An Bord Pleanála

Inspector's Report
ABP-307434-20
ABP-307478-20

Development	Navan Distributor Road (Project & CPO)
Location	Abbeyland, Navan, County Meath
Planning Authority	Meath County Council
Applicant(s)	Meath County Council
Type of Application	Approval under Section 51 (2) of the Roads Act 1993 (as amended), and Section 216 of the Planning & Development Act, 2000 (as amended).
Submissions:	Transport Infrastructure Ireland Geological Survey Ireland Waste Policy & Resources (DCCA&E) Irish Water NPWS Therese O'Reilly (CPO only)

Date of CPO Oral Hearing	8th December 2020
Date of Site Inspection:	25th September 2020
Inspector:	**Karla Mc Bride**

Table of Contents

1.0 INTRODUCTION

1.1 Introduction

Meath County Council proposes to construct a 1.15km long Distributor Road on the W side of Navan Town in County Meath under Section 51 of the Roads Act 1993 (as amended) and to compulsorily acquire the necessary lands to implement the scheme under Section 216 of the Planning and Development Act 2000 (as amended). The proposed distributor road would traverse the River Blackwater via a c.45m long clear span bridge.

1.2 Project Background

Meath County Council requested pre-application consultations with the Board under Section 51(1) (c) of the Roads Act, 1993 (as amended) for the development of a new road to the W of Navan Town (ABP-303089-18). The proposed road would link the N51/R147 Kells Road (S) to the L3409 Ratholdron Road (N). Two pre-application meeting took place on 5th March 2019 and 27th November 2019. The prospective applicant requested closure of the process by letter received on 4th December 2019, and the Board, in a letter dated 10th January 2020 determined that consultations were closed. The records of the pre-application meetings, copied to the applicants, also contained a list of Prescribed Bodies that copies of the application should be forwarded to. This application comprises the proposed development of the Navan Distributor Road (ABP-307434-20) and the Compulsory Purchase of the lands required for the road under Section 216 of the Planning and Development Act 2000, as amended (ABP-307478-20).

1.3 Site Location and Description

The site is located on the W side of Navan Town in County Meath and the surrounding area is mixed use in character comprising a variety of commercial, residential, institutional, community, agriculture and amenity uses. The linear site extends from the roundabout junction of the N3 and R147 (Kells Road) to the S, to the junction of the Rathholdren Road and Clonmagaddan Link Road to the N over a

distance of c.1.15km. The Clonmagaddan Link Road serves a developing suburb and Strategic Development Zone (SDZ) lands and it connects with the R162 (Monaghan Road) to the N of the town. The Dublin-Sligo Railway line and Bridge is located to the W of the route corrridor.

The proposed road would traverse the River Blackwater and it would extend N across agricultural lands located adjacent to Blackwater Park at Abbeyland. The southernmost section of the road would be located to the E of a small residential estate (Blackwater Park) and an existing public building (OPW) would be demolished. The northernmost section would be located in between a residential area and primary school to the W and a detached dwelling house to the E with residential beyond, and an ESB substation to the SE.

The linear site traverses several landscape and habitat types including the River Blackwater, wetlands, woodlands, agricultural land, public parkland and suburban areas. There are two European sites (River Boyne & River Blackwater SAC & SPA) in the vicinity of the site, several features of archaeological and architectural interest to the E and W along the River Blackwater (incl. historic mill buildings), Protected Views and Prospects along the river and several Individual Trees to be Preserved close to the S section of the site.

Maps and photographs in Appendix 1 describe the site in more detail.

1.4 Planning history

ABP- 303089-18: Consultations in respect of the proposed Navan Distributor Road in Co. Meath under Section 51(a) of the Roads Act, 1993, as amended, were concluded and a list of Prescribed Bodies to be consulted was provided.
PL32.HD0020: The Board directed that Environmental Impact Assessment (EIA) was required in respect of the Navan Distributor Road, under Section 50(1)(c) of the Roads Act, 1993, as amended.
Other cases: Extensive planning history related to sites in the wider area.

2.0 PROPOSED DEVELOPMENT

2.1 Documentation

The application documentation includes the following:

- Planning Drawings
- Environmental Impact Assessment Report (EIAR)
- Natura Impact Statement (NIS)
- CPO Maps & Schedules

The EIAR was supported by several Technical Appendices which included:

- Appendix A4-1: Outline CEMP
- Appendix A6-1: Health Impact Assessment
- Appendix A7: Ecological data
- Appendix A8-2: Flood Risk Assessment
- Appendix 10- 2 & 3: Air quality assessments
- Appendix A12-1: Photomontages
- Appendix A13-1: Archaeological & Architectural Heritage Assets

2.2 Development Description

The proposed Distributor Road would comprise an urban Arterial Street incorporating footpath and cycle path provisions, a bridge across the River Blackwater and all associated site works.

- The 1.15km long distributor road would include:
    - 3.25m wide lanes (single carriageway)
    - 2m wide raised one-way cycle track on both sides
    - 2.5m wide footpaths on both sides
    - 1.0m wide verges.
    - A single span 45.0m long bridge

- The associated works would include:
    - Demolition of a commercial building (S)
    - Two new signalised junctions (N & S)
    - Pedestrian & cycle facilities (incl. access to Blackwater Park)
    - Safety barrier, public lighting, fencing & landscaping.
    - All associated site, access, drainage & utility diversion works.

2.3 Environmental Impact Assessment Report (EIAR)

The EIAR was prepared using the standard "grouped format structure". It described the site and surrounding area and explained the background to the project, the benefits arising and the need for the development based on an analysis of existing and anticipated traffic and road safety issues. It stated that the proposal would comply with national, regional and local environmental and planning policies, and road and bridge standards. It provided a detailed description of the proposed Distributor Road project, identified constraints and described the route selection process and the alternatives considered, including the "do-nothing" and "do-minimum" scenarios.

The main body of the EIAR outlined the study methodologies and assessed the potential impacts on the receiving environment under the required range of headings, and it proposed mitigation measures. It identified residual and cumulative impacts and assessed interactions. It also included a curricula vita of the main contributors to the report, stated that no particular difficulties were encountered and it had regard to the risk of major accidents or natural disasters, and to Climate Change. The EIAR was informed by several technical appendices including photomontages and a Non-Technical Summary was provided.

The EIAR concluded that the positive environmental impacts relate to human beings through health benefits and traffic safety. It concluded that adverse environmental impacts will be minimal and mainly relate to short term disturbance during the construction phases. All other identified impacts which relate to residential amenity, traffic safety, biodiversity and water quality will be managed by mitigation measures. It further concludes that the proposed development would comply with all relevant

environmental and planning policy; it would not adversely affect amenities (residential, agricultural, visual or heritage), interfere with biodiversity or give rise to a traffic hazard. It finally concluded that the project would be in accordance with the proper planning and sustainable development of the area and that it would have positive impacts in terms of improved traffic safety.

2.4 Natura Impact Statement

A Stage 1 AA screening exercise was carried out for the proposed Distributor Road and a Stage 2 Natural Impact Statement was prepared.

Stage 1 AA Screening Report

The AA Screening exercise described the site and the characteristics of the proposed development, it summarised the legislative requirements and described the AA screening methodology. The report identified several European sites within (and outside) of the Zone of Influence of the Distributor Road route and concluded that the project had the potential to affect the Conservation Objectives of 2 x European Sites (River Boyne and River Blackwater SAC & SPA). It concluded that further assessment was required to determine whether the project would be likely to adversely affect the integrity of these European Sites.

The Natura Impact Statement Report

The NIS summarised the background to the report, it summarised the legislative requirements and described the survey and assessment methodologies. It described the proposed development and the baseline ecology of the site and it assessed the likely significant effects on the Conservation Objectives for 2 x European sites which were screened in after the Stage 1 AA screening exercise.

The report described the individual elements of the project with potential to give rise to effects on these European Sites (incl. their Conservation Objectives, Qualifying Interests habitats and species, and Special Conservation Interest species). It

described any likely direct, indirect or secondary effects on the European Sites along with in-combination effects, and it assessed the significance of any effects.

The NIS identified the potential for direct and indirect effects on the European sites and their Conservation Objectives during the construction and operational phases. It concluded that the proposed development had the potential to adversely affect several of the Qualifying Interest species (incl. Atlantic salmon, River lamprey & Otter), Qualifying Interest habitats (incl. Alluvial Forest), and Conservation Interest species (incl. Kingfisher).

The NIS outlined a range of mitigation measures (incl. embedded design & water quality protection measures), and assessed the likelihood of residual effects following mitigation. It also assessed the potential for cumulative effects in-combination with other plans and projects in the area.

The NIS was informed by the Stage 1 AA Screening exercise, Ecological Survey reports (incl. habitat & species surveys & maps), an outline Construction and Environmental Management Plan, and the relevant EIAR Chapters. The NIS concluded that it was determined beyond reasonable scientific doubt that the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC and SPA, and that following the implementation of mitigation measures, the proposed development, individually and/or in combination with other plans and projects, will not adversely; affect the integrity of any European Site.

3.0 POLICY CONTEXT

3.1 National Policy

National Planning Framework, 2018-2040

This Plan sets out a high-level strategic plan for shaping the future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally-focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve compact growth, enhanced regional accessibility (NSO2), empowered rural economies and communities (NSO3), sustainable mobility (NSO4), enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.

National Development Plan, 2018-2027

This Plan underpins the National Planning Framework 2018-2040. It contains several priorities which include investment in regional growth potential and increasing investment in in national, regional and local roads. It notes that regional and local roads will benefit from an estimated €4.5 billion.

Climate Action Plan, 2019

This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050. It identifies several risks as a result of climate change including rising sea-levels, extreme weather, further pressure on water resources and food production systems, and increased chance and scale of river and coastal flooding. It contains c. 200 actions to ensure Ireland meets its targets which include carbon proofing all Government decisions and major investments. It seeks to make growth less transport intensive through better planning and modal shift to public transport.

Smarter Travel: A Sustainable Transport Future, 2009-2020

This policy document acknowledges that continued growth in demand for road transport is not sustainable and it seeks to ensure a modal shift to more sustainable transport modes such as walking, cycling and public transport. It contains c.49 actions that form the basis of achieving a more sustainable transport future.

The National Cycle Policy Framework, 2009-2020

This document seeks to promote a strong cycling culture in Ireland and to encourage recreational cycling.

The Planning System and Flood Risk Management, 2009

These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere, and they advocate a sequential approach to risk assessment and a justification test.

3.2 Regional Policy

Regional Spatial & Economic Strategy for the Eastern & Midlands 2019

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities and utilities. Navan is identified as a Key Town that can provide employment for the surrounding areas with high quality transport links and the capacity to act as a growth driver to complement the Regional Growth Centres. The strategic transport objectives seek to prioritise sustainable transport modes in order to achieve improvements in air quality, reduction in Carbon emissions and noise reduction, and the effective integration of transport planning with spatial planning policies, from regional down to local level.

RPO Obj. 4.42: seeks to support the delivery of road infrastructure to release strategic residential and employment lands for sustainable development and to improve connectivity and the efficient movement of people and services in the town.

RPO Obj. 4.46: states that Key Towns shall act as economic drivers and provide strategic employment locations to improve their economic base by increasing the ratio of jobs to workers.

Transport Strategy for the Greater Dublin Area, 2016 - 2035

This strategy provides a framework for the planning and delivery of transport infrastructure and services until 2035. It seeks a reduction in car travel and a shift to public transport, walking and cycling. The Strategy contains several objectives which include developing orbital roads around town centres along with improving public transport and pedestrian facilities, developing road links to serve development areas, implementing upgrades to the regional and local road network, enhancing pedestrian and cyclist safety, and addressing localised traffic delay locations and junctions.

3.3 Local Policy

Meath County Development Plan 2013-2019 (as varied & extended)

Core Strategy:

Core Principle 1: seeks to develop Meath's critical role in the Dublin and Mid-East Region and its role as part of the Dublin City National Economic Gateway maximising on its proximity to Dublin Airport.

Settlement hierarchy: Navan is designated as a Large Growth Town 1.

***Strategic Transport Policies*:**

***TRAN SP 14*:** seeks to ensure the protection of the existing roads infrastructure while improving the capacity and safety of the road network to meet future demands.

***TRAN SP 15*:** seeks to protect investment in the capacity, efficiency and safety of national roads by applying the guidance contained in the "Spatial Planning & National roads – Guidelines for PAs" and collaboration with the NTA and the NRA.

Landscape Character Areas:

- Blackwater Valley LCA
- North Navan Lowlands LCA
- West Navan Lowlands LCA
- Boyne Valley LCA

Navan Development Plan 2009 - 2015 (as extended)

Zoning Objectives – Navan Distributor Road

A1 - Existing Residential: southernmost section of route

H1 - High Amenity: southern section of route to N & S of River Blackwater

A2 - New residential: bulk of route to W of Blackwater Park

F1 - Open space: traverses' narrow section between Blackwater Park & A2 zone

R1 - Rail corridor: northernmost section traverses this zone & interface with "Detailed Design of Navan of Navan Rail Line Phase 11"

Zoning Objectives – adjacent lands

G1 - Community infrastructure: northernmost section of route adjacent to G1 (W)

A1 - Existing Residential: northernmost section of route adjacent to A1 (E)

F1 - Open space: bulk of route adjacent to Blackwater Park (E)

Specific Objectives:

FP1 - Masterplan area: route located within boundary.

Inf. Obj. 2(a): seeks to preserve and secure from further development a route for the future provision of Local Distributor Roads for the following routes (LRD 1 to 6).

*LRD 4**:*** Construction of Distributor Road between Ratholdron Rd and the Kells Road to improve access to lands in the N including Clonmagaddan SDZ and reduce traffic congestion at the Round 'O junction and in the Town Centre.

Inf.Obj.2 (b): seeks to facilitate, in tandem with development, of the following sections of the Local Distributor Road Network whose corridor is protected from development pursuant to Inf. Obj.2(a) (incl. LRD4).

Inf. Obj. 2(c) seeks to have regard to the Navan Traffic Model.

MP 3: Route identified as a Phase 1 Roads Objective (Navan Distributor Road).

Inf. Obj 14: prepare an integrated pedestrian & cycle path network for Navan …… inclusive of additional bridging points over the Boyne & Blackwater Rivers.

INF. Obj 54: requires a Justification Test, FRA & AA in respect of LDR 4 (MP3).

POS Pol. 5: seeks to develop an integrated green structure for the town, linking open spaces along the riverbanks with the town and its environs and historical features.

Heritage:

Zone of Archaeological Importance: route traverses the river corridor.

Protected Structures: several along river corridor (E & W).

Views & Prospects: VP 15 & 16 along river corridor (E & W).

Individual Trees to be Preserved: southernmost section of route (E & W).

Navan Local Transport Plan 2014 - 2019

Vision: to provide a safe & sustainable transport network within Navan & Environs.

LTP Action 8: identifies capacity constraints along the N51 between Ratholdron Road & Kells Road to the development of Navan (N), which would be alleviated by the delivery of the LDR4 *(MP3).*

4.3 European Site Designations

- River Boyne & Blackwater SAC & SPA
- Boyne Coast & Estuary SAC & Boyne Estuary SPA

4.0 PROJECT SUBMISSIONS

4.1 Prescribed Bodies

Traffic Infrastructure Ireland*:* Specific concerns summarised below:

- Design & construction should comply with relevant publications.
- Project should not undermine official national objectives for the national road network which seek to maintain strategic capacity & safety.
- Insufficient information provided in the Traffic Analysis to demonstrate that the strategic function of the national road network is safeguarded.
- Traffic Analysis should be reviewed and updated to take account of:
    - Capacity assessment of the N51/Kells Rd roundabout junction following the introduction of traffic signals, pedestrian crossings and the extra junction arm to the new road.
    - Potential redistribution of traffic generally which may impact on the N51 national road including the Round 'O Junction.
    - Resultant mitigation as result of further traffic analysis should be incorporated in to the scheme.
- Recommend consultation with NRA in relation to potential impacts on trip reassignment transport infrastructure.

Irish Water: Appropriate measures required to protect existing IW infrastructure, engage with IW, provide appropriate separation distances, comply with IW Codes, and agree infrastructure to serve adjoining lands.

