



An
Bord
Pleanála

Inspector's Report ABP-306177-19

Development	Coastal protection works at 2 locations within Dundalk Bay SAC &SPA
Location	Seabank, Castlebellingham & Salterstown, Annagassan, Co. Louth
Local Authority	Louth County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	None
Observer(s)	None
Date of Site Inspection	11 th March 2020
Inspector	Karla Mc Bride

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1.0 Introduction

- 1.1. Louth County Council is seeking approval from An Bord Pleanála to undertake coastal protection works at two locations within the Dundalk Bay SAC and SPA which is a designated European site. There are several other designated European sites (SPAs and SACs) in the wider area although they do not have a direct connection to the proposed works. 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 adversely 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. Louth County Council proposes to construct 2 sections of coastal protection works at Seabank Castlebellingham and Salterstown, Annagassan where there is evidence of coastal erosion along the shoreline. The proposed rock armour, which would protect public infrastructure and private property, would comprise the following works:

Seabank, Castlebellingham:

- Excavate a 1m wide x 1m deep trench along 20m of shoreline embankment.
- Place a layer of geotextile membrane in the trench.
- Install a row of 3 tonne boulders to form a bedding of rock armour.
- Overlay with rows of boulders to form a sloped wall up to road level.
- The works would take c. 2 weeks to complete

Salterstown, Annagassan (80m):

- Excavate a 1m wide x 1m deep trench along 80m of shoreline embankment.
- Place a layer of geotextile membrane in the trench.
- Install a row of 3 tonne boulders to form a bedding of rock armour.
- Overlay with rows of boulders to form a sloped wall up to c.4m above OD.
- The works would take c.6 weeks to complete

2.2. Accompanying documents:

A Screening for AA & NIS report for both sites which includes:

- Design Drawings
- Photographs
- Stakeholder correspondence

3.0 Site and Location

- 3.1. The site occupies a coastal location to the SE of Castlebellingham and NW of Dunany Point in County Louth and the surrounding area is rural in character. Seabank is located c.2km to the NW of Annagassan Village and Salterstown is located c.2km to the SE of the village. Both sites are located along the shoreline of Dundalk Bay SAC and SPA where there is evidence of coastal erosion, and they are bound on the landward side by local roads. There are several houses in the vicinity including some that are immediately adjacent to the Seabank and Salterstown sites, including two at Salterstown that are located between the local road and the shoreline. The lands to the E of the local roads are mainly in agricultural use with some detached houses fronting onto the road. The lands in-between the local roads and the shoreline embankments are mainly characterised by a mix of bramble, hawthorn and gorse. Both embankments are overgrown and the Salterstown embankment also comprises an exposed clay cliff face along with the remnants historic coastal protection works. The coastal area mainly comprises a shingle and gravel shore that graduates down to sand and mud flats.

4.0 Planning History

- 4.1. Several historic residential planning cases in the vicinity but none of particular relevance to the project site.

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** 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:** 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.
- 5.3. **National nature conservation designations:** 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 Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.4. European sites located in proximity to the subject site include:
 - Dundalk Bay SAC (Site code: 000455)
 - Dundalk Bay SPA (Site code: 004026)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 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 to 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.

5.6. **Planning policy**

National Planning Framework:

Obj. 41A: seeks to ensure that the coastal resource is managed to sustain its physical character and environmental quality.

Obj.41B: seeks to address the effects of sea level changes and coastal flooding and erosion and to support the implementation of climate adaption responses in vulnerable areas, in line with collective aims of national policy.

Climate Action Plan 2019:

This plan identifies several risks to Ireland as result of climate change including:- rising sea-levels that threaten habitable land & coastal infrastructure; extreme weather, including more intense storms & rainfall affecting our land, coastline & seas; further pressure on our water resources & food production systems with associated impacts on fluvial & coastal ecosystems; and increased chance & scale of river & coastal flooding.

Regional Economic & Spatial Strategy:

Obj. 7.3: seeks to support the use of integrated Coastal Zone Management to enable collaboration and stakeholder engagement approaches to the management and protection of coastal resources against coastal erosion, flooding and other threats.

Obj. 7.4: states that statutory land use plans shall take account of the risk of coastal erosion, whereby new development should be avoided in areas at risk of coastal erosion to the greatest extent practicable.

