

# **AA Conclusion Statement of the Variation to the County Donegal Development Plan 2018-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal (Variation No.1)**



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# TABLE OF CONTENTS

- 1 Introduction and Background ..... 1**
  - 1.1 BACKGROUND ..... 1
  - 1.2 FORMAT OF THE CONCLUSION STATEMENT ..... 1
- 2 How the Findings of the AA Were Factored Into the Variation ..... 2**
  - 2.1 APPROPRIATE ASSESSMENT OF THE VARIATION ..... 2
  - 2.2 MITIGATION RECOMMENDED BY THE NIR ..... 2
  - 2.3 CONSULTATION RESPONSES ..... 3
  - 2.4 ADOPTING THE VARIATION ..... 6
- 3 Reasons for Choosing the Variation as Adopted, in The Light Of Other Reasonable Alternatives Considered As Part of the AA Process ..... 7**
  - 3.1 INTRODUCTION ..... 7
  - 3.2 CONSIDERATION OF STRATEGIC-LEVEL ALTERNATIVES FOR THE VARIATION ..... 7
  - 3.3 CONSIDERATION OF TEN-T PRIPD ALTERNATIVES ..... 8
- 4 Declaration That the Variation as Adopted Will Not Have an Adverse Effect on the Integrity of a Natura 2000 Site or Sites ..... 10**

# LIST OF TABLES

Table 2-1 Summary of comments of relevance to the NIR received from Consultees during public consultation of the Variation, NIR, SEA ER and SFRAR ..... 5

# 1 Introduction and Background

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## 1.1 Background

Donegal County Council has prepared a Variation to the County Donegal Development Plan (CDP) 2018-2024, in respect of the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD).

Part XAB of the Planning and Development Act (2000), as amended, required the Council, as the competent authority, to undertake Screening for Appropriate Assessment (AA) (in accordance with Section 177U) and, as appropriate, to prepare a Natura Impact Report (NIR) (in accordance with Section 177T), as part of the AA required for a Proposed Variation of a development plan.

In accordance with the Guidance document '*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (revised February 2010)*', published by the Department of Environment, Heritage and Local Government (DEHLG), a clear and discrete AA Conclusion Statement as a distinct section in the written statement of the Plan separate to the SEA Statement should be prepared by the Planning Authority.

This AA Conclusion Statement should be read in conjunction with the following documents which accompany the Statement:

- Variation to the County Donegal Development Plan 2018-2024, in respect of the TEN-T Priority Route Improvement Project, Donegal (TEN-T PRIPD);
- Natura Impact Report (NIR);
- Strategic Environmental Assessment (SEA) Environmental Report (ER);
- Strategic Flood Risk Assessment Report (SFRAR);
- Written submissions and observations made regarding the Proposed Variation and associated NIR during the public consultation process including submissions, information and advice from statutory consultees and prescribed authorities; and
- Chief Executive's Report on the Public Consultation regarding the Proposed Variation (April 2021).

## 1.2 Format of the Conclusion Statement

As recommended in the above DEHLG Guidance document, this AA Conclusion Statement takes the following format:

- Summary of how the findings of the AA were factored into the Proposed Variation (Section 2);
- Reasons for choosing the Proposed Variation in the light of other reasonable alternatives considered as part of the AA process (Section 3); and
- A declaration that the Proposed Variation will not have an adverse effect on the integrity of any European sites (Section 4).

## 2 How the Findings of the AA Were Factored Into the Variation

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### 2.1 Appropriate Assessment of the Variation

#### **Stage I Screening for Appropriate Assessment**

A Stage I Screening for AA of the Proposed Variation to the CDP 2018-2024, in respect of the TEN-T PRIPD, was undertaken by Donegal County Council, in accordance with S.177U of the Planning and Development Act 2000 (as amended). This considered the potential for likely significant effects of the Proposed Variation on European sites occurring either partially within the preferred route corridors of the TEN-T PRIPD, or within a 15km zone of influence of said corridors. Of the 15 no. European Sites considered at screening stage, it was concluded that 9 no. had no potential for impacts on the conservation objectives of Qualifying Interests / Special Conservation Interests, and these were excluded from further assessment.

