assessing this planning consultation are to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. It should be noted that Derry City and Strabane District Council is the authoritative body with respect to environmental health matters and we would ask that you ensure they have an opportunity to comment on all relevant information.
  2. An Environmental Impact Assessment (EIA) report has been provided by MCL Consulting Ltd in support of this consultation. The EIA summarises the site situation and development plans, however the site history with regard to potential land contamination has not been assessed.
  3. This proposal is in very close proximity to a railway line and other potential contaminating historical activities. Regulation Unit Land and Groundwater Team consider that the application would benefit from a Preliminary Risk Assessment as a minimum to ensure that potential risks from contamination are taken into account in the development.
  4. It is advised that the applicant provides the supporting environmental information for developing this site as set out in the Environmental Advice for Planners available at: <https://www.daera-ni.gov.uk/topics/environmental-advice-planners>.
  5. In the absence of this information there is insufficient data to assess the extent of contamination at the site, the nature and extent of unacceptable risks to the water environment and whether they can be managed through a remediation strategy to support the proposed development.

## Regulation Unit

6. Site investigations may be required and if so should be designed and undertaken in accordance with appropriate guidance including British Standards BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites.
7. It is recommended that all risk assessment and risk management work follows the UK technical framework as described in the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

## Natural Heritage & Conservation Areas

**Section Reference:** CB 31285

**Planning Reference:** LA11/2021/1211/TBA

### Summary

NED has considered the impacts of the proposal and on the basis of the information provided requires further information to be able to determine whether the proposal would have a likely significant effect on a protected site.

NED notes that information pertaining to a number of protected species has not been made available for assessment. NED cannot provide a substantive response until this information has been submitted.

### Considerations

Please note that this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

The application site is within/hydrologically linked to the following national, European and international designated sites:

- River Foyle and Tributaries SAC, which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- River Foyle and Tributaries ASSI, which is declared under the Environment Order (Northern Ireland) 2002

NED acknowledges receipt of the following documents;

- Environmental Impact Assessment (EIA) Report Volume1: Non-Technical Summary, dated August 2021
- Environmental Impact Assessment Report Volume 2: EAIR Main Text, dates August 2021
- Bridge External Lighting Drawing, dated August 2021
- Strabane External Lighting Drawing, Dated August 2021

NED has considered the proposal and highlights the following as potential impacts on the designated sites as well as all other natural heritage interests associated with the area.

### Designated Sites

Potential Impacts	Designated Site Considerations
	<p>NED has considered the relevant documents and drawings to date (06/04/22) uploaded to NIPP for the proposed development regarding the Proposed Riverine Pedestrian and Cycle Bridge at Station Road, Lifford, County Donegal - 115m in length between Lifford Co. Donegal and Strabane, County Tyrone.</p> <p>The proposed bridge traverses over the River Foyle and Tributaries ASSI/SAC, and connects the Strabane and Lifford sides of the Riverine Community Park (covered in a separate</p>

## Natural Heritage & Conservation Areas

<p>Disturbance of protected and priority species through;</p> <ul style="list-style-type: none"> <li>- Prevention of access to suitable foraging or resting areas.</li> <li>- Destruction of habitat/holts/setts/nests/roosts etc.</li> <li>- Proximity of works, vibrations and noise</li> </ul> <p>Degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works.</p>	<p>application: LA11/2021/1210/TBA) which is adjacent/hydrologically linked to the designated sites. The above sites are designated for Atlantic salmon and otter populations along with watercourses of plain to montane levels with <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation.</p> <p>NED are cognisant of otter records upstream of the development and while evidence of otter foraging was found on site (tracks and prey remains) no holts/dens will be destroyed as a result of the works as none were located during survey (Environmental Impact Assessment Report) (EIAR) (MCL Consulting, 14/12/21).</p> <p>NED welcome the mitigation measures outlined in both the outline Construction Environmental Management Plan (oCEMP) (MCL Consulting, 14/12/21) and Environmental Impact Assessment Report (EIAR) (MCL Consulting, 14/12/21) which are summarised below;</p> <ul style="list-style-type: none"> <li>- Piling methods changed from percussion piling to corkscrew Continuous Flight Auger (CFA) piling and will take place outside of the Atlantic Salmon migratory season (as per consultation with Loughs Agency).</li> <li>- Machinery will only operate during daylight hours and will implement a soft start approach where applicable</li> <li>- Lighting schemes restricted to 1 LUX and preferably red coloured wildlife lighting, no lighting directed onto woodland features or watercourses</li> <li>- No excavations will be left uncovered or without means of egress, no buildings or hazardous substances to be left unsecured in case of entrapment or poisoning.</li> <li>- Inclusion of culvert/ledge in the bridge landing area for free access for otters across areas where the bridge will make contact with land.</li> <li>- If priority species are discovered work will cease immediately and the ecologist will be sought for advice.</li> </ul> <p>The applicant has considered the key works which have potential to impact the aquatic environment which includes increased sediment supply/accumulation, loss of bankside, degradation of riparian habitat, smothering of fish species, and contamination of run off with fuels/chemicals/cementitious materials/pesticides. NED consider that there are sufficient mitigation measures in place for prevention of pollution including;</p>
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## Natural Heritage & Conservation Areas

