



An  
Bord  
Pleanála

## Inspector's Report ABP-304799-19

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<b>Development</b>	Construction of a new distributor road and junction to the southwest of Kells town centre
<b>Location</b>	Frontlands, Kells, Co. Meath.
<b>Local Authority</b>	Meath County Council
<b>Type of application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2010 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Department of Culture, Heritage & the Gaeltacht (Development Applications Unit)
<b>Observers</b>	Arceus Developments Limited
<b>Date of site inspection</b>	19 September 2019
<b>Inspector</b>	Una Crosse

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## 1.0 Introduction

- 1.1. Meath County Council is seeking approval from An Bord Pleanála to undertake the construction of a new distributor road and junction to the southwest of Kells town centre. There are several designated European sites (SPAs and SACs) within 15km of the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Proposed Development

### 2.1. Description of Proposed Development

The proposed development comprises the construction of a new distributor road linking the existing road from Bective Street leading to Westfield to the R163 Climber Hall within the Frontlands Masterplan area. The proposal includes the improvement of the existing junction on Bective Street and the creation of a junction onto Climber Hall to the east of Climber Hall Cottage.

The proposed development comprises the following elements:

- The improvement of the Bective Street priority junction at the HSE building with realignment of the existing section of road so that it intersects with Bective Street at right angles being the preferred minor road alignment at priority junctions with footpath realignment. Provision of a right turn ghost island on Bective Street and right turn pocket serving the entrance to the petrol filling station on eastern side opposite the junction.

- Realignment of road onto Bective Street and proposed right turning lane requires the removal of 5 existing on-street car parking spaces on west side and two spaces to south of junction one of which is a charge point.
- A distributor road of c.510m in length which extends westwards from the Bective Street junction and then turns northwards. The road comprises a 10.3 metre carriageway consisting of 3.65m through lanes and a 3m central ghost island with the ghost island serving to provide a series of right turning lanes to zoned lands within the Frontlands Masterplan area.
- Between junctions the central ghost island accommodates pedestrian refuges and crossing facilities with the proposed roadway adjoined by 1.5m raised cycleways and 2m footpaths on both sides. It is stated that the existing cycle way between Bective St and Westfield will join the new construction which will run to Climber Hall interrupted only by two future access points.
- It is stated that as is typical, priority is maintained for vehicular traffic at priority junctions but the coloured cycleway marking is carried across the mouth of the junction where the stop line road marking is set back from the coloured surfacing and not the edge of the distributor road main carriageway. Dedicated pedestrian crossings at the proposed traffic signals are proposed.
- The creation of a new signal controlled junction between the new road and the R163 Climber Hall Road with the pedestrian crossing proposed on the west side of the junction. Footpath widening is proposed along the frontage of the terrace of three cottages on northern side of Climbar Hall.
- While not part of the proposal, indicative junction layouts and locations to serve various lands on the north site of the proposed road. The primary junction within the masterplan area is located at Chainage +220.000 and is proposed ultimately as a signal controlled junction. Two secondary junctions are proposed to north and south, proposed as priority junctions. It is stated that at detailed design or construction stage that they may incorporate raised crossing, raised platforms or other such similar measures.
- Earthworks outlined consist of 1 in 2 side slopes to embankments with no sections of cutting proposed with significant fill required at Climbar Hall junction.

- Main surface water collection provided by system of kerb and gully construction with underground pipe network within the road corridor collecting and directing storm water to an attenuation system designed to accommodate a 30 year storm event. It is proposed storm water will pass through suitable silt traps and oil interceptors prior to discharge to the Newrath Stream with discharge flow rate controlled to greenfield run-off rates.
- A culvert is proposed where the Newrath Stream crosses the proposed road and is oversized to cater for extreme flows and allow aquatic species and mammals migrate from one side to the other.
- Provision of a load bay at the eastern end near Bective Street.
- Provision of street lighting, road signage, landscaping and markings.
- A 60km/ph design speed is proposed for the road.
- Proposed that construction will be carried out on a phased basis in line with the implementation of various permissions associated with the development of the Frontlands masterplan with Stage 1 including the improvement works to Bective Street and road leading to Westfield. It is stated that it is envisaged that sometime during the later stages of construction and occupation of Frontlands Phase 2 that the Bective Street junction will likely need to change from priority control to signal control with the junction layout proposals in the application requiring minor modifications including road marking and signal control hardware.
- Land acquisition is required to proposed road including works to construct/improve junctions with current preliminary design permitting the acquisition procedures to be undertaken with lands owned by individual stakeholders who have formed a limited company called Columba Properties who finalised the masterplan.
- Total land area required for construction of project is 1.718 hectares of which 1.239 hectares is currently in the ownership of Columba Properties with small element of HSE land required for realignment of road leading to Westfield which measures 0.027 ha.

- Lands on Clumber Hall, road leading to Westfield from Bective Street and Bective Street are in the control of Meath Co. Co but possible that some small areas of existing roadbed in the ownership of domestic properties.
- Area of existing road and footway works at Clumber Hall measures 1.492ha. Works at road leading to Westfield from Bective St and Bective Street are similar in composition and measures 3.3394 some 1.068 are on Bective Street.

## 2.2. Accompanying Documents

2.2.1. The application was accompanied by the following:

- Report entitled 'S177AE Planning Application Report' which includes a number of appendices including the following:
  - Letter of Support from HSE
  - Frontlands Masterplan
  - Junction Capacity Assessment Report
  - Flood Risk Assessment
  - Ecological Impact Assessment
  - Natura Impact Statement
  - Environmental Impact Assessment Screening Report
  - Archaeological Cultural Heritage Report
  - Geophysical Survey
  - Geotechnical Site Investigation
  - Noise and Vibration Assessment
  - Air Quality Assessment
  - Schedule of Accompanying Drawings
- Copy of Newspaper advertisement included in the Meath Chronicle on 29 June 2019 inviting submissions.
- List of Bodies to which Notice was sent under Section 177AE(4)(b)
- Drawings as follows:

- Site Location Map
- Road Construction Details and section
- Longitudinal Sections
- Proper Drainage Layout and Details
- Culvert Details
- Drawing Reference A – Road Layout
- Drawing Reference B – Road Layout
- Drawing Reference C – Road Layout
- General Arrangement
- Vertical Alignment

### 3.0 Site Location

- 3.1. The site comprises an area of land which comprises a series of field located between Bective Street and Climber Hall to the southwest of Kells Town Centre. The site falls in level from north, south and west to the centre of the site varying from 68m AOD in the centre of the site to 80m AOD at Climber Hall. The Newrath Stream flows northwest/southeast through the site and onto the River Blackwater at Maudlin Bridge. The stream is open through most of the Frontlands but is culverted to the east of the lands running under Bective Street exiting the culvert to the south east within the Backlands area.
- 3.2. Bective Street (R164) leads to the N3/M3 to the south at Cloverhill via the R941. The Bective Street junction is adjoined by a recently constructed HSE office development and a number of period structures. An existing road from Bective Street serves both the HSE building and a residential development known as Westfield. Climber Hall (R163) also provides access to circular road and the R147 (Old Dublin Road). The proposed junction at Climber Hall is adjoined by a series of residential and farm buildings.

## 4.0 Planning History

### On Site

None of relevance

### Lands to East

#### 4.1. Ref. **KT/800014-PL49.234285**

- 4.1.1. Permission granted on appeal by the Board on 16 March 2010 for a mixed use town centre development comprising of retail, residential, commercial, crèche, civic space and ancillary and associated uses on a site of c7.86 hectares (c19.42 acres). A 10 year planning permission was sought. The total development comprises of 199 residential units, 15,833 sq.m of retail and commercial uses and a total of 961 car parking spaces and 224 cycle spaces accessed from a new vehicular and pedestrian entrance from Bective Street and Farrell Street to facilitate the entrance the proposal includes works to the Junction of Suffolk Street, Farrell St & Bective St.

#### 4.2. **KA/190701**

- 4.2.1. Amendments to part of the Kells Backlands mixed use town centre development permitted under ABP- PL17.234285 (MCC-Ref: KT800014) comprising revisions to the permitted vehicular and pedestrian access from Bective street, and revisions to the permitted upgrade and public realm works to the junction of Suffolk Street, Bective Street & Farrell Street to provide a signalised crossroads with the development access forming an additional arm at the junction. Further Information sought on 26 July 2019. A decision was made on 6 March 2020.