NPWS: NPWS commends and endorses the evaluation of potential impacts on flora and fauna in the NIS & EIAR, and the mitigation measures.

Geological Survey of Ireland: Have regard to various GIS databases and submit copies of any site investigations reports.

Dept. of Communications, Climate Action & Environment (Waste Policy & Resources): Consult directly with Regional Waste Management Office.

4.2 Public submissions:

No submissions received from members of the public in relation to the project.

4.3 Planning Authority response to submissions

Traffic Infrastructure Ireland:

- Planning design and future construction will accord with TII Publications & DMURS.
- Key aspect of design was to the maintain strategic capacity of and improve safety along the N51 in the area.
- Sufficient information in Traffic Analysis to ensure that the strategic function of the national road network is safeguarded, and the scheme has been developed via a comprehensive traffic model for Navan Town with further assessment & background analysis.
- Junction elements have been developed to TII, DMURS & NCM standards and in line with relevant national & local policies & plans.
- Junction modelling has been informed via development of a Navan Strategic Traffic model, followed by detailed micro modelling using LinSig junction modelling tools specific to signalised junctions (incl. both staging & phasing for opening Year & Design Year scenarios).
- Junction layout designed in accordance with DMURS & the National Cycle Manual (NCM) to include improved facilities for pedestrians & cyclists and to meet national transportation policy for modal shift.
- Nearby junction improvements (existing & proposed) provide for increase pedestrian priority.
- A best practice approach was used to develop and provide traffic data for the design, appraisal & capacity checks, which included a SATURN Local Area Traffic Model for the entirety of Navan.
- Signalised junctions designed in accordance with TII DN-GEO-03044, whilst taking account of DMURS principles in relation to pedestrians at signalised junctions, so as to ensure maximum safety & convenience.

- Junction analysis of traffic performance identified the capacity & required geometric layout of the junctions, taking account of crossing pedestrians & cyclists and heavy good vehicle turning movements.
- Junctions will operate safely in the Opening and Design Years (2020 & 2037) but with some capacity restraints in the PM Peak of 2037.
- Traffic Analysis uses the output results of the local area traffic model for Navan Town which makes no allowance for future modal shift, and therefore the modelling represents to worst case scenarios.
- When NTA ERM modal shift predictions are applied the surrounding road network would see a noticeable reduction in car usage.
- Analysis of potential redistribution of traffic provided in EIAR (5.5.1 & 2 and Figs. 5-16 & 5-19), with comparable volumes of traffic being diverted from the existing road network to the proposed road.
- There would be a substantial decrease in traffic along the existing N51 & Round 'O Junction and an increase along the Clonmagadden Road, and the link will have sufficient residual capacity to accommodate the increased level of traffic in accordance with TII guidance.
- Consultations have taken place with the NTA.

Irish Water:

- Applicant will engage with IW to confirm details of diversions, protections and separation distances of IW assets.
- Infrastructure required to serve adjoining lands does not form part of this application, it is associated with development not yet progressed by other third parties, and would be premature in this application.
- This requirement should not be considered as a pre-commencement condition and applicant will liaise with IW post-planning and during the detailed design phase.

NPWS: Note & welcome positive feedback from NPWS.

Geological Survey of Ireland: Ground Investigation Report contained in the EIAR (Vol. 4, Appendix A8-1).

DoCA& E (Waste Policy & Resources): Consultations will take place the Regional Waste Management Planning Office.

5.0 COMPULSORY PURCHASE ORDER

5.1 Documentation submitted

The local authority is seeking confirmation of the Meath County Council Compulsory Purchase (Navan Distributor Road) Order No. 1, which was signed and sealed on 26th day of June 2020.

The following documentation was submitted to the Board:

- Compulsory Purchase Order No.1 of 2020 (signed & sealed) x 3.
- CPO Schedule and Deposit Maps (sealed & dated) x 3.
- Sample of CPO notification letter served on affected property owners/ occupiers & lessees.
- Registered verification of post.
- CPO Newspaper Notice.
- Certificate of AECOM Engineer
- Endorsement by Senior Engineer of Engineers Certificate.
- Report of the Senior Planner.
- Endorsement of Director of Services of engineering & planning certification
- Chief Executive's Order authorising the making of the CPO.

Part I and II of the CPO Schedule lists 76 x individual plots (including subplots) that will be permanently and temporarily affected during construction works. Part III lists the 4 x Public Rights of Way proposed to be extinguished. Part IVA lists the 2 x Private Rights of Way proposed to be Extinguished. Part IVB lists the 1 x Private Fishing Rights proposed to be Temporarily Extinguished. Deposit maps illustrate lands to be permanently and temporarily acquired, the Public and Private Rights of Way to be extinguished and the Private Fishing Rights to be Temporarily Extinguished. The lands described in the schedule are lands other than land consisting of a house or houses unfit for human habitation and not capable of being rendered fit for human habitation at reasonable expense.

5.2 Case for CPO

- Facilitate the realisation of the Navan Distributor Road.
- Comply with European, national, regional & local policy.
- Give effect and facilitates the implementation of the above plans.
- Accord with proper planning and sustainable development of the area.
- Reduce reliance on the N51 bridge across the River Blackwater
- Reduce traffic volumes and congestion in Navan town centre.
- Reduce traffic congestion of the road network and junctions.
- Improve safety for all road users.

5.3 Objections to CPO

The affected plots are owned by several landowners. One submission was received by the Board from Ms Therese O'Reilly in relation to the Compulsory Purchase Order, and the main concerns of the Objector relate to:

1. ***Deposit Maps & Schedule***: Inaccurate representation of lands to be permanently and temporarily acquired, and the extinguishment of a public right of way. The following amendments are required:
    a. *Plot 109a.1*: part of the triangular area between the N and SE/NW boundary to be permanently acquired is not part of the Public Road and the occupier is not MCC.
    b. *Plot 109a.2*: the lands to be temporarily acquired are not part of the Public Road and the occupier is not MCC and the Maps & Schedule should read "Access Driveway" & "Owner".
    c. *Public right of way*: between lines AB1 & AB2 include a public right of way over a triangular part of the front garden between the N and SE/NW boundary, which does not exist.
2. ***General Arrangement Plan***: little consideration of safety of those residents closest to the new junction layout, which will make entry and egress to the property extremely dangerous and unsafe.

3. ***Cycle lane***: widening & upgrading of adjacent footpath to provide a cycle lane is commendable, but absence of improvements to visibility at the property entrance will increase danger for all road users.
4. ***Front boundary***: removed hedge along front boundary (to accommodate footpath widening) should be replaced prior for security & privacy reasons.
5. ***Traffic increase***: will occur in vicinity of property when the new road is operational with resultant vehicular noise impacts without mitigation.

The Objector requests the Board to reject the CPO and road scheme.

5.4 Response to CPO submissions

The concerns raised by the Objector were addressed by the Council at the CPO Oral Hearing.

6.0 CPO ORAL HEARING

6.1 Introduction

The oral hearing opened on 8th December 2020 and it closed on the same day. The hearing lasted for 0.5 days and it took place virtually in thein the Board's offices. The oral hearing only dealt with the CPO application (ABP-307478-20). A digital recording of the proceedings & copies of written submissions are attached to the file.

6.2 CPO Oral Hearing Proceedings

The following sections provide a brief summary of the hearing and any information received over and above that contained in the application documentation.

6.2.1 Meath County Council Submissions

The applicant was requested to make a brief opening submission to the hearing to describe the nature and extent of the CPO. Members of the Technical Team were present to answer questions by the CPO objector.

The Meath County Council & Technical Team comprised the following:

- Rory McEntee, Solicitor - legislative context
- Simon Bradshaw, Executive Planner - planning policy context
- Eoin Greene, Engineer (AECOM) - overview of scheme

6.2.2 Objectors submissions

The Objector, Ms Therese O'Reilly, was requested to provide a brief summary of her main concerns. Padraig Fallon, who acted on Ms O'Reilly's behalf, read a statement of Ms O'Reilly's concerns into the record and the main points are summarised below.

- No objection to the provision of a distributor road and acknowledge the benefits to the town by reducing traffic in the central area.
- Concerned about the effects on her property & safety, and for users of the amended road layout alongside her property.

- MCC did not liaise with or give any special consideration to the small number of houses in the vicinity during the design of the scheme, except for one meeting before the relevant road & junction details were available.
- Deposit Maps & Schedule contain errors and any changes must take account of the area within the curtilage of her site (incl. permanent & temporary acquisitions and extinguishment of public rights of way).
- Traffic hazards at property entrance/exit relative to adjacent signalised junction when operational, and widened footpath & cycle lane.
- Request MCC to produce a solution to address these issues.

6.2.3 Response to Objectors concerns

The Council's response to the CPO Objector was read into the record and no significant new issues arose.

6.2.4 Cross questioning

Mr Fallon was afforded the opportunity to question the County Council at the end of his submission and the ensuing debate is available on the digital record of the proceedings. The main areas of concern related to inaccuracies in the CPO Deposit Maps and Schedule, vehicular and traffic/cyclist safety, and security/privacy. The Council conceded the inaccuracies with respect to Objector's property and requested the Board to deal with any resultant amendments by way of a modification to the scheme. Although several other points were discussed and/or clarified at this stage, no significant new issues arose, and any salient points of interest will be referred to in the relevant parts of the CPO assessment below.

6.2.5 Closing submissions

None.

6.2.6 Closure of oral hearing

The Inspector formally closed the oral hearing on 8th December 2020.

7.0 PLANNING ASSESSMENT

This section should be read in conjunction with Section 8.0 (EIA) and Section 9.0 (AA) of this report.

The main issues arising in this case are:

1. Principle of development
2. Visual amenity
3. Traffic movement & safety
4. Ecology & biodiversity
5. Other issues:
    - Residential amenity
    - Landscaping & boundaries
    - Archaeology
    - Cultural heritage
    - Drainage
    - Flood risk

Section 8 deals with Environmental Impact Assessment
Section 9 deals with Appropriate Assessment
Section 10 deals with the Compulsory Purchase Order

7.1 Principle of development

National and regional policy compliance:

The proposed development would be compatible in principle with national and regional land use, transportation and climate change policy as set out in the: - National Planning Framework, 2018-2040 (incl. NS0 2, 3 & 4); the National Development Plan, 2018 -2027; the Climate Action Plan, 2019; Smarter Travel: A Sustainable Transport Future, 2009-2020; the National Cycle Policy Framework, 2009-2020; the Transport Strategy for the Greater Dublin Area, 2016-2035; and the Regional Economic & Spatial Strategy for the Eastern and Midland Region, 2019 (incl. RPO Obj. 4.42 & 4.46); as summarised in section 3.2 above.

Local policy compliance:

The proposed development would be compatible in principle with the Core Strategy of the Meath County Development Plan, 2013-2019 (as varied & extended), the policies and objectives of the Navan Development Plan 2009 - 2015 and the Navan Local Transport Plan 2014-2019, as summarised in section 3.3 above.

In relation to ***strategic policy***, Core Principle 1 seeks to develop Meath's critical role in the Dublin and Mid-East Region and Navan is designated as a Large Growth Town 1 in the Settlement Hierarchy. Strategic Transport Policies TRAN SP 14 & 15 seek to protect the existing roads infrastructure while improving the capacity and safety of the road network to meet future demands, and to protect investment in the capacity, efficiency and safety of national roads in line with national guidance.

In relation to the ***land use zoning objectives*** contained in the current Navan Development Plan, the proposed 1.15km route would traverse lands to the W of the town which are mainly covered by the A2 zoning objective (new residential). Two sections to the S and N would traverse or be proximate to areas covered by the A1 zoning objective (existing residential) whist the N section would interface with R1 zoned lands (rail corridor). A small section of the route to the S would also cross the Blackwater River and environs which is covered by the H1 and F1 zoning objectives (High Amenity & Open Space.) The adjoining lands to the E, W and N are zoned for open space, residential (new & existing) and community uses and the proposed road would connect to the Clonmagaddan Road to the N which serves a developing area

that contains several residential areas, community uses and Strategic Development Zones. The proposed road would be compatible with these zoning objectives. Although the proposed bridge would traverse the River Blackwater and adjoining lands which are covered by the H1 and F1 zoning objectives (High Amenity & Open Space), having regard to the its clear span design, it would be compatible the zoning objectives.

In relation to the ***specific objectives*** contained in the current Navan Development Plan, the proposed distributor road would give effect to Inf. Obj. 2 (a) and (b) and LRD 4 which seeks the construction of Distributor Road between Ratholdron Rd and the Kells Road to improve access to lands in the N including Clonmagaddan SDZ and reduce traffic congestion at the Round 'O junction and in the Town Centre, and MP 3 which identifies the route as a Phase 1 Roads Objective (Navan Distributor Road). Furthermore, the Navan Local Transport Plan (Action 8) identifies capacity constraints along the N51 between Ratholdron Road & Kells Road to the development of Navan (N), which would be alleviated by the delivery of the LDR4.

In relation to ***other objectives*** contained in the current Navan Development Plan (incl. residential amenity, archaeology, heritage, protected views and preserved trees), the extent to which the practical elements of the proposed road would interact with these objectives will be addressed in the following sections of this report.

Need and justification:

The Council states that the need and justification for the road is based on its analysis of traffic movements in Navan, the need to reduce traffic in the town centre and environs, and to provide access to zoned lands to the W and N of the town.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would comply with all relevant planning, land use zoning and transportation policies and objectives for the area, and that the need and justification for the project has been clearly demonstrated. The proposed road would therefore be acceptable in principle.

7.2 Visual amenity *(EIA - Landscape)*

7.2.1 Project description

The proposed c.1.15km long distributor road would be located to the W of Navan town. The project would comprise a c.6.5m wide carriageway flanked on either side by a 2m wide cycle track, 2.5m wide footpath and 1.0m wide verge, along with a 45.0m long single span bridge across the River Blackwater. The works would include the demolition of a commercial building in the southern section and tree felling in the northern section. Two new signalised junctions would be provided where the new road would tie into the existing road network to the N and S. The works would also comprise the installation of safety barriers, public lighting, fencing and landscaping.

7.2.2 Locational context

The road project would be located to the W of Navan town, it would extend from the junction of the N51/Kells Road (S) to the junction of the Clonmagaddan/Rathholdren Roads (N). The southern section would cross the River Blackwater. The proposed road would mainly traverse agricultural land that is zoned for new residential development, the S and N sections would be proximate to existing suburban areas which comprise a mix of low rise residential, commercial and community buildings, and the middle section would run parallel to Blackwater Park. The southern section of the site slopes down steeply from the Kells Road/N51 junction towards the river and then up again towards Rathholdren Road to the N. There are several heritage features in the vicinity and along the river corridor including European sites, Protected Structures, Protected Views and Prospects, and Trees to be Preserved.

7.2.3 Applicant's submission

Section 12 and Appendix 12-1 of the EIAR dealt with landscape and visual impacts, and it was accompanied by a Landscape and Visual Impact Assessment (LVIA) and Photomontages. Baseline conditions were described along the route, the landscape character was described and several Viewpoints were selected in the surrounding undulating landscape.

The LVIA assessed the landscape susceptibility and sensitivity to change as ranging from High at the River Blackwater and Blackwater Valley LCA to Medium further away, and it assessed the magnitude of landscape change as High along the River Blackwater and Medium-High within the Blackwater Valley LCA. It concluded the direct and indirect localised effects would be Very Significant Adverse at the River Blackwater and Significant Adverse in the Blackwater Valley LAC, with impacts diminishing with distance. It also concluded that the level of visual impact significance on existing vegetation, historic features, protected trees and open spaces (Blackwater Park) would range from None (Protected Trees & Historic Townscape) to Moderate Adverse (open space & vegetation).

The LVIA assessed potential visual impacts from 6 x Viewpoints (incl. local roads, river embankments & inside Blackwater Park) which are illustrated in the Photomontages (before & after mitigation planting). It identified the susceptibility to change (Medium to High), classified the sensitivity of each viewpoint to change (Medium to High), assessed the magnitude of landscape change (Low to High). It concluded that the level of significance would range from Neutral (VP6) to the S along the N51, to Slight Moderate Adverse (VP2 & 3) in the middle of Blackwater Park, Moderate Significant Adverse (VP1) to the N at Clonmagaddan Road, to Significant Adverse (VP4 & 5) to the immediate NE and SW of the proposed bridge.