On the basis of objective information, and in view of best scientific knowledge, the screening report concluded that the likelihood of significant effects arising from the Proposed Variation could not be excluded beyond reasonable scientific doubt for the following European Sites and that an Appropriate Assessment of the Proposed Variation was required.

- Lough Swilly SAC;
- Lough Swilly SPA;
- River Finn SAC;
- River Foyle and Tributaries SAC;
- Lough Fern SPA; and
- Derryveagh and Glendowan Mountains SPA.

#### **Stage II Appropriate Assessment**

A Stage II appraisal of the amendments comprising the Proposed Variation (33 no. textual amendments and 11 no. mapping amendments) on the European sites that were screened in at Stage I was undertaken. A review of conservation objectives, Qualifying Interests / Special Conservation Interests and threats to site integrity for screened in European sites was undertaken in order to identify sites that could be negatively impacted by the amendments comprising the Proposed Variation.

The assessment found that, in the absence of the consideration of mitigation measures, a number of the proposed amendments comprising the Proposed Variation, through their facilitation of the TEN-T PRIPD, had the potential to result in likely significant effects on the Qualifying Interests/ Special Conservation Interests of 5 of the 6 European sites screened in from Stage I. These findings were detailed in the Impact Assessment Matrix contained at Table E.1 in Appendix E of the NIR, and included the potential for direct and indirect habitat loss, damage or disturbance, water quality and habitat deterioration, and disturbance or displacement effects on designated species.

Cumulative and in combination effects were also considered in the NIR in relation to other plans and projects of relevance, and no such potential for in-combination effects was identified.

### 2.2 Mitigation recommended by the NIR

The purpose of the Variation is to create a spatial and policy framework to facilitate the TEN-T PRIPD so that it can proceed to the statutory approval stage. The project will be subject to an application to

An Bord Pleanála (ABP) and will require AA and EIA. The development of the TEN-T PRIPD will be subject to compliance with the provisions of national and European legislation including in particular the provisions of the EIA Directive (Dir 2011/92/EU as amended by Dir 2014/52/EU), Habitats Directive (Dir 92/43/EEC) and Birds Directive (Dir 2009/147/EC) (or such amendments or replacements of same) as transposed into Irish Law, and the project will be subject to ABP being satisfied that the project complies with European and national legislation. If permission for development is granted, Donegal County Council will be responsible for ensuring compliance with ABP's approval and conditions as well as the requirements of the relevant national and European legislation.

Section 5 of the NIR set out a detailed avoidance and mitigation strategy to prevent potential adverse effects on the integrity of the European sites concerned including:

- **Avoidance:** Potential impacts will be avoided by locating and designing the development in a manner which avoids adverse effects to the qualifying interests of the European sites.
- **Mitigation at the project level:** Potential impacts will be mitigated during the detailed design of the project. This will include measures to avoid significant adverse effects on European sites. The project will also have to demonstrate compliance with other relevant national and European legislation, plans, and the Policies and Objectives of the CDP. Potential impacts will also be mitigated through detailed surveys, construction management plans and techniques, pollution control measures, monitoring and post construction reinstatement.
- **Mitigation though TII Guidance for Road Schemes:** Potential impacts will be mitigated through adherence to a range of ecology related TII Planning and Construction Guidelines.

In this regard, as stated in Strategic Objective S-O-11, and Transport Objective T-O-1 of the Proposed Variation, the progression and implementation of the TEN-T PRIPD will be "subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted)". Project level measures to prevent, reduce and as fully as possible offset any significant adverse effects on the environment will be contained in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) submitted as part of the statutory approvals process. These measures are typically referred to as 'mitigation'.

Therefore, considering the Proposed Variation and the specific mitigation measures that require statutory approvals to prevent impact, it was found that no direct, indirect or cumulative significant effects on any European sites or their integrity were likely from the Proposed Variation. On that basis, the NIR did not recognise the need for any amendments to the Proposed Variation.