Condition 2 states that the permission shall expire on 15 March 2020 as per the parent permission KT/800014 (ABP-PL49.234285).

Condition 5(a) requires that prior to the commencement of development onsite the application shall submit for the written agreement of the PA a revised site layout plan which shows the southern junction is for exiting the development only.

Condition 5(b) requires the applicant submit a design for the signalised junction.

#### 4.3. **KA/190702**

- 4.3.1. Demolition of HSE Dublin North East Building and construction of vehicular and pedestrian access to the Kells Backlands from the existing junction of John St.,



Slane Road R163, and Dublin Road R147 and associated junction upgrade. The proposed development also includes amendments to part of the Kells Backlands mixed use town centre development to the south, permitted under ABP-PL17.234285 (MCC Ref:KT800014) to integrate the proposed access into the permitted internal roadways and infrastructure,

## **5.0 Legislative and Policy Context**

### **5.1. The EU Habitats Directive (92/43/EEC)**

- 5.1.1. This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

### **5.2. European Communities (Birds and Natural Habitats) Regulations, 2011**

- 5.2.1. These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority. National Nature Conservation Designations

### **5.3. National nature conservation designations**

- 5.3.1. The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Area (SPAs) and the latter two form part of the European Natura 2000 Network.

5.3.2. There are four Natura 2000 sites located within a 15km radius of the subject site, including:

- River Boyne and River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)
- Killyconny Bog (Cloghbally) SAC (Site Code 000006)
- Girley Bog (Drewstown) (Site Code 002203)

5.3.3. There are 2 Natural Heritage Areas and 4 Proposed Natural Heritage Areas within a 15km radius of the site as follows:

- Breakey Lough (Proposed) (Site Code 001558)
- Lough Ramor (Proposed) (Site Code 000008)
- Killyconny Bog (Proposed)(Site Code 000006)
- Girley Bog NHA (Site Code 001580)
- Lough Shesk (Proposed)(Site Code 000556)
- Jamestown Bog (Site Code 001324)

#### 5.4. **Planning and Development Acts 2000 (as amended)**

5.4.1. Part XAB of the Planning and Development Acts 2000-2010 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board

for approval and the provisions of Part XAB shall apply in the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## **5.5. Meath County Development Plan 2013-2019**

- 5.5.1. Kells is classified as a secondary economic growth town and its current under-provision of convenience retail facilities and potential for economic growth is noted. CS OBJ 2 encourages the sustainable development of designated core economic areas. A number of transport policies are included in the Development Plan including TRAN SP 14 – protection of existing roads infrastructure. TRANS SP 15 seeks to protect investment in the capacity, efficiency and safety of national roads.

## **5.6. Kells Development Plan 2013-2019**

- 5.6.1. The Development Plan indicates a proposed distributor road/access road within the proposed Frontlands area. The Development Plan also requires that a masterplan be prepared for the area, referenced as MP4, within which the subject proposal is located. Chapter 2 of the Development Plan (Chapter 2) seeks to develop a new urban quarter in the Frontlands linking the Bective Street area to the Oldcastle Road inclusive of a new series of Local Distributor roads, footpaths and cycle paths.

## **5.7. Frontlands Masterplan 2019**

- 5.7.1. The Masterplan for the Kells Frontlands was accepted by MCC on 14<sup>th</sup> March 2019. The masterplan comprises an area of c.16.7ha of a wider 23 hectare area known as

'Frontlands' and includes a number of different landowners who have come together to form a limited company, Columba Property Company Ltd.

## **6.0 Environmental Impact Assessment Screening**

6.1. An environmental impact assessment screening report (May 2019) was submitted which concludes that the proposed project will not have a significant effect on the environment. While the proposal is a prescribed project type it is considered sub-threshold. It outlines that given the nature, scale and location of the proposal, the characteristics and location of the proposal and the characteristics of potential impacts it is considered that the project is unlikely to give rise to significant environmental impacts. It is concluded that there is not requirement for an EIA to be carried out for the proposal. I would concur with the conclusions reached in the screening report prepared by MCC.

## **7.0 Consultations**

### **7.1. Prescribed Bodies**

The application was circulated to the following bodies:

- The Heritage Council
- An Taisce
- Irish Water
- Department of Culture, Heritage and the Gaeltacht - Development Applications Unit (National Monuments Unit).
- Department of Culture, Heritage and the Gaeltacht - Development Applications Unit (National Parks and Wildlife Service).
- Department of Culture, Heritage and the Gaeltacht (Built Heritage and Architectural Policy)
- Minister for Culture, Heritage and the Gaeltacht
- Inland Fisheries Ireland.
- Office of Public Works

A response were received from the Department of Culture, Heritage and the Gaeltacht - Development Applications Unit (National Monuments Service)

7.1.1. The response from Department of Culture, Heritage and the Gaeltacht (Development Applications Unit) can be summarised as follows:

- National Monuments Services examined the Archaeological Cultural Heritage Report and note contents of Masterplan documentation and the archaeological Geophysical Survey Report associated with the development lands in the vicinity of the road.
- Department concurs with proposed archaeological mitigation on pages 36 & 37 of Appendix H of the Archaeological Cultural Heritage Report.
- Recommended that the archaeological testing of proposed route is carried out in accordance with the recommendation in the report,
- Report of the results of the archaeological testing to be forwarded to the PA and Department for written approval in advance of commencement of any construction works.

## 7.2. Public Submission

7.2.1. One submission was received from members of the public, this was from Arceus Developments Ltd who own lands to the east of Bective Street. The issues raised can be summarised as follows:

- Welcome application by MCC to improve access and permeability to and through the town centre and designated town centre expansion areas with proposed link forming part of a wider street network in the town.
- Arceus Developments controls a major landbank in Kells town centre known as the 'Backlands' shown on Figure 1. 'Backlands' zoned town centre development and identified in Kells Development Plan as preferred location for expansion of town centre retail and mixed-use.
- Submission proposes amendments to proposal considered necessary and appropriate to align the proposal with the wider Development Plan objectives for the site maximising accessibility to both and consistent with DMURS.

- Part of lands owned by Arceus subject of extant 10 year permission (Ref. KT/800014-PL49.234285) for a mixed use development on 7.86 ha with release of lands constrained by access issues now being addressed by 2 concurrent planning applications with MCC (KA/190701(Bective St) & KA/190702(Headfort Place)).
- Bective St. application proposes to enhance the safety and capacity of access at junction of Bective St, Suffolk St & Farrell St with Headfort Place application providing a third major access and green movement corridor from the town centre to the north of backlands at junction of John St, Slane Road (R163) and Dublin Road (R147) with objective also including:- to enhance developability and viability of the Backlands, enhance access from established streets, enhance public realm.
- Proposed amendments consistent with strategy and specific policy objectives in the Kells Development Plan as outlined and including Town Centre Pol 3 & 4.
- Backlands Framework Plan included in Appendix E of the Kells Development Plan with zoning map identifying two indicative locations for access through the Backlands site to connect to Bective Street.
- Proposed development under Bective Street application (Ref. KA/190701) provision of an additional pedestrian and vehicular access from Bective Street to the south of the previously permitted development access, bicycle spaces, temporary coach and car parking area.
- Headfort Place application (Ref. KA/190702) proposes a vehicular and pedestrian/cycle access road from existing junction of John St, Slane Road and Dublin Road forming a fourth arm at the junction which will be signalised and incorporate associated upgrade works.
- Noted request for further information by MCC was sought on 26 July 2019.
- Kells Development Plan consistently identified access as key constraint to future development of both Backlands and Frontlands which must comply with DMURS with proposed applications proposing to resolve access issues in accordance with DMURS.

- Proposed distributor road and junction improvement proposed in this Part 10 application provides a priority junction on Bective Street which has potentially detrimental impact on the additional access arrangements to the Backlands site proposed under the Bective St. application (Ref. KA/190701).
- Figure 3 outlines proposal in the Part 10 application and Figure 4 outlines the access arrangements under Ref. KA/190701 with proposed additional junction under Ref. KA/190701 in same location as proposed interim egress arrangement to the Backlands as provided in the Backlands Framework Plan and Kells Development Plan.
- Current proposal to access the Backlands requires two junctions on to Bective St with Bective St/Suffolk Street Junction to be a signal controlled junction and second junction further south on Bective Street proposed as a priority junction opposite HSE site identified on hatched red line on Fig. 3.
- Priority junction will need to be a two-way junction in order to provide the capacity for the Backlands site and in interests of proper planning of the town centre imperative that this junction is maintained as an in and out junction and to do so the right turning lane opposite the proposed Backlands access should be omitted.
- More DMURS friendly junction layout could be designed with the removal of the right turning lanes and their replacement with a signalised junction which is more appropriate given urban nature of the area.
- Access for both pedestrians and cyclists would be further enhanced by providing controlled crossings as part of the signalisation which would greatly improve access to both the Frontlands and Backlands for vulnerable road users.

