



An  
Bord  
Pleanála

## Inspector's Report ABP-307652-20

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| <b>Development</b>             | Construction of the Boyne Greenway, pedestrian and cycleway linking Drogheda Town in Co. Louth to Mornington Village in Co. Meath.                           |
| <b>Location</b>                | Townlands at Ship Street in Drogheda, Co. Louth to Mornington Village in Co. Meath.  |
| <b>Local Authorities</b>       | Meath County Council   |
| <b>Type of Application</b>     | Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment) |
| <b>Prescribed Bodies</b>       | See attached list in Appendix 2  |
| <b>Submissions</b>             | See attached list in Appendix 3  |
| <b>Date of Site Inspection</b> | 15 <sup>th</sup> of September 2020<br>1 <sup>st</sup> of July 2022   |
| <b>Inspector</b>               | Angela Brereton  |

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## 1.0 Introduction

- 1.1. Meath County Council is seeking approval from An Bord Pleanála to undertake the construction of the Boyne Greenway, pedestrian and cycleway linking Drogheda Town in County Louth to Mornington Village in County Meath within/adjacent to the Boyne Coast and Estuary SAC, the Boyne Estuary SPA and the River Boyne and River Blackwater SAC which are designated European sites. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on European sites.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## 2.0 Proposed Development

- 2.1. This proposal is for the construction of the Boyne Greenway/Drogheda to Mornington – pedestrian and cycleway linking Drogheda Town in County Louth to Mornington Village in County Meath.

The proposed Boyne Greenway is to be constructed utilising two different methodologies, selected according to the sensitivities of the landscape and environment requirements encountered within the area crossed by the route:

1. Construction of the route directly alongside, or within very close proximity of, the regional road within an area of existing roadside verge; and
2. Construction significantly away from the roadside and/or within the intertidal zone/SPA/SAC.

Each of the above requirements is discussed in the documents submitted, providing an overview of the proposals and measures intrinsic to project design the aim of which is to avoid significant impact on the ecological aspects of the scheme.

There is approximately 4.1km of the proposed greenway to be constructed alongside the road or very close to the road edge and 1.8km of the proposed greenway is to be constructed off road. This part of the route traverses through the sensitive areas of the SPA/SAC. In these areas it is proposed that the greenway be elevated onto a boardwalk structure to minimise impact on the SPA/SAC.

Details are given of the construction works and methodology including relevant to the boardwalk sections and it is provided that given the location, access and low maintenance requirements, robust construction forms are preferred. It is noted that the width of the cycle and pedestrian facility/greenway is to be 4 metres. The proposed works are to include kerbing, surfacing and drainage works.

The route of the proposed greenway crosses a number of landholdings. No formal agreement has been reached with any of the landowners and it is proposed to enter detailed discussions on accommodation works/compensation if permission is granted.

As provided in the documentation submitted it is envisaged that the project will include the following general works.

- Removal of some verge vegetation from the road verges to allow for the greenway along the edges of the Regional Roads (R150 and R151);
- Surface improvement – consistent bound surface with tarmacadam surface finish. The width of the greenway will be c. 4m;
- Bridge/culvert installation at Mornington Bridge and at existing surface water drain;
- Drainage works (provision of drainage channels etc.);
- Crossing point works;
- Boundary treatment;
- Signage;

- Installing mini piles in Mudflat and flood plain areas to allow for the installation of the raised boardwalk. (It is proposed to use recycled plastics in the construction of the boardwalk).

## 2.2. **Accompanying documents:**

As per the application as originally submitted, these included the following:

- Appropriate Assessment: Stage 2 NIS
- Ecological Impact Assessment (EclA) Report
- Environmental Impact Assessment Report Screening
- Constraints & Preliminary Design Report – The Boyne Greenway Drogheda to Mornington
- Online Construction Methodology Report
- Route Options Assessment Main Report
- Flood Risk Assessment
- Archaeological and Built Heritage Assessment
- Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report
- Plans and particulars including detailed drawings demonstrating location and details of proposed works
- Planning notices

## 3.0 **Site and Location**

- 3.1. The site proposed for the Boyne Greenway extends from Ship Street/railway viaduct (Belfast Dublin line) in Drogheda Co. Louth to Tower Road in Mornington Co. Meath via the existing R150/R151. It is approximately 5.9km in length with approx. 4.1 km of the route directly alongside the Regional Road (R150), and 1.8km away from the route of the road. Details submitted provide that this is to ensure both a safe continuation of the route and retention of views across the Boyne Estuary. It will also provide local access points at key locations along the route. There are bus stops

along this road closer to Drogheda and Mornington, for bus Eireann – routes D1 and D2 appear to be frequent.

As noted in the Constraints and Preliminary Design Report for the Boyne Greenway (Section 4.0 Preliminary Design) and as shown on the 'Proposed Alignment Key Plan' (drawing no.170029-2200) and as viewed on site, I would consider that from a descriptive perspective, it appropriate to divide the proposed Greenway into 5 sections.

### **3.2. Section 1 – Ship Street/railway viaduct to Drogheda Wastewater Treatment Plant along Marsh Road**

Ship Street is west of the viaduct and is a wide historic street of two storey terraced houses, dating from c.1836. The houses are in a poor state of repair and many appear derelict. There are flood warning signs due to the proximity of the River Boyne which runs to the north of the proposed greenway route. Drogheda Port is located on the opposite side of the river.

Marsh Road carpark is on the opposite side of the road proximate to the Drogheda side of the viaduct. The Boyne Viaduct, which is a Protected Structure forms an impressive feature in the landscape. There is currently a narrow footpath along this section of the route which runs under and to the east of the viaduct via some derelict, mostly cleared, former industrial sites. There is a row of Leyland cypress trees that provides screening of the road frontage of these sites.

There is housing both before and after the viaduct on the opposite site of Marsh road, which have front gardens and boundary walls adjoining a footpath along the R150. This includes 'Weirhope' estate, the name of which is on a stone on the northern side of the road opposite the junction. There are double yellow lines to prevent parking along this section of the R150.

The footpath narrows as it approaches the entrance area to both The Rowing Club and Boyne Fishermen's Rescue & Recovery Service. There is a Celtic cross memorial proximate and on the western side of the wide set back entrance to these separate sites.

This area includes grass verges and is more difficult to walk in view of the lack of a defined hard shoulder/footpaths and the speed and volume of traffic in the area. This stretch includes the entrance and extensive set back frontage and parking area of

'Flogas Ireland'. It is noted that the area to the west of this entrance while surfaced is cordoned off with large boulders to prevent parking. There is road frontage parking to the east.

### **3.3. Section 2 – Drogheda Waste Water Treatment Plant to Le Chéile Educate Together National School and Drogheda Grammar School**

The entrance to the WWTP is to the south on the opposite (south) side of the R150 and in view of boundary hedges is not very visible from the road. The route then continues along the estuary (northern side of the road), with hedgerows along the roadside verges, past the junctions of separate access roads leading to McManus Tyres Limited. Then further eastwards to the gated frontage of Drogheda Port Company, Harbourville House, and Noel Kelly Safety Services building in front. There is a water filled inlet to the west of this entrance. There is a small now derelict building (former cottage) with separate access to the R150 on the opposite side of the road. The footpath along the frontage of the schools – Le Chéile and the Drogheda Grammar school is to the east of this entrance and visible from the front of the Drogheda Port Offices. The schools are jointly served by separate entrances (to the east) and exit (to the west). There is also an off-road bus stop within the schools frontage. Routes D1 and D2 serve the site.

### **3.4. Section 3 – The Schools to Mornington Bridge**

This section is difficult to stop in view of the alignment of the road and speed of traffic, but generally comprises hedgerows along the northern side of the road frontage. The junction with Mill Road is further to the east of the schools. The estuary runs to the north and is somewhat screened by trees/hedgerows and a low wall along parts of the frontage. There are some ribbon houses along the southern side of the R150. This section is more undulating and the R150 is narrow, and there are no defined pull in areas. Mornington Bridge is located on a bend on the road adjacent to the junction with Church Road. Star of the Sea church and graveyard are more elevated and are visible from the R151 and is accessed via Church Road. At this point on a sharp bend the R150 merges into the R151.

### **3.5. Section 4 – Mornington Bridge to west of Mornington Court**



The western part of this area has frontage and views to the estuary. There are separate junctions to housing on the southern side of this stretch of road including those more elevated on the steep incline to High Road. Further east there is an entrance to a former golf driving range. The estuary is to the west of this area and there is a barrier to the access road into the site. Then there is a roadside verge and set back low wooden fence along the eastern side of the road frontage. There are no footpaths in the immediate vicinity, rather some distance to the east on the opposite side of the road to the housing estate Mornington Court. There is some agricultural land and low-profile one-off housing between the site and the Riverside Gift Shop which is opposite Mornington Court. There is currently no pedestrian access to the land to the rear of this shop. An old partially surfaced laneway serves a few houses and leads to the 'Bird Sanctuary' further to the east of the shop.

### **3.6. Section 5 – West of Mornington Court to Crook Road/Tower Road junction**

This section extends from the entrance to Mornington Court housing estate towards Tower Road and Mornington Beach. There is housing on the northern side of the road, some of it sited close to the road, with boundary walls and hedgerows along the frontage to the R151. There is a footpath and grass verge along the frontage of Mornington Court. The road frontage boundary of the estate comprises a low stone wall with railings. There is a centrally located entrance from Mornington Court to the R151.