## **2.3 Consultation responses**

### **Statutory consultation following Stage I Screening for Appropriate Assessment**

The Proposed Variation was screened in respect of AA, in accordance with S.177U of the Planning and Development Act 2000 (as amended).. This AA Screening process determined that that an AA was required as it could not be excluded, on the basis of objective information, that the Proposed Variation, individually or in combination with other plans or projects would have a significant effect on European sites.

Following this screening process, both SEA and AA Scoping was carried out with the prescribed environmental authorities in October 2020, as follows:

- SEA Section, Environmental Protection Agency (EPA)
- Department of Housing, Local Government and Heritage (DHLGH)
- Department of the Environment, Climate and Communications (DECC)
- Department of Agriculture, Food & the Marine (DAFM)

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM) which included the National Parks and Wildlife Service, Glenveagh National Park.
- Leitrim County Council
- Natural Environment Division, Northern Ireland Environment Agency (NIEA)
- Strategic Planning Directorate, Department of the Infrastructure, Northern Ireland
- Fermanagh & Omagh District Council
- Derry City & Strabane District Council

Submissions made by the authorities can be found in Appendix B of the NIR for the Proposed Variation. These submissions were taken into account during the preparation of the NIR and the ER.

### **Public consultation following Stage II Appropriate Assessment**

In accordance with S.13(2) of the Planning and Development Act 2000 (as amended), the Council engaged in public consultation on the Proposed Variation, including the ER, NIR and SFRAR, between 5<sup>th</sup> March and 9<sup>th</sup> April 2021. The Public consultation comprised:

- Sending notices and copies of the Proposed Variation, ER, NIR, SFRAR, to the Minister and other prescribed bodies.
- Publishing Newspaper Notices in local newspapers of said Act stating: the reasons for the Proposed Variation; the places and times at which it could be inspected; advising that hard copies of abovementioned documents could be issued on request; inviting written or emailed submissions or observations; and advising that said submissions or observations would be taken into consideration before the making of the Variation.
- Publishing the Proposed Variation, an Introduction/Explanatory document, an interactive map, the ER, NIR and the SFRAR on the Council's website.
- Advertising the Public Consultation via Press Release to news outlets and via the Council's social media pages.

During the public consultation period, a total of 12 submissions were received from members of the public, and 14 submissions were received from other groups/bodies. A summary of the issues raised in the submissions received is outlined in Section 6.0 of the Chief Executive's Report on the Public Consultation regarding the Proposed Variation (April 2021). Comments received that make specific reference to, or otherwise relate to, the NIR are reproduced in **Table 2-1** below.

The Chief Executive's report considered all observations and submissions raised during the consultation process, and a response by the Chief Executive to the issues raised is outlined in Section 7.0 of said report. Where the same or similar issues were raised by more than one individual or group, an overall summary of, and a grouped response to, such issues was provided. Responses were provided by the Chief Executive to environmental issues of relevance to the NIR raised in the submissions. These relate to the following:

- Potential impact on the Lough Swilly Special Area of Conservation and Special Protection Area arising from the proposed zoning changes to Map 12.1B Letterkenny Land Use Zoning (and associated Zoning Objectives) associated with the bridge area of Section 2 of the TEN-T PRIPD;
- Unique approach taken in respect of the Proposed Variation concerning both the range of development objectives proposed and the zoning strategy to be applied. Associated recommendation that said approach accords with the requirements of the strategic environmental appraisal process and does not conflict with the progression of the Scheme in accordance with TII Publications, Standards and Codes of Practice and EU and National environmental legislative requirements; and
- Overall and specific environmental impacts of the proposed Variation.

In particular the Chief Executive's Report:

**AA Conclusion Statement of the Variation to the County Donegal Development Plan 2018-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal**

- Responded to the submission from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM) regarding the potential impact of new Zonings for Letterkenny in the Proposed Variation on Lough Swilly SAC and Lough Swilly SPA, by advising that said new zonings only provide for the development of TEN-T PRIPD in addition to the development types/uses already provided for within the pre-existing zonings and associated zoning objectives and, as such, do not provide for any additional built development or uses in the vicinity of the SAC and SPA. In addition the report noted that the Planning Section consulted directly with the department in relation to this issue, advised them of the above, and during this consultation the department official advised that the department was satisfied with this response.
- Responded to the various submissions regarding the impact of the Proposed Variation on specific aspects of the environment, by providing members with the findings of the Option Selections Report and the Environmental Report in relation to said specific issues.