## 8.0 Further Information Request

A further information request, dated 9 October 2019, issued from the Board to the applicant. A notice was published in the Meath Chronicle on 1 February 2020 outlining that further information had been submitted with submissions invited up until close of business on 24 February 2020. No submissions were received. There were five matters arising which I outline below with the response from the applicant summarised following each one.

## 8.1. Item 1 – Natura Impact Statement

### 8.1.1. Request

#### (a) Data

The NIS submitted is dated November 2016 with the surveys for same undertaken in September 2016. Therefore the information before the Board is based on data which is 3 years old. You are requested to review and justify the validity of the data presented in the NIS and to update if more recent data is available, as relevant to the European Sites considered, any potential impacts and mitigation prescribed to ameliorate those impacts.

### 8.1.2. Response

In response to this request, it states that a site survey was undertaken on November 12<sup>th</sup> 2019 which found only very minor changes to the baseline conditions within the development site area with these changes updated within the habitat map of the revised NIS but does not change the nature of predicted impacts or the mitigation measures proposed. It is further stated that the NIS was also updated with more recent available data on water quality along the River Blackwater. A revised NIS (dated November 2019) has therefore been submitted and is considered within the Appropriate Assessment undertaken at Section 9.4 of this report below.

### 8.1.3. Request

#### (b) In combination effects

Clarification is required regarding the potential in-combination effects with other plans and projects including the Backlands area located between the site and the European sites and the Frontlands masterplan area to clearly demonstrate no risk of adverse effects on the integrity of any European site. This information can be submitted by way of either a revised NIS or an addendum to the current NIS.

### 8.1.4. Response

It is stated that the Frontlands Masterplan was reviewed along with the Backlands Framework Plan. These provide for additional residential and urban development within the Kells area and will be facilitated by the construction of the Kells Frontlands Distributor Road. It continues by stating that as these areas fall within the catchment



of the River Blackwater there can be in-combination effects from construction phases lasting many years and which have the potential to result in pollution entering watercourses. It is stated that this was assessed as a significant effect in the NIS and for this reason mitigation measures have been proposed to ensure that pollution does not occur during the construction of the road. A revised NIS (dated November 2019) has therefore been submitted and is considered within the Appropriate Assessment undertaken at Section 9.4 of this report below.

## **8.2. Item 2 - Ecological Impact Assessment**

### **8.2.1. Request**

The ecological impact assessment is based on data which is three years old and on one site visit only (September 2016). You are requested to review the Ecological Impact Assessment submitted (Appendix E) and where necessary update any ecological surveys outlining as necessary the appropriate scope, timing and methods for the update survey(s). The following factors should be considered (including but not limited to):

- Whether the site supports, or may support, protected species which could have moved on to site, or changed its distribution within a site, and
- Whether there have been significant changes to the habitats present since the surveys were undertaken, including through changes to site management.

### **8.2.2. Response**

In response it is stated that the EclS has been reviewed and updated based on a literature review and findings of the November 2019 site survey. (Updated version dated November 2019 attached) No significant changes to the habitats were noted and there is no evidence that protected species have changed their distribution in the intervening years or have moved onto the site. It is further stated that data for wintering birds were included and a fair population of Snipe (*gallinago gallinago*) were noted from the wetland area which is a bird of medium conservation concern in Ireland.

## **8.3. Item 3 - Pedestrian Movement and Junction Arrangement**

### **8.3.1. Part (a)**

Provide justification for the number and location of pedestrian crossings located between the proposed Climbar Hall junction and Chainage 400.000.

#### 8.3.2. Response

The response outlines the rationale for the junctions and crossings proposed. It is stated a new traffic signal junction is proposed at Climber Hall and at Chainage +220 which is the main access point to the zoned town centre lands, with pedestrian crossings, auxiliary lanes for right turning traffic and a consistent road width.

Realignment of the Bective St junction also proposed with is later to incorporate signal control after Phase 1 of the masterplan and the completion of the proposed distributor roads.

It is stated that given the separation distance between the controlled crossings at Bective Street, Chainage +220 and Climber Hall considered reasonable to provide crossing opportunities at intermediate points along the road, located between successive junctions providing for forecast pedestrian desire lines. Figures 2.1 to 2.5 show the proposed crossing points with rationale for their location explained.

#### 8.3.3. Part (b)

Outline how pedestrian/cyclist movement across Bective Street will be managed.

#### 8.3.4. Response

Proposed to realign the local distributor road at the intersection of Bective Street in order to resolve existing local traffic conflicts and the accommodation of orderly traffic movement to and from Bective St as outlined in Image 2.1. It is stated that at Phase 1 of the Masterplan it is proposed that the crossing of the minor arm of the Bective Street junction will be a standard uncontrolled crossing incorporating dropped kerbs and tactile paving (Chainage +600). It is stated that the uncontrolled arrangement is assessed as having satisfactory capacity given the modest forecast traffic demand arising from Phase 1 and the forecast demand for pedestrians crossing the local distributor (Westfield) road at the Bective St. junction. It is stated that at present there is no pedestrian crossing facility for pedestrians wishing to cross Bective St near the junction with no evidence of a significant current crossing demand at this location which might warrant provision of a crossing on Bective Street. It is stated that further development of Phase 1 of the masterplan lands and progression to phase 2 will require the construction of the entire distributor road and

completion of the connection to the proposed signal junction at Climber Hall and to accommodate the post Phase 1 stages of the masterplan, that the junction at Bective Street will become traffic signal controlled. It is outlined that the proposed geometry of the junction allows for signal control incorporating pedestrian crossing facilities and that a formal crossing arrangement at the future signal junction will be incorporated on the Westfield arm and the northern Bective St arm as it is expected that pedestrian demand will arise for crossing Bective St at this point primarily due to future cross-visitation between the Frontlands and Backlands.

#### 8.3.5. Part (c)

Kells Development Plan 2013-2019 provides for two options to access the Backlands Masterplan area from Bective Street which incorporates extant permission Ref. KT/800014-PL49.234285. It is noted that page 10 of the Planning Application Report submitted, states in respect of Bective Street that 'both options for egress from the Backlands can be accommodated within the proposed works on Bective Street. Due to greater separation distance between junctions, Option 2 offers traffic operational advantages over Option 1 under a priority arrangement whereas Option 1 being closer would be preferable were the junction signal controlled'.

It is also noted that there is a current application (Ref. KA/190701) with the Planning Authority which provides for access/egress arrangements via Option 1 as defined in the Development Plan.

In light of the above please provide:-

- (i) Justification for the junction and carriageway design strategy proposed for the Bective Street junction; and
- (ii) Statement of compliance with the Design Manual for Urban Roads and Streets.

#### 8.3.6. General Response

Proposed works at Bective Street includes measures to address existing traffic turning conflicts and proposed geometry of the junction allows for future signal control incorporating pedestrian crossing arising from cross visitation between Frontlands and Backlands. Proposed junction design has regard to potential impact and interaction of proposed junction with the development plan suggested interim egress option from the Backlands. Proposed distributor road junction will be a priority arrangement until completion of connection to Climber Hall and signalised thereafter.

Proposed junction layout can accommodate both of the development plan suggested interim options for egress from the Backlands without significant impact. It is stated that as set out in the application report, given the proximity of the interim junctions to Westfield, were the suggested one-way interim arrangements reversed and ingress permitted to the Backlands then the right turning traffic at the ingress would have the potential to interact with and compromise the operation of the existing and proposed Westfield junction. It continues that if it were necessary such interaction can be addressed by incorporating both junctions into a co-ordinated signal controlled system. It is noted that the development plan long term access to the Backlands is at a single all movements signal controlled junction at Suffolk St (Heatherton's) as currently permitted and as the long term arrangements is achievable and permitted it is unlikely that the interim one-way system will be realised. The applicant concludes that under a hypothetical future scenario were the preferred long-term Backlands arrangement not constructed and the interim one-way system necessary it is highly unlikely that the suggested egress at Option 1 or Option 2 would be considered suitable for ingress.