There is a bus stop and grass verge close to the junction of Tower Road and the R151. There is housing along this road with hedgerows and walls and some roadside trees along the frontage. There are no footpaths along Tower Road. 'Paul Berrill Lawnmowers & Bicycles' is adjacent to the junction with The Havan Road off Tower Road. The junction with Crook Road is on the eastern side of the bridge. The route then terminates before the bridge at Tower Road. There is an unmarked parking area proximate to the monuments: 'Lady's Finger', the 'Maiden Tower' and the 'Boat House'. This area is within and adjoins the dunes and provides views of the monuments and towards the estuary of the River Boyne.

## **4.0 Planning History**

- 4.1. The following are noted proximate to the route and are referred to in the submissions made:

- ABP- 302948-18, Reg.Ref. LB/180961 – Permission was granted by Meath County Council and subsequently refused by the Board for a Change of use from golf driving range permitted under Reg.Ref. SA/40248 to Touring Campsite comprising 75 hardstand pitches and grass space for 24 tents, conversion of first floor of existing reception building/shop from storage to office, ground floor extension to include porch and laundry, demolition of southern driving range bays and conversion of northern driving range bays to toilet and kitchen block and store, decommissioning of existing wastewater treatment plant and form new connection to foul sewer on the R151, upgrade the existing access road, provision of three flagpoles at entrance, provision of pedestrian route through adjacent Riverside Giftshop and associated civil works at Coast Road, Mornington, County Meath.

This was refused by the Board for the following reasons:

1. *On the basis of the information provided with the planning application and appeal, and in the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the integrity of the Boyne Estuary Special Protection Area (Site Code: 004080) and the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), or any other European site, in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.*
2. *The site is located within and proximate to the flood plain of the tidal estuary of the River Boyne and, as shown on the OPW Flood Maps, is primarily in Flood Zone A in an area at risk of tidal and fluvial flooding. On the basis of the submitted documentation, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the planning principles in section 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009', to apply the precautionary approach and to show that alternative more reasonable sites are not available in areas at lower flood risk. The proposed development, which is not water compatible in that it includes sleeping accommodation, would, therefore, constitute an unacceptable risk of flooding to future*

*occupants, would conflict with the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.*

A note is included with the decision that: *The Board was not satisfied that the proposed development should not be subjected to an environmental impact assessment. However, given the substantive reasons for refusal of permission, the Board decided not to pursue this matter with the parties.*

#### **Other Cases referred to**

- ABP-305703-20 – Permission refused by the Board for the Construction of 357 number residential units and associated works at Colp West, Drogheda for the following reason:

*Having regard to the proximity of the subject site to the Boyne Estuary Special Protection Area (site code 004080), the factors that can adversely affect the achievement of the conservation objective to maintain favourable conservation conditions of the non-breeding water bird special conservation interest species listed for the designated site, namely anthropogenic disturbance and ex-situ factors, and the absence of a Stage 2 appropriate assessment on the potential for likely significant effects in relation to these factors, on the basis of the information provided with the application, including the Natura impact statement, and in light of the assessment carried out, the Board, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Boyne Estuary Special Protection Area, in view of the site's conservation objectives and qualifying interests. The proposed development would, therefore, contravene materially a development objective in the current - Meath County Development Plan for the conservation and preservation of a European site and the Board is, therefore, precluded from granting planning permission for the proposed development.*

- Ref. ABP-308079-20 – Reg.Ref. LB191339 – Permission granted by the Council and subsequently refused by the Board (Ref. refers) for the Demolition of 3no. existing unoccupied structures, construction of a new one and a half storey dwelling, garage, new site entrance and associated works at Shelton Place, Seaview, Mornington for reason of inadequate information provided in the NIS.

**Greenway/cycleway** proposals which have been considered by the Board include the following:

- **PL07.JA0033** –An Bord Pleanála approved the proposed Connemara Greenway Project - Clifden to Oughterard, County Galway, comprising the development of a walking/cycle track over a distance of approximately 52 kilometres on the 8<sup>th</sup> March 2013 under Section 175 of the Act.
- **PL16.JP0015** –An Bord Pleanála approved improvements to the R319 regional road and the Great Western Greenway over a length of approximately 1km in the townlands of Owenduff and Tonregee East, County Mayo on the 8<sup>th</sup> of July 2013 under Section 177AE of the Act.
- **ABP.300840-18** –An Bord Pleanála approved a cycleway and footpath between Baldoye and Portmarnock, County Dublin over a distance of approximately 1.8 kilometres on the 24<sup>th</sup> of July 2018 under Section 177AE of the Act.
- **ABP.301076 -18** –An Bord Pleanála refused to approve the development of a cycle and pedestrian access route (greenway) from Wexford to Curracloe over a distance of 10.7 kilometres on the 16<sup>th</sup> of October 2018 under Section 177AE of the Act.

The Board's 3no. reasons for refusal included in summary that they were not satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives; that there would be unacceptable negative effects on the environment and residential properties in the vicinity; and it had not been demonstrated that it would not have an adverse ecological and biodiversity impact.

- **ABP.302450-18** An Bord Pleanála approved an application for the South Kerry Greenway under Section 51 of the Roads Act, 2015, as amended, comprising the construction of a 32 kilometre long greenway on the corridor of the abandoned railway line with off-line sections being constructed on adjacent lands and local roads.
- **ABP.303842-19** - An Bord Pleanála refused to approve the development of a cycle and pedestrian access route (greenway) from Carrigart to Downings

Regional Road, Co. Donegal over a distance of 2.6 kilometres on the 21<sup>st</sup> of May 2020 under Section 177AE of the Act.

The Board refused this in summary, as they were not satisfied that the local authority had demonstrated that the proposed development would not adversely affect the integrity of European Sites.

- **ABP-304624-19** – An Bord Pleanála approved subject to conditions the development of a Greenway approximately 6km in length, between Malahide Demesne and Newbridge Demesne to be known as ‘Broadmeadow Way’ on the 19<sup>th</sup> of May 2020, under sections 175(3), 177AE, 177s(2)(h) and 226 of the Planning and Development Act, 2000 as amended.

## 5.0 Legislative and Policy Content

### 5.1. *European – E.U. Legislation and Policy*

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

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

#### **European Communities (Birds and Natural Habitats) (Amendment) Regulations 2021**

In these Regulations, “Principal Regulations” means the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011). The 2021 Regulations amend the 2011 Regulations.

### 5.2. *Irish Legislation and Policy*

**Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 (as amended) sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- Section 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

### 5.3. National nature conservation designations

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

European sites located within or in proximity to the subject site include:

- Boyne Coast and Estuary SAC (Site code: 001957)
- River Boyne and River Blackwater SAC (Site code: 002299)

- Boyne Estuary SPA (Site code: 004080)

And within the 15kms radius:

- River Boyne and River Blackwater SPA (Site code: 004232)
- River Nanny Estuary and Shore SPA (Site code: 004158)
- Clogher Head SAC (Site code: 001459)

#### 5.4. **National Policy**

##### **National Planning Framework Plan, 2018-2040**

This sets out a number of national strategic outcomes which includes enhanced amenities and heritage. It notes that this will ensure that our cities, towns and villages are attractive and can offer a good quality of life. It includes amenities in rural areas such as activity based tourism and trails including greenways, blueways and peatways. The NPF states that the development of such greenways offers a unique alternative means for tourists and visitors to access and enjoy rural Ireland.

##### **Climate Action Plan, 2021**

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

##### **The National Cycle Policy Framework, 2009-2020**

This document seeks to promote a strong cycling culture in Ireland and to encourage recreational cycling, and Objective 3 seeks “to provide designated rural cycle networks especially for visitors and recreational cycling.”

### **Strategy for the Development of National & Regional Greenways, 2018**

This Strategy seeks to assist in the strategic development of nationally and regionally significant Greenways in appropriate locations constructed to an appropriate standard in order to deliver a quality experience for all Greenways users. It also aims to increase the number and geographical spread of Greenways of scale and quality around the country over the next 10 years with a consequent significant increase in the number of people using Greenways as a visitor experience and as a recreational amenity.

### **Rural Cycle Design (Offline) DN-GEO-03047, TII, 2017**

This document outlines the technical design standards and factors that need to be considered to achieve a minimum desirable level of performance in average conditions in terms of safety, operation, economic & environmental impact and sustainability. It refers to exceptions when a reduced standard may be acceptable due to high costs, low demand projection, and/or environmental damage. The Design standards are based on the principles of coherence, convenience, directness, safety, comfort, attractiveness and access.

### **National Cycle Manual, NTA, 2011**

This document incorporates the Principles of Sustainable Safety and it seeks to promote and facilitate a safe traffic environment for all road users including cyclists. It offers guidance on integrating bikes into the design of urban areas and identifies the main components of a cycling network. It concerns design issues (including junctions, left & right turns, crossings, roundabouts, and transitions), and providing a quality & useable service (including bus stops, drainage, construction details, lighting, crossing entrances, parking surfaces & maintenance). The Manual concludes with a design and standard checklist.

