

CHIEF EXECUTIVE ORDER No. 2022/WH/0055

**SCREENING FOR APPROPRIATE ASSESSMENT OF SPECIFIC WORKS (GROUND INVESTIGATION) FOR BALLYBOFEY - STRANORLAR FLOOD RELIEF SCHEME**

**REASONED DETERMINATION**

Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations, 2011 ('the Habitats Regulations') states, inter alia, "A screening for Appropriate Assessment of a [...] project [...] which a public authority wishes to undertake [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that [...] project, individually or in combination with other plans or projects is likely to have significant effects on the European site".

Regulation 42(2) of the Habitats Regulations states 'A public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before [...] a decision to undertake [...] a project is taken.'

Having taken the view that the works required under 'Ballybofey Flood Relief Scheme – Ground Investigation Contract No. 1' might constitute 'projects' within the meaning of the Habitats Regulations, Donegal County Council, Flood Relief Schemes Unit, decided that the works required under the contract should be subject to screening for Appropriate Assessment pursuant to, inter alia, Regulation 42 of the Habitats Regulations and Article 6(3) of the Habitats Directive.

In performing this screening for Appropriate Assessment, DCC had regard, inter alia, to information contained in the following document:

- Ballybofey – Stranorlar Flood Relief Scheme; Ground Investigation Contract 1 – Screening for Appropriate Assessment, Report No. W3639-ENV-017 (Revision 01, Byrne Looby, 30th May 2022).

In performing this screening for Appropriate Assessment, DCC also communicated with the Office of Public Works, Environment Section in their capacity as Steering Group members for the overall Flood Relief Scheme; and Emmett Johnston, Divisional Ecologist, National Parks and Wildlife Service.

The specific works that have been screened for Appropriate Assessment are the works detailed in "Ballybofey – Stranorlar Flood Relief Scheme; Ground Investigation Contract 1 – Screening for Appropriate Assessment", Report No. W3639-ENV-017 (Revision 01, Byrne Looby Water Services Ltd, 30th May 2022).

The specific works are ground investigation (boreholes and trial pits on the landward side of existing earthen embankment along the River Finn in Ballybofey town centre) and associated works, which are critical to the technical analysis and design of the future principal project, Ballybofey – Stranorlar Flood Relief Scheme.

The potential impacts during the preliminary site investigation works in Ballybofey-Stranorlar have been considered in the context of the Natura 2000 sites potentially affected, their Qualifying Interests, Special Conservation Interests and Conservation Objectives. It has been concluded that the risks posed by sediment emissions, hydrocarbon emissions, noise emissions and the spread of invasive flora are unlikely to result in significant effects to the Qualifying Interests of River Finn SAC and River Foyle and Tributaries SAC, alone or in combination with other plans or projects.

Further, the Site Investigation works are relatively minor and are small in scale relative to the principal project, of short duration and temporary in nature such that it is identified as exempted development in accordance with Planning and Development Regulations (2001 as amended, Schedule 2, Class 45).

As significant effects on European Sites by virtue of the proposal have been deemed unlikely, it is therefore determined that Appropriate Assessment is not required on this occasion.

**Recommendation:**

Having performed screening for Appropriate Assessment in respect of the specific works detailed in Ballybofey – Stranorlar Flood Relief Scheme; Ground Investigation Contract 1 – Screening for Appropriate Assessment, Report No. W3639-ENV-017 (Revision 01, Byrne Looby, 30th May 2022), it is recommended that Donegal County Council accept the recommendations of Byrne Looby Water Services Ltd that the specified geotechnical investigations and associated works, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the best scientific knowledge and the site’s conservation objectives.

It is further recommended that reasoned determination is made that an Appropriate Assessment of these proposed works is not required, as it can be excluded on the basis of objective scientific information following the screening done that the proposed works, individually or in combination with other plans or projects, will have a significant effect on any European site.



**Seamus Hopkins**  
**A/Senior Engineer, Water & Environment**

**ORDER:** Recommendation approved.



**Michael Mc Garvey**  
**Director of Service, Water & Environment**

Dated this the <sup>th</sup> 15 day of June 2022