The specific responses and recommendations in the Chief Executive’s report can be viewed by accessing the document on the following link:

- [Variation No.1 to the County Donegal Development Plan](#)

No amendments were considered necessary to the Proposed Variation, NIR or Environmental Report on foot of comments relating to environmental issues received during the public consultation stage. The Chief Executive’s Report, including the particular issues raised in the submissions and the response and recommendations of the Chief Executive to the issues raised, were considered by the Elected Members at the plenary Council Meeting of the 31<sup>st</sup> May prior to the making of the Variation.

**Table 2-1 Summary of comments of relevance to the NIR received from Consultees during public consultation of the Variation, NIR, SEA ER and SFRAR**

Submission by	Summary of comments
Derry City and Strabane District Council	States that the NIR seems to be reasonable having covered all the main potential impact on the Natura 2000 sites and notes that the Derry City and Strabane District Council appears to have been considered in this report. Cites the need for ongoing project level assessment of the environmental impacts especially regarding the crossing of the River Foyle and tributaries SAC.
Development Applications Unit Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media	<p>States that Departmental staff has met several times with the TEN-T team and their ecological consultations.</p> <p>Acknowledges that the design progression to date has adequately considered risks to nature conservation and the siting of infrastructure was revised several times prior to the decision on the preferred route options.</p> <p>Cites examples of nature conservation issues that have informed design changes including a clear span cantilever bridge with foundations outside of the Lough Swilly SAC and SPA in Section 2, the avoidance of ex situ Geese and Swan foraging areas that support populations linked to Lough Swilly SAC and Lough Swilly SPA and the provision of a clear span bridge and avoidance of riparian area on the River Finn where invasive species infestations are most severe in Section 1.</p> <p>Notes that the NIS report adequately adopts the precautionary principle concerning the protection of European Sites and makes sufficient provision for a project level assessment.</p> <p>States that the Environmental Report sufficiently identified the key risks to Biodiversity and the Natural Environment and proposes sufficient high level mitigation to ensure that the final design and downstream projects will be adequately mitigated.</p> <p>Expresses concern regarding the zoning changes proposed in respect of Map 12.1B Letterkenny Land Use Zoning map associated with the Bridge area of Letterkenny, states that a precautionary approach should be taken with regard to encouraging built development in this area, because it is in close proximity to the Lough Swilly SAC and</p>



**AA Conclusion Statement of the Variation to the County Donegal Development Plan 2018-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal**

Submission by	Summary of comments
	<p>SPA sites, and states that it is unclear whether risks to European sites and wider nature conservation interests associated with this change have been sufficiently assessed in the NIS or Environmental Report.</p> <p>Notes the inclusion of T-O-1A and states that the inclusion of same will not diminish the role of statutory approvals and conditions attached to them in mitigating the impact of development on environmental features including archaeological monuments subject to statutory protection.</p>
Department of Agriculture, Environment and Rural Affairs (DAERA) Northern Ireland	Notes that whilst it is unlikely that there would be direct physical adverse effects of this programme on Northern Ireland's natural and historic environment states, that the Proposed Variation has the potential to give rise to Transboundary effects.
Transport Infrastructure Ireland (TII)	<p>TII supports provision made to facilitate and provide for the Donegal TEN-T PRIP giving effect to National Planning Framework National Strategic Outcome No. 2 'Enhanced Regional Accessibility' and notes the project also gives effect to the development objectives of the National Development Plan, 2018 - 2027.</p> <p>Notes the unique approach taken in the Proposed Variation regarding the range of development objectives proposed to be amended and the zoning strategy applied.</p> <p>Notes that all national road projects are funded, developed and implemented in accordance with TII Publications, Standards and Codes of Practice and progress in accordance with all EU and National environmental legislative requirements and the Council will be aware that this remains the case in relation to the TEN-T PRIP.</p> <p>With regard to the unique approach taken recommends that the Council ensure that the approach accords with the requirements of the strategic environmental appraisal process and does not conflict with progression of the Scheme in accordance with TII Publications, Standards and Codes of Practice and EU and National environmental legislative requirements.</p>
Office of the Planning Regulator (OPR)	<p><b>Natural Heritage:</b></p> <p>Notes the concerns raised by the Development Application Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media regarding the potential impact on the Lough Swilly SAC and SPA arising from the proposed change in zoning priorities identified in Map 12.1B Letterkenny Land Use Zoning Map associated with the bridge area of Section 2 of the TEN-T PRIPD and states that the planning authority should consult with the DAU NPWS on these concerns.</p>

