

## APPENDIX 3 - CONSULTATIONS

**Table 1: List of Statutory and Non-Statutory Consultees contacted**

Consultees	Feedback
An Taisce	Response received on 21 July 2020 regarding the following: <ul style="list-style-type: none"> <li>(1) The risk of increased pollution and congestion in relation to inter-regional traffic.</li> <li>(2) Compliance with five key targets in Irish Government Transport policy in "Smarter Travel - A New Transport Policy for Ireland " 2009.</li> <li>(3) Mitigation for greenhouse gases, air and noise pollution, congestion. Provision for active travel networks and public transport.</li> <li>(4) Meeting the commitment set out in p14 of Programme for Government</li> </ul>
Ballybofey and Stranorlar Chamber of Commerce	Requested assessment criteria underpinning the appraisal of all the options.
Bat Conservation Ireland (BCI)	No response received. Contacted by email on five occasions (07/09/2017, 17/05/2018, 29/04/2020, 18/08/2021, and 02/09/2021) regarding route selection and potential constraints.
BirdWatch Ireland (BWI)	No response received. Contacted by email on five occasions (07/09/2017, 17/05/2018, 29/04/2020, 18/08/2021, and 02/09/2021).
Coillte	No response received. Contacted by email on five occasions (07/09/2017, 17/05/2018, 29/04/2020, 18/08/2021, and 02/09/2021) regarding route selection and potential constraints. Further phone calls were made to the Coillte Donegal Office on 16/10/2020 and 16/11/2020.
Department of Communications, Climate Action and Environment <sup>1</sup> :	No response received. Contacted on five occasions (07/09/2017, 17/05/2018, 29/04/2020, 18/08/2021, and 02/09/2021) regarding route selection and potential constraints.
Derry City & Strabane District Council	Habitats Regulations Assessment for River Foyle & Tributaries SAC and ASSI (as well as EIA). Please consult with council advisers and Shared Environmental Services (SES). Ensure compliance with all environmental / transboundary aspects.
Donegal CoCo Environment	Response focused on what should be included in the NIS.
Donegal CoCo Operations	Maintain wildlife corridors between Holy Well Woods and forest along Drumboe Ave.
Environmental Protection Agency (EPA) Regional Inspectorate	No response received. Contacted by email on 07/06/2018 regarding the constraints study.

<sup>1</sup> Renamed as the Department of the Environment, Climate and Communications in 2020 and renamed again as the Department of Climate, Energy and the Environment in 2025.