It is outlined that the Kells Development Plan 2013-2019 makes provision for a long-term access arrangement to the Backlands on the basis that the preferred long-term access solution may not be readily achievable with the plan making provision for an interim access arrangement. While not yet constructed, the long term Backlands access is achieved for the development as permitted by the Board (Suffolk St) and suggested interim arrangement contingent on long-term option not being achievable and therefore interim arrangement might no longer be relevant as its purpose withers given preferred long-term arrangement is achievable. It is also outlined that the Framework Plan shows arrangements as 'indicative only' with an ingress **or** egress option at a new junction at Suffolk St combined with corresponding egress or ingress to Bective St. Extracts from Section 4.4.2 of the Development Plan are outlined which identify site access arrangements for the Backlands site. Nothing in development plan suggesting in any meaningful way that the interim one-way or long-term preferred solution are in any way conjunctive.

Planning application KA/190701 submitted after subject s.177AE proposal with no details provided of proposal prior to subject submission and seeks to take advantage of suggested interim arrangement and consistent with Development Plan only in its

location in one of two sites suggested as part of interim one-way access arrangement. KA/190701 seeks permission for an additional all movements' ingress and entry junction and more southerly access which is not consistent with the Development Plan, is a duplication in service and is unnecessary and does not consider or discuss likely interaction with either the existing or proposed junction in the current proposal. Long term and interim Backlands access arrangements interpreted as mutually exclusive but application seeks to achieve both.

#### 8.3.7. Part (c)(i)

Justification for the junction and carriageway design strategy proposed for the Bective Street junction;

#### 8.3.8. Response

Existing junction between Westfield and Bective St adversely offset from access to petrol station opposite such that traffic turning right into these two junctions are in conflict (Image 2.2) creating a traffic hazard due to conflicting turning movements and to address this conflict it is proposed to realign Westfield Road sufficiently to separate conflicting traffic movements in opposing right turning vehicles. Proposed junction layout considered justified on grounds of resolving existing local traffic conflicts. It is further outlined that to accommodate post-Phase 1 stages for the Frontlands masterplan the junction at Bective Street will be traffic controlled with the proposed geometry of the junction allowing for signal controls incorporating pedestrian crossing facilities on Westfield and on Bective Street with a formal crossing arrangement being incorporated on Bective Street on the northern arm of the future signal junction crossing accommodating cross visitation between Frontlands and Backlands. Reference is also made to the proposed development at Backlands and the short right turning lane from Bective Street with right turning lanes consistent with principle of DMURS.

#### 8.3.9. Part (c)(ii)

Statement of compliance with the Design Manual for Urban Roads and Streets

#### 8.3.10. Response

The response outlines that the proposed road is a local distributor with an element of orbital function aiding in the distribution of traffic around Kells. Design provides for a

3m wide median and is tree lined with a high level of pedestrian crossing provision. Proposed road delivers multiple mode choices including cycle provision along a direct, attractive and safe orbital link which will connect a range of amenities and services. The specific attributes of the scheme design which contributes to achieving objectives of DMURS and principles of National Cycle Manual include well designed and frequent pedestrian crossing facilities along key travel desire lines throughout the scheme in addition to those located at junctions. Scheme designed with careful consideration for pedestrians, pedestrian desire lines and cyclists with connectivity at Climber Hall and Bective Street and expected road will become a significant public transport corridor. It is stated that pedestrians benefit from dedicated pedestrian crossing throughout the scheme. Sense of enclosure spatially defines the street. Given proposal is for a standalone road there is no provision for an active edge with such matters considered in the Masterplan. Specifically, in terms of pedestrian activities/facilities it is stated that the proposal provides a high degree of pedestrian connectivity.

#### 8.4. **Item 4 - Geotechnical Site Investigation**

##### Request

Appendix J provides a Geotechnical Site Investigation dated February 2014. Section 7.1 of the report refers to two construction options to address soft soils encountered within the proposed site area. In particular it states that *'in order to better establish the construction methods to be adopted it is recommended that a further site investigation is carried out to delineate the depth and nature of the soft soils across the width of the proposed road between Chainage XXXXX'*.

You are requested to address this statement, clarify the Chainage referenced, clarify what further investigation was undertaken and indicate the construction option which is now proposed.

##### Response

In response it is stated that the Geotechnical Investigation was carried out in two stages with two reports issued, February 2014 and July 2014, with the second report identifying the extent of soft material encountered along the line of the proposed report. It is stated that the second report was omitted from the application

documentation submitted and is submitted with further information submission. It is stated that soft material was located at Chainage 0-40m to a depth of 0-1.4m (soft to firm glacial till) and from Chainage 180-280m to a depth of 0.5-4.3m (peat overlying soft silt).

It is outlined that due to the presence of soft material on site, ground improvement techniques will be required for road construction at some locations and a detailed design of the road has not yet been undertaken and will be carried out in conjunction/agreement with MCC Roads Department. It is stated that the final road design is likely to be dictated by a combination of cost, program implications and risk of failure of ground movement with a number of options to be considered in order to deal with localised soft ground with the options outlined. It is stated that option 3 – a surcharge load over the soft material in order to compress it – is not considered suitable due to issues relating to settlement and the time required. For the Boards information, Option 1 is the removal of all soft ground and its replacement with suitable fill material compacted in layers; Option 2 is to provide a piled road embankment through areas of soft ground.

#### **8.5. Item 5 - Ownership and Site Area**

##### Request

It is stated in the planning application report that the total land area required for construction of the project is 1.718 hectares of which 1.239 hectares is currently in the ownership of Columba Properties with a small element of HSE land required for realignment of the road leading to Westfield which measures 0.027 ha. It is further stated that lands on Climber Hall, the road leading to Westfield from Bective Street and Bective Street are in control of Meath Co. Co but that it is possible that some small areas of existing roadbed is in the ownership of domestic properties.

Furthermore it is stated that an area of existing road and footway works at Climber Hall is measured at 1.492ha and that works at the road leading to Westfield from Bective St and Bective Street are similar in composition and measures 3.3394 with some 1.068 are on Bective Street.

(a) Please confirm that the applicant, Meath County Council, has sufficient legal interest in the lands subject of this application in order to make same.

##### Response

The applicant has submitted a map showing the ownership of the lands within the masterplan area including parcels not included within the application boundary. Letters of consent from those who own parcels affected by the proposal are included with the documentation.

(b) Please clarify the area of the proposed application boundary.

#### Response

Area of the proposed application boundary, while the areas of individual parts of the proposal are set out, it is clarified that the total area defined by the red line boundary is 2.857 hectares.

## **9.0 Assessment**

### **9.1. Introduction**

- 9.1.1. Section 177AE of the Act requires that where an appropriate assessment is required in respect of a development which is being carried out by or on behalf of a local authority that is the planning authority, the local authority shall prepare an NIS and shall apply to the Board for approval and the provisions of Part XAB shall apply.

The Board in making a decision in respect of the proposed development shall (inter alia) consider:

- The likely effects on the environment,
- The likely consequences for the proper planning and sustainable development in the area, and
- The likely significant effects of the proposed development upon a European Site.

I will address each in turn.

### **9.2. The likely effects on the environment**

The most likely impact of the proposed development on the environment arises from the impact of the construction works on the water quality and biodiversity. This is discussed in some detail in relation to the impact on the Natura 2000 site in the appropriate assessment below, however the wider ecological impact and those species not listed as Qualifying Interest of the European Sites are addressed below.



I consider that the likely effects of the proposed development on the environment can be assessed under the following headings:

- Human beings
- Material Assets
- Drainage
- Soils, Geology and Hydrogeology
- Air Quality
- Noise
- Biodiversity
- Cultural heritage

#### 9.2.1. **Human Beings**

While the majority of the land use in the immediate vicinity of the proposed road project is agricultural, there are areas of residential development to the south and north. There is an office development, the HSE adjoining the Bective Street junction with a mix of commercial, residential and social uses along Bective Street and less so along Clumber Hall. The proposed development has the potential to affect this residential population, as well as the working population in the area and the visiting population, utilising the road in question.

During the construction phase of the proposed development, the local resident, working and visiting populations will be affected by a range of temporary and short-term impacts such as noise, dust, increased HGV construction traffic, disruption to residential and commercial properties and increased journey times. The following mitigation measures are proposed to address these issues: An Environmental Management Plan will be prepared, including measures to provide information to affected parties, including advising land and property owners in advance of any diversions. Local access shall be maintained at all times. In addition, it is proposed that temporary signage shall be put in place to minimise disruption and ensure all road users understand that construction works are in progress.