#### **5.5. *Other relevant national policy and guidance:***

- Rural Development Programme, 2014-2020
- Get Ireland Walking Strategy & Action Plan, 2017-2020
- Smarter Travel: A Sustainable Transport Future, 2009-2020
- Get Ireland Active (National Physical Activity Plan for Ireland), 2016



- Guide to Planning & Developing Recreational Trails in Ireland, 2012.
- Classification & Grading of Recreational Trails, Sports Council, 2008
- Strategy for Development of Irish Cycle Tourism, Failte Ireland, 2007
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).

## 5.6. **Regional Policy**

### **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region & Dublin Metropolitan Area Strategic Plan (MASP) 2019-2031**

Regional Policy Objectives include reference to Drogheda as a Regional Growth Centre. RPO 4.15 refers to the Amenity potential of the River Boyne and the Boyne Greenway. Enabling Infrastructure includes:

*Drogheda is strategically located on the Dublin-Belfast Economic Corridor and the existing high capacity road and national rail links play a critical role in supporting economic growth and competitiveness for the region. The RSES supports the improvement and protection of walking and cycling routes such as the Boyne Greenway and public transport provision including accessibility by rail in order to support sustainable productivity growth while protecting the intraregional capacity of the existing motorway network. The planning and delivery of the Drogheda Flood Relief Scheme will protect existing development and future growth.*

## 5.7. **Other Regional Policy documents of relevance include the following:**

- Transport Strategy for the Greater Dublin Area, 2016-2035 (NTA);
- Dublin Area Cycle Network Plan 2014-2024 (the network includes Meath);
- Transport Infrastructure Ireland (TII) Rural Cycle Scheme (including Amendment No. 1, December 2014)
- Regional Planning Guidelines for the Greater Dublin Area, 2010-2022;
- Regional Planning Guidelines for the Border Region 2010-2022.

## 5.8. Local Policy

While this application was submitted under previous development plans, it is noted that new Meath and Louth County Councils County Development Plans have since been adopted. Reference is had to the relevant policies and objectives below.

## 5.9. Meath County Development Plan 2021-2027

The current Meath CDP was adopted on the 22<sup>nd</sup> of September, 2021 and came into effect on the 3<sup>rd</sup> of November 2021. It sets out the overall strategy for the proper planning and sustainable development of the area for a six-year period. It also sets out guiding policies and objectives for the development of County Meath in terms of physical growth and renewal, economic, social and cultural activity, and environmental protection and enhancement.

Chapter 2 – Core Strategy Objective CS OBJ 9 – This seeks to prepare new local area plans for a number of settlements within the lifetime of this Plan - including *Bettystown – Laytown – Mornington East – Donacarney ...*

Volume 2 contains Written Statement and Maps for Settlements including 'Bettystown – Laytown – Mornington East and Donacarney (East Meath)'. This provides an overview of the development strategy for East Meath. A detailed LAP for the area is to be prepared during the life of this Plan. The Written Statement in Volume 2 of the current CDP includes reference to the Natura 2000 sites within the East Meath area.

Movement Objective BLMD OBJ 11 - *To support the development of the Boyne Greenway from Mornington to Drogheda in conjunction with the NTA, Failte Ireland and all relevant stakeholders, subject to obtaining all relevant assessments and consents. The provision of the Boyne Greenway will be subject to the outcome of the Appropriate Assessment process.*

Chapter 5 – Movement Strategy – This emphasises sustainable transport and modal shift to walking and cycling.

*A key priority for this Plan is the development of a sustainable transport system, promoting measures to increase the use of public transport, while also increasing the modal share for walking and cycling in towns and villages across the County.*

Section 5.7 supports Sustainable Transport and seeks to support and facilitate an increase in modal share for walking and cycling – *Walking and cycling are the most*

*sustainable modes of transport available in terms of their positive impacts on the environment. The NTA's strategy for Transport in the GDA emphasises the need for additional walking and cycling infrastructure in the region.*

The National Cycle Policy Framework (NCPF0 seeks 10% of all journeys to be taken by bicycle and to the Greater Dublin Area Cycle Network Plan (which includes Meath). They also note support for Greenways: *The Council will continue its efforts in the delivery of further greenway facilities in the County including all future phases of the Boyne Greenway subject to obtaining relevant consents and further phases of the Royal Canal Greenway which forms part of the Eurovelo Route in Europe.* The RSES includes an objective to support the extension of the Boyne Greenway to include Navan to promote sustainable transport choices and as a recreation asset for the town.

MOV OBJ 3 – *To ensure that design for cycle infrastructure for all relevant developments shall be carried out in accordance with the Greater Dublin Area Cycle Network Plan, other relevant design standards or any successors to these documents.*

#### Chapter 6 – Infrastructure Strategy

Section 6.10.2 refers to Flood Risk Management.

INF POL 20 seeks - *To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the "Planning System and Flood Risk Management – Guidelines for Planning Authorities" (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.*

#### Chapter 8 – Cultural and Natural Heritage Strategy

Map 8.3 shows the Natural Heritage Designations including the Natura 2000 sites.

The Vision seeks: *To identify, protect, conserve and manage the cultural and natural heritage of the County and to encourage its sensitive integration into the sustainable development of the County for the benefit of present and future generations. The Plan seeks to achieve a balance between the foregoing and economic prosperity and social integration.*

Section 8.8 refers to Natural Heritage, including Articles 6(3) and 6(4) of the Habitats Directive and Natura 2000 sites. Section 8.9.2 refers to European Sites (Natura 2000) SACs and SPAs. Policies and Objectives include:

*HER POL 32 - To permit development on or adjacent to designated Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves or those proposed to be designated over the period of the Plan, only where the development has been subject to the outcome of the Appropriate Assessment process and has been carried out to the satisfaction of the Planning Authority, in consultation with National Parks and Wildlife.*

*HER POL 33 - To have regard to the views and guidance of the National Parks and Wildlife Service in respect of proposed development where there is a possibility that such development may have an impact on a designated European or National site or a site proposed for such designation.*

Section 8.15 – Coastal Zone - which stretches between the Boyne Estuary in the north and the River Delvin in the south. *The coastline is home to a variety of natural habitats and there are several species of flora and fauna, reflected in the cSAC, pNHA and SPA designations that cover much of the area (please refer to Map 8.3).*

*HER POL 49 - To protect the character, visual, recreational, ecological and amenity value of the coast and provisions for public access, in assessing proposals for development.*

*HER POL 50 - To ensure that the County's natural coastal defences, such as beaches, sand dunes, coastal wetlands and estuaries are not compromised by inappropriate works or development.*

Section 8.17.3 refers to and provides key objective for the Landscape Character Assessment (LCA). The proposed greenway is located within the River Corridors and Estuaries LCA. As noted in HER POL 52 the Meath LCA (2007) is included in Appendix 5 of the Plan: *to ensure that now development meets high standards of siting and design.*

*HER OBJ 53 - To discourage proposals necessitating the removal of extensive amount of trees, hedgerows and historic walls or other distinctive boundary treatments.*

HER OBJ 50 - *To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity.*

HER OBJ 60 - *To encourage, pursuant to Article 10 of the Habitats Directive (92/43/EEC), the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.*

#### Chapter 10 – Climate Change

This includes an emphasis on encouraging greater uptake of active transport in the region. Relevant policies and objectives include:

MOV POL 17 - *To identify and seek to implement a strategic, coherent and high-quality cycle and walking network across the County that is integrated with public transport and interconnected with cultural, recreational, retail, educational and employment destinations and attractions.*

MOV OBJ 27 - *To implement, in conjunction with the NTA, the recommendations of the NTA strategy with regard to walking and cycling infrastructure.*

MOV OBJ 32 - *To continue the development of a network of Greenways in the County in accordance with the Department of Transport, Tourism and Sports Strategy for Future Development of Greenways.*

MOV OBJ 33 - *To engage in the Compulsory Purchase Order process when required in order to facilitate the timely delivery of the Greenway programme within the County.*

#### **5.10. Louth County Development Plan 2021-2027**

The current CDP was adopted on the 30<sup>th</sup> of September 2021 and came into effect on the 11<sup>th</sup> of November 2021. This Plan provides a framework for the growth and development of the County during its lifetime with an underlying and cross cutting theme promoting the creation of sustainable, healthy communities where people can access jobs, housing, and services, and enjoy a high quality of life.

As a point of clarity the Louth CDP 2021-2027 has superseded a number of Development Plans/Local Area Plans including of note:

- Drogheda Borough Council Development Plan 2011-2017
- North Drogheda and Environs LAP

## Chapter 2 – Core and Settlement Strategy

Policy Objective SS 17 seeks - *To work with the NTA, local landowners, and developers to implement an integrated pedestrian and cycle path network throughout Drogheda, recognising the highest priority to be given to cycling and walking over other modes of transport.*

SS 18 seeks - *To develop a network of green areas throughout the town including the delivery of a greenway along the north and southern banks of the River Boyne stretching from Townley Hall to Baltray and Oldbridge to Mornington in County Meath while maintaining the integrity of the Boyne Natura 2000 sites.*

## Chapter 6 Tourism

Section 6.3.1.2 refers to the benefits of Greenways – Walking and Cycling Routes and to the Boyne Greenway.