Louth County Development Plan:

Strategic objective (Zone 3): seeks to protect the recreational and amenity value of the coast (Annagassan & Salterstown).

Pol. ENV 4: seeks to support the national climate change adaption framework 2012 through the implementation of the supporting objectives included in plan.

Pol. ENV 32: where new or upgraded flood/coastal defences are shown to be essential to protect existing development, all such proposals shall be subject to the floods & habitats directive & all other statutory requirements.

Pol. ENV 34: seeks to incorporate improvements in biodiversity & amenity for existing & proposed development, coastal squeeze & measures to mitigate the impact of climate change on existing habitats should also be considered.

ENV 40: seeks to implement an adaptive approach to dealing with coastal evolution and & fluvial flooding.

6.0 The Natura Impact Statement

6.1. Louth County Council's application for the proposed development was accompanied by an Appropriate Assessment Screening Report and Natural Impact Statement (NIS) for each of the two sites which scientifically examined the proposed development and the European sites. The AA Screening reports identified and characterised the possible implications of the proposed development on the European sites, it concluded that significant effects on the European sites could not be ruled out and that the preparation of an NIS was required. The NIS reports also identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the works.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Department of Housing, Planning and Local Government
- Department of Culture, Heritage and the Gaeltacht
- Department of Agriculture, Food and the Marine
- National Parks and Wildlife Service
- Inland Fisheries Ireland
- The Heritage Council
- An Taisce

No responses were received from any of these bodies.

7.2. Public Submissions:

No responses were received from any member of the public.

8.0 Assessment

8.1. The likely consequences for the proper planning and sustainable development of the area:

The proposed coastal protection works would comply with national, regional and local policy in respect of climate change, rising sea levels and coastal protection.

Both sites have been affected by coastal erosion to varying extents and the adjacent public roads are at an increasing risk of being undermined in the future. This problem is more severe at the Salterstown site where the potential risk to public infrastructure and private property is greater, given that the road extends further along the coastline, than at the Seabank site where the road terminates at an agricultural field to the immediate S of the site. However, if the natural processes of erosion continue unabated, the failure of both roads would render the nearby houses inaccessible.

The Council states, that in line with OPW criteria and standards, a cost benefit analysis shows that there is a financial justification for carrying out the protection works at both locations in order to protect public roads and private properties.

Having regard to the foregoing, I am satisfied that the proposed development is acceptable in principle and that the coastal protection works are justified having regard to the proximity of the local roads (which also provide access to private property) to a section of eroding the coastline.

8.2. The likely effects on the environment

Having regard to the nature and scale of the proposed development which would comprise two short sections of coastal protection works (c.20m & c.80m long), and the characteristics of the receiving environment which is not densely developed, populated or within a flood risk zone, or covered by any sensitive heritage or landscape designations, I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape.

Notwithstanding this conclusion, it is noted that Annagassan and environs have a rich archaeological heritage dating back to the arrival of the Vikings to Ireland and possibly beyond. As such the Council should be required to undertake archaeological monitoring at both the Seabank and Salterstown sites.

8.3. **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

8.4. **Compliance with Articles 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.

8.5. **The Natura Impact Statement**

The application was accompanied by an NIS which described the proposed developments, the project sites and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required for each of the sites at Seabank and Salterstown. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within two European Sites (Dundalk Bay SAC & SPA) that have the potential to be affected by the proposed development. It predicted 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.

8.6. The NIS was informed by the following surveys, documents and consultations:

- Desk top study
- Walkover and site survey
- Review of River Basin Management Plans & EPA water quality reports
- Consultations with the National Parks and Wildlife Service

- 8.7. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not have an adverse effect on the integrity of the European sites (Dundalk Bay SAC & SPA)
- 8.8. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Step 4 of the NIS for each of the sections at Seabank and Salterstown. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

8.9. **Appropriate Assessment**

- 8.10. I consider that the proposed development, which would comprise the construction of two sections of coastal protection works along the SE shore of Dundalk Bay, is not directly connected with or necessary to the management of any European site.
- 8.11. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites 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.
- 8.12. European sites considered for Stage 1 screening:

European site	Qualifying Interests & Special Conservation Interests	Distance
Dundalk Bay SAC Site code: 000455	Estuaries Mudflats & sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia & other annuals colonizing mud & sand	Adjacent to SAC site boundary.