During the operational phase of the proposed development, there will be direct permanent impacts on some landholdings, both commercial and agricultural, including changes to access arrangements, although it is not proposed to demolish any occupied properties. In terms of the impact on the working and visiting populations, I consider that the road realignment and related development will result in improved accessibility and will improve safety for all road users. No mitigation measures are proposed for the operational phase, and I consider that the delivery of the road realignment and associated improvement works would have a significant positive impact for residential, working and visiting populations.

### 9.2.2. **Material Assets**

The main consideration in respect of material assets is how the proposed development will impact on the existing road network. In this regard there are a number of matters arising. Firstly, the rationale for the proposed junction design on Bective Street and how that has the potential to effect other proposed developments within the area. The other significant considerations are how the proposal addresses pedestrian connectivity and its compliance with the principles of DMURS. I will address each in turn.

#### Justification for Bective Street Junction Design

Firstly, it is stated that the existing junction between Westfield and Bective Street is adversely offset from the existing access to petrol station/mixed use scheme on the opposite side of Bective Street such that traffic turning right into these two junctions are in conflict creating a traffic hazard due to the conflicting turning movements. This is clearly outlined in Image 2.2 of the further information submission. In order to address this conflict it is proposed to realign the Westfield Road sufficiently so as to separate conflicting traffic movements in opposing right turning vehicles. The applicant's state that the proposed junction layout is considered justified on grounds of resolving existing local traffic conflicts. I concur with the justification which is clearly illustrated in image 2.2. The following section addresses the impact of the junction design on the access to the Backlands area.

## Access to Backlands

It is stated that at Phase 1 of the Masterplan it is proposed that the crossing of the minor arm of the Bective Street junction will be a standard uncontrolled crossing incorporating dropped kerbs and tactile paving (Chainage +600). It is stated that the uncontrolled arrangement is assessed as having satisfactory capacity given the modest forecast traffic demand arising from Phase 1 and the forecast demand for pedestrians crossing the local distributor (Westfield) road at the Bective St. junction. I address pedestrian crossing facilities in the following section. In this section I will address the concerns raised in the submission received regarding potential conflicts with access to the Backlands area of Kells which is an opportunity area on the other side of Bective Street identified in the Development Plan.

As outlined in section 8 of this report, further information was requested in respect of the concerns raised in the submission received on behalf of the developers of the Backlands masterplan area. As outlined in the FI request, the Kells Development Plan 2013-2019 provides for two options to access the Backlands Masterplan area from Bective Street which incorporates extant permission Ref. KT/800014-PL49.234285. It was noted that page 10 of the Planning Application Report submitted, stated in respect of Bective Street that, *'both options for egress from the Backlands can be accommodated within the proposed works on Bective Street. Due to greater separation distance between junctions, Option 2 offers traffic operational advantages over Option 1 under a priority arrangement whereas Option 1 being closer would be preferable were the junction signal controlled'*. Reference was also made to what was a current application (Ref. KA/190701) with the Planning Authority, at the time of the further information request which provides for access/egress arrangements via Option 1 as defined in the Development Plan.

The applicant's response is very detailed but includes a number of pertinent matters which I shall address. It is stated that the proposed junction layout can accommodate both of the development plan suggested interim options for egress from the Backlands without significant impact. It is stated that as set out in the application report, given the proximity of the interim junctions to Backlands to the Westfield access, were the suggested one-way interim arrangements reversed and ingress permitted to the Backlands then the right turning traffic at the ingress would have the

potential to interact with and compromise the operation of the existing and proposed Westfield junction. It continues that if it were necessary such interaction can be addressed by incorporating both junctions into a co-ordinated signal controlled system.

It is noted that the development plan long term access to the Backlands is at a single all movements signal controlled junction at Suffolk St (Heatherton's) as currently permitted and as the long term arrangement is achievable and permitted it is unlikely that the interim one-way system will be realised. The applicant concludes that under a hypothetical future scenario were the preferred long-term Backlands arrangement not constructed and the interim one-way system necessary it is highly unlikely that the suggested egress at Option 1 or Option 2 would be considered suitable for ingress. This is one of the key considerations. The Development Plan provides for either ingress or egress from the access and not both. This is outlined in the Framework Plan which shows arrangements as 'indicative only' with an ingress **or** egress option at a new junction at Suffolk St combined with corresponding egress **or** ingress to Bective St. Extracts from Section 4.4.2 of the Development Plan are outlined which identify site access arrangements for the Backlands site.

The applicant's stated that planning application KA/190701 was submitted after the subject s.177AE proposal was submitted to the Board with no details provided of the proposal prior to the subject submission and seeks to take advantage of the suggested interim arrangement and is consistent with Development Plan only in its location in one of two sites suggested as part of interim one-way access arrangement. While the response from the applicant goes into considerable detail, I would note for the Boards information that the application on the Backlands site which was referenced in the submission has been determined and Condition 5(a) of same requires that prior to the commencement of development onsite the application shall submit for the written agreement of the PA a revised site layout plan which shows the southern junction is for **exiting** the development only. Therefore, egress only with the in/out arrangement for which permission was sought, not permitted. This was not appealed to the Board and I would also note that the application was an amendment to the parent permission which expired on 15 March of this year. Therefore the rationale for the proposed location of the subject junction to avoid

conflicts with the existing petrol station junction and which would also facilitate egress from the Backlands area is considered reasonable.

### DMURS

The further information request required that the applicant submit a 'Statement of Compliance' with the Design Manual for Urban Roads and Streets. The response outlines that the proposed road is a local distributor with an element of orbital function aiding in the distribution of traffic around Kells. It states that the design provides for a 3m wide median and is tree lined with a high level of pedestrian crossing provision. It contends that the proposed road delivers multiple mode choices including cycle provision along a direct, attractive and safe orbital link which will connect a range of amenities and services. The specific attributes of the scheme design which contribute to achieving the objectives of DMURS and principles of the National Cycle Manual include well designed and frequent pedestrian crossing facilities along key travel desire lines throughout the scheme in addition to those located at junctions. It states that the scheme is designed with careful consideration of pedestrians, pedestrian desire lines and cyclists with connectivity at Climber Hall and Bective Street and it is expected that the road will become a significant public transport corridor.

It is stated that pedestrians benefit from dedicated pedestrian crossing throughout the scheme. It considers that a sense of enclosure spatially defines the street but that given the proposal is for a standalone road there is no provision for an active edge with such matters considered in the Masterplan. Specifically, in terms of pedestrian activities/facilities it is stated that the proposal provides a high degree of pedestrian connectivity. While I concur with many elements of the statement, I have some difficulty in agreeing that the proposal provides well designed and frequent pedestrian crossing facilities along key travel desire lines throughout the scheme in addition to those located at junctions as it is proposed for Phase 1 for Bective Street. This is addressed in the next section.

### Pedestrian connectivity

Firstly, the applicant was asked in the further information request to provide justification for the number and location of pedestrian crossings located between the proposed Climbar Hall junction and Chainage 400.000. The response outlines the rationale for the junctions and crossings proposed. It is stated that a new traffic signal junction is proposed at Climber Hall and at Chainage +220 which is the main access point to the zoned town centre lands, with pedestrian crossings, auxiliary lanes for right turning traffic and a consistent road width. Realignment of the Bective Street junction is also proposed with is later to incorporate signal control after Phase 1 of the masterplan and the completion of the proposed distributor roads. It is stated that given the separation distance between the controlled crossings at Bective Street, Chainage +220 and Climber Hall it is considered reasonable to provide crossing opportunities at intermediate points along the road, located between successive junctions providing for forecast pedestrian desire lines. Figures 2.1 to 2.5 show the proposed crossing points with rationale for their location explained. I consider that the matter has been satisfactorily addressed.

In relation to the request to outline how pedestrian/cyclist movement across Bective Street will be managed, it is stated that to accommodate post-Phase 1 stages for the Frontlands masterplan the junction at Bective Street will be traffic controlled with the proposed geometry of the junction allowing for signal controls incorporating pedestrian crossing facilities on Westfield and on Bective Street with formal crossing arrangements being incorporated on Bective Street on the northern arm of the future signal junction crossing accommodating cross visitation between Frontlands and Backlands. Therefore at Phase 1 of the Masterplan no pedestrian crossing facility for pedestrians wishing to cross Bective Street near the junction is proposed as there is no evidence of a significant current crossing demand at this location which might warrant provision of a crossing on Bective St.