Policy Objective TOU 10 - *To work in conjunction with adjoining authorities including Newry, Mourne and Down District Council and Meath County Council to extend and design new walking and cycling routes, including the Great Eastern Greenway and the Boyne Greenway. Ensure all proposals include appraisal of environmental impacts and take full account of the potential for negative impacts on European Sites through the process of Appropriate Assessment.*

## Chapter 7 Movement

Policy Objective MOV 34 seeks – *To continue to engage and work closely with Meath County Council and other stakeholders in the development and expansion of the Boyne Greenway.*

MOV 38 - *To engage in the Compulsory Purchase Order process when required in order to facilitate the timely delivery of the Greenway and Cycleway Projects in the County.*

### **5.10.1. East Meath Local Area Plan 2014-2020**

This provides a framework for the coastal area of East Meath comprising Bettystown Laytown/Mornington East/Donacarney/Mornington. Policies and Objectives support Smarter Travel and a sustainable and integrated transport system. Cultural Heritage & Natural Assets Policies & Objectives include:

HER POL 3: *To work with stakeholders to progress the Boyne Greenway, subject to proposals being screened for their potential impacts on the Boyne cSAC and SPA.*

HER OBJ 2: *All plans and projects which would be likely (either individually or in combination with other plans or projects) to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, shall not be permitted on the basis of this LAP unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions.*

HER OBJ 3: *To protect and minimise the impact of new development on habitats of biodiversity value that are features of the plan area's ecological network. These features include tree lines, groups of trees and veteran trees, old walls, parkland, hedgerows, intertidal areas, rivers, streams, estuaries, coastal area and wetlands.*

HER OBJ 4: *To consult with the prescribed bodies and appropriate government agencies, when considering, undertaking or authorising developments or other activities which are likely to affect protected sites or species.*

HER OBJ 5: *To ensure that proposed development within 50m of any watercourse in the Boyne and Nanny catchment area takes into account the potential impacts on sensitive species.*

HER OBJ 7: *To undertake conservation works in accordance with best practice management of coastal dune systems subject to ecological impact assessment and AA Screening as appropriate...*

## 6.0 Consultations

### 6.1. Responses from Prescribed Bodies to application as originally submitted

The application was circulated to the following bodies:

- Department of Climate Action, Communications Networks and Transport
- Department of Culture, Heritage and the Gaeltacht
- Development Applications Unit
- Department of Transport, Tourism & Sport
- Department of Rural and Community Development
- Department of Agricultural, Food & the Marine
- Department of Justice & Equality & Law Reform
- Inland Fisheries Ireland
- National Parks and Wildlife Service
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Environmental Protection Agency
- National Transport Authority
- Transport Infrastructure Ireland
- Teagasc
- HSE



- C oras Iompair  ireann
- Iarnr d  ireann
- Office of Public Works
- Irish Water
- Eastern and Midland Regional Assembly
- Louth County Council
- Geological Survey of Ireland

Responses from Prescribed Bodies received to the application as originally submitted include from the following:

Department of Culture, Heritage and the Gaeltacht

They have regard to the construction of the greenway relative to nature conservation. They note that the potential effects on habitats and species which are Qualifying interests and Special Conservation interests for the adjacent SAC and SPA as well as other species associated within these sites are assessed in the NIS submitted. They refer to the Arboricultural Report and the impact of the construction of the greenway on woody vegetation. They are concerned that inadequate information has been submitted and provide that additional data (including bird counts) need to be submitted to substantiate the conclusions presented in the NIS. To ensure that the construction and operation of the proposed greenway will not adversely affect the integrity of the Natura 2000 sites, the Boyne Coast and Estuary SAC and the Boyne Estuary SPA.

They recommend that the proposed archaeological mitigation measures are made a condition of any planning approval that may issue.

Department of Tourism, Transport and Sport

They are concerned that the proposed Greenway be accessible for persons with disabilities.

Transport Infrastructure Ireland

- They advise that they have no specific observations to make in relation to the development.

#### Geological Survey of Ireland (GSI)

- They refer to their online mapping resources and data within the desk study of the EIAR Report. Their records show that there are no County Geological Sites (CGSs) in the vicinity of the proposed Greenway.
- With the current plan, there are no envisaged impacts on the integrity of current CGSs by the proposed development. They request that if the plan is altered that they be contacted for further information and possible mitigation measures if applicable.

They refer to the following:

#### *Groundwater*

- They note the vulnerability of groundwater and recommend using their National Aquifer Vulnerability and Recharge maps on their Map Viewer.
- They note the vulnerability of the area to flooding and refer to Flood Risk Management and recommend the use of flood maps and GWFlood tools.
- They recommend that geohazards and particularly flooding and coastal flooding be taken into consideration, especially when developing areas where these risks are prevalent and encourage the use of their data when doing so.

#### *Natural Resources (Minerals/Aggregates)*

- In keeping with a sustainable approach, consideration of the effects of the proposed development on aggregate potential sources such as resource sterilisation should be considered in the Greenway project.

#### *Marine and Coastal Unit*

- They recommend the use of their Marine and Coastal datasets available on their website and map viewer.

- Should the development go ahead GSI would appreciate a copy of reports detailing any site investigations carried out.

### Fáilte Ireland

They support the development from a tourist perspective and note the following:

- It would present a unique way for tourists to experience this part of the Boyne Valley along the Boyne Estuary, for both domestic and overseas visitors.
- They note significant growth in cycling in Ireland in recent years and that it would be a year round activity destination.
- They provide that greenways are key tourism infrastructure and play an important role in Irish tourism for sustainable development and regeneration.
- This includes support the development of rural communities and job creation in the rural economy as well as the protection and promotion of natural assets and biodiversity.
- They refer to support for Ireland's Ancient East and consider that the greenway will become an important land and water heritage trail journey for visitors while also linking destination towns close to Drogheda and Navan.

## **6.2. Council Submissions**

### Meath County Council

They highlight their support for the provision of cycle and pedestrian infrastructure linking East Meath with Drogheda Town. They provide that the proposal complies with planning policy and guidelines. Also, that it will greatly increase connectivity between the residential settlements and schools along the route and the employment centre of Drogheda Town, thereby providing an attractive and safer option for pedestrians and cyclists with will help to promote modal shift and sustainable travel choices. The benefits that greenways can deliver to communities are considerable in terms of physical and mental health, climate change, economic development, and leisure amenity.

### Louth County Council

The lands related to the Greenway straddle the jurisdictions of both Louth and Meath County Councils, with the substantive lands located in Co. Meath. In this regard and in accordance with the Local Government Act 2001 the two authorities entered into a

Section 85 Agreement with Meath County Council acting as a lead in the function of providing the Boyne Greenway.

The delivery of Greenways, providing for pedestrian and cycle linkages is further supported in numerous government policy documents including 'A Strategy for the Future Development of National and regional Greenways' and the National Cycle Policy Framework. National and Regional and Local planning policies fully support sustainable transport and the importance of and recognition for pedestrian/cycle routes and greenways. They request that elements of the final design for that section of the Greenway be agreed with the Council relative to that part of the Greenway taking place in County Louth.

### 6.3. **Public Submissions**

The Board have received c. 233 third-party submissions in relation to the proposed development, as originally submitted. I have read each of these and in view of the similarity of some of the issues raised and the volume of submissions they are summarised and noted under headings below. These are both in support of and noting concerns/objections relative to the implications of the proposed route of the cycle/greenway. They are noted below and include the following:

#### Bird Watch Ireland

They object to this development and consider that the Boyne Greenway poses a significant threat to the bird life of the Boyne Estuary SPA. The main focus of their submission is on the potential significant impacts on the avian and habitat conservation interest of the Natura 2000 sites impacted by the proposed Boyne greenway. In particular, the 2.4kms of the greenway proposed along a boardwalk within the boundary of the Boyne Estuary SAC and with 610m in the intertidal zone within the SPA. Clarification of the exact route is needed to determine how much land take is required.

They consider that the information submitted including relative to the impact on habitats and Bird Surveys is inadequate. They advise an assessment of the scale of disturbance to wild birds using the Boyne Estuary SPA, or to the dune habitats which are close to the end of the greenway. They provide that it is not possible to conclude with complete, precise and definitive findings that there will be no significant adverse effects on the conservation interests of the Boyne Estuary SPA. As the Boyne

Greenway poses a significant threat to the bird life in the Boyne Estuary SPA, they object to this development.

They note concerns with the Ecological Report and do not agree with the assertion in the NIS that this is a complete, precise or definitive finding. They provide that no mention has been made of the Conservation Objectives of the Boyne SPA or assessment against these. They are concerned about habitat modification and disturbance resulting in displacement of species. It is their view that the presence of the greenway within the SPA is not, in line with conservation objectives of the site and that the disturbance will be detrimental to already severely declining populations of a range of waterbird species.

They recommend that Further Information be submitted to the Board to substantiate the conclusions presented in the NIS, to show that the construction and operation of the proposed greenway will not adversely affect the integrity of the Natura 2000 sites, the Boyne Coast and Estuary SAC and the Boyne Estuary SPA. This includes further analysis with regard to potential impact on habitats and on birds including protected species. Also, that the analysis undertaken should utilise the supporting survey data underpinning the site conservation objectives. BirdWatch Ireland is not supportive of this development due to the potential for significant disturbance to important waterbird species of the Boyne Estuary SPA.