European site	Qualifying Interests & Special Conservation Interests	Distance
	Atlantic salt meadows Mediterranean salt meadows	
Dundalk Bay SPA Site code: 004026	Great Crested Grebe, Greylag Goose & Light-bellied Brent Goose Shelduck, Teal, Mallard, Pintail, Common Scoter & Red-breasted Merganser Oystercatcher, Ringed, Golden & Grey Plover, Lapwing, Knot & Dunlin Black-tailed & Bar-tailed Godwit Curlew & Redshank Black-headed, Common & Herring Gull Wetland and Waterbirds	Adjacent to SPA site boundary.

- 8.13. Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the sites and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required both of the 2 European sites referred to above.
- 8.14. It is noted from the NPWS documentation and accompanying maps that some of the Qualifying Interests for the SAC are not present in the vicinity of the proposed development and these will be excluded from any further consideration (Estuaries, Atlantic salt meadows & Mediterranean salt meadows). It is also noted that the birds listed as being of Special Conservation Interest for the SPA are wintering species and they will be continue be included in the analysis.

8.15. **Relevant European sites:** The relevant Qualifying & Special Conservation Interests, including any applicable attributes & targets for these sites, are set out below.

Site Name	Qualifying Interests & Special Conservation Interests	Attributes & targets
<p>Dundalk Bay SAC</p> <p>Site code: 000455</p>	<p>Habitats:</p> <p>Mudflats & sandflats not covered by seawater at low tide</p> <p>Perennial vegetation of stony banks</p>	<p>Habitat area stable or increasing & maintain mud communities in natural condition.</p> <p>Habitat area stable or increasing subject to natural variation; no decline in habitat distribution; maintain physical & vegetation structures.</p>
<p>Dundalk Bay SPA</p> <p>Site code: 004026</p>	<p>Great Crested Grebe, Greylag Goose & Light-bellied Brent Goose</p> <p>Shelduck, Teal, Mallard, Pintail, Common Scoter & Red-breasted Merganser</p> <p>Oystercatcher, Ringed, Golden & Grey Plover, Lapwing, Knot & Dunlin</p> <p>Black-tailed & Bar-tailed Godwit, Curlew & Redshank</p> <p>Black-headed, Common & Herring Gull</p> <p>Wetland and Waterbirds</p>	<p>All species:</p> <p>Long term population trend is stable or increasing,</p> <p>and</p> <p>No decrease in numbers, range or distribution of areas used, subject to natural variation.</p> <p>Permanent occupied habitat area is stable.</p>

1. Dundalk Bay SAC (site code:000455)

Description of European site:

Dundalk Bay is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending c.16km from Castletown River on the Cooley Peninsula (N) to Annagassan / Salterstown (S), and the bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. This SAC comprises several QI habitats including estuaries, saltmarshes, sand & mudflats and shingle beaches, and it is of international importance to a larger number of wintering bird species.

Section specific description of European site:

The affected area is located in the SE section of Dundalk Bay SAC between Seabank and Salterstown and this stretch of coastline is defined by a steep embankment that separates the shoreline from the adjacent lands. Both the Seabank and Salterstown sections are characterised by a mix of scrub species (bramble, hawthorn & gorse) along the SAC site boundary and the lands slopes down to the QI habitat “Perennial vegetation of stony banks” which comprises a band of shingle and gravel shores (cobbles & pebbles). Although the NIS refers to the presence of several defining species for the Annex 1 habitat “Annual vegetation of drift lines” it is noted that this habitat is not listed as a QI for this European site. The Salterstown section is also characterised by an exposed clay cliff face along the SAC site boundary in addition to the scrub species. Both of the Seabank and Salterstown sections graduate down to the QI habitat “Mudflats & sandflats not covered by seawater at low tide”.