The EIAR did not contains any specific mitigation measures other than planting native species trees and hedges along verges and boundaries, and it concluded that no significant adverse visual impacts would occur as a result of the proposed development either on its own or cumulatively with other plans and projects.

7.2.4 Policy context

The Meath County Development Plan Landscape Character Assessment describes the site as being located within the River Corridors & Estuaries Landscape Character Type and the Blackwater Valley Landscape Character Area (LCA). The wider study area comprises a variety of LCAs including Lowland Landscapes and the Boyne Valley. The Blackwater Valley LCA has a Very High Landscape value, High Landscape Sensitivity, which is of Regional Importance with a Medium Potential Capacity to absorb development.

The Navan Development Plan seeks to maintain and enhance the diverse and high-quality landscape in Navan and its environs by way of Policy HER29. The Plan contains several policies and objectives which seek to protect heritage features in the vicinity of the proposed road and along the river corridor, including buildings, trees, hedgerows and views. There are several Protected Structures located along the river corridor to the E and W of the proposed road and Policy HER9 seeks to resist development that would adversely affect the setting of such structures.

The proposed road would cross the River Blackwater and its embankments which are designated European sites (SAC & SPA) and zoned H1 (High Amenity). There are 2 x Protected Views and Prospects to the E and W of the route which Objective HER4 seeks to protect (VP15 towards Spicer's Mill from Blackwater Park & VP16 towards the Blackwater Railway Bridge from the N bank of the Blackwater & W of the Blackwater Park).

The proposed road would also be located adjacent to Blackwater Park to the E which is zoned G1 (Public OS). There are stands of mature trees and hedgerows located along the N section of the proposed road, and several Trees to be Preserved in the vicinity (W and SE) of the southernmost section. Policy HER30 seeks to retain trees and hedgerows of value and Policy HER31 presumes in favour of the retaining existing trees where practical. There are several designated walking and driving routes in the vicinity of the proposed road including the Navan Sli ns Slainte to the E.

7.2.5 Planning assessment

I surveyed the proposed route and the surrounding area in September 2020. I had regard to the EIAR visual impact studies which are summarised in section 7.2.3 above. The Observers did not raise any concerns in relation to the design or visual impact of the proposed road and bridge. I had regard to national, regional and local planning policies.

Immediate Environs:

The proposed c.1.15km long road project would occupy an exposed, undulating and partly riparian site to the W of Navan Town. It would be located mainly within the

highly sensitive Blackwater Valley Landscape Character Area (LCA) which is of regional importance, and there are 2 x Protected Views and Prospects along the river corridor. The Meath Development Plan (Map 4) indicates that the receiving landscape has some capacity to accommodate a low rise/small scale forms of development (incl. roads & railways). The proposed road would also run parallel to the extensive Blackwater Park green open space to the E which extends from Rathholdren Road to the River Blackwater. The insertion of a new road and bridge into this sensitive and exposed area has the potential to affect visual amenity in the surrounding area.

I visited the linear site on both sides of the River Blackwater and Blackwater Park to the E, I walked along the N embankment of the river to the E and W of the proposed road and bridge and I visited several locations along the S embankment of the river (to the rear of commercial properties). I also examined potential views from the local roads to the N and S of the route, from the existing N51 bridge in Navan Town to the E and from the wider surrounding road network.

Having carried out my assessment of the site and environs, I would concur with the LVIA conclusions that the most significant visual impact of the project would be from the immediate N and S of the Blackwater River (VP 4 & 5) and from within Blackwater Park to the E (VP 2 & 3), and also from within the route itself. The visual impact from these locations would be adverse in the short term, but having regard to the low-lying linear design and layout of the road and the contemporary clear span design of the bridge, the effects would be of moderate significant. However, any short-term visual impacts would be mitigated in the medium and long term by the maturing landscaping which would comprise native species trees and hedgerows. I am satisfied that the road project would bed into the receiving landscape over a period of several years, with no long term adverse visual impacts anticipated.

The project would not adversely affect Protected Views and Prospects along the river corridor as VP15 is located to the E of the project and the view is towards Spicer's Mill to the E, and VP16 is located to the W of the project and the view is towards the Blackwater Railway Bridge to the W.

Residential areas & road network: The S and N sections of the road would be located adjacent to residential and community uses, and the project would have no significant adverse impacts on visual amenity at these locations. I would concur with the LVIA conclusions that any views along the route from the roads to the N and S of the project would not be significant. I am satisfied that any minor visual impacts would diminish over time as the proposed native species landscaping matures.

Wider area: The proposed road and bridge would not have any significant adverse visual impacts on further afield Landscape Character Areas or scenic walking and driving routes because of the low-lying design and layout of the linear project. Any short-term visual impacts would be mitigated in the medium and long term by the maturing landscaping. I am satisfied that the project would bed into the receiving landscape with no adverse visual impacts on the wider landscape anticipated.

Heritage: The proposed road and bridge would not have an adverse visual impact on the character and setting of any Protected Structures or heritage structures in the vicinity and along the river corridor to the E and W of the project (incl. Millbrook Weir & Spicers Mill to the E) because of the separation distances and the meandering course of the river which obscures any views of the project from sensitive heritage locations. The Trees to be Preserved proximate to the S section of the project would not be affected. I am satisfied that the road project would not have an adverse visual impact on any heritage features in the area, and that it would have a positive impact on town centre heritage by diverting traffic away from the historic town centre area.

7.2.6 Conclusion

Having regard to the foregoing, I am satisfied that the most significant visual impacts would be from within the linear site itself, the N and S embankments of the River Blackwater and from within Blackwater Park to the E where the works will take some time to bed-in and the native species landscaping to mature. Having regard to the linear layout of the proposed road and contemporary design of the bridge, the proposed development would not have a significant adverse impact on the visual amenities of the area or interfere with any protected views, prospects, scenic routes or heritage features in the surrounding area.

7.3 Traffic, movement and safety *(EIA – Material Assets)*

7.3.1 Project description

The proposed development would comprise the works associated with the construction of a c.1.15km long Distributor Road to the W of Navan Town which would include a c.45m long clear span bridge over the River Blackwater. The proposed Urban Arterial Road would form a junction with two existing road junctions to the N and S and access would be provided to the adjacent zoned lands to the W and Blackwater Park to the E. The associated works would comprise safety barriers, public lighting, fencing and landscaping, along with ancillary site access, drainage and utility diversion works. Two temporary work compounds would be provided to the N and S of the road junctions.

The main elements of the proposed road would comprise:

- 3.25m wide lanes (single carriageway)
- 2m wide raised one-way cycle track
- 2.5m wide footpaths & 1.0m wide verges
- A single span 45.0m long bridge
- Two new signalised junctions (N & S)

7.3.2 Locational context

The proposed c.1.15km long road would be located to the W of Navan Town and E of the Dublin to Sligo railway track. The N-S linear route would cross the River Blackwater and traverse a variety of suburban, riparian and agricultural lands, and it would mainly run parallel to zoned lands to the W and open space to the E. It would form a junction with the existing Kells Road/N51 Roundabout junction to the S and the existing “T” junction of the Rathholdren Road and Clonmagaddan Roads to the N. The lands to the N and S of the Blackwater River slope up from c.34mOD to between 45mOD and 48mOD.

7.3.3 Applicant's submission

The EIAR assessed capacity of the road network and junctions to accommodate additional and redistributed traffic during the construction and operational phases. Sections 4 and 5 of the EIAR and Technical Appendix 3 described the proposed road, identified constraints, provided a traffic analysis and dealt with the impacts of the proposed road during both phases. The existing environment and the regional and local road network were described, several desktop studies and traffic surveys were undertaken and traffic modelling exercises were undertaken. This included a constraints study, detailed traffic surveys (incl. traffic counts, junction turning counts, origin/destination, queue length & journey times), future traffic forecasts and traffic growth, and a traffic impact assessment for the Opening and Design Years (2022 & 2037), along with a safety impact assessment (incl. roads & junctions), and an outline Construction and Environmental Management Plan (oCEMP) was prepared.

The EIAR concluded that only short-term temporary impacts during the construction phase are predicted and that the mitigation measures (incl. preparation of a Traffic Management Plan and the management of construction traffic & access), will minimise the impacts on the regional and local road network during the construction phase. No adverse impacts were predicted during the operational phase as the assessments concluded that the wider road network and junctions have adequate capacity to accommodate additional and redistributed traffic in both the Opening Year and Design Year. The EIAR concluded that there would be positive impacts for Navan Town Centre as result of the traffic redistribution away from the central area.

7.3.4 Policy context

In relation to the County Meath Development Plan and Navan Development Plan (both currently extended), the relevant policies and objectives are set out in section 3.3 above. In particular, Inf. Obj. 2 (a) & (b) and Specific Objective LRD 4 deals with the construction of a Distributor Road between Ratholdron Rd and Kells Road to improve access to lands in the N including Clonmagaddan SDZ, and to reduce traffic congestion at the Round 'O junction and in the Town Centre. Under Specific Objective MP3 the route is identified as a Phase 1 Roads Objective (Navan

Distributor Road). The Navan Local Transport Plan (2014-2019) identified capacity constraints along the N51 between Ratholdron Road & Kells Road to the development of Navan (N), which would be alleviated by the delivery of the LDR4 (MP3). Furthermore, Infrastructure Objective 14 of the Navan Development Plan seeks to prepare an integrated pedestrian and cycle path network for Navan (incl. additional bridging points over Blackwater River).

7.3.5 Planning assessment

As previously stated, I surveyed the Distributor Road route and environs and the surrounding regional and local road network in September 2020. I had regard to the relevant sections the EIAR, Technical Appendices, Traffic Analysis and oCEMP, which are summarised in section 7.4.3 above. I had regard to the concerns raised by the Observers (TII) in relation to compliance with TII publications, design and safety standards for roads and junctions, and traffic redistribution impacts, along with the applicant's response which provided clarification with respect to the concerns raised by TII, which are summarised in sections 4.0 above. I also had regard to national, regional and local planning policies.

It has been a long-term objective of Meath County Council to relieve traffic congestion along the N51 in Navan Town Centre, the 2 x river bridges (N51 & Flower Hill) and at the Round O' Junction, to improve the capacity and safety of the N51 and to also to provide access to the newly developing lands to the NW of the town. The Council seeks to achieve these objectives by means of a new distributor road and river crossing to the W of the town.

Construction Phase:

The construction phase would comprise the movement of vehicles related to the delivery of the proposed distributor road, clear span bridge and associated works (incl. site clearance, temporary construction compounds & drainage arrangements). This phase would result in additional construction related traffic along the regional and local road network (incl. HGVs transporting material & machinery to and from the compounds and workers vehicles) which could result in traffic delays, traffic hazards and road soiling. Having regard to the temporary short-term nature of the construction works, I am satisfied that there would be no significant adverse impacts

on traffic movement or safety along the road network during this phase, subject to the implementation of the mitigation measures contained EIAR and oCEMP and the preparation of a Traffic Management Plan.

Operational phase:
During the operational phase, the proposed road would redistribute traffic away from the Navan central area to the Clonmagaddan Road and environs to the NW of the town. The surrounding lands are characterised by a mix of existing and zoned development land which include commercial, residential, education and community uses in addition to Strategic Development Zones.

The proposed distributor road would interact directly with 2 x existing road junctions at the N51/Kells Road roundabout to the S and the "T" junction of the Rathholdren and Clonmagaddan roads to the N. It would also interact indirectly with the R162 to the E which forms a junction with the Clonmagaddan Road at a point to the N of the existing Round O' Junction. The Round O' Junction forms a roundabout junction with the R162 (N), the N51 Slane Road (W & E) and Flower Road (S) directly to the N of Navan town centre.

The concerns raised by Transport Infrastructure Ireland (TII) are noted as is the Meath County Council (MCC) response to them.

TII raised concerns in relation to: - compliance with relevant design and construction publications; compliance with national road network objectives which seek to maintain strategic capacity and safety; queried veracity of the Traffic Analysis which should be reviewed and updated to take account of capacity issues at the N51/Kells Rd roundabout junction; and impacts on the N51 and Round 'O Junction, and the incorporation of any resultant mitigation on foot of the review into the scheme. Future consultations with NTA were also requested.

MCC responded by stating that the scheme will accord with TII Publications as well as DMURS, maintain the strategic capacity of and improve safety along the N51, and that the Traffic Analysis contains adequate data. The junctions have been designed to TII, DMURS & National Cycle Manual (NCM) standards, modelling was informed by the Navan Strategic Traffic model (incl. detailed micro modelling) and nearby

junction improvements will provide for increase pedestrian priority. Signalised junctions were designed in accordance with TII DN-GEO-03044 whilst taking account of DMURS principles, junction analysis of traffic performance identified their capacity and required geometric layout, and the junctions will operate safely in the Opening and Design Years. When NTA modal shift predictions are applied to the Traffic Analysis, the surrounding road network will see a noticeable reduction in traffic as a result of the redistribution with a substantial decrease along the existing N51 and Round 'O Junction, along with an increase along the Clonmagaddan Road.

MCC's Traffic Impact Assessment and Safety Assessment concluded that the national, regional and local road network and urban roads would continue to operate safely within their capacities during the operational phase. It also concluded that the main Distributor Road junctions with the regional and local roads would continue to operate safely within their capacities during the operational phase.

Based on my examination of these reports, the predicted level of traffic increase and assigned redistribution between the Opening and Design Years, along with my site inspection, I would concur with these conclusions. I am satisfied that any additional or redistributed traffic would not give rise to any significant congestion, delays, disruption or hazards along any national, regional, local or urban roads, or at any of the main junctions with the road network. Any outstanding concerns in relation to the final design, layout and signalisation of the junctions could be addressed at the detailed design stage of the project.

Furthermore, I am satisfied that the scheme largely complies with all relevant publications, guidance and standards for new roads, pedestrian and cycling facilities in terms of protecting the strategic function and safety of national roads, the design, layout and safety of new road and junctions, and that it would encourage a modal shift (inlc. TII, NRA, NTA & NCM publications). I am also satisfied that the results of the MCC traffic surveys and traffic modelling exercises and subsequent Traffic Analysis, which was recalibrated to take account of NTA modal shift calculations, are sufficiently robust to support the location and design of the proposed distributor road.

Having regard to the foregoing, I am satisfied that the proposed distributor road would provide for the implementation of the MCC roads objectives Navan, by diverting non-essential town centre traffic away from the central area, relieving congestion along the N51, river crossings and at the Round 'O Junction, whilst also providing access to the emerging development area to the NW of the town.

Pedestrians & cyclists: The proposed road and associated cycle lanes and footpaths along with the newly signalised junctions to the N and S will provide for a safe movement environment for pedestrians and cyclists. This would be in line with national requirements and standards in relation to safety and it would encourage a modal shift away from motorised vehicles. The proposed redistribution of traffic away from the central area would have positive impacts on pedestrian and cyclist safety in Navan town centre. Furthermore, the proposed access off the distributor to Blackwater Park would also encourage a shift away from motorised vehicles to more active, healthy and carbon neutral modes of travel.

Entrances: The proposed road would not cross or significantly interface with any existing entrances that have direct access off the road network, including residential driveways, community, agricultural, public park or utility access roads. However, it is noted that the proposed cycle lane would extend along the frontage of houses located along Rathholdren Road to the N close to the junction with Clonmagaddan Road. This could give rise to a conflict with vehicles reversing onto the road and across the cycle lane, however given the proximity to the proposed signalised junction, it is likely that cyclists will already be reducing speed at this location. Refer to section 7.5 below for a more detailed analysis of residential interactions.

7.3.6 Conclusion

Having regard to the foregoing, I am satisfied that the regional and local road network has adequate capacity to accommodate traffic generated during the construction phase of the proposed Distributor Road. The proposed road would also have adequate capacity to distribute traffic away from Navan Town Centre during the operational phase, which would be a positive impact. The proposed development, including the two junctions to the N and S, and the existing junctions along the wider road network, including the Round 'O junction to the NE, would not give rise to a

traffic hazard or endanger the safety of other road users during either of these phases. The proposed development would not have an adverse effect on any private residential driveways or agricultural, public park or utility access roads in terms of road safety. This conclusion of no significant adverse impacts would be subject to the full implementation of the EIAR mitigation measures and any further measures contained in the final CEMP and Traffic Management Plan, and compliance with any recommended planning conditions. The proposed development would not give rise to any significant adverse local or cumulative impacts in-combination with other developments in the surrounding and wider area.