I have some concern at the conclusions reached in respect of the absence of pedestrian crossing facilities at Bective Street for Phase 1. This appears to contradict with the statement of compliance with DMURS above which contends that well designed and frequent pedestrian crossing facilities along key travel desire lines throughout the scheme in addition to those located at junctions. Currently, there is a residential scheme (Westfield) and a HSE office using the existing junction. I noted on the day of my visit uncontrolled pedestrian crossings between the Westfield

junction and the petrol filling station/mixed use development across Bective Street. I consider that in order to comply with DMURS that pedestrian connectivity must be designed into the scheme from the outset and not for a future phase. Therefore, I would suggest that if the Board are minded to approve the proposed development that a condition should be attached requiring that pedestrian facilities are incorporated into the design of the junction for Phase 1.

### 9.2.3. **Drainage & Flooding**

The proposed road drainage scheme includes a carriageway drainage system together with a culvert to accommodate crossing the Newrath Stream that intersects the scheme. I consider that the proposals for the design of the culvert are appropriate. In relation to the collection of surface water from the proposed road, a system of road gullies and underground pipes are proposed within the road corridor to collect and direct rainwater to a specifically designed attenuation which I note is designed to accommodate a 30 year storm event. As noted elsewhere in this report in respect of Appropriate Assessment, it is proposed that storm water passes through suitable silt traps and oil interceptors to remove suspended solids and other pollutants prior to discharge to the Newrath Stream which ultimately discharges to the River Blackwater. It is proposed that the discharge flow rate is controlled to greenfield run-off rates. I also note the measures (section 6.5) which it is proposed to be prescribed within the Contract Documentation for the construction works for the protection of existing water bodies.

In relation to flooding, the documentation includes an assessment of flood risk which addresses the likelihood of flooding with the Kells Flood Zone mapping indicating that a localised low-lying area of Frontlands is within zone A and/or B which it is proposed will be maintained as green space and states that the vast majority of the site is outside of this area. It is noted that a number of studies on flooding have been undertaken by MCC in Kells. It is noted that the primary cause of flooding along the stream results for the inadequate capacity of the culvert passing under the R163 (downstream of site). Site topography adjacent to Climber Hall dictates that a section of the proposed road would be above the proposed level of adjoining development. It is proposed that storm water run-off from the road surface will be prevented from entering adjacent development using a cut-off system of gullies/aco-drains at road

junctions. It is set out that the 1200diameter culvert adjacent to Bective Street is at 65-70% capacity assuming maximum flows with no allowance for attenuation. The assessment indicates that the flood risk if any which the development proposes to the site or other properties will not be significant.

#### 9.2.4. **Soils, Geology and Hydrogeology**

A geotechnical site investigation report (appendix J) accompanies the application document and is dated February 2014. Four boreholes and six trial pits were undertaken with results of same included in the report as are results of the infiltration tests and indirect CBR tests. Ground conditions are outlined with peat, alluvial deposits and glacial till encountered, indicating soft deposits encountered in areas of the site. Groundwater encountered at depths ranging from 0.40m and 2.6m. The report states that construction options available for the road will need to take into account the depth of soft soils and the fill required to achieve the required site levels. The options outlined include either, excavate and replace soft soil with compacted stone fill or a surcharge exercise over the extent of the soft ground. Section 7.1 of the report states that *in order to better establish the construction methods to be adopted it is recommended that a further site investigation is carried out to delineate the depth and nature of the soft soils across the width of the proposed road between Chainage XXXXX.*

The further information requested that the applicant address this statement (italics above), clarify the Chainage referenced, clarify what further investigation was undertaken and indicate the construction option which is now proposed. In response it is stated that the Geotechnical Investigation was carried out in two stages with two reports issued, February 2014 and July 2014, with the second report identifying the extent of soft material encountered along the line of the proposed report. It is stated that the second report was omitted from the application documentation submitted and is now submitted with the further information response. It is stated that soft material was located at Chainage 0-40m to a depth of 0-1.4m (soft to firm glacial till) and from Chainage 180-280m to a depth of 0.5-4.3m (peat overlying soft silt). It is outlined that due to the presence of soft material on site, ground improvement techniques will be required for road construction at some locations and a detailed design of the road has not yet been undertaken and will be carried out in



conjunction/agreement with MCC Roads Department. It is stated that the final road design is likely to be dictated by a combination of cost, program implications and risk of failure of ground movement with a number of options to be considered in order to deal with localised soft ground with the options outlined. It is stated that option 3 – a surcharge load over the soft material in order to compress it – is not considered suitable due to issues relating to settlement and the time required. For the Boards information, Option 1 is the removal of all soft ground and its replacement with suitable fill material compacted in layers; Option 2 is to provide a piled road embankment through areas of soft ground. I consider that the response is sufficient to address the concerns outlined in the further information request and that detailed design of the proposed development will require attendant further site investigation which is reasonable for a development of the type proposed.

#### 9.2.5. **Air Quality**

An air quality assessment is included with the documentation at Appendix L. The potential impacts on air quality during the construction phase are primarily related to dust generation associated with construction activities. During the operational phase, the potential impacts are related to increases in air pollution as a result of changes in traffic sources with the proposed road. A small increase in pollutants due to changes to traffic flows within the existing network is predicted to have a negligible impact. Construction related dust at the most proximate residential properties is likely to result in a temporary slight adverse impact with avoidance and mitigation measures outlined. When operational it is predicted that the traffic associated with the proposed road scheme will lead to 'small' to medium increases in levels of ambient air pollution for houses close to the new junction but the magnitude of the impact is considered negligible. The principal construction phase mitigation measure is the preparation of a dust minimisation plan which it is advised should be prepared as part of the Environmental Management Plan or Construction Management Plan with other dust control measures proposed which would alleviate any predicted impacts at operational stage.

#### 9.2.6. **Noise**

The documentation submitted included a noise and vibration assessment. The existing noise climate in the vicinity of the proposed development includes typical suburban background noises such as rustling foliage, road traffic and noise associated with commercial activities and agricultural noises. Baseline noise measurements ranged from 44-65 dB  $L_{Aeq}$  which was dominated by noise traffic. Baseline vibration monitoring was not considered necessary. Potential impacts are identified with short term increases in noise impacts at construction phase to include rocking breaking and machinery and plant during construction of the carriageways. During the operational phase, the assessment indicates potential impacts would result from changes in the road alignment and changes in the characteristics of the traffic. Predicted impacts are outlined at Section 5 with construction noise sources resulting in a temporary impact on the noise climate in the area with predicted operational impacts considered negligible. Mitigation measures are set out in Section 6 and provides measures for the construction phase such as hours of construction, best practice use of machinery and plant. In respect of residual impacts during the construction phase it is stated that there will be a potential impact on nearby residential properties due to noise from site traffic and other activities however it is considered that the noise and control measures proposed will ensure these are kept to a minimum. I consider that the assessment carried out and the measures proposed to mitigate predicted impacts are reasonable.

#### 9.2.7. **Biodiversity**

An Appropriate Assessment is set out at section 9.4 below. In relation to the subject site, an ecological impact assessment was included with the documentation. Following receipt of the documentation further information was requested in respect of the assessment undertaken, as detailed in Section 9.1 above. This related primarily to the assessment having been undertaken c. 3 years prior to the submission of the application based on one site survey. A response to same provides an updated Ecological Impact Statement which is based on updated data and the findings of a November 2019 site survey. I would note that the updated Ec. Impact statement references that the assessment for appropriate assessment is carried out by the competent authority, which it is stated, is Meath County Council in

this case which I would outline is incorrect as the Board are the competent authority in this instance.

Notwithstanding, in respect of the ecological impact statement in respect of the subject site, which has been updated, the flora of the site is outlined in Section 3.4.1 and includes hedgerows, treelines and other flora such as tall-herb swamp which is centrally located in the site and which is of local significance. There are also areas of improved grassland and dry meadow. I would also note that changes in flora from 2016 to 2019 is outlined. A habitat map is provided at Figure 2. In respect of fauna, the field surveys undertaken identified no signs of badger activity and no sett found. It is considered that features on the site are considered to be of low suitability for bat roosting with the exception of disused buildings although no bat surveys were undertaken. Suitable habitat for otter is not considered to be present on the site nor is the habitat considered suitable for red squirrel or pine marten. The survey did not record any birds and the drainage ditches on the site are not considered suitable for any of the species present in the Blackwater catchment. No evidence of alien species was discovered on the site.

