

An
Bord
Pleanála

Board Direction
BD-008070-21
ABP-308226-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/05/2021.

The Board decided to grant permission 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 & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.
- (e) the policies and objectives of the Louth County Development Plan 2015-2021 and Meath County Development Plan, 2013-2019,
- (f) 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,

- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) 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 and adopted the screening assessment and conclusion carried out in the inspector's report that the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA, are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and the revision to same and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA, 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 assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.
- ii. Mitigation measures which are included as part of the current proposal,
- iii. Conservation Objective for these European Sites, and
- iv. Views of the Department of Culture Heritage and the Gaeltacht.

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

... 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 Sites, 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 on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses 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 21st day of September, 2020 and in the Further Information Response submitted to An Bord Pleanála on the 25th day of March, 2021, 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 mitigation measures and monitoring commitments identified in the Natura Impact Statement and revision to same, and other plans and

	<p>particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies a Construction Environmental Management Plan and Method Statement, incorporating:</p> <ul style="list-style-type: none"> (a) all mitigation measures indicated in the Natura Impact Statement; (b) Methods to be employed to sterilise the equipment and machinery: (c) measures for the fencing off of a buffer area around the bridge works (d) methods to avoid pollution of the River Boyne <p>This Construction Environmental Management Plan shall be placed on file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment.</p>
4.	<p>A suitably qualified ecologist shall be appointed by the County Council to oversee the site set-up and works and the ecologist shall be present on site during all works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.</p> <p>Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats and Annex 11 species and their Qualifying Interests/Special Conservation Interests for which the sites were designated.</p>
5.	<p>Prior to the commencement of development and during the period April-September, the local authority shall undertake a survey of the structure for bat roosts and bat activity. If any bat roosts identified in the course of such surveys that a licence to derogate from the Habitats Directive to disturb the roosts be obtained from the NPWS. These surveys shall be placed on file</p>

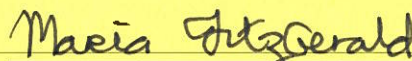
	<p>prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of nature conservation</p>
6.	<p>Louth County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
7.	<p>Louth County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. The recommendations set out in Archaeological Impact Assessment of Proposed Rehabilitation Works to the Obelisk Bridge” dated 19th March 2020 shall be undertaken.</p> <p>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.</p>
8.	<p>All works shall have regard to Inland Fisheries Ireland’s published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.</p> <p>Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.</p>
9.	<p>Prior to commencement of development, Louth County Council and any agent acting on its behalf shall agree the timing of in-stream works with Inland Fisheries Ireland. The agreement for the programme of works shall be placed on the file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment.</p>

10. The conservation methodology included in the Conservation Report on the Proposed Rehabilitation works to the Obelisk Bridge submitted with the application for approval shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and protection of the historic structure during the construction and operational phases of the proposed development.

Note: The Board had regard to the submissions received in relation to the issue of a pedestrian and cycle walkway. In considering this issue, the Board also noted the applicant's response to the further information request including the drawings illustrating the available space for a pedestrian/cycle track provided in Appendix B. The Board noted that Louth County Council confirmed in their further information response that they will, at a future stage, consider pedestrian and cyclist connectivity across the bridge as part of wider planned pedestrian and cycling connectivity for the area. The Board concurred with the assessment of the Planning Inspector, that the provision of a pedestrian/cycling track was outside the scope of the application and that there would be little advantage in providing a substandard pedestrian/cycle route on the bridge itself in the absence of facilities on the approaches to the bridge and an overall wider study of pedestrian and cycling connectivity.

Board Member


Maria FitzGerald

Date: 04/05/2021