7.4 Ecology and biodiversity *(EIA - Biodiversity & AA)*

7.4.1 Project description

The proposed development would comprise the works associated with the construction of the c.1.15km long Distributor Road to the W of Navan Town which would include a c.45m long clear span bridge over the River Blackwater. The project would comprise all associated junctions, landscaped berms, fencing and lighting, along with ancillary site works including drainage and site clearance.

7.4.2 Locational context

The proposed road would be located to the W of Navan Town and the c.1.15km long linear route would traverses a variety of landscape and habitat types. The proposed road and bridge would be located close to a stand of preserved trees to the S, cross the Blackwater River and its embankments, and traverse agricultural lands and a wooded area to the N. The River Blackwater forms part of the River Boyne and River Blackwater SAC and SPA which ultimately discharges to the Boyne Estuary c.25 to c.34km to the E (Boyne Estuary SPA & Boyne Coast & Estuary SAC). There are several other sensitive sites located along the river's eastward course (incl. the Slane Riverbank, Boyne Woods, Boyne River Islands and Boyne Coast & Estuary pNHAs).

7.4.3 Applicant's submission

Section 7.0 of the EIAR dealt with biodiversity, section 8.0 dealt with land and soil, and section 9.0 dealt with water. Each section was supported by Technical Appendices and an outline Construction and Environmental Management Plan (CEMP) was prepared. The ecological desk top and field surveys were used to map the distribution of habitats and plant species (incl. invasive species) and to identify protected faunal species (incl. birds, bats, badger & otter). The application was accompanied by a Screening for Appropriate Assessment (AA) report and Natura Impact Statement (NIS).

Section 7.0 of the EIAR described the existing environment, it identified the designated sites within the Zone of Influence of the project (incl. the River Boyne & Blackwater SAC & SPA) and it listed the agencies that were consulted (incl. NPWS, IFI, BCI, EPA & BirdWatch Ireland). Several desktop and field studies were undertaken for terrestrial and aquatic habitats and species (incl. invasive species) along the route and in the surrounding area. Section 8.0 noted that the lands are underlain by a variety of bedrock types (incl. limestone, siltstones & sandstone) and that the route is located across 3 x bedrock aquifer types which are mainly classified as poor and generally unproductive. Section 9.0 noted that the lands slope up from c.35mOD at the River Blackwater to 45mOD to the S and 48mOD to the N, that the project lies within the Boyne hydrometric area and WFD catchment. WFD records indicate that water quality in the River Blackwater is Moderate Status (Q3-4) and it is deemed to be "At Risk" by the EPA.

The EIAR identified potential impacts and proposed several mitigation measures. It concluded that the project would give rise to minor localised impacts during the construction phase, but that it would not result in any significant adverse impacts during operational phase, after the mitigation measures are implemented.

7.4.4 Policy context

In relation to the County Meath Development Plan and Navan Development Plan, the relevant policies and objectives are set out in section 3.3 above. The Plans contains several policies and objectives for the protection of European sites, biodiversity, ecology and habitats.

7.4.5 Planning assessment

As previously stated, I surveyed the proposed route and the surrounding area in September 2020. I had regard to the relevant EIAR sections, Technical Appendices and desk top and field surveys, the proposed mitigation measures and the oCEMP which are summarised in section 7.2.3 above. I also had regard to national, regional and local planning policies. It is noted that the Observers did not raise any specific concerns in relation to ecology or biodiversity.

The c.1.15km long linear route would traverse a range of habitat types including a suburban area, riparian corridor, open space, agricultural land, a wooded area and drainage ditches. The proposed c.45m long clear span bridge would cross but not interact with the River Blackwater as the bridge abutments would be located c.10m and c.7.5m to the N and S of the river channel, with no in-stream works proposed. The route corridor and environs are frequented by a variety of terrestrial and aquatic flora and fauna, some of which are protected and/or rare species, and the site may be frequented by mobile species from further afield areas. The EIAR desk top and field surveys identified several terrestrial and riparian habitats and species in the vicinity of the proposed road and along the River Blackwater.

European sites: section 9.0 of this report deals with potential effects on SACs and SPAs and it includes an Appropriate Assessment. It is possible that the project site may also be hydrologically connected to some further afield designated sites (incl. the Boyne Estuary sites), or that the lands area of value to mobile species at any such sites, and this concern is also addressed in section 9.0 below.

Habitats & flora: the desktop and field surveys identified several terrestrial and riparian habitats in the vicinity of the route and along the river (incl. reed & large sedge swamps, tall herb fringe communities, alluvial woodland, grassland, woodlands & hedgerows). The alluvial woodlands Priority habitat and the tall herb fringe communities Annex 1 habitat are both located outside the footprint of the project. The desktop survey noted the presence of a protected flora species (Lance-leafed pottia) within 5km of the route, but noted that its preferred habitat type is not present nearby (Well-drained calcareous soil).

Mammals: there was no evidence of breeding badgers in the area and the 3 x badger sets identified within c.80m of the route (N & SW) were considered to be inactive, however the lands have good commuting and foraging potential for this species. There was no evidence of feeding, breeding or resting otters along the River Blackwater during the site surveys but the area has good commuting and foraging potential for this species along with an abundance of preferred prey species in the river (incl. salmon, eel & frog) and it is likely to frequent the area. The lands

also have good nesting, commuting and foraging potential for several other small mammals (incl. stoat, pygmy shrew hedgehog & red squirrel).

Birds: There was no evidence of nesting or feeding Kingfisher although this species was observed commuting along the River Blackwater and there is a perch in a riparian tree to the SE of the project. A pair of breeding Sparrowhawks was recorded in the wooded area to the SW of the route and Meadow pipit was recorded in the nearby scrubland. Several passerine species were also recorded present during the field surveys (incl. wood pigeon, dunnock, goldfinch & blackbird). There was no evidence of any other wintering birds utilizing the lands due to the absence of suitable foraging habitat and their location outside the core foraging range for these species (incl. Whooper swan, Greylag & Brent goose).

Bats: The various bat surveys recorded the presence of several species (incl. Brown long-eared, Common & Soprano pipistrelle, Daubenton's, Leisler's & Natterer's bats), however the lands have little roosting or nesting potential for these species.

Fisheries: The river provides suitable spawning and nursery habitat for several fish species (incl. River lamprey, Brown trout, Atlantic salmon & European eel).

Other: Common frog and Common lizard are present in the vicinity and the surrounding habitats are suitable for several invertebrate species (incl. whorl snail, large red-tailed bumble bee, and several species of snail). The EIAR field surveys did nor record the presence of any Irish hares, smooth newts or protected butterflies.

The EIAR identified potential impacts on several key ecological receptors along the route in the absence of mitigation including: - habitat loss, deterioration and disturbance; release of pollutants to watercourses with resultant impacts on water quality, aquatic ecology & fisheries which are susceptible to smothering from suspended sediments (incl. River lamprey, Brown trout & Atlantic salmon); severance of commuting paths for mobile species (incl. badger & otter); bird strikes (incl. Kingfisher); and disturbance from artificial lighting (incl. bat species).

The EIAR proposed several mitigation measures including - embedded design; pre-construction surveys; habitat exclusion zones; surface water management; ecological monitoring; seasonality & timing of works; artificial lighting plans; and species-specific measures (incl. mammal underpasses).

There would be some localised invertebrate mortality during construction. Most disturbance, displacement or severance impacts during the construction and operational phases would be localised with no significant residual or long-term impacts anticipated after mitigation. The EIAR noted that there would be a post construction positive impact on the Annex 1 tall herb fringe habitat following habitat enhancement. In relation to the management and control of invasive species (incl. Japanese knotweed), an Invasive Species Management Plan will be prepared.

The mitigation measures are considered adequate to ensure the protection of any sensitive habitats and vulnerable species that frequent the site in the long term. The drainage arrangements and surface water management measures contained in section 9.0 of the EIAR would ensure the protection of downstream water quality and hence aquatic ecology (incl. fisheries) during the construction and operational phases. The lighting plan would minimise disturbance from artificial lighting at the bridge and along the route to commuting and foraging bats in the area.

The developer should carry out a pre-construction survey of the site and environs to check for the presence of protected species (incl. bats, badger, otter & Kingfisher), works should be undertaken outside the respective breeding seasons and overseen by an ecological clerk of works. A Derogation Licence should be sought from the NPWS in the event that any protected species are present along the route and require relocation to a suitable similar habitat elsewhere. Any in-stream works should be carried out in accordance with IFI guidelines to as to protect water quality and aquatic ecology and to avoid the fish spawning season for River Lamprey, Brown trout and Atlantic salmon. The lighting plan should be implemented in full so as to minimise disturbance to commuting and foraging bats. These concerns could be addressed by way of a planning condition. Furthermore, it is also likely that animal species disturbed or displaced during the construction phase would return to the environs when the works are completed, in which case additional dry mammal

underpasses should be provided along the route so as allow wildlife to traverse safely under the route. This could also be addressed by way of a planning condition.

Having regard to the foregoing and based on my assessment of the route corridor and surrounding area, I am satisfied that the applicant's survey work, evaluations and conclusions are robust, and that the proposed mitigation measures would be an appropriate response to the predicted level of risk to the ecological receptors.

7.4.6 Conclusions

Having regard to the foregoing and based on my assessment of the site and surrounding area, I am satisfied that the proposed development would not have an adverse impact on ecology and biodiversity, subject to the implementation of the EIAR mitigation measures and compliance with any recommended planning conditions. The proposed development would not give rise to any significant adverse local or cumulative impacts in-combination with other developments in the surrounding and wider area.

7.5 Other issues

7.5.1 Residential amenity:

The southernmost section of the proposed road would be located adjacent to a small 2-storey residential development to the W at Blackwater Park, and the northernmost section would be located adjacent to a detached single storey house to the E along Rathholdren Road.

To the S, the proposed road would be set back in excess of 10m from the nearest house at Blackwater Park and the boundary would be defined by a 1.5m high noise barrier and landscaped berm at this location. To the N, the proposed road would be located adjacent to the garden boundary of the existing house to the E along Rathholdren Road and c.20m from the side elevation of this house. Although there would be disturbance to residents during the construction phase of the road in terms of noise, dust, traffic movements and general disturbance, this could be managed by way of the final Construction and Environmental Management (CEMP), adherence to best construction practices and a standard working hours.

The vehicular access to Blackwater Park off the Kells Road and the dwelling along Rathholdren Road would be maintained throughout the works, however a construction Traffic Management Plan should form part of the final CEMP. The proposed road development would not adversely affect the residential amenities of houses in the vicinity during the operational phase by way of overlooking, loss of privacy or noise disturbance because of the linear design and layout of the road and boundary treatment, and it would not be visually obtrusive. Issue related to land acquisition and traffic safety with respect to the house along Rathholdren Road are addressed in Section 7.3 above (Traffic, movement & safety) and in Section 10.0 below (CPO).

7.5.2 Landscaping & boundaries: The boundaries along the proposed road would be mainly defined by fencing and screened by 1.5m high landscaped berms as it runs parallel to Blackwater Park open space to the E and Blackwater Park residential area to the SW. The landscaping would comprise native species woodland trees and

hedges. The proposed arrangements are considered acceptable subject to the standard landscaping conditions and standard.

7.5.3 Archaeology**:** The River Blackwater Corridor is a designated Zone of Archaeological Importance and the S section of the proposed road would traverse the river corridor, and the clear span bridge would cross the river. Although there are no National Monuments, Recorded Monuments or sites of archaeological interest located along the linear N-S route, it is possible that the surrounding lands may contain as yet undiscovered artefacts. A condition should therefore be attached to ensure that the groundworks within the Zone of Archaeological Importance and along the entirety of the proposed route are monitored during the construction phase and that any discoveries are recorded and preserved by record.

7.5.4 Heritage: There are several Protected Structures and features of heritage interest located in the vicinity of the proposed road project along the Blackwater River corridor (incl. Millbrook Weir and Spicers Mill to the E). Having regard to the scale and layout of the linear project, the separation distances and meandering course of the river, I am satisfied that the project would not adversely affect any heritage features in the surrounding area or the character and setting of any Protected Structures. Refer to section 7.2.5 above for a more detailed assessed of potential visual impacts on built heritage and the historic town centre of Navan. I am satisfied that the road project would not have an adverse impact on any heritage features in the area, and that it would have a positive effect on town centre heritage by diverting traffic away from the historic central area.

7.5.5 Drainage: All excavation and construction work, including the management of surface and ground water should be carried out in accordance with best construction practices, and none of the works should exacerbate any existing drainage difficulties. These concerns should be addressed in the final Construction and Environmental Management (CEMP) and surface water and drainage management plans. Furthermore, the proposed drainage arrangements along the new road (incl. the attenuation pond & tanks, and conveyance of bridge runoff via sealed pipes to downstream attenuation systems and hence the River Blackwater) should comply

with all relevant regulations, requirements and guidelines. The concerns raised by Irish Water and the Council's response, in relation to existing and future infrastructure are noted, and a condition should be attached to ensure that adequate consultations take place with Irish Water and compliance with requirements.

7.5.6 Flood risk:

The applicant has provided a flood risk assessment report (Appendix 8-2) which stated that the Backwater River is prone to fluvial flooding, and that the proposed development which would lie partly within Flood Zone A and partly within Flood Zone B. A review of historic flood events and a detailed flood risk assessment (incl. hydraulic modelling) was undertaken. The Justification Test concluded that the finished level of the road (c.41m) is such that it is not at risk of flooding during the 0.1% AEP event on the River Blackwater, and the construction of the bridge and the approach embankments will have a negligible impact on the flood levels upstream of the structure and show no impact on the flood levels downstream.

The proposed surface water runoff attenuation systems (incl. a lined pond & tanks) would accommodate a 1 in 100-year event plus 20% for climate change. I am satisfied that the proposed development would not give rise to any additional flood risk over and above what already occurs along the river, subject to compliance with all relevant regulations, requirements and guidelines, and the full implementation of the Council's drainage arrangements and EIAR mitigation measures. Having regard to the clear span design and elevated position of the road and bridge relative to the underlying river and its embankments, I am also satisfied that the proposed infrastructure would not be adversely affected by flooding, even when climate change calculations are factored into the equation.

7.5.7 Artificial lighting: The proposed road and bridge will be lit along its length. The 4 x lighting zones have been designed in accordance with relevant standards and light spillage to nearby residential properties would be minimised. The proposed bridge across the River Blackwater would be located within the Natural Zone which would be subject to minimal lighting during the construction and operational phases.

8.0 ENVIRONMENTAL IMPACT ASSESSMENT

8.1 Introduction

This section of the report deals with the potential environmental impacts of the proposed development during the construction and operational phases of the development, but not the decommissioning phase as it anticipated that the Distributor Road will not be removed.

This section should be read in conjunction with Section 7.0 (Planning Assessment) and Section 9.0 (Appropriate Assessment of this report.

8.2 Compliance legislative requirements

Directive 2011/92/EU was amended by Directive 2014/52/EU. Meath County Council has submitted an Environmental Impact Assessment Report (EIAR) which is presented in a 'grouped format' comprising the following:

- Non-Technical Summary
- Main Statement
- Technical Appendices
- Photomontages

It is submitted by the applicant that the EIAR has also been prepared in accordance with the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 that came into effect on 1st September 2018, and which the Board will be aware, transposed Directive 2014/52/EU into Irish planning law. As is noted in the EIAR, for the purposes of the Road Act, 1993, as amended, regulations are in the process of being prepared by the relevant Department. It is proposed therefore to apply the requirements of Directive 2014/52/EU.

As is required under Article 3(1) of the EIA Directive 2011/92/EU amended by Directive 2014/52/EU, the EIAR identifies, describes and assesses in an appropriate

manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it equally considers the interaction between the factors referred to in points (a) to (d).

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the applicant, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with the requirements of Section 50 of the Roads Act, 1993, as amended and Directive 2011/92/EU as amended by Directive 2014/52/EU.

I am satisfied that the information contained in the EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the prescribed bodies has been set out in Section 4.0 of this report.