## 2.4 Adopting the Variation

In making the Variation, the Elected Members of Council are required to:

- Consider the Proposed Variation and the CE Report in accordance with the requirements of Section 13(5) of the Act.
- Complete the Strategic Environmental Assessment of the Proposed Variation in accordance with Article 13P of the Planning and Development Regulations 2001 (as amended).
- Complete the associated Appropriate Assessment of the Proposed Variation and made a determination in accordance with Section 177V(1) of the Act that the Proposed Variation will not adversely affect the integrity of a European site.
- Complete the flood risk assessment process by noting the contents of the Strategic Flood Risk Assessment Report.
- Consider the Proposed Variation in accordance with Section 13(6) of the Act and make the variation as per that proposed at the public consultation stage but subject to 2 no. further modifications which are not material alterations.

This, along with the associated environmental reports, will be used for the purpose of informing further studies and the detailed design of the TEN-T PRIPD.

### **3 Reasons for Choosing the Variation as Adopted, in The Light Of Other Reasonable Alternatives Considered As Part of the AA Process**

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#### **3.1 Introduction**

The purpose of this section is to outline the reasons for choosing the Variation in light of other reasonable alternatives considered, in this case alternatives to the Proposed Variation to the Donegal CDP 2018-2024, in respect of the TEN-T PRIPD.

#### **3.2 Consideration of strategic-level alternatives for the Variation**

From a strategic perspective, two alternative scenarios were considered for the Proposed Variation:

- Alternative No.1: Do-Nothing Approach or continuation of the existing County Donegal Development Plan 2018-2024.
- Alternative No.2: Implementation of the Proposed Variation comprising amendments to facilitate the TEN-T PRIPD.

These alternatives were assessed through the SEA process, including reference to the specific requirements of the EU Habitats Directive and European sites. Section 7.2 of the Environmental Report provided a comparative evaluation of the environmental effects of implementing these two strategic-level alternatives, and determined which alternatives were likely to have a positive or negative relationship with Strategic Environmental Objectives (SEO's).

The SEA assessment of 'Alternative No.2', i.e. implementation of the Proposed Variation, found there to be potential for conflict at the project level with the status of SEO's relating to Biodiversity, Water, Soil, and Shellfish Waters, as follows:

- There is potential for short and long-term, temporary and permanent construction and operational phase negative effects on Biodiversity SEOs BIO1 (ensuring compliance with the Habitats Directive and protection of European sites, including Freshwater Pearl Mussel catchments), BIO2 (conserve and enhance the diversity of habitats and protected species), and BIO4 (protection of macro-corridors and contiguous areas of habitat), and for short-term temporary construction phase, and long term recurring operational phase negative effects on BIO3 (protection of the marine environment).
- There is potential for short-term temporary construction phase, and long term recurring operational phase negative effects on Water SEO WR1 (protection of the status of aquatic ecosystems).
- There is potential for short-term, construction phase negative effects on Soil SEO SL1 (protect and maintain the quality of soils).

