

An
Bord
Pleanála

Board Order ABP-317527-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Meath County Council

Application by Meath 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 30th day of June, 2023 as amended by the further information received by An Bord Pleanála on the 11th day of December, 2023.

Proposed Development: The proposed development of a Town Park comprising of:

- the creation of formal and informal play spaces,
- the provision of new pathways and improvement of existing pathways including a new pedestrian road crossing and a boardwalk over the dunes,
- the creation of an open space for flexible-use (events, gatherings, markets, leisure, informal sport games),
- and all associated and ancillary site works associated with the proposed development including landscaping, signage, and street furniture.

All located in the townland of Ninch, Laytown, County Meath.

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 River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), North-west Irish Sea Special Protection Area (Site Code: 004236) and Boyne Estuary Special Protection Area (Site Code: 004080),
- (e) the policies and objectives of the Meath County Development Plan, 2021-2027,
- (f) the provisions of the Laytown and Bettystown Public Realm Plan, 2021,
- (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 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: Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), North-West Irish Sea Special Protection Area (Site Code: 004236) and Boyne Estuary Special Protection Area (Site Code: 004080) 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, Natura Impact Statement Addendum 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 Nanny Estuary and Shore Special Protection Area (Site Code 004158), North-West Irish Sea Special Protection Area (Site Code: 004236) and Boyne Estuary Special Protection Area (Site Code: 004080), 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 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/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.

CONDITIONS

1. The 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.

Reason: In the interest of clarity.

2. The boundary fence or railing to the eastern boundary of the site shall be agreed with the local authority. The local authority shall incorporate adequate directional and advisory signage as part of the development, to direct pedestrians toward formal, publicly accessible walking routes.

Reason: In the interest of the proper planning and sustainable development of the area.

3. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, 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.

4. A following additional mitigation measures shall be incorporated: -
- Silt fencing shall be installed and retained along the west, south and east site boundaries of the construction site for the duration of construction works.
 - Cleaning of delivery trucks and other machinery shall not take place on the site and shall take place in a designated and bunded remote location.
 - Potentially pollutant materials shall be stored in a secure bunded location that has a storage capacity of 110% of the total volume of material stored within.
 - All non-grassed surfaces within the Town Park shall comprise bound material and/or paving slabs and no loose gravel or other unbound materials shall be used.

Reason: In the interest of protecting the environment and the adjacent European Site.

5. 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 and Natura Impact Statement Addendum and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the environment/the landscape/European Sites/sensitive receptors, and in the interest of public health.

6. No construction works shall take place during the over-wintering season of October-March inclusive. The construction site shall be enclosed by a construction hoarding of 2.4 metre in height for the duration of construction works.

Reason: In the interest of nature conservation and to ensure the protection of species of conservation interest within the adjacent European Site.

7. 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.

8. 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 all proposed/required mitigation measures. 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.

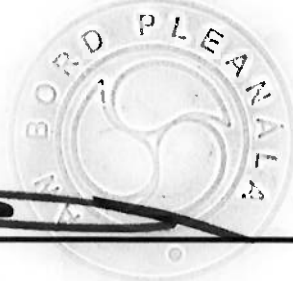

Reason: In the interest of nature conservation and the protection of biodiversity.

9. 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 oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

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.

10. The proposed raised walkway located to the south of the Nanny carpark shall be omitted from the development. Prior to the commencement of development revised plans and details in this regard shall be provided and kept on file as per to the public record. These details may include provision for the tie-in of the footpath infrastructure to the eastern boundary of the Nanny carpark at its southeastern corner, as appropriate.

Reason: In the interest of the protection of the environment and the protection of European Sites.



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

Dated this 28th day of March 2024