### ***Other Third Party Submissions***

Some of these submissions refer to both positive and negative impacts considering the principle of a Greenway being acceptable but having concerns regarding the impact of the proposed route. The main areas of Concern are sub-divided into headings as summarised below.

#### Planning Policy

- The National Greenway Strategy provides that a greenway should be developed in an integrated manner which enhances both the environment and quality of life of the surrounding area. The proposed route fails to enhance the environment and quality of life of the community.
- The proposal does not adhere to Government Policy on Greenways. This includes the National Strategy on Greenways 2018.

- The proposal is premature pending the development of the Boyne Navan Drogheda Greenway.

#### Impact on Roads, Traffic and Parking

- This is not the optimum route relative to the existing road network. Cyclist and pedestrian safety along this busy commuter route will be compromised.
- The addition of visitor traffic using the greenway will result in safety/security concerns, loss of privacy and the increased risk of accidents occurring.
- There is a lack of consideration of all the safety aspects of the greenway, its impact on the existing road network and potential users.
- There are no proposals for parking facilities in this area. The lack of parking and facilities/ amenities in the area will cause a major issue for the area both for local residents and prospective visitors who use the greenway.
- Mornington beach and dunes area is already becoming congested with parking. Haphazard parking of cars will have an adverse impact on local residents particularly at the Tower Road/Crook Road end of the Greenway.
- It needs to be verified that the Irish Rail carpark at Marsh Road can facilitate parking by greenway users at the Drogheda end of the greenway.
- Part of the route is alongside residential roads with heavy commuter traffic. Other greenways have utilised disused road, rail or waterways.
- There is no safety margin proposed between the greenway and the public road, which will make it unsafe and dangerous for both users and residents.
- The provision of a footpath and cycle lane from Mornington to Drogheda with a pedestrian crossing at the Grammar School should be considered.
- Details on how the greenway will impact on access to local businesses and properties along the proposed route need to be provided.
- Raised table junctions should be minimised and properly constructed. Poorly constructed these are a hindrance to emergency vehicles. They also cause noise and increase emissions.

- The monies would be better spent upgrading and improving the current roads and infrastructure in the area considering that this is not being developed in line with the level of building going on in the surrounding areas.
- Serious concerns for safety along this busy heavily trafficked route. Lack of parking facilities to serve the Greenway. Will impact adversely on the local community and on local businesses. It is inappropriate and unsafe to have customers crossing the greenway without any specific access measures related to the needs of commercial buildings.

#### Impact on Property/Lands

- Land take, of private garden and onsite parking areas will have a negative impact on local residents. Proximity of the Greenway will impact on scenic views and de-value properties. Alternative routes should be considered.
- The proposed route will result in land take which will impact adversely on agricultural land road frontage and will affect the farming operations.
- Opposition to construction of the greenway and land take elements of the Greenway/Boardwalk including from the residents of Tower Road and Mornington Court. Lack of consultation or meetings with local residents.
- This proposal will have a negative impact on the quality of life in Mornington Court housing estate. The proposal which includes a relocated boundary wall and a reduction in the green area will be detrimental to local residents and will impact adversely on properties facing the frontage in Mornington Court.

#### Impact on Character and Amenities of the Area

- The Greenway will not serve local schools in Donacarney. The proposed design should prioritise a safe footpath and cycle track network that would connect the population centres of Colpe, Donacarney, Mornington, Bettystown and Laytown to and from school.
- A footpath and cycle lane from Mornington to Drogheda with a pedestrian crossing at the Grammar School should be considered.
- It will impact adversely on peace and quiet, privacy and quality of life of local residents including those in Tower Road and Mornington Court areas.

- There will be a significant increase in noise & environmental pollution levels in the area. It will lead to anti-social behaviour in the area. There will be a loss of privacy, security and an increase in noise, litter, nuisance/crime.
- Many properties both public and private will access/exit directly onto the greenway. It will lead to difficulties in accessing driveways in Tower Road, Mornington.
- They object to the removal of mature hedgerows and trees to facilitate the greenway route and are concerned that this will lead to overlooking.
- Concern that some of the submissions in support of the Greenway are not from local residents, rather people who live further away and maybe future users of the facility.
- This is not an integrated development which enhances both the environment and quality of life of the surrounding area. It will visually detract from the appearance of the Boyne Estuary.
- A full study of the Navan to Mornington Route/Routes should be made, such that informed priorities can be made.
- The proposed traffic amendments to the R151 and Tower Road will deter potential customers and construction works will impact on local businesses.
- The planning documentation has not given details on the number of people predicted to use the Greenway or that it is supposed to attract per day/year.

### Ecology

- The proposed Greenway beside the Boyne Estuary and the designated sites is a threat to biodiversity (habitats, flora and fauna) in the area and does little to mitigate the future effects of climate change
- The Greenway would encroach and disturb the birds feeding in their natural habitat. Additionally, disturbance and displacement to birds feeding on the intertidal habitats This includes regard to impact of noise and disturbance, lighting etc. Over 50% of this proposed route encroaches on the protected sites and will have a significant effect on birds and wildlife.



- Where it is proposed to construct a bridge at Mornington is a very significant site for birds and wildfowl in the estuary.
- Concern about the impact of parking and additional footfall on the protected habitat and on flora and fauna in the dunes at Mornington.
- Long established planting of trees, hedging and plants would be destroyed. Trees are to be cut at the Drogheda Grammar School, these camouflage Drogheda Port at Tom Roes point on the opposite side of the river and enhance the landscape.
- Steps need to be taken to reduce or eliminate the flickering which would affect the birds at the time of year. Concerns relative to pollution and littering and impact on the environment and ecology of the area.
- The area is particularly sensitive to disturbance including from dogs. The proposal will result in a significant loss of habitat impacting negatively on breeding birds.
- The area is highly sensitive from an ecological and environmental perspective. Wildlife should be protected, this proposal would impact adversely on biodiversity in the area. Pedestrians and cyclists using the Greenway in such proximity to Natura 2000 sites would disturb the wildlife which includes some rare and protected species.

#### Impact on Natura 2000 Sites

- The Boyne Estuary is a designated SPA area for birds. This development and in particular the construction of the boardwalk would adversely affect the integrity of the SPA and SAC in view of the conservation objectives for these sites. As such it would be contrary to planning policies.
- Details submitted with the NIS, including wintering bird surveys are not reliable as they are incomplete. It is one of the best feeding grounds for birds.
- In view of the proximity to the SPA a comprehensive Wintering Bird survey needs to be carried out. Bird Counts have not been carried out between Sept

– March. Concerns about the impact of the development on bird and wildlife in the area.

- The mapping is inadequate relative to showing the route of the greenway and the designated sites.
- The NIS does not take into account the numbers of walkers/cyclists that will be using the route. Regard needs to be had to the cumulative impact concerning/- in conjunction with other leisure activities in the area.
- The construction of the greenway will increase the risk of invasive species becoming established in the designated areas. The proposed development includes a boardwalk and two bridges in a bird sanctuary.
- Impact on the protected dune system and the beach in the Mornington area. European Law, which protects the Boyne River and its environs, the estuary and the dunes is being ignored.
- To protect the designated sites the greenway location needs to be retained outside of the intertidal zone for the majority of the route and completely removed from the dunes.
- The NIS is not adequate, mitigation measures proposed do not protect the integrity of the SPA/SAC.
- No compensation measures are proposed for encroachment of the Greenway into the SPA/SAC not for the treelines, hedges, saltmarsh, shrubs, etc. that will be destroyed during the construction of the Greenway.
- The proposed Greenway is a mirror image of that which was proposed in Wexford and subsequently refused by the Board. If habitat is lost on the Boyne Estuary, it will be lost forever.
- Potential for further damage to the dunes area. Proper planning would dictate that the SAC and SPA are first fully protected and managed before any Greenway is planned and construction undertaken.
- There is a need to protect the Boyne Estuary as an internationally significant SPA and SAC under the EU Birds and Habitats Directives, and a Ramsar site on account of the numbers and diversity of over-wintering birds.

- The areas of particular concern are approx. 1km East and West of the bridge at Mornington Village. The mudflats in this area, which forms the widest point of the Estuary are the primary feeding zones for the overwintering birds. Disturbance could lead to abandonment of feeding grounds.
- Such linkages should not be at the expense of adverse impact on the SPA or SAC. Adverse impact on wildlife and habitats within the Boyne Estuary and along the route.

#### Flooding issues

- The River Boyne floods every year and there are concerns relative to the proposed Greenway route, including that at times it will be impassable and hazardous for pedestrians and cyclists.
- It should be an appropriate engineered solution so that the materials and construction of the greenway is such that as the tide recedes the water will slowly ebb away and the structure will remain unaffected.
- The impacts of climate change have not been adequately, taken into account. The proposal does little to mitigate against Climate Change i.e. rising tides and coastal erosion.