The EIAR describes the proposed development, including information on the site and the project size and design. A description of the main alternatives studied by the applicant and alternative locations considered, is provided and the reasons for the preferred choice. The impact of the proposed development was assessed under all the relevant headings with respect to population and human health; noise, air and climate; biodiversity; landscape; land, geology and soils; hydrology and hydrogeology; roads and traffic; material assets and cultural heritage; interactions of impacts; and the suggested mitigation measures are set out at the end of each chapter.

The content and scope of the EIAR is in compliance with Planning Regulations. No likely significant adverse impacts were identified in the EIAR following mitigation.

8.3 Consideration of Reasonable Alternatives

The consideration of reasonable alternatives was considered in EIAR Section 3.0 and associated Appendices. This section considered the “Do-Nothing”, “Do-Minimum” and “Strategic” Alternatives. The “Do-Nothing” and “Do-Minimum” alternatives were discounted as they would not fully achieve the Council’s objective of reducing traffic congestion in the town centre, improving safety and capacity at existing junctions and along the road network.

The strategic route alternatives examined 3 x site specific route corridor options (A1, B1 & C1) and carried out a constraints study, and Stage 1 and 2 option assessments and public consultation exercises were undertaken. The examination concluded that currently proposed B1 route corridor was the preferred option based on the Project Appraisal which scored this route as “Overall Preferred Option” (Economy, Safety, Integration, Accessibility & Social inclusion & Physical activity) and Intermediate for Environment. The only Alternative that scored “Preferred” for Environment was the “Do-Nothing” alternative, whilst the A1 and C2 route options were the Least Preferred.

8.4 Summary of Likely Significant Effects

Section 7.0 of this report identifies, describes and assesses the main planning issues arising from the proposed development and it should be considered in conjunction with the following environmental impact assessment (EIA).

The EIA identifies and summarises the likely significant effects of the proposed development on the environment with respect to several key receptors in the receiving environment. It identifies the main mitigation measures and any residual impacts following the implementation of these measures together with the planning conditions recommended in section 8.0 of this report, and it reaches a conclusion with respect to each of the receptors. It assesses cumulative impacts, identifies interactions between the receptors, and considers the risks associated with major accidents and/or disasters. The EIA reaches a Reasoned Conclusion.

For ease of reference the EIA is presented in a tabular format with respect to:

- Population and Human Health
- Air and Climate
- Landscape
- Biodiversity
- Land soil and water
- Material assets
- Cultural heritage

Population and human health	
EIAR sections 5, 6, 10, 11, 12 & 16 and associated Technical Appendices dealt with human health, population & employment; air quality; noise & vibration; landscape & visual impact; traffic & transportation, and climate. The EIAR described the receiving environment and identified potential impacts on human beings, human health, local amenities and health & safety. It included a Human Health Impact Assessment. The EIAR did not predict any significant adverse impacts on human beings, population or human health as a result of dust emissions, changes to air quality, noise & vibration, visual intrusion, traffic movements during the construction & operational phases, and climate change effects, subject to implementation of mitigation measures which mainly relate to the management of the construction works and associated traffic. The EIAR noted that positive impacts would result from the redistribution of traffic away from the town centre, urban roads & junctions (safety & air quality).	
Submissions	***Concerns raised***
Transport Infrastructure Ireland	Traffic generation & safety Health & safety
Potential impacts	***Assessment & mitigation measures***
Potential for the following impacts on human beings during the construction and operational phases of the proposed road development. ***Residential amenity:*** potential minor localised impacts on residential amenity during construction & operational phases.	There are several houses located to the NE & SW of the route, and the lands to the far N & S are characterised by a mix of residential, commercial & community uses. Refer to section 7.5.1 of this report for detailed analysis of residential impacts which concluded that there would be minor disturbance during the construction phase, but no significant adverse effects on amenity by way overshadowing, overlooking, loss of privacy, visual intrusion, traffic generation or general disturbance (including noise & emissions) during the operational phase.

Visual: potential localised visual impacts on nearby houses, community uses & businesses during the operational phase.	Refer to section 7.2 of this report for detailed analysis of visual impacts which concluded that there would be no significant adverse effects. The lands are mainly open with a slope up to the N and S from the River Blackwater. The proposed development would not be visually obtrusive or overbearing having regard to the linear nature of the project and the scale & design of the bridge, along with the proposed landscaped berms parallel to the road.
Noise & vibration**:** potential for localised noise impacts on residential amenities, community uses & businesses from construction activities and minor disturbance during the operational phase.	Noise emissions during the construction phase would not significantly exceed the prevailing ambient noise levels at the nearest sensitive receptors, and there would be no significant additional noise during the operational phase. Having regard to the separation distances with the nearest residential properties and the presence of the linear landscaped berms, I am satisfied that the proposed development would not have any significant long-term effects during the construction or operational phases. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to an agreed CEMP. The proposed development would have a positive impact on population and human health as result of redistributing traffic away from the central area which would improve safety & reduce emissions.

Dust: potential for dust & air quality impacts during construction phase.	Dust emissions during the construction phase would not usually travel more than c.200m from the site and dust and would mainly be deposited within c.50m of the works (depending on prevailing weather conditions). There would be no significant dust emissions during the operational phase. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to the final CEMP.
Traffic: Construction & operational traffic volumes have potential for localised air quality impacts, traffic disruption & road safety.	Refer to section 7.3 of this report for a detailed analysis of movement & traffic impacts. The national, regional and local road network has sufficient capacity to assimilate both the redistributed and additional traffic volumes associated with the construction & operational phases (Opening & Design years). The proposed development would have a positive local impact on population and human health as result of redistributing traffic away from the more densely populated central area, local roads, junctions & bridges, which would in turn improve safety & reduce NO_2 emissions.
Health & safety: Potential for adverse impacts on health & safety from on-site accidents during construction and traffic accidents during the operational phase.	On-site accident concerns would be addressed by way of compliance with all relevant health and safety legislation. As above for positive impacts on road safety and air quality

Residual Effects: There will be some increase in noise, dust, NO_2 & traffic emissions during the construction & operational phases however predicted levels are within guidance limit values, and levels will reduce in the central area. Residual impacts are not predicted to be significant subject to the implementation of mitigation measures & any suggested conditions.
Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works (depending on timing), but none predicted during the operational phase.
Conclusion: I have considered all the written submissions made in relation to population and human health, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Air and Climate	
EIAR sections 5, 12 & 16 and associated Technical Appendices dealt with traffic & transportation, air quality & climate. The EIAR described the receiving environment and identified potential impacts on air quality and climate. The EIAR did not predict any significant adverse impacts on air and climate as a result of dust, emissions or traffic movements during the construction and operational phases, or on air and climate during the operational phase of the road, subject to implementation of mitigation measures. The EIAR noted that positive air quality impacts would result from the redistribution of traffic away from the town centre.	
Submissions	***Concerns raised***
None.	None.
Potential impacts	***Assessment & mitigation measures***
Dust: Potential short term localised impacts on air quality resulting from dust emissions during the construction phase.	Dust emissions during the construction phase would not usually travel more than c.200m from the site and dust and would mainly be deposited within c.50m of the works (depending on prevailing weather conditions). There would be no significant dust emissions during the operational phase. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to the final CEMP.
Traffic emissions: Potential localised impacts on air quality (particulate matter & NO_2) resulting from increased traffic volumes during construction & operational phases.	Refer to section 7.3 of this report for a detailed analysis of movement & traffic impacts. The national, regional and local road network has sufficient capacity to assimilate both the redistribute and additional traffic volumes associated with the construction & operational phases.

	The proposed development would not have any significant effects on air quality during the construction or operational phases. This would be subject to compliance with the EIAR mitigation measures, compliance with best construction practices and adherence to an agreed CEMP which should contain a Traffic Management Plan. The proposed development would have a positive local impact on air quality as result of redistributing traffic away from the more densely populated central area, which would in turn improve safety & reduce particulate & NO_2 emissions.
Climate: Potential for impacts on achievement of Climate Change & carbon emission reduction targets (EU & National).	The proposed development could contribute to a reduction in local CO_2 emissions as result of encouraging a modal shift from motorised vehicles to cycling & walking in the vicinity.
Residual Effects: There will be some increase in dust & traffic related emissions during the construction & operational phases however predicted levels are within guidance limit values. Dust, particulate & NO_2 emission levels will be reduced in the more densely populated central area, and a localised modal shift to non-motorised vehicles could occur. Residual impacts are not predicted to be significant subject to the implementation of mitigation measures & any suggested conditions.	
Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works (depending on timing), but none predicted during the operational phase.	
Conclusion: No submissions were made in relation to air & climate. I have identified the relevant issues in this section of the report and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

Landscape	
EIAR section 10 and associated Technical Appendices and Photomontages assessed landscape and visual effects. Baseline conditions and landscape character were described and several viewpoints were selected in the surrounding undulating landscape around the linear route (incl. Blackwater Park, heritage areas and the road network). The EIAR did not predict any significant adverse impacts on landscape and views during the construction & operational phases, subject to the construction of the landscaped berms along the linear route corridor.	
Submissions	***Concerns raised***
None.	None
Potential impacts	***Assessment & mitigation measures***
There is potential for the following impacts on the landscape during the construction and operational phases of the proposed road development. ***Sensitive Landscapes***: potential for visual impacts on sensitive Landscape Character Areas (incl. Blackwater Valley & Lowland Landscapes and the Boyne Valley) ***Protected Views & Prospects:*** potential for visual impacts on 2 x sensitive Protected Views and Prospects along the river corridor.	Refer to section 7.2 of this report for detailed analysis of visual impacts which concluded that there would be no significant adverse effects. The proposed road development would not be visually obtrusive or overbearing having regard to the linear nature of the project and the scale & design of the bridge, along with the proposed landscaped berms parallel to the road. No significant adverse impacts on any LCAs anticipated. The project would not adversely affect Protected Views and Prospects along the river corridor as VP15 is located to the E of the project and the view is towards Spicer's Mill to the E, and VP16 is located to the W of the project and the view is towards the Blackwater Railway Bridge to the W.

Blackwater River & Park: potential for visual impacts from along the river corridor (N & S).	The most significant visual would be from the immediate N and S of the Blackwater River (VP 4 & 5) and from within Blackwater Park to the E (VP 2 & 3), and also from within the route itself. The visual impact from these locations would be adverse in the short term, but having regard to the low-lying linear design and layout of the road and the contemporary clear span design of the bridge, the effects would be of moderate significance and would diminish over time as the landscaping matures.
Heritage features: Potential for minor localised visual impacts on Protected Structures to the E and other heritage features along the River Blackwater corridor.	There would be no adverse effects on the character or setting of Protected Structures or any other heritage features in the surrounding area, having regard to the separation distance, the meandering course of the river & the erection of landscaped berms along the route.
Residential amenity: Potential for minor localised visual impacts on houses to NE and SW during the operational phase.	Refer to section 7.5.1 of this report for a detailed analysis of visual impacts on residential amenity, which concluded that there would be no significant adverse effects.
Road network: Potential for minor localised visual impacts on views from along the road network during the operational phase.	The proposed road development would not be visually obtrusive or overbearing having regard to the linear nature of the project and the scale & design of the bridge, along with the proposed landscaped berms parallel to the road.

Residual Effects: Impacts predicted to be minor.
Cumulative Impacts: None predicted.
Conclusion: No submissions were made in relation to landscape & visually amenity. I have identified the relevant issues in this section of the report and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Biodiversity	
EIAR sections 7, 8 & 9 and associated Technical Appendices dealt with: - biodiversity, land & soul and water. Desk top studies & field surveys were undertaken, and an AA Screening report & NIS was prepared. The EIAR described the receiving environment as mainly comprising agricultural fields defined by trees & hedgerows and ditches, and a riparian river corridor with suburban areas to the N & S. It noted the zoned residential area and open space use of the surrounding lands. It noted that the River Blackwater is a designated European site (River Boyne & Blackwater SAC & SPA) and the possible presence of protected animal species in the area (inc. fish, badgers, otters, birds & bats). It noted that the lands may be used by foraging & commuting bats and that there are badger setts in the vicinity. The EIAR did not predict any significant adverse impacts on biodiversity during the construction and operational phases, subject to the implementation of mitigation measures to protect ground & surface water quality, protected habitats, badgers, otter, birds & bats).	
Submissions	***Concerns raised***
NPWS	Commended & endorsed the evaluation of potential impacts on flora & fauna in the NIS & EIAR, and the mitigation measures.
Potential impacts	***Assessment & mitigation measures***
The site mainly comprises agricultural grazing land which is defined by trees, hedgerows & ditches. It has a direct connection to the River Blackwater SAC/SPA. Several species of birds & bats have been recorded, there are 3 x badger setts in the vicinity, and otter is likely to frequent the river banks. There is potential for the following impacts on Biodiversity during the construction & operational phases.	Refer to section 7.4 of this report for detailed analysis of biodiversity impacts which concluded that there would be no significant adverse effects. The proposed road would cross the River Blackwater SAC & SPA via a clear span bridge and the river embankments are covered by these designations. The proposed bridge would cross but not interact with the River Blackwater as the bridge abutments would be located c.10m and c.7.5m to the N and S of the river channel, with no in-stream works proposed. The lands to the far N & S of the

	river embankments are not covered by any sensitive heritage designations although they contain mature trees & hedgerows, and there is evidence that the surrounding lands are used by several species of animal.
European sites: Direct & indirect connections to sensitive sites.	Refer to Section 9.0 of this report (AA) which concluded that there would be no loss, disturbance or damage to any designated sites, habitats or species during the construction or operational phases.
Habitats: Potential for permanent localised loss of or alteration to habitats (including trees, hedgerow, drainage ditches & scrub) during the construction phase.	Several non-designated habitats (including hedgerows & ditches) would be permanently lost or altered but given their lack of sensitivity, and the proposal to plant native trees and hedgerows on the linear landscaped berms, the long-term impact would not be significant. The nearby designated Tall herb Annex 1 and Alluvial Woodlands Priority habitats would be avoided by the road alignment.
Flora: Potential for permanent localised loss of species during construction phase.	Several non-designated plant species would be permanently lost but given their lack of sensitivity and the proposal to plant native tree and hedgerow species on the landscaped berms, the overall long-term impact would not be significant.
Fauna: Potential for minor localised disturbance to several species of animal (during the construction & operational phases).	Several species of animal would be disturbed during the construction phase (incl. otter, badger, fox, rabbit, birds & foraging bats). Most will eventually return and habituate to

	activity along the route in the long term during the operational phase, having regard to the proposed planting of the linear landscaped berms with native species along the route. Three badger setts were identified in the surrounding area to the N & SW and a dry mammal underpass would be installed to link the two sides of the road. A 30m buffer should also be provided around the setts during the construction phase (in case the setts are active). The proposed development would cause no additional disturbance to this species, and the mammal underpasses would serve to reduce road fatalities. Several species of bird frequent the site (mainly passerine) however, there was no record of Kingfisher or any coastal or wintering birds utilising the site. Vegetation clearance during the construction phase would take place outside of the nesting season for birds. Any loss of supporting habitat would be compensated in the long-term by the planting of the linear landscaped berms with native species. Foraging and commuting bats could be adversely affected by vegetation clearance during the construction phase and artificial lighting during both phases, and particularly along the proposed bridge. There was no evidence of roosting or nesting activity within

	the overall lands. EIAR mitigation measures include pre-construction bat surveys and the minimal artificial lighting by way of a lighting plan.
Aquatic species: Potential for localised loss of, or disturbance to freshwater species resulting from a deterioration in water quality due to sedimentation, spillages and surface water runoff during the construction & operational phases.	The site drains directly to the River Blackwater which contains good breeding & spawning habitat for several fish species (incl. River lamprey, Atlantic salmon, Brown trout & European eel). The EIAR surface water drainage arrangements and adherence to best construction practices would protect water quality (incl. aquatic species & fisheries) from contamination during the construction & operational phases. The proposed development would not have any significant long-term effects on aquatic species during the construction or operational phases. This would be subject to compliance with the implementation of surface water management arrangements, compliance with EIAR mitigation measures, adherence to best construction practices and an agreed CEMP.
Residual Effects: Impacts predicted to be minor subject to implementation of mitigation measures and any recommended planning conditions.	
Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works to the N (depending on timing), but none predicted during the operational phase.	
Conclusion: I have considered all the written submissions made in relation to biodiversity, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

Land, soil and water	
EIAR sections 8 & 9 and associated Technical Appendices dealt with: - hydrology and land, soils & water. The EIAR described the receiving environment and several desktop studies, field surveys & ground investigation tests were undertaken. The site mainly comprises agricultural lands underlain by a variety of bedrock types (incl. limestone, siltstones & sandstone) and the route is located across 3 x bedrock aquifer types (poor & generally unproductive). The EIAR noted that the lands slope up from c.35mOD at the River Blackwater to 45mOD to the S and 48mOD to the N. The project lies within the Boyne hydrometric area and WFD catchment. WFD records indicate that water quality in the River Blackwater is Moderate Status (Q3-4) and it is deemed to be "At Risk" by the EPA. The EIAR described the proposed excavation & construction works, the installation of the bridge and the creation of the linear permitter berms. It identified potential impacts (incl. accidental sediment & chemical discharges to ground & surface water during the construction phase, and contaminated surface water run-off during the operational phase). The EIAR also contained a Flood Risk Assessment report. The EIAR did not predict any significant adverse impacts on land, soil or water during the construction and operational phases, subject to implementation of surface water drainage arrangements and mitigation measures (incl. containment and management measures for surface water & fuels).	
Submissions	***Concerns raised***
None.	None.
Potential impacts	***Assessment & mitigation measures***
There is potential for the following impacts on land, soil & water in relation to the works associated with the construction & operation of the proposed road and bridge.	Refer to section 7.5.5 of this report for detailed analysis of land soil & water impacts which concluded that there would be no significant adverse effects. Section & 7.5.6 concluded that the project would not give rise to a flood risk or exacerbate existing fluvial flooding, and that the proposed infrastructure would not be adversely affected by flooding.