During the construction phase the potential impacts of the proposed development are primarily related to loss of habitat with the tall swamp of more significance but of local importance with most of the swamp maintained. Further impacts include loss or disturbance to species and water quality impacts. Mitigation by way of design, timing of works, landscaping and good site management are proposed and are considered reasonable. I also note that a detailed construction method statement/pollution prevention plan is also recommended. During the operational phase the potential impacts relate primarily to disturbance to bats from artificial lighting and the habitat fragmentation. It is proposed that a bat survey is undertaken in order to mitigate which is reasonable. I concur with the applicant that with the full implementation of the proposed mitigation measures that no negative impacts will occur to flora and fauna. I consider that the assessment carried out and the measures proposed to mitigate predicted impacts are reasonable.

#### 9.2.8. **Cultural Heritage**

A comprehensive archaeological cultural heritage report, dated July 2018, accompanies the application documentation with the report addressing the 23

hectares of the Masterplan area. It is stated that the site lies partially within the zone of archaeological potential for historic Kells (ME014044) to the northeast of the masterplan area with the site specifically abutting and partially traversing the line of an extant part of the medieval town wall and an associated mural tower at the northeast boundary. In the western part of the site it is noted that there is a recorded Holy Well (St. Columb's Well) and an enclosure towards the south. Reference is made to previous test trenching, geotechnical site investigation and an archaeological geophysical survey. The archaeological geophysical survey detected extensive anomalies across the area investigated. It is stated that while some of these anomalies are likely to be modern and/or agricultural in origin, a large number have been interpreted as potential archaeological features indicating possible settlement and burials and may relate to the medieval ecclesiastical site, St Mary's Priory which is known to have been located within the immediate vicinity of the site. A suite of mitigation is proposed, with a general testing strategy to be applied to all lands required for the proposed development with any archaeological features or finds and architectural and cultural heritage revealed mitigated prior to or during construction in agreement with the relevant heritage authorities.

Furthermore, archaeological test trenching of the proposed route and associated access points shall entail mechanical excavation of archaeological test trench along the centre-line of the proposed route with regular offset trenches to the edge of the land to comprise a testing sample of a minimum of 12% to be organised by and carried out in the presence of suitably quality archaeologists under Licence in advance of road construction with strategies for possibility of preservation of in-site archaeological remains to be determined on a case by case basis.

I note the response to this application from the National Monuments Services who state they have examined the Archaeological Cultural Heritage Report and note the contents of the Masterplan documentation and the archaeological Geophysical Survey Report associated with the development lands in the vicinity of the road. It is stated that the Department concurs with proposed archaeological mitigation on pages 36 & 37 of Appendix H of the Archaeological Cultural Heritage Report. They also recommend that the archaeological testing of proposed route is carried out in accordance with the recommendation in the report and that a report of the results of the archaeological testing be forwarded to the PA and Department for written

approval in advance of commencement of any construction works. If the Board are minded to grant permission a condition reflecting the Departments requirements should be attached.

### **9.3. The likely consequences for the proper planning and sustainable development of the area**

- 9.3.1. The proposed development is specifically supported by an objective to provide a road through the MP4 masterplan area as set out in the Kells Development Plan 2013-2019 and outlined in the masterplan prepared for same. Furthermore, the construction of a road through an area of the town adjoining the built up area would be viewed in landscape and visual terms as an acceptable urban element within this area with an existing road to the southeast of the site already in existence and which it is proposed to realign. I consider that the proposed development would improve access within the town centre, facilitate planned development and would be consistent with the Objectives and Policies set out in the Development Plan and would be in accordance with the proper planning and sustainable development of the areas.

### **9.4. The Likely Significant Effects on a European Site**

The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

#### **9.4.1. Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's

conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

#### 9.4.2. **The Natura Impact Statement**

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that significant effects could not be ruled out to the River Boyne and River Blackwater SAC. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the European Sites that have the potential to be affected by the proposed development. It outlines the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

As outlined in section 8 above, further information was requested from the applicant which related to the validity of the data presented in the NIS given the length of time elapsed between the surveys undertaken and the submission of the application and the consideration of in-combination effects. A response was submitted from the applicant which seeks to address the concerns arising.

The NIS was informed by the following studies and surveys:

- European-level and National-level guidance on Appropriate Assessment.
- Field surveys of the proposal site.

The report and addendum conclude that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not have a significant effect either individually or in combination with other plans or projects on the conservation objectives of the River Boyne and River Blackwater SAC.

Having reviewed the NIS and the addendum, I am satisfied that, while it is poorly set out in terms of the stages of Appropriate Assessment, it provides adequate information in respect of the baseline conditions, identifies the potential impacts, and uses best scientific information and knowledge. I would note that it incorrectly references Meath County Council as the competent authority when they are in fact

the applicant and references a pathway to the River Boyne when it is the River Blackwater that is the relevant watercourse. In respect of the potential effects, I would note that the other accompanying documentation particularly the Ecological Impact Statement provides details of the potential impacts on surface water pathways. Notwithstanding, having regard to the nature of the development proposed and the potential impacts arising I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

### 9.4.3. Appropriate Assessment

#### **Screening for Appropriate Assessment**

I consider that the proposed development is not directly connected with or necessary to the management of any European site. There are four Natura 2000 sites located within a 15km radius of the subject site which are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

European sites considered for Stage 1 screening:

<b>European site (SAC/SPA)</b>	<b>Qualifying Interests</b>	<b>Distance</b>
<b>1. River Boyne and River Blackwater SAC (Site Code 002299)</b>	<ul style="list-style-type: none"> <li>• Alkaline fens [7230]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] (priority habitat)</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> </ul>	c. 1.3km
<b>2. River Boyne and River Blackwater</b>	<ul style="list-style-type: none"> <li>• Kingfisher (<i>Alcedo atthis</i>) [A229]</li> </ul>	c. 1.3km

European site (SAC/SPA)	Qualifying Interests	Distance
<b>SPA (Site Code 004232)</b>		
<b>3. Killyconny Bog (Cloghbally) SAC (Site Code 000006)</b>	<ul style="list-style-type: none"> <li>• Active raised bogs [7110]</li> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> </ul>	c. 8.4km
<b>4. Girley Bog (Drewstown) (Site Code 002203)</b>	<ul style="list-style-type: none"> <li>• Degraded raised bogs still capable of natural regeneration [7120]</li> </ul>	c. 6.5km

I note that the NIS in establishing its zone of influence addresses the potential impacts from the proposal, location and nature of Natura 2000 sites and in particular any pathways between the site and the Natura 2000 sites. The NIS states that the River Blackwater and River Boyne SAC is within the zone of influence and has an hydrological pathway and it screens this site in for the purposes of Stage 2 assessment albeit that much of the consideration of potential impacts is outlined in the screening section of the report. This pathway comprises the Newrath Stream which flows northwest/southeast through the site and onto the River Blackwater at Maudlin Bridge. The stream is open through most of the Frontlands site but is culverted to the east of the lands running under Bective Street exiting the culvert to the south east within the Backlands area.

Based on my examination of the NIS report and supporting information, the NPWS website, the scale of the proposed development and likely effects, separation distances and pathways between the proposed works and the European site and its conservation objectives, I would conclude that a Stage 2 Appropriate Assessment is required for one of the European sites referred to above, namely the River Boyne and River Blackwater SAC (Site Code 002299).

While the River Boyne and River Blackwater SPA (Site Code 004232) is 1.3km from the development site and has an existing hydrological pathway, its conservation objective seeks to maintain or restore the favourable conservation condition of the



bird species listed as Special Conservation Interests for this SPA of which there is one, the Kingfisher. I note that while no site-specific bird survey was undertaken that it is stated that the survey undertaken did not record any birds. However, having regard to the location of the site within the town centre and the intervening urban development between the SPA and the subject site, in addition to the nature of the receiving environment which generally comprises a mix of improved grassland, dry meadow and swamp, I do not consider that there is likely to be any direct impact on the bird species for which the SPA has been designated, or any significant loss of habitats relevant to this bird species. The NIS does state that the habitats on the subject site are not suitable for the Kingfisher. I would also agree with the contention set out in the NIS that given the distance of the site from the SPA and the intervening urban development between same, that light and noise from the proposed development would not adversely effect the special conservation interest for which this site is designated either at construction or operational phases. Therefore given the distance between the SPA and the subject site, the intervening urban development and the habitat on site I am satisfied that that the proposed development would not adversely affect the integrity of the River Boyne and River Blackwater SPA in respect of the conservation objectives set for the special conservation interest.