Consultees	Feedback
Inland Fisheries Ireland (IFI)	<p data-bbox="427 271 754 300"><b>Meeting 14<sup>th</sup> November 2018</b></p> <p data-bbox="427 322 1353 383">IFI advised on key locations in river to avoid, guidelines for culverts, areas of spawning habitat and fisheries potential.</p> <ol data-bbox="427 405 1402 2027" style="list-style-type: none"> <li>1. No issue for fisheries habitat, redds, pools, riffles etc.in regards to the Bonagee Link.</li> <li>2. Not a recognised fishing spot. Main issue to be aware of is Loop Net Fishing. This section of the Swilly is one of two places in Ireland where this type of fishing is still traditionally carried.</li> <li>3. Loop Net Fishing closed here in 2006 due to low levels of fish stock. The area is monitored annually and an average is taken over five years of surveys. It has not met its conservation quota yet but it may recommence in the future. The volume of fish caught by this method is not substantial. There is a movement to keep this traditional fishing method alive in this area. Mainly Salmon and some Sea trout caught by this method. Maintain access up and down stream is important. The Swilly is estuarine mud and silts.</li> <li>4. Loop net fishing is commercial, but it also has significance for cultural heritage.</li> <li>5. Swilly and Isle burn is tidal with silt substrate.</li> <li>6. Isle Burn – OPW replacing sluice head. Works are being carried out at Rossbracken, near Mannorcunningham roundabout on the dual carriageway. Contact the OPW for details.</li> <li>7. Access for anglers etc. - Loop Net Fishing, need to keep piers back 8 m from the edge of embankment / Channel. Piers should not be concreted toward embankment and keep it as natural as possible. Isle Burn – 5m is sufficient.</li> <li>8. The standard for structures is minimum 300mm above the 100yr flood level. EPA has monitoring points along here – possibly put in a ramp to allow this to continue.</li> <li>9. The Corkey River has good spawning habitat. EPA is monitoring it and has a spot where they are carrying out monitoring.</li> <li>10. The Corkey River is also known as the Leslie Hill Stream.</li> <li>11. The Isle burn from the Swilly estuary up to the headwaters. A really good Salmon spawning area.</li> <li>12. Isle burn – the side channels convey water with some spawning but the main channel has the majority of fish spawning.</li> <li>13. July – September – survey carried out in this time along these rivers using electro fishing techniques.</li> <li>14. Standard protocol for Culverts - Follow the guideline. Adhere to IFI guidelines. Some culverts especially the box culverts have a low flow, concentrate water to keep water in culvert. Non-migratory is illegal.</li> <li>15. Diversions: 100m is reasonable for a diversion but there should be no need to this on a new road. Alignments should allow you avoid this.</li> <li>16. No gabion basket or no riprap for diversion</li> <li>17. Petrol Interceptors on main line are necessary. On side roads it is not essential. Dual Carriage way by Ballyshannon has three interceptors along 4.5km of road.</li> <li>18. Shade effects from bridge deck are not considered an issue.</li> <li>19. Specific height clearance for the underside of bridge deck above the river: 3m clearance needed from river for the OPW when they bring diggers into the river.</li> <li>20. Flooding: The Swilly does not tend to flood. Dredged and embankments prevent this.</li> <li>21. Stream diversion in regard to profile: Follow guidelines, if adding large boulders in corners, ensure they are properly embedded.</li> <li>22. Q-values and habitat assessment have been carried out.</li> <li>23. Other specific surveys required: Inner and Outer estuaries are surveyed. Intertidal at Bonagee no Q-value required or any other surveys.</li> </ol>

Consultees	Feedback
	<p data-bbox="427 264 759 293"><b>Meeting 16<sup>th</sup> September 2020</b></p> <ol data-bbox="427 315 1398 2036" style="list-style-type: none"> <li data-bbox="427 315 1018 344">1. Section 1 comes under Loughs Agency jurisdiction</li> <li data-bbox="427 349 1398 551">2. Regarding Section 2, at the triple culvert near the roundabout on the existing N13 dual carriageway, there will be no changes to what is currently there as the current proposal at this location is an online improvement. Apart from that in Section 2 there is only one other tributary where works will be taking place. Any works in water by roundabout could impact migration of fish. However, no works are due to take place here.</li> <li data-bbox="427 555 1398 719">3. Corkey River – Water quality is recorded as poor. It has fisheries potential and spawning has been reported previously, however PM has not seen any trout during current surveys. Sections of the lower watercourse have been drained by OPW. Very agricultural area may be reflective in the water quality. Not sure where the OPW drainage comes in.</li> <li data-bbox="427 723 1398 925">4. Upstream of Ballyboe – unlikely salmonids present due to poor water quality, maintenance of water quality and fish passage will however be addressed in crossing design. No electrofishing been done as only minnow seen during site visits, water quality appears too poor to support migratory salmonids, though may be brook trout. Design and works will treat for their potential presence. Stream improvement works to be looked at in consultation with the OPW.</li> <li data-bbox="427 929 1398 1093">5. Ballyboe – capable of supporting a small population of brook trout but modified channel with only occasional riffle areas. There will be a need for realignment at some locations which gives an opportunity to improve upon instream habitat and flow regimes. the quality of water is poor and the quality of the area will likely improve post works.</li> <li data-bbox="427 1097 1289 1171">6. Construction measures to be put in place must be adequate and OPW to be contacted.</li> <li data-bbox="427 1176 1361 1249">7. The Loughs Agency stated that there is a problem in the Swilly Burn with the Asian Clam. Biosecurity is one of the most important measures.</li> <li data-bbox="427 1254 1153 1283">8. There is no current updates to the IFI publications for Biosecurity.</li> <li data-bbox="427 1288 1398 1489">9. Regarding the new crossing at the Swilly on Section 2, the current proposals include installing a single span bridge about 100-120m in length, the abutment will be outside the SAC on both sides. The OPW will have access on the underside. Flooding needs to be considered. OPW will require access on both sides and that will also satisfy IFI requirements. Need to maintain pedestrian access. Access from the bridge to the River may be required. There is no boat traffic requiring mitigation.</li> <li data-bbox="427 1494 1398 1621">10. At Bunagee, flow out to embankment toe drain, unlikely to see anything but eels. Due to fisheries, potential electrofishing would not be required for culvert installation, a 3-sided culvert is better from fisheries perspective, with an embedment of at least 500mm into the ground/below ground level.</li> <li data-bbox="427 1626 1398 1865">11. Including interceptors on the downstream side of the pond is preferable. The requirement for petrol interceptors is really related to the volume of traffic. Attenuation ponds with petrol interceptors will be provided for all mainline drainage networks where required, but side roads are not envisaged to have these. The TII approach to the location of interceptors would be on the upstream end of the pond, which conflicts with IFI approach. IFI Satisfied to go with the TII approach and include interceptors on upstream side of pond.</li> <li data-bbox="427 1870 1382 1944">12. If there are sensitive (fisheries/salmonid) areas, bottomless culverts will be preferred, otherwise box culverts will be sufficient.</li> <li data-bbox="427 1948 1358 2036">13. It is important to include low flow channels within structures and culverts. Consider using baffles to concentrate water in the centre of the structure. In section 1, there is an area where constant flow would be difficult.</li> </ol>