<p>Degradation of the aquatic environment as a result of in river works e.g. flood embankments and culverts.</p>	<ul style="list-style-type: none"><li>- 10m buffer zones between the River Foyle and stockpiles, refuelling activities, storage of fuels/chemicals/hazardous materials, mixing of concrete and wash areas.</li><li>- All run-off will pass through treatment facilities prior to outfall e.g. temporary settlement lagoons, SuDS ponds, silt fences, check dams, bunds, vegetation and geotextile matting etc.</li><li>- Works likely to generate sediment laden run-off will be restricted during times of heavy rain, stockpiles will be covered, sediment removed from site.</li><li>- Use of cementitious materials will be carefully controlled with quick setting products used in/near the River Foyle. For areas within 10m of the river protection will be put in place to prevent spills entering the river e.g. isolation of working area, protective sheeting.</li><li>- Periodic visual water quality assessments will be undertaken by the appointed Environmental Clerk of Works (ECoW).</li></ul> <p>NED are content that the temporary works to the flood embankment which will facilitate the construction of the pedestrian bridge will use silent sheet piling and that the construction of the bridge abutments will use Continuous Flight Auger piling which has a lower ecological impact due to less vibration and noise. Also that the river embankment will be reinstated to its previous state following completion of the development. As the crane platform for lifting the single span bridge structure will be on the ROI side of the river this is outside NED's jurisdiction as is the placement of a pier support for the bridge.</p> <p>Several box culverts are depicted in the bridge construction phase drawings (13/12/21), however construction methods and environmental mitigation measures for these are not included in the documents submitted. Consequently NED require further information to fully assess the likely impacts associated with the proposal on the designated sites.</p>
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The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment:

- <https://www.daera-ni.gov.uk/articles/standing-advice-0>

### Other Natural Heritage Interests

#### Badgers

NED acknowledges that the project has taken into consideration its impact on the local badger population and has rerouted the proposal away from a nearby sett entrances. The EIAR makes reference to the location maps in Appendix 8-5, however this has not been made available to

## **Natural Heritage & Conservation Areas**

date. NED would therefore request that this information is made available in order to verify the EIAR. Please note that information pertaining to the location of badger setts is considered sensitive and it is recommended that this information is not made readily available for viewing in the public domain.

NED is content that the mitigation measures proposed in the EIA will reduce the overall disturbance. It is recommended that the details of the proposed mitigation measures are either incorporated into the final CEMP or as part of a dedicated Badger Mitigation Plan in order to ensure they are implemented in full during the construction phase.

### **Bats**

The Lighting Plan submitted as part of this application indicates that the lux levels across the site are within the recommended parameters set in the guidance for bats and artificial lighting. NED does notes that the EIAR has made reference to a dedicated Bat Activity Survey report included as part of Appendix 8-3 This document however, has not been made available for assessment. NED requests that this information is made available to NED in order to verify if proposed lighting mitigation is appropriate. Once this information has been made available, NED provide a substantive response.

### **Further Information**

1. NED request that the appointed contractor submits the final Construction Environmental Management Plan and finalised layout design including a site drainage plan for review prior to works commencing. This should include details of the construction methods and mitigation measures for any proposed culverts included in the development.
2. Details of the badger survey included as part of Appendix 8-5 of the Environmental Impact Assessment Report, dated August 2021.
3. A Badger Mitigation Plan (as a separate document or included as part of an amended CEMP) outlining any/all mitigation measures pertaining to minimising any disturbance to the local badger population.
4. Details of the Bat Activity Survey as part of Appendix 8-3 of the Environmental Impact Assessment Report, dated August 2021