The SEA assessment found that conflicts with these SEO's have potential for direct or indirect implications for European sites. However, the assessment considered that any potential impacts could be mitigated by the following avoidance and mitigation strategy:

- Project level measures to prevent, reduce and as fully as possible offset any significant adverse effects on the environment will be contained in the EIAR and NIS submitted as part of the statutory approvals process. These measures are typically referred to as 'mitigation'. Where reasonably practicable, likely significant impacts may be mitigated by locating and designing the development in a manner which avoids likely significant effects on the environment.
- Avoidance: Potential impacts may be avoided by locating and designing the development in a manner which avoids likely significant effects on the environment and reduces the likelihood of conflict with the above-mentioned SEOs where practicable. The Council will have due regard for the Environmental Protection policies and objectives of the County Development Plan when finalising the exact location and design for the development to ensure, where practicable, that such conflicts with SEOs do not arise in the first instance. In this regard:
  - Transport Policies T-P-1, T-P-2 and T-P-5 facilitate development of the TEN-T network, Donegal's transport network and strategic road network, respectively, each with a caveat that this is 'subject to environmental, safety and other planning considerations', while CS-O-7 stipulates that investment in infrastructure will be subject to environmental considerations.
  - Potential negative impacts on Biodiversity SEOs will be protected by having regard for the Natural Heritage Objectives NH-O-1 to NH-O-3, NH-O-6, NH-O-8 to NH-O-11 and Policies NH-P-1 to NH-P-5, NH-P-10 and NH-P-18, which relate to the protection of biodiversity, including protected habitats and species. Potential negative impacts on the Water SEO WR1 and Coast/Marine Resource CM3 (protection of Designated Shellfish Waters) will be protected by having regard for WES-O-5, WES-O-6, WES-P-4, WES-P-8 and WES-P-12. Potential negative impacts on Soil SEO SL1 during construction will be protected by WES-O-6.

Regarding 'Alternative No.1', i.e. in the absence of implementing the Proposed Variation to the CDP, the TEN-T PRIPD and associated preferred Option Corridors would not be incorporated into the Donegal CDP. There would be no changes to the TEN-T route corridor as described in the CDP, to land zonings for Letterkenny and Ballybofey/Stranorlar and to other transport related matters in the CDP. As outlined in the following section, the historical TEN-T routes in the current CDP were not identified as the preferred options. These routes were discounted at the Option Selection stage of the current TEN-T PRIPD as they scored less favourably than other options in the multi-criteria analysis. Therefore, if the CDP were to remain unchanged, the TEN-T routes currently contained in the CDP would either be constructed at a much greater adverse impact or, alternatively, there would be no development of the TEN-T under the current CDP, within the plan period. In addition, the SEA assessment found that uncertain effects on Biodiversity, Soils, and Water SEOs were present in the scenario of 'Alternative No.1', as development unrelated to the TEN-T road network would still progress under the CDP as it stands. There was also potential for short to long-term negative effects on the Air Quality SEO AC2 (reduce all forms of air pollution) owing to continuing traffic issues and their associated emissions within urban centres. Donegal County Council therefore proposed the Variation to support the TEN-T PRIPD, with amendments to objectives, policies and maps within the CDP.

### **3.3 Consideration of TEN-T PRIPD Alternatives**

In addition to the consideration of strategic-level alternatives, the environmental implications of a wide range of alternatives (both strategic and geographical) were considered as part of the TEN-T PRIPD, including 'Do Nothing', 'Do Minimum', 'Do Something - Non Road Improvements' and 'Do Something - Road Improvement Alternatives'. These are detailed both in the Option Selection Report for the TEN-T PRIPD and the SEA ER.

In terms of the '**Do Nothing**' Alternative, the above reports note the following in respect of each Section of the Project.

- Section 1: The existing N13 through Ballybofey/Stranorlar is operating beyond capacity, performs poorly in respect to safety (with poor width, alignment and visibility), is congested (with high journey times and journey time reliability), has poor pedestrian and cycling facilities, causes community severance, and causes high noise and air quality impacts due to the proximity to residential development.
- Section 2: The existing N13/N56 are operating beyond capacity, have significant safety issues including: several direct access, dual carriageway crossovers and the access to Lurgybrack Primary school, has an excessive gradient at Lurgybrack and lacks redundancy in cases where the road is blocked due to congestion or collisions.
- Section 3: The existing N14 is operating beyond capacity, performs poorly with respect to safety with substandard alignment, numerous direct accesses and junctions, has poor cross sectional width, and has insufficient opportunities for safe overtaking.