	The overall lands mainly comprise gently sloping agricultural grazing land which is traversed by drainage ditches that drain to the Blackwater River which contains good spawning habitat for several species of fish.
Water quality: Potential pollution of watercourses (with resultant impacts on aquatic ecology) by sediments released during construction works & by accidental fuel spillages or leaks during the construction & operational phases. ***Ground & surface water contamination***: Potential impacts resulting from leakage & spillages from vehicles, machinery & fuel stores during the construction phase, and potential impacts from accidental fuel spillages or leaks from vehicles during the operational phase.	The proposed surface water drainage arrangements and mitigation measures contained in section 9.0 of the EIAR and associated technical Appendices would protect ground and surface water quality in nearby watercourses (Inc. Aquatic species) from contamination by sediments and chemical spills during the construction & operational phases. These measures include the conveyance of road runoff via sealed pipes to downstream attenuation systems and hence the River Blackwater, and appropriate disposal of any identified contaminated soil waste. Adherence to best construction practice and the methodologies contained in the oCEMP and compliance with all relevant regulations would ensure the protection of ground & surface water quality during the construction & operational phases.
Flood risk: Potential impacts resulting from uncontrolled surface water runoff within and down slope of the site, on nearby infrastructure & watercourses.	No adverse flood risk impacts are anticipated during the construction & operational phases. The attenuations systems (incl. a pond & tanks) would accommodate a 1 in 100-year event plus 20% for climate change. This would be subject

	to compliance with the implementation of surface water management arrangements, compliance with EIAR mitigation measures, adherence to best construction practices and an agreed CEMP. The proposed infrastructure would not be adversely affected by fluvial flooding in the vicinity of the River Blackwater.
Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures.	
Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works to the N (depending on timing), but none predicted during the operational phase.	
Conclusion: No submissions were made in relation to land, soil & water. I have identified the relevant issues in this section of the report and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

Material assets	
EIAR sections 5 & 14 and associated Technical Appendices dealt with traffic & material assets (incl. access, power supply, telecommunications, water supply & wastewater management). The EIAR described the receiving environment (incl. the road network & access arrangements) and several desktop studies and traffic surveys were undertaken. The EIAR described the site as mainly comprising agricultural fields located within lands zoned A2 for future residential uses. It described the proposed movement, access and service arrangements. It identified some minor traffic impacts during the construction and operational phases. The EIAR did not predict any significant adverse impacts on material assets during the construction & operational phases, subject to implementation of mitigation measures.	
Submissions	***Concerns raised***
Irish Water	Infrastructure connections to adjacent lands.
Potential impacts	***Assessment & mitigation measures***
There is potential for the following impacts on material assets in relation to the construction & operational phases of the proposed development. ***Traffic***: Construction & operational traffic have potential for localised impacts on the road network & traffic safety.	The proposed development would be situated within an area that is zoned A2 for future residential use and a specific object to provide a N-S Distributor Road to the W of Navan Town. The route corridor is connected to the local, regional and national road network. The surrounding area to the N and E is served by an existing water supply, foul sewer, power supply & telecommunications network, although the zoned lands to the W are not yet serviced. Refer to section 7.3 of this report for a detailed analysis of movement & access impacts. The national, regional & local road network has sufficient capacity to assimilate the redistributed and any additional traffic volumes associated with the construction & operational phases.

Water supply & drainage: Potential impacts on environmental services related to the provision of clean water and disposal of unclean water from the site (including wastewater and storm water), and resultant impacts on water quality and flooding because of uncontained and unmanaged discharges.	Refer to section 7.5.5 of this report and section 8.4 (Land, soil & water) above for an analysis of water supply & drainage impacts. The drainage system (incl. attenuation ponds & tanks) would manage discharge volumes, prevent flooding & protect downstream water quality. Section 8.4 (Land, Soil & Water) above concluded that the proposed development would not have significant impact on surface & ground or ground water and would not give rise to a flood risk.
Public water supply**:** potential adverse impacts on future connections to adjacent lands.	Refer to section 7.5.5 of this report which noted the concerns raised by Irish Water and the MCC response to them. I am satisfied that these concerns would be addressed by ensuring compliance with standard IW & MCC requirements and during the detailed design stage of the project.
Fisheries: potential localised adverse impacts on angling activities in the River Blackwater.	Short term disturbance predicted during the construction phase but no long terms adverse effects on angling during the operational phases. The EIAR drainage and surface water management arrangements would ensure that water quality is protected with no resultant adverse effects on fisheries anticipated.
Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures and compliance with any recommended conditions.	

Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works to the N (depending on timing), but none predicted during the operational phase.
Conclusion: I have considered all the written submissions made in relation to material assets, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Cultural heritage	
EIAR sections 10 & 13 and associated Technical Appendices dealt with landscape, visual impact and cultural heritage. The EIAR described the receiving environment as mainly comprising agricultural fields in an evolving rural/suburban area, it referred to possible underlying areological heritage and it identified several Protected Structures to the E along the River Blackwater corridor (incl. Spicers Mill & Millbrook Weir). The EIAR described the proposed development and identified potential impacts on cultural heritage around the site. The EIAR did not predict any significant adverse impacts during the construction and operational phases, subject to implementation of mitigation measures (including testing, monitoring & recording), with no adverse impacts on the setting of Protected Structures predicted.	
Submissions	***Concerns raised***
None.	None.
Potential impacts	***Assessment & mitigation measures***
There is potential for the following impacts on cultural heritage in relation to the construction & operational phases of the proposal. ***Archaeology:*** Potential impacts on recorded and as yet undiscovered artefacts.	Refer to section 7.5.3 and 7.5.4 of this report for detailed analysis of archaeology & cultural heritage impacts which concluded that there would be no significant adverse effects. The River Blackwater Corridor lies within a Zone of Archaeological Importance and the S section of the project would traverse the river corridor. There are no National Monuments, Recorded Monuments or sites of archaeological interest located along the linear N-S route, however, it is possible that the surrounding lands may contain as yet undiscovered artefacts. Groundworks should be monitored during the construction phase and that any discoveries should be recorded and preserved by record.

Heritage features: Potential impacts on character & setting of several Protected Structures located along the Blackwater River corridor (incl. Millbrook Weir and Spicers Mill to the E), and the historic core of Navan Town Centre	Having regard to the scale and layout of the linear project, the separation distances and meandering course of the river, I am satisfied that the project would not adversely affect any heritage features in the surrounding area or the character and setting of any Protected Structures. Refer to section 7.2.5 for a more detailed assessed of potential visual impacts on built heritage and the historic town centre of Navan. I am satisfied that the road project would not have an adverse impact on any heritage features in the area. I would have a positive effect on town centre heritage by diverting traffic away from the historic central area.
Residual Effects: Residual impacts are not predicted to be significant subject to the implementation of mitigation measures and compliance with any recommended planning conditions.	
Cumulative Impacts: Minor construction impacts may occur in-combination with the future development of the adjacent zoned lands and railway works to the N (depending on timing), but none predicted during the operational phase.	
Conclusion: No submissions were made in relation to land, soil & water. I have identified the relevant issues in this section of the report and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

8.5 Cumulative Impacts

Several projects are being progressed in the wider area (incl. town centre works, Blackwater Park, Cycleways & Greenways, residential, commercial & industrial developments & underground mining, along with smaller scale urban developments). Having regard to the nature and scale of these projects and the separation distance from the Distributor Road route, I am satisfied that cumulative effects can be avoided, managed and mitigated by the embedded measures which form part of the proposed development, mitigations measures, and suitable conditions. There is, therefore, nothing to prevent the granting of approval on the grounds of cumulative effects.

8.6 Interactions and Interrelationships

I have also considered the interrelationships between the key receptors and whether this might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the potential arises for the following interactions and interrelationships.

Population and human health:

- Noise and dust
- Air quality and climate
- Landscape and visual amenity
- Material Assets (fishing)
- Roads and traffic (air quality, safety & disturbance)

Air & climate

- Noise and dust
- Roads and traffic (emissions)
- Population and Human Health

Landscape

- Population and Human Health (visual amenity)
- Material Assets and Cultural Heritage (tourism & recreation)

Biodiversity:

- Hydrology (water quality & fisheries)
- Population and human health (water quality)
- Material assets (farming practices)
- Landscape (visual amenity)
- Soils and geology (coastal erosion, slope stability & water quality)
- Land (farming practices & landscape character)

Land, Soil and water:

- Air quality
- Biodiversity (terrestrial & aquatic)
- Population & Human Health

Material Assets and Cultural Heritage:

- Population & human health
- Landscape (visual amenity & landscape character)
- Roads and traffic (disturbance & safety)

In conclusion, I am satisfied that any such impacts can be avoided, managed and mitigated by the measures which form part of the proposed development and the aforementioned conditions, as recommended in section 7.0 above.

8.7 Risks associated with major accidents and/or disasters

No outstanding risks associated with major accidents or disasters identified and the potential impacts associated with climate change have been factored into most sections of the EIAR.

8.8 Reasoned Conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment have been identified in section 7.0 and section 8.0 of this report. It is considered that the main significant direct and indirect impacts of the proposal on the environment are as follows.

- ***Biodiversity impacts*** arising from proximity to sensitive habitats and foraging corridors, connections to aquatic and water dependent habitats, changes to vegetation along the route, and general disturbance during the construction and operational phases. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan and the implementation of mitigation measures which include: - pre-construction surveys (for Badger, Otter, Bats & Kingfisher); surface water management; an Invasive Species Management Plan; and the appointment of a Project Ecologist.

- The ***risk of pollution of ground and surface waters during the construction phase*** through a lack of control of surface water during excavation and construction, the mobilisation of sediments and other materials during excavation and construction and the necessity to undertake construction activities in the vicinity of existing watercourses. The construction of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within the Construction and Environment Management Plan, and the implementation of mitigation measures related to: - design and avoidance, management of accidental spills and contamination and drainage management.

- The proposed project would give rise to an increase in ***vehicle movements and resulting traffic impacts*** during the construction phase and during the operational phase where the Distributor Road would interact directly and indirectly with several road junctions. The construction phase impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan and the implementation of mitigation measures (incl. the preparation of a Traffic Management Plan. The operational phase of the Distributor Road would have a positive impact on the receiving environment by reducing traffic congestion in Navan Town Centre and improving safety along the road network and junctions.

- The project could give rise to minor localised impacts on ***residential amenity*** during the construction (noise, dust, traffic safety & general disturbance) and operational (noise & general disturbance) phases. These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise the erection of landscaped berms.

- The proposed development would have ***potentially significant positive environmental impacts*** during the operational phase by the creation of a new bridge across the River Blackwater with constituent footpaths, cycle lanes and direct access to Blackwater Park, by diverting traffic away from Navan Town Centre and densely populated areas, and a possible reduction in carbon emissions resulting from a modal shift to non-motorised vehicles.

In ***conclusion***, having regard to the above identified significant effects, I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the environment, subject to the implementation of the mitigation measures and any conditions recommended in section 7.0 of this report.

9.0 APPROPRIATE ASSESSMENT

9.1 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.

9.2 Natura Impact Statement

The application was accompanied by a Natura Impact Statement (NIS) report which contained a Stage 1 Appropriate Assessment Screening and a Stage 2 NIS. The report described the site, receiving environment (incl. habitats, species & water quality) and the proposed development. It utilised the data collected as part of the EIAR desktop studies (incl. NPWS datasets, habitats, species, EPA & GSI ground & surface water quality data) and specific field surveys (incl. Alluvia forests, Otter & Kingfisher). It had regard to the consultation responses (incl. MCC Heritage Office, NPWS, IFI & BCI).

The Zone of Influence was defined as the effect area over which an impact can have a potential effect in relation to proximity of European sites and the mobility of faunal species from further afield sites. The Source-Pathway-Receptor links were identified for both the construction and operational phases, potential impacts were described (incl. water pollution, disturbance, habitat loss & deterioration, barrier effects, bridge strikes & road collision mortality), and the relevant QI and SCIs for the European sites were identified, described and assessed.

The ***AA Screening*** identified the following 2 x European sites that have the potential to be affected by the proposed development:

- River Boyne & River Blackwater SAC
- River Boyne & River Blackwater SAC

The ***NIS*** listed the Conservation Objectives, Qualifying Interests and Special Conservation Interests for each of these sites. It identified the potential sources of direct and indirect impacts on the sites, assessed the potential impacts relative to the Conservation Objectives for each site. It had regard to the EIAR water quality assessments and ecological surveys and concluded that the risk for the habitats and species which are designated as Qualifying Interests and Special Conservation Interests for the European sites was minimal subject to the implementation of the EIAR mitigation measures.

It noted that the NPWS Conservation Objectives did not list any key attributes or targets for the SAC QI habitats and species, however the NIS applied the generic attributes listed for other similar SACs in order to assess potential effects. It likewise applied a series of attributes to the assessment of potential effects on the SPA SCI species based on a review of scientific literature and professional judgement.

It formally concluded that it can be determined beyond all reasonable scientific doubt that the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC and SPA. All identified pathways with potential for adverse impacts are robustly blocked through the use of best practice, avoidance and appropriate design. Following the implementation of mitigation measures, the proposed development, individually and/or in-combination with other plans and projects, will not adversely affect the integrity of any European Site.

9.3 AA Screening Assessment

The main issues related to ecology and any concerns raised by the Observers are summarised and addressed in section 4.0 of this report, section 7.4 deals with Biodiversity and section 8.0 contains an environmental impact assessment. These sections should be read in conjunction with this assessment.

The proposed linear road development would traverse two European sites however it is not relevant to the maintenance of any such sites. There are 5 x European sites located within a c.35km radius of the proposed development, and 2 x sites located within the Zone of Influence. The Qualifying Interests and Special Conservation Interests, and approximate straight line and aquatic separation distances from the project site to these European sites are listed below.

European site	Site code	Qis & SCIs	Separation distance	Aquatic link
River Boyne & River Blackwater SAC	002299	Alkaline fens Alluvial forests River Lamprey Salmon & Otter	Adjacent	Yes
River Boyne & River Blackwater SPA	004232	Kingfisher	Adjacent	Yes
Girley Bog SAC	002203	Degraded raised bogs	13km W	No
Boyne Coast & Estuary SAC	001957	Estuaries Mudflats & sandflats Annual vegetation of drift lines Salicornia & other annuals colonising mud and sand Atlantic salt meadows Embryonic shifting dunes Shifting (white) dunes Fixed coastal (grey) dunes	25km E & 34km downstream	Yes
Boyne Coast & Estuary SPA	004080	Shelduck & Oystercatcher Golden & Grey Plover	25km E & 34km downstream	Yes

		Lapwing & Knot Sanderling Black-tailed Godwit Redshank & Turnstone Little Tern Wetland & Waterbirds		

The potential effects relate to:

- Transport of pollutants in ground or surface water flowing into the European sites via on-site tributaries (River Boyne and River Blackwater SAC & SPA, Boyne Coast and Estuary SAC & SPA).

