



An  
Bord  
Pleanála

**Board Direction**  
**BD-016283-24**  
**ABP-314170-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/05/2024.

The Board decided to approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS, the EclA and other accompanying planning documentation.

### **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 policies and objectives of the Meath County Development Plan, 2021-2027 and the Louth County Development Plan 2021-2027.
- (d) 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,
- (e) the conservation objectives, qualifying interests and special conservation interests for the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne

Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957).

- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and the likely significant effects of the proposed development on European Sites,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the likely effects and consequences for the environment and the proper planning and sustainable development of the area including the replanting proposed, as well as a provision of a safe, attractive shared pedestrian/cycle route to reach the amenity of the Boyne River.
- (j) the report and recommendation of the inspector.

### **Appropriate Assessment**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957) are the only European Sites 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, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957) in view of the site's 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 Sites.

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.

The Board noted that Mediterranean salt meadows are listed as a qualifying interest in the Conservation Objective document of the NPWS but stated as under review. The Board notes SI 433/21 does not list this feature.

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 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 provide a safe cycle route, which would promote sustainable travel, 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 development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further particulars submitted on the 19<sup>th</sup> September 2023 except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement and other accompanying documentation or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file 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 and monitoring measures outlined in the plans and particulars relating to the proposed development, shall be implemented in full except as may otherwise be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, EclA and accompanying application documentation. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness, and it shall be placed on file prior to the commencement of development and retained as part of the public record.

**Reason:** In the interest of protecting the environment and the protection of European Sites in the interest of public health.

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had 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. The findings of that water quality monitoring programme shall be placed on the public file, following completion of construction.

**Reason:** In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. No removal of vegetation during the breeding bird nest season (March 1st to August 31st), in the absence of the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.

**Reason:** In the interest of breeding bird protection and biodiversity.

6. The 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.

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

7. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the NIS, EclA and accompanying documentation. The ecologist shall be present

during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

8. The Local Authority 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. A suitably qualified archaeologist shall be appointed by the Local Authority to conduct a metal detection survey, oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works. The Planning Authority and national Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

**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.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be agreed with a bat specialist prior to commencement of development. The Lighting Scheme shall be kept on file as part of the public record.

**Reason:** In the interest of biodiversity, residential amenity and public safety.

10. The Landscaping scheme shown on the Tree Planting Plan Drawings, as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the

development shall be replaced within the next planting season with others of similar size and species.

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

11. A Road Safety Audit for the pedestrian/cycle route shall be prepared prior to commencement. This shall be kept on file as part of the public record.

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

12. Warning signage for cyclists highlighting the steep incline of the route and appropriate speed shall be erected at locations along the shared cycle/pedestrian route. Details of the signage shall be placed on the public file.

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

**Board Member**



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Peter Mullan

**Date:** 13/05/2024