



An  
Bord  
Pleanála

**Board Direction**  
**BD-005940-20**  
**ABP-304799-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/06/2020.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the River Boyne and River Blackwater SAC (Site Code 002299)
- (e) the policies and objectives of the Meath County Development Plan, 2013-2019,
- (f) the policies and objectives of the Kells Development Plan, 2013-2019,
- (g) the nature and extent of the proposed works as set out in the application for approval including the response received to the further information request,

- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the revised Natura Impact Statement,
- (i) the submission and observation received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

### **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (Site Code 002299) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, response to further information and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Boyne and River Blackwater SAC (Site Code 002299) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

### **Proper Planning and Sustainable Development/Likely effects on the environment**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses or road network in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 1st day of July, 2019 and in the Further Information Response submitted to An Bord Pleanála on the 5th day of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The local authority and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement and the Ecological Impact Assessment Report as submitted with the application.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites and the appropriate protection of flora and fauna.

3. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a revised site layout plan which provides for a traffic light controlled junction with pedestrian activated traffic lights providing for pedestrian crossing of Bective Street at the proposed Westfield/Bective Street junction to facilitate Phase 1 of the proposed development. The revised site layout plan shall be on file prior to the commencement of development and retained as part of the public record and the signalised junction shall be provided as part of Phase 1 of the proposed development.

**Reason:** In the interest of pedestrian and traffic safety.

4. The proposed tree planting shown on the drawings submitted with the application shall consist of trees of columnar type form (cypress, ulmus columella or platanus x hispanica or similar) planted at not more than 3 metre intervals along both sides of the roadway for its full length, except at proposed access points to adjoining roads.

**Reason:** In the interest of visual amenity.

5. The design and construction of culverts shall have regard to the provisions of NRA publication 'Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes' and the Eastern Regional Fisheries Board publication 'Requirements for the Protection of Fisheries Habitat during Construction and Development Work at River Sites'.

**Reason:** In the interests of ecological protection.

6. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. Upon completion

of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on record.

**Reason:** In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex I habitats and Annex II species and their Qualifying Interests for which the sites were designated.

7. Archaeological testing of the proposed route shall be carried out in accordance with the mitigation measures and recommendations as set out in the Archaeological Cultural Heritage Report, submitted with the application. A report of the results of the archaeological testing prepared by the local authority or any agent acting on its behalf, and shall be submitted and agreed in writing with, the Department of Culture, Heritage and the Gaeltacht for written approval, in advance of the commencement of road construction works.

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

**Board Member**

**Date:** 12/06/2020

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Chris McGarry