#### Health and Safety

- Health and Safety concerns about the proposed route include that a Risk Assessment relative to the impact of construction and operational phases has not been carried out.
- The proposed greenway will go by a heavy industrial zone, which includes Flogas & Drogheda waste water treatment plant, and this section of the route will not be attractive for cyclists and has health and safety implications.
- Hazard Zones on the proposed route of the Greenway would not appear to have been considered in the planning application. These include the Flogas site on the Marsh Road, the planned route runs through its carpark. Unloading and Movement of Explosives (Drogheda Port Company) Bye-Laws 2018 (Draft). Also of note, the Asbestos dump at Stewart's Bank in the SPA, and odours from Drogheda Waste Water Treatment Plant. Mention is also made of Premier Periclase Ltd.

- The Greenway route will not be attractive in parts as it will pass the busy port, and a Flogas LPG Terminal. The storage of large tanks of LPG, poses a major fire and risk of major explosion. It may pose a fire hazard. Query as to how the Fire Brigade or Emergency Services will get access to sections of the Greenway.
- There is a Sewage Treatment Works on the opposite side of the road to the Greenway route and depending on wind strength there can be mal-odours from this.
- Drogheda Port Company (DPC) deposited asbestos waste at the area known as Stewarts Bank in the SPA in the late 1990's. Stewarts Bank is on the route of the proposed Greenway and an asbestos dump is dangerous to health and safety of construction workers and users.
- Note of Hazard Zones on the proposed route of the Greenway that would not appear to have been considered in the application. They query if the Health and Safety Authority has been consulted as required by the EU Directive on the Control of Major Accidents Hazards (Seveso).

#### EIAR Screening:

- The mitigation measures put forward in the EIAR Screening Report are not adequate. Concern that an EIAR should have been submitted, therefore this application is incomplete.
- The issue of project splitting arises in relation to this project and the proposed Navan to Drogheda Greenway.

#### Consideration of Alternatives

- Alternative routes should be found as this proposed route is in a very sensitive area for birds and wildlife and taking into account the input from NPWS and Birdwatch Ireland (national and local) in relation to the birds and habitats.
- Concern about the proposed route option at a section in Mornington. The preferred route at this point should be chosen with care to minimise disruption to local residents in terms of accessing their properties and lack of privacy.

- Greenways should follow disused transport routes (e.g. The Waterford Greenway following a disused railway track) which provides safer and better integration with the natural environment.
- To reduce the impact on the estuary and the designated sites the route should travel south along the Mill Road and make its way to Bettystown.
- Alternative less intrusive routes should have been considered. The chosen route will need CPO of private property and compensation of residents for the social implications of having their privacy diminished. This application should be refused and an alternative more appropriate route considered.

#### Other issues

- Details are noted of previous refusals of planning applications, both proximate to the route and relative to other applications for Greenways.
- Concern that the Outline Construction Methodology Report is not sufficiently detailed and does not meet the minimum submission requirements of a Section 177AE application.
- Impact of the proposed bridge on the stone bridge (P.S) in Mornington.
- Developer and Political interests are being represented in promoting the greenway, rather than the concerns of local residents.
- Lack of public infrastructure along the proposed route – insufficient public parking and public facilities.
- The cost of funding the greenway would be better spent on other vital or urgent amenities and facilities that the community has been advocating for over the years.

#### Oral Hearing request

- If the application is not recommended for refusal, it is requested that an Oral Hearing be considered by ABP to assist in the determination of the application.
- In accordance with Section 177AE – Guidelines for Local Authorities para 4.4, they request that if permission is not refused that an Oral Hearing be considered by ABP to assist in the determination of this application.

#### 6.4. Submissions in support of the proposed scheme:

Third Party support for the Boyne Greenway includes from local recreational groups, local residents, businesses and public representatives. Letters of support include relevant to provision of essential infrastructure to provide for connectivity for sustainable transport, support for outdoor recreational activities, tourism, amenity, scenic views along the estuary, positive for mental health and well being, government policy supporting green infrastructure and consideration that the proposal will in general have a positive impact on the area. Note is had of comments from the following groups and organisations:

##### Meath Local Sports Partnership

- They support the Greenway and provide that this is an excellent opportunity to develop a new initiative for this part of Meath/Louth and to contribute to the health of the entire North East/Cross border regions.
- Regard is had to the success of other greenways in the country and to the number of visitors and tourism generated and economic benefits.
- They work closely with local communities in Meath delivering walking, cycling and sports programmes for all ages and abilities.
- Regard to The National Physical Activity Plan (2019) and increased opportunities for recreation and improvement of health.

##### Drogheda Enterprise Centre CLG (trading as 'The Mill Enterprise Hub')

- They fully support the greenway from Mornington and consider it an essential piece of local infrastructure and an important local facility to support recreation, physical and mental health and tourism development.
- It will provide a much-needed tourism boost to the area and will capitalise on the current focus of 'staycations'; which will remain popular for the next number of years.
- The impact of the proposal will be very significant including for the creation of regional jobs and a healthier lifestyle.

- The proposal will provide access to the river and the associated ecosystems and biodiversity to assist in the awareness and protection of the natural environment.

#### Drogheda Port Company

- They support the proposed Boyne Greenway between Mornington and Drogheda as currently proposed.
- The development of the proposed Boyne Greenway is a significant step towards maximising the tourism potential of the river Boyne between Mornington and Drogheda and is a vital economic and environmentally sustainable development undertaken in the East Meath Area.
- The proposed Greenway will facilitate maximising the potential of the River Boyne while safeguarding the existing SAC's and SPA's.

#### Drogheda District Chamber

- They support the Greenway and consider that it will deliver sustainable development, provide an amenity to improve the quality of life and an economic boost for the area.

#### Drogheda Business Improvement District

- They support the development as being necessary for the proper planning and sustainable development of the East Meath and Drogheda region.
- It will provide for tourism and increase connectivity and complies with government policy both nationally and locally. It provides an amenity for an area that has a considerable increase in population.

#### Drogheda Grammar School

- They support the Greenway to provide a safe and direct sustainable transport route to the school.
- It will provide access to the river and associated ecosystems and biodiversity to assist in the delivery of education and help protect the natural environment.

#### Drogheda and District Support 4 Older People

- They support the Greenway as a great resource for older people.

#### Drogheda Enterprise Centre (Mill Enterprise Hub)

- They support the Greenway and consider it provides sustainable transport and an essential piece of local infrastructure, that will increase tourism and business opportunities in the area.

#### Drogheda and District Athletics Club

- They support the Greenway and consider that it will improve recreational amenity in the Drogheda and East Meath area.
- This is a very busy and dangerous road, and this will improve safety for both pedestrians and cyclists. It would comply with Best International Practice for the provision of Greenways.

#### Laytown-Bettystown Municipal District

- This proposal would provide significant pedestrian and cycling infrastructure for the East Coast, which is badly needed.

#### Boynevalley Tourism

- The route forms part of the National Cycle Network routes 5 and 13 and provides a link from Mornington to Drogheda allowing for increased visitor access to Drogheda town and Mornington Village.
- It will comply with planning policy and provide for sustainable transport and connectivity.

#### Navan Cycling Initiative

- They fully support the proposal and put forward the benefits of cycling and walking amenities.

#### Boyneside Trail Committee

- There is strong support, significant local interest and community engagement in the project which has been ongoing since 2013. They note public consultations have been carried out. It is their view that concerns have been addressed in full and the route has been appropriately modified.
- The provision of a Greenway complies with Best International Practice and European, National and Local Policy.



- They have regard to Justification and Purpose, Connectivity with Other Planned Routes. To the demographic changes (significant housing developments) in South Drogheda/East Meath areas and to the lack of recreational amenities.
- They note that in the interests of wild/bird life in the estuary barrier screenings are to be implemented along the boardwalk and consider it important that these not be adversely impacted.
- They include a number of Appendices including a copy of the *The Boyneside Trail Drogheda to Mornington/Bettystown Beach Feasibility Study 2014*.
- As a low vulnerability use, it is not designed to be adversely impacted by flooding.

#### Submissions of Support from Local Residents

- The proposal will provide an asset to the local community and essential infrastructure. It will be in accordance with the proper planning and development of the area.
- The Greenway route would compliment the Ramparts/Boyneside trail from Drogheda to Oldbridge, the planned extension of such to Newgrange and on further to Slane/Navan which are under consideration.
- In the time since the initial concept for this project there has been a considerable level of development of greenways and trails of interlinked routes nationally. The project will be supportive of walking and cycling and provide an accessible amenity both for local people and tourists in this area.
- To protect this SAC the greenway location has been retained outside of the intertidal zone for the majority of the route and has been completely removed from the Dunes.
- The proposal to locate the board walk on the edge of the estuary creates a hard line which will effectively terminate encroachment and protect the current extent of the estuary.
- The proposed greenway has been maintained, in general, outside but adjacent to the defined area for the SPA. Some of the bird numbers in this SPA have suffered a significant decline when the Drogheda interceptor sewer

was commissioned as it reduced the artificially elevated nutrient levels in the estuary, the numbers are returning to the natural balance.

- The proposal should be considered in a holistic manner, where there are significant positive aspects, then minor negative impacts to other elements maybe acceptable. Any measured negative impact can be balanced by the positive impact of the provision of the pedestrian and cycling facilities coupled with (relative to land-take) individual compensatory agreements.
- Drogheda and its environs have a wealth of unique heritage, cultural and natural attractions. The Greenway will greatly add to the amenities of an area which is becoming very overbuilt, with lack of facilities.