- Ex-situ impacts on qualifying species outside the European sites but which are an integral and connected part of the population of qualifying interest species (Boyne Coast and Estuary SAC & SPA).

- Loss of foraging lands for mammals and interference with flight lines of bird or bat species associated with the European sites, or mortality related to collision with the bridge (River Boyne and River Blackwater SAC & SPA, Boyne Coast and Estuary SAC & SPA).

I am satisfied that all but 2 of these sites can be screened out of any further assessment because of the nature of the European site and the absence of an aquatic connection (Girley Bog SAC), the substantial aquatic separation distance (in excess of 30km) to the nearest Qualifying Interests habitats or species (Boyne Coast & Estuary SAC), or the location of the European site significantly outside of the core foraging range of and/or absence of preferred foraging habitat for coastal birds (Boyne Coast & Estuary SPA). The remaining 2 x European sites (River Boyne & River Blackwater SAC and SPA) should be screened in for further assessment because of their proximity to the proposed development and associated construction works, the nature of the European site, and the potential presence of Qualifying Interests and/or Special Conservation Interests in the vicinity of the project.

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, the proximity of the project to the European sites, to the nature of the qualifying interest habitats and species, and the special conservation interest species, and the conservation objectives of the European sites, and to the available information as presented in the EIAR regarding ground and surface water pathways and mobile connections between the project and the European sites, and other information available, it is my opinion that the proposed development has the potential to affect 2 x European sites (River Boyne & River Blackwater SAC and SPA) having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 Appropriate Assessment is required.

9.4 Appropriate Assessment:

The relevant details for the two remaining European sites within the Zone of Influence of the proposed development are summarised below:

Site name	Conservation Objectives	QIs & SCIs	Attributes & Targets (*Generic*)
River Boyne & Blackwater SAC (002299)	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.	Alkaline fens	Habitat area & distribution, ecosystem function, community diversity, vegetation composition, physical structure & local distinctiveness.
		Alluvial forests	Hydrological regime, vegetation composition [invasive species], habitat area & distribution, woodland size & structure.
		River Lamprey	Distribution, juvenile population structure & density, extent & distribution of spawning habitat, and availability of juvenile habitat.
		Salmon	Distribution, spawning, fry or smolt abundance, number & distribution of redds of water quality.
		Otter	Fish biomass, barriers to connectivity, distribution, extent of habitat [terrestrial, marine & freshwater] and couching sites & holts.
River Boyne & Blackwater SPA (004232)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Kingfisher	Prey biomass, breeding population, productivity rate, distribution, barriers to connectivity & population trend.

Favourable Conservation Status is achieved when:

1. ***Habitats***

    - The natural range (and area covered) is stable or increasing,
    - The specific structure and functions which are necessary for its long-term maintenance exist now and for the foreseeable future,
    - The conservation status of its typical species is favourable.

2. ***Species***

    - Population dynamics data indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats,
    - The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future,
    - There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

River Boyne & River Blackwater SAC & SPA:

This SAC and SPA comprises the freshwater elements of the River Boyne and the River Blackwater. The SAC has been designated for its importance to 2 x habitats (Alkaline fens & Alluvial forests) and 3 x animal species (Otter, River lamprey & Atlantic salmon). The SPA which has been designated for 1 x species (Kingfisher).

According to the NPWS Site Synopsis the main areas of Alkaline fen are concentrated to the W of the proposed development and significantly upstream of the works, therefore this QI habitat is screened out from any further assessment.

According to the NPWS Site Synopsis pockets of Alluvial wet woodland fringe the Rivers Boyne and Blackwater, and River lamprey and Atlantic salmon are present in the River Blackwater which contains suitable spawning and nursery habitat.

According to IFI, Atlantic salmon migrate upstream of the works to reach suitable spawning and nursery habitat. Otter is found throughout the site and Kingfisher is present along the River Blackwater. The EPA records the river having WFD status of Moderate (Q3-4).

According to the EIAR/NIS desktop and field surveys, the Alluvial Forest QI (Priority) habitat was recorded within the Zone of Influence of the project but not within its footprint, and c. 25m to the W on the N bank of the River Blackwater. There is suitable spawning and nursery habitat for Atlantic salmon and River lamprey within the Zone of Influence of the project. Although the field surveys did not record the presence of any Otter feeding, breeding or resting sites it is presumed to forage and/or commute along the River Blackwater corridor which contains suitable prey species (incl. eel, frog & salmon). Kingfisher frequents the river corridor and the site surveys recorded the presence of a nearby perch on a riparian tree branch within the Zone of Influence but not the project footprint, c. 10m to the E on the S bank of the River Blackwater.

The proposed road and clear span bridge would traverse this SAC and SPA, and the bridge abutments would be located within the SAC boundaries c.7.5m and 10m to the N and S of the river embankments. No in-stream works are proposed, and there are no QI habitats within the footprint of the road as the route has been aligned to avoid the sections of Alluvial Forest to the W along the river corridor and the Kingfisher perch to the E. There would be no **direct** effects on the SAC or SPA as a result of the proposed works.

There is potential for **indirect** effects on these European sites during the ***construction phase*** as a result of: - water pollution from the unmitigated release of fine sediments in runoff during construction work and hydrocarbons by way of accidental spillages from machinery (Alluvial Forest, River lamprey, Atlantic salmon, Otter & Kingfisher); general disturbance from construction activity (River Lamprey, Atlantic salmon, Otter & Kingfisher); habitat loss due to the road alignment (Alluvial Forest & Kingfisher); and habitat deterioration (Alluvial Forest), in the absence of appropriate mitigation measures.

There is potential for **indirect** adverse effects during the ***operational phase*** as a result of: water pollution from hydrocarbons in runoff from vehicles (River lamprey, Atlantic salmon, Otter & Kingfisher); general disturbance from human activities (River Lamprey, Atlantic salmon, Otter & Kingfisher); habitat loss as result of bridge overshadowing (River lamprey, Atlantic salmon & Kingfisher); barriers to connectivity (River Lamprey, Atlantic salmon, Otter & Kingfisher); bridge strike risk (Kingfisher); and road collision mortalities (Otter), in the absence of mitigation measures.

The NPWS Conservation Objectives do not list any key attributes or targets for the remaining SAC QI habitats (Alluvial Forest) and QI species (Lamprey, Salmon & Otter), and SPA QI species (Kingfisher), and the approach adopted in the NIS to apply the generic attributes for other similar SACs and SPAs to the assessment of potential effects will be utilised.

In the absence of in-stream works to avoid disturbance and protect water quality, and following the implementation of the ***mitigation measures*** which include: -

- Embedded design measures including clear span bridge and abutment setbacks to protect habitats and aquatic species (Alluvial forest, Atlantic salmon, River lamprey), and solid parapet to prevent collision risks for mobile species (Kingfisher) and flicker effects for fisheries (Atlantic salmon & River lamprey).
- Avoidance measures and route alignment to avoid habitats (Alluvial forest) and mobile species (Kingfisher).
- Installation of a free board, mammal ledge and underpasses to ensure species mobility (Otter).
- Surface water and drainage management measures to protect water quality for species (& prey species), including SUDs, interceptor ditches, sealed drainage across bridge, attenuation pond and tanks, vegetated interceptor ditch and best construction practice (Otter, Atlantic salmon, River lamprey & Kingfisher).
- Management of artificial lighting within the Natural Zone to protect against disturbance (Otter, Atlantic salmon, River lamprey & Kingfisher).

- Timing and seasonality of works (Otter, Atlantic salmon, River lamprey & Kingfisher).
- Pre-construction surveys (Otter, Atlantic salmon, River lamprey & Kingfisher).
- Appointment of Project Ecologist to oversee works.

the proposed development would not have an adverse effect on the relevant generic attributes for habitats and species during the construction and operational phases.

Atlantic salmon: no adverse effects predicted for the distribution of this species within the SAC, spawning, fry or smolt abundance, number and distribution of redds or water quality, following the implementation of the mitigation measures (incl. drainage arrangements & management of surface water runoff), embedded design, lighting plan and the avoidance of in-stream works.

River lamprey: no adverse effects predicted for the distribution of this species within the SAC, juvenile population structure and density, extent and distribution of spawning habitat, and availability of juvenile habitat, following the implementation of the mitigation measures (incl. drainage arrangements & management of surface water runoff), embedded design, lighting plan and the avoidance of in-stream works.

Otter: no adverse effects predicted for the distribution of this species within the SAC, availability of fish biomass, barriers to connectivity, distribution, extent of freshwater and terrestrial habitat and couching sites and holts, following the implementation of the mitigation measures (incl. the installation of a free board & mammal ledge along the river, mammal fences and underpasses), embedded design, abutment setbacks, lighting plan and the avoidance of in-stream works.

Alluvial forest: no adverse effects predicted for the distribution of this habitat within the SAC, its hydrological regime, vegetation composition, habitat area and distribution, and woodland size and structure, following the implementation of the mitigation measures (incl. exclusion zones, signage & invasive species plan), avoidance and embedded design.

Kingfisher: no adverse effects predicted for the distribution of this species within the SPA, prey biomass, breeding population, productivity rate, distribution, barriers to connectivity and population trends, following the implementation of the mitigation measures (incl. surface water & drainage management & the installation of a free board), embedded design (incl. abutment setbacks & solid parapet), lighting plan and avoidance.

Having regard to the foregoing, it can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC and SPA in view of the sites' Conservation Objectives.

In relation to ***In-combination effects***, the NPWS Natura Standard Data Form lists several threats to the River Boyne and Blackwater SAC and SPA which are of high to medium importance (incl. industrial, commercial & urbanised areas, changes to hydraulic conditions, invasive species, various discharges, surface water runoff, roads, siltation & extraction). Several projects are being progressed in the wider area (incl. town centre works, Blackwater Park, Cycleways & Greenways, residential & commercial developments & underground mining along with small scale urban developments). Having regard to the nature and scale of the proposed development, and subject to the full implementation of the mitigation measures, and to the previous conclusion of no adverse effects on the European sites as a result of the project, I am satisfied that there would be no in-combination effects.

In relation to the ***NIS***, I am satisfied that the applicant has described the receiving environment, identified the European sites within the Zone of Influence, and provided sufficient information to assess potential effects during the construction and operational phases on the Qualifying Interest and Special Conservation Interest habitats and species before and after the implementation of mitigation measures. I am satisfied that the NIS was informed by relevant and robust desktop and site surveys and prepared in accordance with all relevant guidelines. I concur with the conclusions of the NIS as summarised above. It is noted that the NPWS commended and endorsed the evaluation of potential impacts on flora and fauna in the NIS and EIAR, and the associated mitigation measures.

Conclusion:

I concur with the conclusions reached in the NIS that the proposed road development, including the clear span bridge will have no adverse effects (direct, indirect or in-combination) on the Conservation Objectives, Qualifying Interests or Special Conservation Interests for the River Boyne and River Blackwater SAC or River Boyne and River Blackwater SPA, or for any other European Site.

9.5 Appropriate Assessment conclusion:

I consider it 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 or projects would not adversely affect the integrity of the European site Nos. 002299 and 004232, or any other European site, in view of the site's Conservation Objectives.

10.0 COMPULSORY PURCHASE ORDER

10.1 Introduction

The statutory powers of the local authority to acquire land are contained in Section 213 of the Planning and Development Act 2000 (as amended) and approval under Section 52 (2) of the Roads Act 1993 (as amended) which authorises the Road Authority to compulsorily acquire any land or any rights in relation to land specified in the approved scheme.

As noted in section 5.3 above, 1 x submission was made in respect of the compulsory purchase order, and this submission has not been formally withdrawn.

Meath County Council's case is based on the grounds that the proposed CPO will serve an important regional and local need in terms of providing a distributor road to the W of Navan that would: - reduce reliance on the existing N51 bridge across the River Blackwater, reduce traffic volumes and congestion in Navan Town Centre, reduce traffic congestion along the road network and junctions, improve safety, and provide access to a developing area to the NW of the town; that it will give effect to a wide range of Development Plan objectives for the surrounding area; and that it would be in accordance with European, national and regional policy.

The Objector raised concerns in relation to: - the inaccurate representation of Plot 109a.1, Plot 109a.2 and a public right of way in the Deposit Maps and Schedules; lack of consideration of safety close to the new junction layout for local residents, cyclists and pedestrians; removal of front boundary with resultant impacts on security and privacy; and increase in traffic with resultant vehicular noise impacts without mitigation.

The Board should note that a number of the concerns raised by the Objector have been addressed in preceding sections of this assessment which should therefore be read in conjunction with this CPO assessment [section 7.0 (Planning Assessment) and section 8.0 (Environmental Impact Assessment)].

These assessments concluded that the scheme would be in keeping with the proper planning and sustainable development of the area subject to compliance with recommended conditions, and that it did not have any significant adverse effects on the environment, subject to the implementation of mitigation measures.

10.2 Assessment of CPO

Four criteria are normally applied where it is proposed to use powers of compulsory purchase to acquire land or property namely:

- Development Plan compliance,
- Community need,
- Suitability of land to meet the community need, and
- Alternatives.

10.2.1 Development Plan compliance

Section 2.0 of the EIAR provides a comprehensive review of an extensive range of public policy and sets out how the proposed development complies European, national, regional and local transport policy. This includes Project Ireland 2040 which encompasses the National Planning Framework and the National Development Plan, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, the Transport Strategy for the GDA, the Meath County Development Plan 2013-2019 (as Varied & extended), the Navan Development Plan 2009-2015 and the Navan Local Transport Plan 2014-2019.

Section 7.1 of this report assesses policy compliance and concludes that the Distributor Road scheme complies with European, national, regional and local transportation and planning policy, and in particular the Meath County Development Plan 2013-2019 and the Navan Development Plan 2009-2015. These plans contain a variety of policy objectives related to land use, environment, transport, heritage, amenity, tourism and agriculture that are of relevance to the lands affected by the CPO. The affected lands are occupied by a variety of land uses and covered by several specific zoning objectives.

The relevant policies and objectives are summarised in section 3.3 of this report and the most pertinent to this CPO case are summarised below.

Meath County Development Plan

Core Principle 1: seeks to develop Meath's critical role in the Dublin and Mid-East Region and its role as part of the Dublin City National Economic Gateway maximising on its proximity to Dublin Airport.

TRAN SP 14**:** seeks to ensure the protection of the existing roads infrastructure while improving the capacity and safety of the road network to meet future demands.
TRAN SP 15**:** seeks to protect investment in the capacity, efficiency and safety of national roads by applying the guidance contained in the "Spatial Planning & National roads – Guidelines for PAs" and collaboration with the NTA and the NRA.

Navan Development Plan

Inf. Obj. 2(a): seeks to preserve and secure from further development a route for the future provision of Local Distributor Roads for the following routes (LRD 1 to 6)

LRD 4: Construction of Distributor Road between Ratholdron Road and the Kells Road to improve access to lands in the N including Clonmagaddan SDZ and reduce traffic congestion at the Round 'O junction and in the Town Centre (**MP 3:** Route identified as a Phase 1 Roads Objective [Navan Distributor Road]).

Inf.Obj.2 (b): seeks to facilitate, in tandem with development, of the following sections of the Local Distributor Road Network whose corridor is protected from development pursuant to Inf. Obj.2(a) (incl. LRD4)

Navan Local Transport Plan

LTP Action 8: identifies capacity constraints along the N51 between Ratholdron Road & Kells Road to the development of Navan (N), which would be alleviated by the delivery of the LDR4 *(MP3).*

It is therefore clear that the adopted (and extended) Meath County Development Plan and Navan Development Plan include specific objectives for the Distributor Road based on the route currently before the Board.

Furthermore, Section 15 (1) of the Planning and Development Act 2000, as amended states that it shall be the duty of the Planning Authority to take steps within its powers as may be necessary for securing the objectives of the Development Plan. Section 212(1) (a) of the same Act permits the Planning Authority to "secure, facilitate and control the improvement of the frontage of any public road by widening, opening, enlarging or otherwise improving." Section 212 (3) of the same acts permits the Local Authority to "in connection with any of its functions under this Act, make and carry out arrangements or enter into agreements with any person or body for the development or management of land and may incorporate a company for those purposes."

