

An
Bord
Pleanála

Board Order
ABP-307434-20

Roads Acts, 1993 to 2015

Planning and Development Acts, 2000 to 2020

Planning Authority: Meath County Council

Application by Meath County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura impact statement, lodged with An Bord Pleanála on the 26th day of June, 2020.

Proposed Development: Proposed road development consisting of the construction of approximately 1.15 kilometres of single carriageway together with all ancillary and consequential works. The proposed development comprises an urban arterial street incorporating both footpath and cycle path provisions and a bridge over the River Blackwater. The scheme commences on the N51 just south of its junction with the R147 Kells Road and traverses in a northerly direction through the townlands of Moathill, Townparks, Abbeyland South, Abbeyland and Windtown and terminates at the junction of the L3409 Ratholdron Road and the L34094 Clonmaggadan Road, Navan, County Meath.

DECISION

Approve the above proposed road development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

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

- (a) the National Planning Framework Plan 2018-2040,
- (b) the National Development Plan 2018-2027,
- (c) the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (d) the Transport Strategy for the Greater Dublin Area 2016-2035,
- (e) the policies of the planning authority as set out in the Meath County Development Plan 2013-2019 (as varied) and the Navan Development Plan 2009-2015 (as extended),
- (f) the distance to dwellings or other sensitive receptors,



- (g) the submissions made in connection with the planning application,
- (h) 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 road development and the likely significant effects of the proposed road development on European Sites,
- (i) the Appropriate Assessment report of the Inspector, and
- (j) the report and recommendation of the Inspector.

Appropriate Assessment Stage 1:

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 the European Sites for which there is a possibility of significant effects and must, therefore, be subject to Appropriate Assessment.

Appropriate Assessment Stage 2:

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

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for these European Sites,
- (ii) the current conservation status, threats and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed road development both individually or in combination with other plans or projects, and
- (iv) the 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 road 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 road development would not adversely affect the integrity of the 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 road development taking account of:

- (a) the nature, scale, location and extent of the proposed road development,
- (b) the Environmental Impact Assessment Report 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 road development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed road 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 planning application. The Board considered that the main significant direct and indirect effects of the proposed road 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 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 and the outline Construction and Environment Management Plan 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 run-off management, the management of artificial lighting and the appointment of a project ecologist) during the construction and operational phases.

Proper Planning and Sustainable Development:

The Board completed an Environmental Impact Assessment in relation to the proposed road 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 road 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.

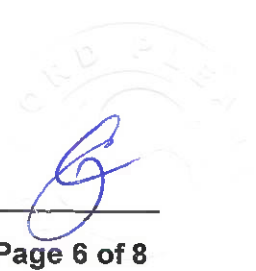
CONDITIONS

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

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

2. The 1.0-metre wide verges located on either side of the proposed 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 proposed 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 shall be provided around the Badger setts and Kingfisher Perch in accordance with the measures contained in the Natura impact statement. Bridge construction works shall be carried out in accordance with the requirements of Inland Fisheries Ireland.

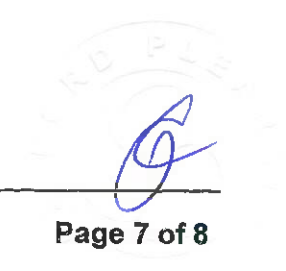
Reason: In the interest of protecting ecology and wildlife in the area.

4. The applicant shall provide additional mammal underpasses to connect the lands on the west and east side of the proposed distributor road.

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

5. All plant and machinery used during the proposed development 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.



John Connolly

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *7th* day of *July* 2021