Consultees	Feedback
	<p>14. Heritage groups which may have interest in loop net fishing culture.</p> <p><b>Meeting 4<sup>th</sup> September 2025</b></p> <p>Discussed the final design.</p>
Loughs Agency	<p><b>Meeting 15<sup>th</sup> November 2018</b></p> <p>Outlined TEN-T PRIPD Project. In Section 1, the crossing of the River Finn was discussed. In Section 3, the crossing of the Deele and Swilly Burn were discussed.</p> <p><b>Meeting 10<sup>th</sup> July 2020</b></p> <ol style="list-style-type: none"> <li>1. Section 1 comes under Loughs Agency jurisdiction. River Finn crossing is the main crossing in Section 1. Unlikely that there would be any in-stream works for construction.</li> <li>2. Section 1 also includes a crossing of the Cloghroe, a tributary of the Deele.</li> <li>3. Unlikely the works will have direct impacts on the Burn Daurnett. LA confirmed it is a salmonid stream. Box culverts are preferred on salmonid waters.</li> <li>4. Regarding Section 3, crossing of the Deele, Swilly Burn and River Finn are proposed.</li> <li>5. It was noted that the Willy Burn has records of Asian Clam invasive species.</li> <li>6. Watercourse crossings within the Foyle or Finn catchment must be the subject of an application under Article 47 &amp; 70. Typically 4-6 weeks for processing applications in advance of construction. Given scale of the project, LA may require additional resources to assess.</li> </ol> <p><b>Meeting 28<sup>th</sup> September 2021</b></p> <p>Discussion held on the Proposed Development and interactions with watercourses under the remit of Loughs Agency. Further discussion on Section 47 and 70 applications for permissions from Loughs Agency.</p> <p><b>Meeting 7<sup>th</sup> August 2025</b></p> <p>Overview to highlight sensitive receptors and review the final Proposed Development. Confirmed requirements for Foyle Fisheries Act 1952 permits under Section 47 (in-stream works) and Section 70 (fish removals during construction). Loughs Agency confirm that Section 47 and 70 applications are to be made for the appropriate watercourses following receipt of the planning consent. A formal data request was made and Loughs Agency provided Foyle catchment electrofishing and salmon redd count data for the years 2020-2024.</p> <p><b>Meeting 30<sup>th</sup> March 2026</b></p> <p>Project update confirming what information the Loughs Agency would require for an "approval in principle".</p>
National Parks and Wildlife Service (NPWS)	<p><b>Meeting 5<sup>th</sup> February 2019</b></p> <ol style="list-style-type: none"> <li>1. Structures should be setback from the river bank to facilitate; mammals (otters), silt management, flood water conveyance, etc. Otters distance from holts and core foraging areas should be recorded.</li> <li>2. When collecting environmental data ensure all methodologies are standardised and document the findings appropriately. The River Finn Crossing in Section 1 is a key constraint to be assessed; surveys to identify nearest otter holt and core foraging area in addition to recording general activity along the River Finn.</li> <li>3. Potential barn owl activity was recorded by RPS Ecologists via feathers found within a suitable nesting location in Section 1 and will be subject to further survey and monitoring.</li> </ol>

