



**An  
Bord  
Pleanála**

**Board Direction  
BD-008662-21  
ABP-307434-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/07/2021.

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**

#### **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 Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) are European Sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for these European Sites in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) site specific Conservation Objectives for these European Sites,
- (ii) current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

In compliance with section 172 of the Planning and Development Act 2000 as amended, the Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and observers, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives

to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Positive environmental impacts would arise during the operational phase from reduced vehicular traffic in Navan town centre and at local roads and junctions, and from the provision of a cycleways and footpaths that would connect Blackwater Park to the wider urban and suburban area.
- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.
- Biodiversity impacts, including on habitats, flora and fauna (including terrestrial and aquatic wildlife), would be mitigated by the implementation of specific mitigation to protect such habitats, flora and fauna (including pre-construction surveys, timing and seasonality of works, drainage and runoff management, the management of artificial lighting and the appointment of a project ecologist), during the construction and operational phases.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## Conditions

1. The Council shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Statement, Natura Impact Statement and associated documentation are implemented in full, save as may be required by conditions set out below.

**Reason:** In the interest of protection of the environment.

2. The 1.0m wide verges located on each side of the road shall be maintained in a way that allows for the recolonization of these areas by vegetation that is indigenous to the various locations along the route.

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

3. The services of a suitably qualified and experienced Ecologist shall be retained to undertake pre-construction surveys at the various project elements immediately prior to commencing work in order to check for the presence of protected species in the vicinity (including Otter, Badger, Bats and Kingfisher). Buffer zones should be provided around the Badger setts and Kingfisher Perch in accordance with the measures contained in the NIS. Bridge construction works should be carried out in accordance with IFI requirements.

**Reason:** In the interest of protecting ecology and wildlife in the area.

4. The Council shall provide additional mammal underpasses to connect the lands on the West and East side of the Distributor Road.

**Reason:** In the interest of biodiversity, connectivity and safety.

5. All plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interest of the proper planning and sustainable development of the area, and to prohibit the spread of invasive species.

6. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

**Board Member**



**Date:** 06/07/2021

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John Connolly