

An
Bord
Pleanála

Board Direction
BD-015406-24
ABP-315410-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

The Board decided to grant approval 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, as amended;
- (c) the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region;
- (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 policies and objectives of the Meath County Development Plan, 2021-2027;
- (f) the conservation objectives and qualifying interests for 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);

- (g) the nature and extent of the proposed works as set out in the application for approval;
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Ecological Impact Assessment and the Natura Impact Statement;
- (i) the submissions and observations 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 and adopted 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 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 and the River Boyne and River Blackwater 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 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 sites' 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 Sites, in view of the sites' conservation objectives.

Proper Planning and Sustainable Development and 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 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, 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 or any condition 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, including those set out in Section 3.4 of the Natura Impact Statement and Section 5.2 of the Bat Assessment, or as may be required in order to comply with the following conditions, shall be implemented. 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 and European Sites.

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, the Outline Construction Management Plan, and the Bat Assessment, and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a) All mitigation measures indicated in the Natura Impact Statement and the Bat Assessment.
- b) All environmental management measures set out in the Outline Construction Management Plan submitted with the application proposals.
- c) Hours of construction.
- d) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the European Sites and biodiversity.

4. The following nature conservation requirements shall be complied with:
- a) The works shall be carried out in compliance with the 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).
 - b) No vegetation removal shall take place during the period 1st March to 31st August (inclusive).
 - c) The full implementation and monitoring of the 'Invasive Alien Plant Species Management and Control Plan (species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as

amended), as regards proposed Spicer's Mill Masterplan, Athlumney, Navan, Co. Meath, September, 2022'.

- d) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: In the interest of biodiversity and nature conservation.

- 5. 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. The ecologist shall be present during the 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 biodiversity.

- 6. 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 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. All lighting within the site shall be cowled to prevent overspill outside the site and shall be designed to minimise impacts on bats in accordance with the application documentation received.

Reason: In the interest of clarity, the protection of bats, and visual amenity.

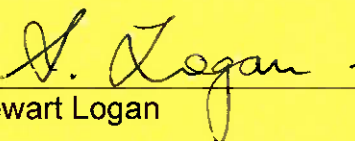
8. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site.
- a) The local authority and any agent acting on its behalf is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts, 1930-2004) to finalise and co-ordinate a full programme of archaeological mitigation at the development site. The archaeological mitigation strategy will include the recording of buildings to be demolished, pre-development testing at the site and assessment of all areas of the development as recommended in the Archaeological Assessment Report. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. The finalised Archaeological Mitigation Strategy will be forwarded to the local authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of commencement of any development works, and placed on file and retained as part of the public record.
 - b) The archaeologist is required to notify the National Monuments Service of the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the works.
 - c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
 - d) Having completed the work, the archaeologist shall submit a written report to the local authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage.
 - e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and / or monitoring may be required and the National Monuments Service of the Department of Housing, Local Government and Heritage should be consulted with regard to these matters.

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. a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c) All existing original features within the protected structure, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

Board Member


Stewart Logan

Date: 12/02/2024