

An  
Bord  
Pleanála

## Board Order ABP-315460-23

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### Planning and Development Acts, 2000 to 2022

### Planning Authority: Louth County Council

**Application** by Louth County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 4<sup>th</sup> day of January, 2023 as amended by the further information received on the 22<sup>nd</sup> day of November, 2023.

**Proposed Development:** The construction of the Boyne Greenway – North Bank., comprising:

- The construction of a new pathway (circa 650 metres in length) and upgrades to an existing footpath (widening the existing footpath from 2 metres to 3 metres over a length of circa 950 metres) over a total length of circa 1.6 kilometres for pedestrians and cyclists to include elements of resurfacing, fencing, access gateways, road signs and markings, drainage, public lighting, and furnishing of designated locations with benches, litter bins and bicycle racks and all associated ancillary and accommodation works.
- A section of the existing footpath to be upgraded is located within the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299).

All located in the townlands of Mell and Moneymore, Drogheda, County Louth

## Decision

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

### 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 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 and River Blackwater Special Area of Conservation (Site Code: 002299); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957); River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and North-west Irish Sea Special Protection Area (Site Code: 004236),
- (e) the policies and objectives of the Louth County Development Plan 2021-2027,
- (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
- (h) the report and recommendation of the Inspector.

**Appropriate Assessment: Stage 1:**

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); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957); River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and North-west Irish Sea Special Area of Conservation (Site Code: 004236) 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 additional information submitted to the Board, 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 Special Area of Conservation (Site Code: 002299); Boyne Estuary Special Protection Area (Site Code: 004080); Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957); River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and North-west Irish Sea Special Protection Area (Site Code: 004236) 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.

**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 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 lodged with the application, and additional plans and particulars submitted on the 22<sup>nd</sup> day of November 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 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 identified in the Natura Impact Statement dated the 22<sup>nd</sup> day of November 2023 shall be implemented in full except as may otherwise be required in order to comply with other 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. The scheme shall be modified as follows:
  - (a) motion sensored lighting shall be provided on shorter lamp posts along the greenway. The details of same shall be agreed with a suitably qualified ecologist to be retained by the local authority.

**Reason:** To protect the local bat population.

4. 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, Ecological Impact Assessment, Otter Survey Report, Bat Survey Report, Bird Report 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,
  - (b) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
  - (c) methods to avoid pollution of the Boyne River / Estuary.

**Reason:** In the interest of protecting the environment and the European Sites

5. 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.

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

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.


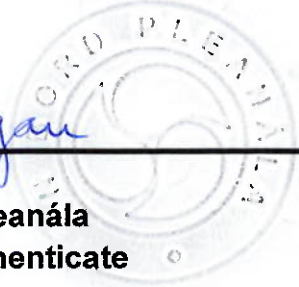
**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Sites.

7. 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 outline CEMP and the Natura Impact Statement, Ecological Impact Assessment, Otter Survey Report, Bat Survey Report and Bird Survey Report. 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. (a) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.
- (b) As part of the assessment a programme of test excavation shall be carried out at locations chosen by the archaeologist (licenced under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service.
- (c) A detailed building survey of any structures of architectural/cultural heritage interest.
- (d) Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The local authority shall be prepared to be advised by the Department with regard to any necessary mitigating action (for example preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

**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.

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

Dated this *17<sup>th</sup>* day of *April* 2024