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	<ol style="list-style-type: none"> <li>4. OPW's updated Arterial Drainage Plans to be considered when carrying out hydrological assessments. Hydrological links should be assessed and confirmed.</li> <li>5. On the River Swilly in Section 2, NPWS stated that the geese and swans would be the most significant bird constraints. The following bird surveys to be carried out: high/low tide, walkovers, transects, vantage points. Record all relevant data including weather conditions, numbers of sightings, etc. NPWS advised that a standardised vantage point watch be incorporated into the survey methodology for the proposed Swilly crossing point at high and low tide.</li> <li>6. The NPWS Bird Unit (online data request form; www.npws.ie) and Lee McDaid, Conservation Ranger were referred to by the NPWS Representative as appropriate contacts for providing historic bird data and bird usage mapping data. Reference was made to datasets from the marine institute/DAFAM aquaculture appropriate assessment bird surveys, Irish Wetland Bird Survey (IWeBS) data.</li> <li>7. Time of year may be a significant mitigation measure for the construction of the River Swilly Crossing. Displacement may occur during the operational phase resulting in species being pushed downstream.</li> <li>8. Bridge crossings - Distance from the SAC boundary should be maximised. Alternative design arrangements could be considered as mitigation by avoidance and the decision process should be evidenced and documented. Stage 1 assessments had crossings at other locations along the River Swilly which were excessive and less likely to facilitate clear span crossings of the SAC.</li> <li>9. Mitigation proposals for 'new habitats' (or similar) on a project is not considered by NPWS to be mitigation for works that occur elsewhere on the project.</li> <li>10. DCC stated that the River Swilly Crossing at this same location was previously the subject of a consultation process and that they would provide details to NPWS.</li> <li>11. Section 3 was noted as having no direct impact to SACs. Counts of 30 no. were noted of the Whooper Swan approximately 200-300m north of the route corridor. NPWS recommended surveys (standardised methodology) be undertaken in the next phase to clarify further. Lee Mac Daid, Ranger may have foraging counts.</li> <li>12. The River Foyle crossing should have consideration for salmon, lamprey and downstream SAC. The IFI booklet on channels and streams is a good best practice reference.</li> <li>13. A5 connection has an in-combination effect. This scheme has been through the planning process and environmental matters are recorded.</li> <li>14. A High level assessment should be carried out of in-combination effects between Sections 1, 2 and 3.</li> <li>15. Lengths of hedgerow/general biodiversity loss calculations as a result of preferred routes are to be calculated as part of the assessment process.</li> </ol>
	<p>The NPWS representative summarised that the Meeting should not prejudice anything that may arise at a later date in the process and that mitigation by avoidance, where feasible, is the best approach. A step-by-step process to clearly demonstrate how the preferred route corridor is selected, the avoidance measures implemented during the selection process and where impacts do occur how they have been mitigated.</p>
	<p><b>Meeting 23<sup>rd</sup> October 2019</b></p> <ol style="list-style-type: none"> <li>1. Mitigation through avoidance considered and documented at all stages of the planning and design.</li> <li>2. Avoid or minimise impacts at the crossings of European sites i.e. the River Finn SAC (Section 1) and Lough Swilly SAC (Section 2).</li> </ol>