## 7.0 Further Information

### 7.1. Further Information request

The Board requested Meath County Council to provide the following items of additional information.

#### **Information to Address Section 177AE (5) & (6)**

To take into account the following:

- (i) *The likely effects on the environment,*
- (ii) *The likely consequences for the proper planning and sustainable development of the area, and*
- (iii) *The likely significant effects of the proposed development on any European sites.*

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

The Board's Further Information request is summarised as follows:

#### **Mapping**

- Additional mapping to provide clarity of the route of the proposed Greenway from Drogheda to Mornington within a more compact easy to use format. To include a key map showing the route in total.

- To include the proposed route of the Greenway in the context of the Natura 2000 sites, and where the proposed route would overlap or encroach into the designated sites.
- Clarification as to the overall length of the route i.e how much is to be constructed alongside the Regional Road and off-road (including the boardwalk etc).

### **Roads/Traffic**

- To provide a Traffic Impact Assessment to include regard to current usage of the local road network and the impact of the proposed Greenway on all modes of transport. Details to include regard to road safety issues during construction and operation of the Greenway along the side of the R150/151.
- To predict nos. of people using the Greenway per day, seasonal impact and as to whether the proposed 4m width is adequate to cope with the nos. using the route.
- To take account of cumulative traffic implications of recent permission for housing developments alongside the route on the local road network.
- Details of the demarcation and/or safety barriers etc proposed between the greenway and the public road. Also, of universal accessibility for all and emergency services.
- Details relative to pedestrian crossings to be provided for the schools along the route to facilitate pedestrians and cyclists.
- Details of safety measures to be provided for access to local businesses and properties that have vehicular access along the proposed route, including properties in Towe Road Mornington.
- Details of provision for parking facilities at either end (Drogheda and Mornington) of the proposed route.
- Details on impact on existing roads and traffic including public transport.
- A Stage 1 Road Safety Audit to be submitted.

### **Construction issues**

- Further details to be submitted relative to the Outline Construction Methodology Report. To include the location of compound areas for construction works, construction traffic/parking areas, construction methodology relative to the bridges including impact on the Protected Structure Mornington Bridge, also relative to impact on the schools along the route. To include construction, monitoring and mitigation measures.

### **Flood Risk**

- Further details to be provided on flood risk mitigation measures and construction methods in Flood Zone A, relative to the different sections of the greenway including the boardwalk.

### **Visual Impact**

- Visual Impact Assessment to include photomontages of the Greenway showing sections of the route alongside the public road.

### **Arboricultural Impact and Mitigation**

- Details including drawings to be submitted relative to landscaping of the greenway and replacement planting to replace biodiversity lost.

### **Biodiversity - Ecological Impact Assessment:**

- There is significant overlap of assessments between the Ecological Impact Assessment Report and the Natura Impact Statement (NIS). There should be a clear distinction between the assessments with implications for European Sites in view of their conservation objectives to be addressed comprehensively in the NIS.

### **Other issues**

- Lighting/noise issues- further details to establish that the proposal will not have a negative impact on the designated sites.
- Details as to whether any amenities/facilities are to be provided along the route or at either end of the route.
- Further details of connectivity with other Greenway proposals or cycle routes in proximity or in the wider area.

### **Regard to Impact on European Sites - Appropriate Assessment**

A revised Natura Impact Statement to be submitted to An Board Pleanála addressing the following:

- (a) Potential adverse effects on Boyne Estuary Special Protection Area (site code 004080).
- (b) Potential adverse effects on Boyne Estuary Special Conservation Area (site code 001957)

Additional Information was requested relative to potential for impact on these Natura 2000 sites and to mitigation measures proposed.

### **Time Period for Response**

Having regard to the need for comprehensive Wintering Bird Surveys (September – March inclusive), it was advised that a Response to the Further Information as requested above be submitted to An Bord Pleanála by the 30<sup>th</sup> of November 2021.

It is noted that at the Council's request the revised target date for the receipt of the F.I was extended until the 4<sup>th</sup> of March, 2022.

### **Applicant's Clarification relative to F.I response**

The Council sought Clarification on issues raised in the Board's F.I request. In summary this includes their comments relative to the following:

- Mapping
- Roads/Traffic
- Construction issues
- Visual Impact
- Flood Risk
- Arboricultural Impact and Mitigation
- Biodiversity – Ecological Impact Assessment
- Other issues
- Regard to Impact on European sites

### **An Bord Pleanála's response to CFI request**

On the 7<sup>th</sup> of May 2021, An Bord Pleanála responded to the Council's clarification of further information as requested.

## 7.2. Response to F.I Request

### **Request for Further Information Report by DBFL Consulting Engineers (March 2022) – Boyne Greenway Drogheda to Mornington.**

This Technical Note submitted in response to the Council's F.I Request addresses in summary the various RFI items. This notes that the Boyne Greenway is a project of significant and strategic importance to the East Meath Region. That the opportunity for positive social impact from the proposed scheme, if approved, cannot be overstated.

Scope – the Structure of this technical note addresses the various RFI items as follows:

- Section 3 gives an overview of the correspondence between MCC and ABP.
- Section 4 provides the additional information requested in regard to Mapping (Item 1).
- Section 5 provides the additional information requested in terms of Roads/Traffic (Item 2).
- Section 6 provides the additional information requested in terms of Construction issues (Item 3).
- Section 7 provides the additional information requested in terms of Visual Impact (Item 4).
- Section 8 provides the additional information requested in terms of Flood Risk (Item 5).
- Section 9 provides the additional information requested in terms of Arboricultural Impact and Mitigation (Item 6).
- Section 10 provides the additional information requested in terms of Biodiversity – Ecological Impact Assessment (Item 7).
- Section 11 provides the additional information requested in regard to Other Issues, such as Lighting/noise, Amenities/facilities and Connectivity (Item 8).

- Section 12 provides the additional information requested in regard to Impact on European Sites (Item 9).

As no specific numbering was provided for the RFI items, a numbering system has been assigned for the RFI categories and headings as outlined above.

Subsequent to the clarifications sought as outlined above, Meath County Council submitted the following documents and drawings in response to the Board's F.I request:

- Appendix A – Relevant Correspondence between ABP & MCC
- Appendix B – Route Alignment Drawings (including SPA & SAC)
- Appendix C – Stage 1 Road Safety Audit – Bruton Consulting Engineers
- Appendix D – Updated Outline Construction Methodology – DEFL Consulting
- Appendix E – Landscape and Visual Impact Assessment – JBA Consulting
- Appendix F – Updated Flood Risk Assessment - DBFL Consulting Engineers
- Appendix G – Updated Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report – CMK Horticulture & Arboriculture Ltd.
- Appendix H – Landscape Plan Drawings
- Appendix I – Laytown and Bettystown Walking and Cycling Study – Study Review – ARUP
- Appendix J – Lighting Design (includes Report and Drawings)
- Appendix K – Appropriate Assessment – Stage 2 NIS – INIS (February 2022)  
Includes Bird Survey Mapping.
- Appendix L - Ecological Impact Assessment (EclA) Report – INIS (February 2022)
- Appendix M – Accommodation Works – Local Access drawings

This response was deemed significant and Revised Public Notices (dated April 20<sup>th</sup>, 2022), were subsequently submitted

### 7.3. Summary of Submissions made in Response to the Further Information

#### Prescribed Bodies

##### Department of Housing Local Government and Heritage

They note that the revised NIS included in the F.I concludes following AA that adverse effects on the integrity of the Boyne Coast and Estuary SAC and the Boyne Estuary SPA may arise as a result of the development of the proposed greenway from Drogheda to Mornington, but that such adverse effects on the integrity of these European sites can be avoided provided the embedded and additional mitigation measures outlined in the NIS are adhered to.

The Department (in their detailed submission) do not, however, consider that the data and analysis set out in the NIS and other documentation included in the F.I, or in the documentation submitted with the Council's original 2020 application, can support this conclusion. Their concerns include that there is an uncertainty as to the efficacy of the proposed mitigation measures.

#### Third Party Submissions

##### BirdWatch Ireland

- They consider that despite additional survey work and assessment of same, the proponents of the project have not proved that the significant adverse impacts identified and brought about by disturbance to waterbirds caused by the operation of the proposed greenway can be mitigated.
- In addition, new research published in 2022 on the fragility of the Boyne Estuary and its waterbirds shows they have experienced a dramatic decline in some species in the last several years. They request this information forms an important element of the assessment of this proposal.
- They appreciate that this information was not published in time to be included in the NIS for this greenway project, however it is available now and should be considered in the decision making process by the Board.
- Of the ten wintering waterbird special conservation interest listed for the Boyne Estuary SPA half have a declining national status based on a long term 23 year trend. A Table to show details of this by species. Species in large decline include the Golden Plover, Grey Plover and the Lapwing.