Conclusions:

Having regard to the foregoing, I am satisfied that the lands affected by the proposed CPO substantially accord with European, national and regional transportation and planning policy, and the various policy objectives contained in the Meath County Development Plan and Navan Development Plan as they relate to land use, environment, transport, heritage, amenity, tourism and agriculture, and this includes the Objector's lands. I am therefore satisfied that the use of a CPO to acquire lands for the implementation of the Navan Distributor Road scheme would be inappropriate.

10.2.2 Community Need

Section 2.0 of the EIAR sets out the need for the Navan Distributor Road and the scheme objectives for the Distributor Road scheme and associated CPO.

The scheme objectives seek to:

- Facilitate the realisation of the Navan Distributor Road.
- Comply with European, national, regional & local policy.
- Give effect and facilitates the implementation of the above plans.
- Accord with proper planning and sustainable development of the area.

The main benefits of the scheme would:

- Facilitate the realisation of a specific policy objectives.
- Reduce reliance on the N51 bridge across the River Blackwater.
- Reduce traffic volumes and congestion in Navan town centre.
- Reduce traffic congestion of the road network and junctions.
- Improve safety for all road users (incl. cyclists & pedestrians).

The planning and environmental merits of the scheme were assessed in Sections 7.0 and 8.0 of this report which concurred with this analysis. I acknowledge that the Objector raised concerns in relation to traffic safety (vehicles, pedestrian & cyclists), security, and loss of privacy in the vicinity of her property, however I consider that the overall benefits of the proposed Distributor Road scheme to the wider community would outweigh any localised adverse impacts.

I am satisfied that the Navan Distributor Road scheme is an appropriate and suitable means of meeting the stated objectives of the project. It would accord with national, regional and local policy, improve road safety and accessibility by pedestrians and cyclists, provide for improved environmental conditions and it will also provide an economic return on investment. It is considered, therefore, that the proposed development will benefit the wider community and the CPO can be justified in the interests of the common good. I consider that the community need for the scheme has therefore been established.

Conclusion:
Having regard to the foregoing, I am satisfied that the proposed CPO of the lands affected by the proposed Navan Distributor Road scheme, including the plots owned by the Objector, would serve a community need which has been fully established.

10.2.3 Suitability of land to meet community need.

It is proposed to permanently acquire land along the c.1.15km Navan Distributor Road corridor and additional land will be temporarily acquired for construction works. At present the lands are in a variety of uses including agriculture, woodland, open

space, residential and urban, the c.45m long bridge would traverse River Blackwater and its embankments. No habitable dwellings will be permanently acquired. Public Rights of Way x 4 and Private Rights of Way x 2 will be permanently extinguished and Fishing Rights x 1 will be temporarily extinguished.

I refer to Section 7.0 of this assessment and to the conclusion that the proposed design and layout of the Distributor Road is appropriate, as is the location and layout of the proposed bridge. The extent of the land that would be acquired under the Order on a permanent and temporary basis is determined by the specifications of the proposed Distributor Road layout and associated construction works. I am satisfied that the lands proposed to be acquired are necessary to facilitate the provision of the scheme, and that the land-take is necessary and proportional to ensure the delivery of the proposed development to an appropriate design standard.

The landowner's objections in relation to the effect of the land-take on residential amenity and traffic safety has been addressed in Section 7.5.1 of this report. This section concluded that although the proposed Distributor Road would give rise to a permanent effect during the operational phase and general disturbance during the construction phase (from noise, dust & proximity transport activities), the impact would not be unduly significant when balanced against the wider community benefits of the scheme. Any loss of private space would be compensated for under the terms of the CPO arrangements and associated accommodation measures.

A substantial proportion of the Distributor Road scheme would utilise agricultural land that is zoned for future residential use, in addition to small sections of the local road network that would be improved. The remaining sections would utilise lands that are either located adjacent to or near road network, which is supported by the policy objectives contained in the County Development Plan and Navan Development Plan. I am therefore satisfied that the location of the lands is appropriate for meeting community needs in terms of complying with planning policy.

Conclusion:

Having regard to the foregoing, I am satisfied that the lands identified in the CPO are required for the construction of the project and that the lands are therefore considered suitable to meet this community need.

10.2.4 Alternatives

Section 3.0 of the EIAR and associated Technical Appendices carried out a route selection analysis to assess route options between the junction of the N51/Kells Road (S) and the junction of the Rathholdren Road/Clonmagaddan Road (N). This included an evaluation of the Do-Nothing, Do Minimum and Do-something options, alternative route corridors and alternatives within the route corridor. Section 8.3 of this report considered the strategic and local route alternatives.

The Objector did not raise any specific concerns about the overall project, or the route corridor selected relative to their landholding other than the noted inaccuracies in the Deposit Maps and Schedules, and the potential effects it would have on safety, security and privacy and these matters were debated during the oral hearing, as summarised in section 6.0 above and detailed in the digital record of the hearing.

The Objector suggested that the Deposits Maps and Schedules be amended to correct the inaccuracies. The suggested amendments would continue to ensure compliance with Development Plan policies and objectives.

It is considered that the process undertaken by the Council has been a robust assessment of alternative options having regard to environmental considerations and the stated Scheme Objectives, which are considered to be reasonable. I agree that the route corridor chosen is the one which best meets these objectives. I concur with the reasons for choosing the preferred alternative as presented in the EIAR.

The Objector also identified potential impacts on her property, as well as environmental considerations including impacts on noise, air, visual and traffic impacts. The issues relating to properties and lands are likely to arise no matter which route is chosen. The planning and environmental issues have been addressed in detail in the Section 7.0 and 8.0 of this report. It is acknowledged that sections of the proposed route may present burdens in respect of residential owners, and that these impacts will, in many cases, be permanent impacts notwithstanding the mitigation measures proposed.

Conclusion:

Having regard to the foregoing, I am satisfied that several alternative route options for providing the Navan Distributor Road scheme have been considered and assessed, and that the proposed route alignment and affected lands represent the most reasonable means of achieving the scheme's objectives and meeting the identified community need, in the interests of the common good.

10.3 Site specific CPO issues

10.3.1 CPO submission

One written submission was received from Ms Therese Reilly in relation to the CPO. The main issues raised in Ms O' Reilly's written submission are summarised in Section 5.3 of this this report and reiterated below:

Deposit Maps & Schedule: Inaccurate representation of lands to be permanently and temporarily acquired, and the extinguishment of a public right of way. The following amendments are required:

a. *Plot 109a.1*: part of the triangular area between the N and SE/NW boundary to be permanently acquired is not part of the Public Road and the occupier is not MCC.
b. *Plot 109a.2*: the lands to be temporarily acquired are not part of the Public Road and the occupier is not MCC and the Maps & Schedule should read "Access Driveway" & "Owner".

c. *Public right of way*: between lines AB1 & AB2 include a public right of way over a triangular part of the front garden between the N and SE/NW boundary, which does not exist.

Ms O'Reilly, who was represented by Mr Padraic Fallon at the virtual oral hearing, was given the opportunity to provide a brief summary of her main concerns and to question the Applicant at the end of their submissions. The ensuing debate is available on the digital record of the proceedings and Ms O'Reilly main concerns related to the CPO are summarised below:

- Deposit Maps and Schedule contain errors and any changes must take account of the area within the curtilage of her site (incl. permanent & temporary acquisitions and extinguishment of public rights of way).

Mr Fallon was afforded the opportunity to question the Council on Ms O'Reilly's behalf at the end of his submission and the ensuing debate is available on the digital record. The main areas of concern again related to inaccuracies in the CPO Deposit Maps and Schedule, vehicular, traffic and cyclist safety, security and privacy.

The Council conceded the inaccuracies with respect to Objector's property and requested the Board to deal with any resultant amendments by way of a modification/amendment to the Maps and Schedules.

10.3.5 Consideration of CPO Issues

The Concerns raised by Ms O'Reilly in relation to the correction of inaccuracies in the Deposit Maps and Schedules can be addressed by way of a modification or amendment.

The concerns raised in relation to the safety, privacy and security have been addressed in preceding sections of this report which should therefore be read in conjunction with this CPO assessment in section 7.0 (Planning Assessment) and section 8.0 (Environmental Impact Assessment). The concerns would be addressed by way of best construction practice and implementation of EIAR mitigation measures. Site specific concerns related to the removal of the boundary hedge and

future boundary treatment relate to site specific accommodation measures and should be addressed directly by the Council at the detailed design stage.

Although I understand the concerns raised by the Objector in relation to the potential adverse effects of Distributor Road scheme on her landholding, on balance, I am satisfied that the overall benefits of the scheme to the wider community would outweigh these localised impacts. Furthermore, many of the Objector's concerns can be addressed by way of adherence to best construction practices, EIAR mitigation measures and planning conditions, in addition to the accommodation measures agreed with the Council.

10.4 Overall conclusion

Having regard to the assessment carried out above, I am satisfied that:

- The community need for the Navan Distributor Road scheme has been established.
- The particular lands that constitute the route corridor are suitable to meet the needs of the Navan Distributor Road scheme.
- The scale, layout and location of the proposed Navan Distributor Road scheme have been justified.
- All lands included in the CPO, and
- The proposed Navan Distributor Road scheme is compatible with the relevant development plan provisions.

The proposed development is therefore acceptable in environmental and planning terms and I recommend that the CPO be confirmed and the application for the Navan Distributor Road scheme be approved.

10.5 Recommendation

I acknowledge that the proposed Compulsory Purchase Order for the proposed Navan Distributor Road scheme will involve the permanent loss of land for construction works. At present the lands are in a variety of uses including agricultural, residential and amenity lands. However, this loss should be balanced against the wider objectives which seek to implement the Navan Distributor Road scheme in accordance with the policies and provisions contained in the Development Plan and the need to secure the objectives of the Development Plan in accordance with the provisions of Section 15(2) and Sections 212(1) (a) of the Planning and Development Act 2000.

The acquisition of the lands in question would also serve an important community need by providing a safe and accessible vehicular, cycling and pedestrian facility that would enable the realisation of a specific policy objective and in turn address the need to reduce traffic volumes and congestion in Navan Town Centre, provide community wide benefits, and provide environmental benefits along the route. I therefore recommend that the Compulsory Purchase Order of the Navan Distributor Road scheme be confirmed.

10.6 Decision

CONFIRM the above compulsory purchase order with modification to the Deposit Maps and Schedules based on the reasons and considerations set out in Section 12.0 and Schedule 2 below.

11.0 CONCLUSION AND RECOMMENDATION

I recommend that the application under Section 51(2) of the Roads Act, 1993 as amended for the construction of the Navan Distributor Road should be granted for the reasons and considerations as set out in Schedule 1 and consequently that the CPO is approved (Schedule 2).

12.0 SCHEDULE 1 – NAVAN DISTRIBUTOR ROAD

REASONS AND CONSIDERATIONS

Having regard to:

a. the National Planning Framework Plan 2018-2040,
b. the National Development Plan 2018-2027,
c. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
d. Transport Strategy for the Greater Dublin Area 2016-2035,
e. the policies of the planning authority as set out in the Meath County Development Plan 2013-2019 (as varied) and the Navan Development Plan 2009-2015,
f. the distance to dwellings or other sensitive receptors,
g. the submissions made in connection with the application,
h. the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
i. the Appropriate Assessment report of the Inspector, and
j. the report and recommendation of the Inspector.

Proper planning and sustainable development:

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning, transportation and related policy, it would not have an unacceptable impact on the landscape or ecology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation Site Code 002299 and the River Boyne and River Blackwater Special Protection Area Site Code 004232 are European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives the River Boyne and River Blackwater Special Area of Conservation Site Code 002299 and the River Boyne and River Blackwater Special Protection Area Site Code 004232. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following
(i) Site Specific Conservation Objectives for these European Sites,
(ii) Current conservation status, threats and pressures of the qualifying interest features,
(iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
(iv) view of the Department of Arts, Heritage and the Gaeltacht,
(v) mitigation measures which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications 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 would not adversely affect the integrity of European site(s) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

(a) the nature, scale, location and extent of the proposed development on a site,

(b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

(c) the submissions received from the prescribed bodies and observers, and

(d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.

- Noise, vibration and dust during the construction and/or the operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.
- Biodiversity impacts, including on habitats, flora and fauna (including terrestrial and aquatic wildlife), would be mitigated by the implementation of specific mitigation to protect such habitats, flora and fauna (including pre-construction surveys, timing and seasonality of works, drainage and runoff management, the management of artificial lighting and the appointment of a project ecologist), during the construction and operational phases.
- The increase in vehicle movements and resulting traffic during the construction phase would be mitigated by the preparation of a Construction Traffic Management Plan.
- Landscape and visual impacts would arise during the operational phase from the insertion of the c.1.15km long roadway into the suburban and rural landscape, however, the linear design and layout of the project would assist in assimilating the works into the landscape.
- The impacts on residential amenity during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.
- The impact on cultural heritage would be mitigated by archaeological monitoring with provision made for resolution of any archaeological features or deposits that may be identified.
- Positive environmental impacts would arise during the operational phase from reduced vehicular traffic in Navan town centre and at local roads and junctions, and from the provision of a cycleways and footpaths that would connect Blackwater Park to the wider urban and suburban area.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

CONDITIONS

1. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Statement, Natura Impact Statement and associated documentation are implemented in full, save as may be required by conditions set out below.
   Reason: In the interest of protection of the environment.

2. The 1.0m wide verges located on either side of the road should be maintained in a way that allows for the recolonization of these areas by vegetation that is indigenous to the various locations along the route.
   Reason: In the interest of biodiversity and visual amenity.

3. The services of a suitably qualified and experienced Ecologist shall be retained to undertake pre-construction surveys at the various project elements immediately prior to commencing work in order to check for the presence of protected species in the vicinity (including Otter, Badger, Bats and Kingfisher). Buffer zones should be provided around the Badger setts and Kingfisher Perch in accordance with the measures contained in the NIS. Bridge construction works should be carried out in accordance with IFI requirements.
   Reason: In the interest of protecting ecology and wildlife in the area.

4. The developer shall provide additional mammal underpasses to connect the lands on the West and East side of the Distributor Road.
   Reason: In the interest of biodiversity, connectivity and safety.

5. 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 prohibit the spread of invasive species.

6. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably-qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove.

   Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13.0 SCHEDULE 2 – COMPULSORY PURCHASE ORDER

REASONS AND CONSIDERATIONS

Having considered the objections made to the compulsory purchase order, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory purchase order, and also having regard to:

(i) the need to provide a safe traffic environment,

(ii) the community need, public interest served and overall benefits, including benefits to the wider area and the increased provisions for a range of road users to be achieved from use of the acquired lands,

(iii) the provisions of the current Meath County Development Plan and the Navan Development Plan and the policies and objectives stated therein, which specifically identify the proposed Navan Distributor Road development, and

(iv) the proportionate design response to the identified need,

it is considered that, subject to the modifications to the Order (Deposit Maps and Schedules) as set out in the Schedule below, the acquisition by the local authority of the lands in question, as set out in the compulsory purchase order and on the deposited maps, are necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

SCHEDULE

The compulsory purchase order (Deposit Maps and Schedule) shall be modified as follows:

Plot 109a.1: amend the CPO Schedule Part I to omit the description "Part of public road" in the second column and replace it with "Part of private residence" and omit the Occupier "Meath County Council" in the fifth column and replace it with "Therese O'Reilly, Saint Patrick's, Abbeylands, Navan, Co. Meath".

Plot 109a.2: amend the CPO Schedule Part II to omit the description "Part of public road" in the second column and replace it with "Private access", and omit the Occupier "Meath County Council" in the fifth column and replace it with "Therese O'Reilly, Saint Patrick's, Abbeylands, Navan, Co. Meath".

Public Right of Way: amend the CPO Schedule Part III and CPO Deposit Map Drawing No. 60546769-SHT-20-CPO-CH002 (page 1 of 2) to omit the section of Public Right of Way located between AB1 and AB2 which traverses private lands between the N and SE/NW boundary (Plot 109a.1).

_____

Karla Mc Bride
Senior Planning Inspector
18th June 2021