Consultees	Feedback
	<ol style="list-style-type: none"> <li>3. Structures should be setback from the riverbank to facilitate; mammals (otters), silt management, flood water conveyance, etc. In the case of otters, distance from holts and core foraging areas is relevant information that should be recorded.</li> <li>4. Need to establish whether there is a requirement for slips or access from the bridge structures. These also need to be assessed.</li> <li>5. When collecting environmental data ensure all methodologies are standardised and document the findings appropriately.</li> <li>6. A methodological approach needs to be taken when conducting otter surveys. The surveys need to be robust and comprehensive. There needs to be a thorough understanding of the level of usage of the rivers by otters particularly within the European sites.</li> <li>7. A Construction Environmental Management Plan (CEMP) providing details on construction, waste and invasive species management etc must be prepared to accompany the planning application as there will be no post consent agreements. Invasive species protocols and management needs to set out in the CEMP particularly relating to the importation of materials to the sites. Borrow and fill sites need to be assessed.</li> <li>8. IFI/Lough Agency and EPA are to be consulted regarding water quality.</li> <li>9. Lighting design needs to be cognisant of impacts to local bat populations.</li> <li>10. Contact the NPWS Wildlife Licencing Unit regarding licences if required.</li> <li>11. Document contact with local and national experts to demonstrate level of effort to obtain data or expert opinion.</li> <li>12. On Section 3 regarding wintering birds, all available datasets are to be reviewed i.e. marine institute/DAFAM aquaculture appropriate assessment bird surveys, Irish Wetland Bird Survey data IWeBS, etc. Surveys to be conducted in the Winter 2019 and 2020 to establish a baseline for the study area. Surveys may also be able to determine whether there is a relationship between the birds in the study area to the populations in the Lough Swilly SPA or the Lough Foyle SPA.</li> <li>13. On Section 2 EC noted that the SAC boundary designation moved in the 2019 digitised SAC boundary maps; in one case to the opposite side of the River Swilly berm from the river. EJ stated that the berm is less significant and can be replaced after construction.</li> <li>14. A freshwater pearl mussel survey was carried out in the River Finn near Ballybofey in 2019 and is to be repeated in 2020. It was noted that the species had not been recorded in the River in last number of years due to poor water quality.</li> <li>15. Look at opportunities to include underbridges instead of underpasses for wildlife connectivity and as part of the overall walking network.</li> <li>16. Badgers- exclusion zones include 50m breeding and 30m nonbreeding season, need to understand the territory and where they are going and to avoid impacts where possible.</li> <li>17. The Barn Owl in Section 1 refer to Karl in NWPS for other data and state what lengths we went to when looking for the Owl</li> <li>18. In Section 3 the potential whooper swan sites and potential connectivity to SPAs was discussed. The NPWS will address previous letter correspondence in a statement of evidence at the Oral Hearing.</li> </ol> <p>NPWS summarised that the Meeting should not prejudice anything that may arise at a later date in the process and that mitigation by avoidance, where feasible, is the best approach. A step-by-step process to clearly demonstrate how the preferred route corridor is selected, the avoidance measures implemented during the selection process and where impacts do occur how they have been mitigated.</p>

Consultees	Feedback
<b>Meeting 15<sup>th</sup> September 2020</b>	
	<ol style="list-style-type: none"> <li data-bbox="427 322 1382 456">1. Early consultation with the Wildlife Licencing Unit of the NPWS is required regarding any licences for protected species (badgers, bats, Otter etc.). He advised that the licences should be applied for in advance of lodging the application for planning to determine whether a licence might be granted.</li> <li data-bbox="427 465 1382 698">2. Regarding protected species, otter specifically, as it is a qualifying interest species of the European sites within the zone of influence of the project, the areas identified for otter foraging, breeding or commuting, needs to be fully documented to understand the importance of the area to otter. All temporary and permanent impacts to otter during construction and operation phase needs to be identified and assessed in the overall context of the local population and European sites. Mitigation measures need to be clearly outlined.</li> <li data-bbox="427 707 1382 770">3. With the transition of ecologists in the project ecology team, that the ecology team have a thorough knowledge of methodologies, data and findings.</li> <li data-bbox="427 779 1382 878">4. Mitigation measures as set out in the CEMP are also set out in the EIAR and NIS, as these are assessed under different legislation/processes and are required to be comprehensive standalone documents.</li> <li data-bbox="427 887 1382 1012">5. Special Conservation Interest (SCI) bird species of the Lough Swilly SPA and Lough Foyle SPAs where found within the site should be presented in the context of the SPA conservation objectives on a local level but also on a national and international level.</li> <li data-bbox="427 1021 1382 1084">6. Connectivity of watercourses to downstream European sites needs to be assessed to ensure no adverse effects to the conservation objectives of same.</li> <li data-bbox="427 1093 1382 1361">7. EM queried whether the NPWS had plans to propose the River Deelee as an SAC, as this came up at a recent meeting with the Loughs Agency who suspected that the River Deelee as being an area which may become designed as cSAC/SAC during the life of the project. EJ stated he was not aware of any submissions on this at present and that NPWS has generally completed designations other than in marine sites and is currently finalising Statutory Instruments for existing designations. However, EM will confirm if there are any applications being made in relation to the River Deelee and revert back.</li> <li data-bbox="427 1370 1382 1532">8. The non-native invasive species Asian Clam (<i>Corbicula fluminea</i>) is found in the Swilly Burn and it therefore a constraint not only during construction but also during the operational/ maintenance phase. It is advised to include non-native invasive species control in the design phase and also regards future maintenance of the roads to reduce IAS spread.</li> <li data-bbox="427 1541 1382 1603">9. When collecting environmental data ensure all methodologies are standardised and document the findings appropriately.</li> <li data-bbox="427 1612 1382 1738">10. Identify mitigation measures for the project, including standard mitigation measures. Taking into account national plans and policies including the National Biodiversity Action Plan 2017-2021 target of no net loss of biodiversity and the Climate Action Plan 2019.</li> <li data-bbox="427 1747 1382 1872">11. TP confirmed that the bridge spans for all river crossings will be clear span, and for the Finn crossing the design will be avoiding any works to banks also. It is hoped that the flood berm bordering the River Swilly will be avoided, however if it is impacted it will be temporary and reconstructed.</li> <li data-bbox="427 1881 1382 1944">12. The decision-making process and rationale should be scientifically supported and have the ability to stand over such decisions with backing documents and data.</li> </ol>