Conservation Objectives

To maintain the favourable conservation condition of the Qualifying Interest habitats in Dundalk Bay SAC including the following relevant habitats:

- Perennial vegetation of stony banks
- Mudflats & sandflats not covered by seawater at low tide

Potential direct effects: Potential direct effects relate to the loss of a small section of the QI habitat “Perennial vegetation of stony banks”. However there would be no significant impacts on the QI Attributes or Targets which seek to ensure that the habitat is stable or increasing with no decline in distribution subject to natural processes, including erosion and succession. It is noted that shingle beaches are widespread along the shoreline of Dundalk Bay SAC. It is also noted that the purpose of the proposed works is to protect the area from the more severe impacts of coastal erosion, which would in turn have a positive stabilising influence on the shoreline and this particular habitat. Given that the vegetation in this habitat is perennial in nature, any loss or damage to species during construction would be remedied naturally over time. No direct effects anticipated for the QI habitat “Mudflats & sandflats not covered by seawater at low tide”, having regard to the scale and depth of the proposed works at both sections and to the separation distance between the works and this habitat.

Potential indirect effects: Potential indirect effects relate to damage to QI habitats (and species) as a result of trampling, accidental spillages, and sediment run off during construction.

Potential in-combination effects: None anticipated having regard to the low density of development in the area and the absence of any plans or projects in the vicinity, with the minor exception of small scale works at nearby houses.

Mitigation measures: Mark off site & haul route prior to works; lay protective matting for movement of machinery; no soils, materials, plant or equipment (including stores or offices) placed or parked in SAC; store fuels & oils in bunded area c.500m from SAC boundary; daily vehicle & plant checks; invasive species checks of vehicles and imported materials; and daylight works only.

Residual effects/Further analysis: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested related conditions: Prepare Construction & Environmental Management Plan and appoint Project Ecologist.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

2. Dundalk Bay SPA (site code: 004026)

Description of site:

As for Dundalk Bay SAC above. This SPA is of international importance to a large number of wintering bird species and it contains a wide variety Special Conservation Interest bird species as well as Wetlands and Water birds. The extensive sands and mud flats have a rich fauna of molluscs, polychaetes and crustaceans which provide an important food resource for most of the waterfowl.

Section specific description of European site:

As for Dundalk Bay SAC above. Both the Seabank and Salterstown sections graduate down from the QI habitat “Perennial vegetation of stony banks” to the “Mudflats & sandflats not covered by seawater at low tide” habitat.

Conservation Objectives:

To maintain the favourable conservation condition of the various Special Conservation Interest bird species, Wetlands & Water birds in Dundalk Bay SPA.

Potential direct effects: No direct effects anticipated in relation to any direct loss of feeding grounds as the QI habitat “Perennial vegetation of stony banks” is not a main food source for birds. The “Mudflats & Sandflats not Covered by Seawater at Low Tide” habitat would not be affected by the works, having regard to the scale of the proposed works at both sections and to the separation distance between the works and this habitat.

Potential indirect effects: Potential indirect effects relate to disturbance to wintering bird species whilst feeding during the construction phase. This could impact on their ability to build up fat reserves during the winter months in order to make the return journey back to their summer breeding grounds.

Potential in-combination effects: None anticipated.

Mitigation measures: As for Dundalk Bay SAC above. No works during winter season (October to March) to avoid disturbance to wintering birds.

Residual effects/Further analysis: None anticipated post mitigation.

NIS Omissions: None noted.

Suggested related conditions: As for Dundalk Bay SAC above.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of this European site in light of its conservation objectives (subject to the implementation of mitigation measures outlined above).

8.16. **Appropriate Assessment Conclusions:**

Having regard to the foregoing I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site no.000455 or site no.004026 or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

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.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the Government of Ireland Climate Action Plan, 2019
- (d) the Regional Economic & Spatial Strategy
- (e) 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,
- (f) the conservation objectives, qualifying interests and special conservation interests for the Dundalk Bay SAC (site code: 000455) and the Dundalk Bay SPA (site code: 004026),
- (g) the policies and objectives of the Louth County Development Plan 2015-2021,
- (h) the nature and extent of the proposed works as set out in the application for approval,
- (i) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Dundalk Bay SAC (site code: 000455) and the Dundalk Bay SPA (site code: 004026), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Dundalk Bay SAC (site code: 000455) and the Dundalk Bay SPA (site code: 004026), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the 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 Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

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

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the European Sites.

4. No site preparation, excavation of construction works should take place between October to March (inclusive).

Reason: In the interest of protecting wintering bird species and the European sites.

5. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

6. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

7. The County Council 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.

Karla Mc Bride
Senior Planning Inspector
16th March 2020