With regard to the other two European sites, Killyconny Bog (Cloghbally) SAC (Site Code 000006) and Girley Bog (Drewstown) (Site Code 002203), I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these two European Sites, in view of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests of the sites, the separation distances and particularly the lack of any pathway between the proposed works and these European sites.

### **Stage 2 Appropriate Assessment**

As concluded above, a Stage 2 Appropriate Assessment is required for one European site, namely the River Boyne and River Blackwater SAC (Site Code 002299).

There are only generic Conservation Objectives for the site in question. The conservation objective is: to maintain or restore the favourable condition of the Annex I habitat and/or Annex II species in respect of the SAC. They are as follows:

Site Name	Qualifying Interests	Distance
<b>1. River Boyne and River Blackwater SAC (Site Code 002299)</b>	<ul style="list-style-type: none"> <li>• Alkaline fens [7230]</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] (priority habitat)</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) [1099]</li> <li>• <i>Salmo salar</i> (Salmon) [1106]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> </ul>	c. 1.3km

The distance of the proposed development from the relevant European site listed above are straight-line distances. However, I consider that the primary potential pathway between the development site (source) and the European sites (receptors) is via the stream (Newrath Stream) from the subject site to the River Blackwater.

**River Boyne and River Blackwater SAC (Site Code 002299)**

As outlined above, the conservation objective for this site is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected which as outlined in the table above and as follows:

- Alkaline fens [7230]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) [91E0] (priority habitat)
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

## **Potential direct effects on the SAC**

At the outset, as noted in the NIS, there is no loss of habitat associated with the SAC as a result of the proposed development and therefore potential adverse effects on both habitats – the fens and alluvial forests – can be screened out by reason of distance of the site from same. I would also agree with the contention set out in the NIS that given the distance of the site from the SAC and the intervening urban development between same, that light and noise from the proposed development would not adversely effect any of the species, such as Otter, either at construction or operational phases. The primary potential direct effect relates to the potential for pollution of the surface water pathways from the site to the River Blackwater during construction and operational phases of the proposed development. This pathway comprises the Newrath Stream which flows northwest/southeast through the site and onto the River Blackwater at Maudlin Bridge. The stream is open through most of the Frontlands site but is culverted to the east of the lands running under Bective Street exiting the culvert to the south east within the Backlands area.

As noted in the NIS, while there are no conservation objectives specific to the qualifying interests in the SAC, Atlantic Salmon are known to require good ecological water quality. It is noted that the Q4 water status (good status) stated as an objective in other SAC's which host this qualifying interest, is not currently being met in the River Blackwater at Kells with diffuse agricultural run-off within the catchment noted as the primary reason for same. The Lamprey and Otter are potentially also affected by any adverse effect which might arise on water quality.

The proposed development involves the infilling of the site to facilitate the construction of the road and the culverting of the existing stream. It is proposed that surface water leaving the site will be diverted to a series of settlement ponds which would remove sediment prior to leaving the site. Main surface water collection provided by a system of kerb and gully construction with underground pipe network within the road corridor collecting and directing storm water to an attenuation system designed to accommodate a 30 year storm event. It is proposed that storm water will pass through suitable silt traps and oil interceptors prior to discharge to the Newrath Stream with discharge flow rate controlled to greenfield run-off rates. A culvert is proposed where the Newrath Stream crosses the proposed road and is oversized to

cater for extreme flows and allow aquatic species and mammals migrate from one side to the other.

By way of mitigation for the construction phase it is proposed that a detailed construction method statement/pollution prevention plan is prepared in accordance with the IFI's Guidelines on Protection of Fisheries. It is also proposed that a detailed Construction Management Plan is prepared. By way of mitigation for the operational phase it is proposed that water draining from hard surfaces will pass through an attenuation storage tank with controlled discharge. It is proposed that storm water passes through suitable silt traps and oil interceptors to remove suspended solids and other pollutants prior to discharge to the Newrath Stream which ultimately discharges to the River Blackwater. I address other recommended conditions in the following sections.

Therefore given the distance between the SAC and the subject site, the intervening urban development and the habitat on site I am satisfied that following the implementation of the mitigation measures proposed that the construction and operation of the proposal will not adversely affect the integrity of the River Boyne and River Blackwater SAC in respect of the conservation objectives for the qualifying interests.

### **Potential in-combination effects on the European Sites**

As outlined above, the applicant was requested at further information stage to clarify the potential in-combination effects with other plans and projects including the Backlands area located between the site and the European sites and the Frontlands masterplan area to clearly demonstrate no risk of adverse effects on the integrity of any European site. In response it is stated that the Frontlands Masterplan was reviewed along with the Backlands Framework Plan and as they fall within the catchment of the River Blackwater that they have to potential to result in pollution entering the water courses. It is stated that this was assessed as a significant effect in the NIS with mitigation measures proposed to ensure no pollution would occur. I consider that while the other projects and plans may have been addressed, it would have been useful if the NIS detailed what plans and projects were included. Given the nature of the proposed development and the location of the site within the town centre I do not consider that any significant potential in-combination effects arise over and above those potential effects listed above.

### **Residual effects/Further analysis**

No significant residual effects are identified following implementation of the recommended mitigation measures.

### **Suggested related conditions**

Having regard to the nature of the proposed development, its distance from the Natura 2000 site, the potential direct and indirect effects identified, I consider that the majority of the mitigation measures proposed in the NIS are primarily matters of good practice construction methodology, and I consider that the mitigation measures should be incorporated into a Construction and Environmental Management Plan to be agreed with the relevant statutory agencies/authorities. If the Board is minded to approve the proposed development, I therefore recommend the following conditions:

- Compliance with the mitigation measures contained in the Natura Impact Statement.
- Preparation of a Construction Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement to be agreed with relevant bodies.
- Appointment of a suitably qualified ecologist to oversee the site set-up and construction of the proposed development.

#### **9.4.4. Appropriate Assessment Conclusion**

I consider it reasonable to conclude on the basis of the information on the file, which I consider is adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European sites, in view of their Conservation Objectives.

- River Boyne and River Blackwater SAC (Site Code 002299) and  
or any other European site, in view of the sites' Conservation Objectives.

## **10.0 Recommendation**

- 10.1. On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject

to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

## **11.0 Reasons and Considerations**

11.1. 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 2011-2015,
- (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 SAC (Site Code 002299)
- (e) the policies and objectives of the Meath County Development Plan, 2013-2019,
- (f) the policies and objectives of the Kells Development Plan, 2013-2019,
- (g) the nature and extent of the proposed works as set out in the application for approval including the response received to the further information request,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the revised Natura Impact Statement,
- (i) the submission and observation 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

### **11.2. Appropriate Assessment**

11.2.1. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (Site Code 002299) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

11.2.2. 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, response to further information and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Boyne and River Blackwater SAC (Site Code 002299) 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 Site.

11.2.3. 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 Site, having regard to the site's 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 Site, in view of the site's conservation objectives.

### **11.3. Proper Planning and Sustainable Development/Likely effects on the environment**

11.3.1. 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 or road network 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, including the mitigation measures specified in the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 1st day of July, 2019 and in the Further Information Response submitted to An Bord Pleanála on the 5th day of December, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development 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 (a) The local authority and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement and the Environmental Impact Report which was submitted with the application.
- (b) Detailed measures in relation to the protection of bats, badgers and otters during the construction period shall be determined in consultation with the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht. These measures shall be implemented as part of the development by the local authority and/or any agent acting on its behalf.

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



- 3 Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a revised site layout plan which provides for a pedestrian crossing facility of Bective Street at the proposed Westfield/Bective Street junction to facilitate Phase 1 of the proposed development. The revised site layout plan shall be on file prior to the commencement of development and retained as part of the public record.

**Reason:** In the interest of pedestrian and traffic safety.

- 4 Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies a Construction and Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement and other relevant documentation.

**Reason:** To ensure the protection of European sites.

- 5 The design and construction of culverts shall have regard to the provisions of NRA publication 'Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes' and the Eastern Regional Fisheries Board publication 'Requirements for the Protection of Fisheries Habitat during Construction and Development Work at River Sites'.

**Reason:** In the interests of ecological protection.

- 6 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.

- 7 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 County Council 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.

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Una Crosse  
Senior Planning Inspector

May 2020