Consultees	Feedback
	<p><b>Meeting 4 February 2025</b></p> <p>This meeting clarified the current position of the Proposed Development and outlined the updates that had been carried out and the approach to finalising the EIA and the NIS.</p>
	<p><b>Meeting 22 May 2025</b></p> <p>This meeting clarified the current position of the Proposed Development and outlined the updates that had been carried out and the approach to finalising the EIA and the NIS. A brief discussion on No Net Loss was held and questions regarding impacts and mitigation was held.</p>
	<ol style="list-style-type: none"> <li>1. Are there any projects where advanced landscape planting has been undertaken and are their opportunities where advanced planting could be done earlier in the construction phase.</li> <li>2. RPS highlighted that lighting impacts had been considered, and that latest guidance had been used in consideration of lighting.</li> <li>3. Risk of collision risk to whooper swans as a result of overhead infrastructure was discussed. RPS highlighted that very little overhead structure is present. Bridge design has ensured that this is limited and only structure would be street lighting poles.</li> </ol> <p>Discussion held on mitigation and monitoring. It will be focused on what is coming out of attenuation ponds, rather than monitoring the watercourses, as this method of monitoring is more appropriate.</p>
<p>North Western River Basin District Project Office</p>	<p>No response received. Contacted on five occasions (07/09/2017, 17/05/2018, 29/04/2020, 18/08/2021, and 02/09/2021) regarding potential impacts of the proposed route corridors on the northwest river basin.</p>
<p>Northern Ireland Department of Agriculture, Environment and Rural Affairs (DAERA)</p>	<ol style="list-style-type: none"> <li>1. Section 1 and Section 3 both cross over watercourses that are hydrologically connected to the River Foyle and Tributaries ASSI/SAC, which is designated for its Atlantic Salmon, Otters and its <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation. These features are sensitive to an increase in contaminants and sediment loading within the watercourse.</li> <li>2. Moneygal Bog SAC is 8.5km southeast of the study area with potential hydrogeological connectivity.</li> <li>3. Section 3 stretches to the River Foyle and Tributaries SAC (NI).</li> <li>4. Construction Environmental Management Plan should identify risks to aquatic environment, including identifying pollution pathways, and the mitigation measures which will negate the risk to aquatic environment.</li> </ol> <p>Consideration given to potential transboundary environmental impacts on protected sites, including any direct or indirect impacts, as well as cumulative effects.</p>
<p>Northern Ireland Environment Agency</p>	<p>Project design must include mitigation measures to minimise likely impacts to European and Nationally Designated Sites (River Foyle and Tributaries SAC/ASSI and Lough Foyle SPA/ASSI).</p>