As such the 'Do Nothing' approach would not meet the scheme's objectives for any of the above sections.

In terms of the '**Do Minimum**' alternative the above reports note the following in respect of each Section of the Project.

- Section 1: The 'Do Minimum' option for Section 1 consisted of retaining the existing road with minimum online improvements. However this would not provide the appropriate cross-section and junctions required to achieve the level of service, journey time reliability, safety and economic benefit required in the project objectives.
- Section 2: The 'Do Minimum' option for Section 2 included retaining the existing N13 and N56 routes and including other committed schemes with traffic management improvements. However these routes include multiple public and private direct accesses, have excessive gradients, carry significant >32,000 daily traffic volumes, and serve numerous commercial premises. This makes upgrading the existing routes unviable and impractical and would not provide the appropriate cross-section and junction arrangements required to achieve the level of service, journey time reliability, safety and economic benefits required for the project.
- Section 3: The 'Do Minimum' option for Section 3 consisted of a combination of online and offline improvements, which utilizing sections of the existing N14 and providing road alignment upgrades where necessary. However the 'Do Minimum' option presented serious challenges, given the need to service the existing ribbon development along the existing N14 and the direct impacts the alignment would have on several existing properties. Furthermore restricting a new road to the existing road corridor would result in an undesirable horizontal and vertical alignment.

**Do Something - Non Road Improvement Alternatives** included improved broadband, staggering work times, and alternative forms of travel. However, these strategic non road alternatives were not considered to be feasible solutions to meeting the schemes objectives. For example improved broadband would not meet the needs of unskilled workers, the scheme is designed primarily to address strategic rather than specifically local traffic, rail is not a feasible option for Donegal in the short to medium term and functional sustainable travel options including bus, walking and cycling are functionally dependent on both high quality strategic links (for inter urban transport) and the alleviation of local congestion (to facilitate intra urban bus services, walking and cycling).

**Do Something - Road Improvement Alternatives** for the TEN-T PRIPD was subject to a comprehensive Option Selection Process in accordance with TII guidance including a detailed multi criteria analysis of various route options and extensive public consultation. In particular the Stage 2 Multi Criteria Analysis examined a range of geographical alternatives against a range of environmental criteria (including air quality, climate, noise, landscape and visual, biodiversity, waste, soils, geology, hydrogeology, hydrology, cultural heritage and material assets). This assessment found that each of the preferred route corridors in the Variation generally outperformed or equalled the overall environmental score given to any of the geographical alternatives.

## **4 Declaration That the Variation as Adopted Will Not Have an Adverse Effect on the Integrity of a Natura 2000 Site or Sites**

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The NIR for the Proposed Variation to the Donegal County Development Plan 2018-2024 in respect of the TEN-T PRIPD provides a professional scientific examination of the variation and the relevant European sites, identifying and characterising any possible implications for the European site in view of the conservation objectives, taking account of in-combination effects.

Robust and effective mitigation measures have been proposed to prioritise avoidance of adverse impacts in the first instance by locating and designing the development in a manner which avoids adverse effects to the qualifying interests of the European sites.

The progression and implementation of the TEN-T PRIPD will be subject to the granting of the required statutory approvals for same and the terms and conditions of any such approvals (if granted). Potential impacts will be mitigated during the detailed design of the project. This will include measures to avoid adverse effects on European sites. The project will also have to demonstrate compliance with other relevant national and European legislation, plans, and the Policies and Objectives of the CDP. Potential impacts will also be mitigated through detailed surveys, construction management plans and techniques, pollution control measures, monitoring and post construction reinstatement.

Therefore, it can be declared that *the Variation to the County Donegal Development Plan 2018–2024 in respect of the TEN-T PRIPD* will not, either individually or in combination with other plans and projects, adversely affect the integrity of a European site having regard to the mitigation measures outlined in the NIR. No reasonable scientific doubt remains as to the absence of such effects.