

**An  
Bord  
Pleanála**

**Board Direction  
BD-015283-24  
ABP-315282-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/01/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations set out in the inspector's report, and subject to the conditions set out in the inspector's report.

### **Reasons and Considerations**

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

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (c) the European Union Water Framework Directive 2000 (2000/60/EEC),
- (d) the Meath County Development Plan 2021-2027,
- (e) the likely consequences for the environment and the proper planning and sustainable development of the area which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site, and
- (f) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (g) the submissions and observations received in relation to the likely effects on the environment and,
- (h) the report and the recommendation of the planning Inspector

### **Appropriate Assessment: Stage 1:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that 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 the only European Sites in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2:**

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 potentially affected European Sites, in view of the conservation objectives for both Sites. 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 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 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 the European Sites in view of the conservation objectives for both Sites.

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 conservation objectives of both Sites.

### **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 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 and it would not give rise to likely effects on the environment.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 5<sup>th</sup> day of December 2022, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The local authority and any agent acting on its behalf shall implement in full the mitigation measures contained in the Natura Impact Statement and 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 a European Site.

3. The local authority 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 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.

4. 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.

5. (a) The local authority is required to employ a qualified archaeologist to review and assess the final plans for the proposed development works and to groundworks associated with the development that have the potential to disturb in situ archaeological remains.
  - (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The local authority shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
  - (c) The local authority and the 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:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest.


6. All external lighting within the proposed development shall be sufficiently cowled so as to ensure that light spillage beyond the boundary of the site is minimised.

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

7. Where chemicals are to be stored on site, such chemicals shall be stored in a suitably bunded area.

**Reason:** In order to prevent pollution.

**Board Member**

  
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Stephen Brophy

**Date:** 31/01/2024