- It is very important that greenway proposals guarantee no significant adverse impacts upon wildlife and habitats that are already seriously threatened.
- The Boyne Estuary forms a very important site in Ireland and globally for wintering birds. Many of the birds travel long distances on their migration to this site for over wintering and feeding. Waterbirds using this East Atlantic Flyway route from their breeding grounds to their wintering grounds, of which the Boyne Estuary is one example.
- They note threats to these migratory routes including from climate change to pollution to wetland habitats and human disturbance in the Boyne Estuary.
- They believe that any project that has the potential to increase disturbance to waterbirds or reduce the spatial distribution of the species by encroachment into their habitat should not proceed.
- They consider that some of the arguments put forward in the NIS in favour of the greenway route are erroneous. That the greenway would have a significant adverse impact on the qualifying species and their habitats.
- Site-based management measures are required in the Boyne Estuary and at many other sites, to reduce existing/current levels of disturbance and encroachment into waterbirds habitats.
- There is an inadequate assessment against Conservation Objectives and species trends. Based on the new trend data, the majority of the waterbird population for the Boyne Estuary SPA need to be restored. Hence extra caution should be taken in terms of any proposed projects that may cause adverse impacts.
- They note that significant proportions of waterbird SCI species occur in close proximity to the greenway. That significant disturbance/displacement is likely.
- They do not have confidence in the proposed mitigation (as per the NIS) that it will adequately prevent significant impacts.
- Having regard to the proposed greenway route they are concerned about Habitat Take from the SPA and the SAC. They consider that the land take issue has not been properly addressed in the NIS.
- They note that while older bird surveys are referred to in the documentation submitted, that in 2021 a new assessment was published and is available on the BirdWatch Ireland and query the accuracy of Table 3.1 of the F.I ECIA.

- They believe that all habitat within the designated site should be considered important despite the frequency of use of a site by waterbirds and that they should be managed to avoid disturbance.
- That the precautionary principle should be adhered to at all times in cases where confidence in impact assessment conclusions is weak.
- They note the special nature of wetlands and their national and international importance such as that of the Boyne Estuary SAC and SPA. This risk of disturbance by the greenway users is alarming.
- They consider the mitigation measures proposed are weak and ineffective. They refer to ECJ conclusions as to an Article 6.3 assessment and consider that the threshold has not been reached and reasonable scientific doubt has not been overcome. They recommend that this proposal be rejected.
- The climate crisis and the biodiversity crises are two sides of the same coin and must be addressed together.

#### Boyneside Trail Committee

- They seek to support local sustainable cycling routes such as the Boyne Greenway. They consider that the greenway will improve road safety for pedestrians and cyclists and connectivity along the route.
- It will link the beaches of Bettystown and Laytown with the historic town of Drogheda and onwards to the Oldbridge/Battle of the Boyne site. It will provide connectivity with Other Planned Greenway Routes.
- They note recent demographic Changes in the Drogheda and Laytown/Mornington/Bettystown Region. This includes relative to housing developments and increase in school children in the area. Given the amount of house building in the East Meath/Drogheda South region, this is expected to increase further.
- They are concerned that the data relied upon in the Road Safety Audit submitted is out of date. They submit that the current accident risk to pedestrians and cyclists, using the R151 is far higher than that described in this report.

- The SPA boundary is poorly delineated in that the function of the road is to provide for vehicular traffic. The proposed greenway is within the functional space of the R151 road.
- This application is justified on planning grounds. The project will deliver a safe accessible transport route for local communities and schools. It will enhance the quality of life in the area and promote healthy living and appreciation of local wildlife and heritage.
- They have regard to Best International Practice relative to the development of greenway routes including along coastlines and rivers. They consider that it will enhance sustainable transport in the area.

#### Project East Meath Ltd

- A greenway comes within the statutory definition of a road. The greenway is in excess of 2km and therefore EIA is mandatory. No EIAR has been submitted with the application or with the F.I and it is therefore invalid. The NIS doesn't substitute for the EIA since EIA examines all the significant effects on the environment and their interactions as well as monitoring alternatives.
- It is contrary to the Habitats Directive to construct parts of the proposed greenway within the SAC and SPA. This would have the effect of reducing the geographical extent of the relevant habitats which have been set down in the EU legislation. The Board therefore lacks the jurisdiction to grant permission for the project and must conclude that there would be a significant adverse effect on the integrity of the affected European sites.

#### Werna Limited

A submission is made on their behalf which notes that they own property that adjoins the route (a map has been included showing these lands to be to the east of the viaduct) at Marsh Road, Drogheda. This includes the following:

- While generally supportive of the Greenway, they consider that the information submitted by DBFL on behalf of the applicant is incomplete. They refer in particular to drwg. no. 170029 – 2400 P02 Accommodation Works – Local Access Sheet 1 of 9. Although this drawing takes into account the existing entrance into their lands to the east of the viaduct (referred to as

entrance 1) it does not take into account the existing entrance into their lands to the west of the viaduct (entrance 2). Figure 2 of their submission refers.

- They note that DBFL drwg. no. 170029-2301 P03 Proposed Route Alignment Sheet 1 (including SAC and SPA) clearly indicates the extent of the greenway Extending to the west of their entrance 2 as illustrated in Figure 3.
- They suggest that the failure of the applicant to recognise entrance 2 must be addressed in advance of any decision by the Board. They note their legal right to unhindered access to their property and that this right must not be negatively impacted by the proposed greenway.
- They note that the design of the greenway envisages a land-take from the southern boundary of their lands. They refer to the issue of compulsory purchase and note that they have not been contacted or given their consent for the proposed transfer of land.

### **Other Third Party issues raised**

It is of note that some of the concerns and issues raised in the 75 Submissions made by the Public in response to the F.I are relatively similar to those already made relative to the original application. Additional issues raised include the following:

#### Impact on the Character and Amenities of the Area

- The F.I has not addressed the concerns of local residents regarding the impact on the character and amenities of the area. There is no material change in the proposed route.
- This proposal will detract from the character of the village of Mornington, and the surrounding area, which has no public facilities or amenities to handle the proposed development.
- Prediction by the Council of a minimum of 900 – 1000 people per day would cause issues locally and for local residents whose properties are proximate to the route. These figures could rise in the peak season.
- It will be visually disruptive to the many views along the Greenway. Photomontages are not adequate to show this.

- The residents in Tower Road, Mornington are particularly concerned that it will impact adversely on their residential amenities and lead to congestion and parking problems in the area. The area experienced huge disruption during the covid pandemic with cars parking in entrances to houses. This increased numbers and litter.
- The negative impact of construction and environmental damage that will be caused by the increase of walkers and cyclists associated with this greenway. It will lead to noise, anti-social behaviour and litter and will impact on people's privacy and safety.
- There is a major lack of public infrastructure/facilities to support this greenway. There are no amenities/facilities/no rest areas/seating area or toilet facilities.
- This is a unique area of historic and natural significance and has already suffered from planning developments that have seriously impacted upon its character. This proposed development and consequent human activity will further degrade the rural nature of the area and compromise the vital character of the village.

#### Impact on Property/Lands

- Some properties along the route will lose part of their garden area, boundary walls and entrances. This will impact on their residential amenity and will take from and devalue properties adjoining the Greenway.
- Loss of privacy and difficulty in entering/exiting their properties (during construction) alongside the route. Increasing the potential for accidents. No safety margin between private accesses and the proposed Greenway.
- The Greenway will result in land take from Mornington Court and impact adversely on resident's quality of life. The front boundary wall of the estate will be removed. Mornington Court will lose a large portion of play area.
- The proposal will result in land take from adjoining farmland in the Mornington area and impact on agricultural use.

#### Impact on Roads, Traffic and Parking

- Concern that the proposed route for the Boyne Greenway Drogheda to Mornington remains the same, there are no material differences proposed and the extent and route of the Greenway remains unchanged.
- High volumes of traffic on the existing road network, congestion and road safety will be impacted adversely by the construction of the Greenway. Concern as to access for public transport and emergency vehicles.
- A detailed Traffic and Transport Assessment has not been provided. The full impacts of the proposed Greenway and its associated traffic generation (for all modes) has not been adequately considered. Concerns about traffic and construction related issues. This includes as to the location of compounds.
- There is no provision for parking and the proposed Greenway on either end will result in parking problems. It will result in uncontrolled parking including within the dunes which are part of the Natura 2000 network.
- The Flower Yard is concerned to ensure that there will be no material change to the shop entrance/exit or to their private carpark. That the health and safety of customers will be put at risk as they enter their carpark.
- The proposal will lead to traffic and unregulated parking/congestion at the Mornington end which will impact adversely on local residents and businesses including in Tower Road and the dune system.
- They note recent parking problems that occurred during Covid and consider parking must be a priority. If the proposal is to go ahead adequate car parking and facilities to serve the Greenway should be provided.
- Poor connectivity and accessibility to the proposed Greenway and relative to public transport. There is a major lack of public infrastructure to support/serve this greenway. The public transport system will be put under pressure.
- The scope of the Stage 1 RSA is too limited a Stage 2 RSA should be submitted.
- In recent times since the closure of Bettystown and Laytown beaches to traffic there has been an increase in parking in the Mornington area.

#### Biodiversity - Ecology

- The proposal will impact adversely on sensitive habitats and ecosystems, including salt marshes. It will result in a significant impact on biodiversity, birdlife and wildlife. It does little to mitigate the future effects of climate change.
- The EU Birds Directive pays attention to wetlands and as these form part of this SPA, the site and its associated water birds are of special conservation interest.
- Birdlife including the endangered Curlew will not be adequately protected. Photographs have been submitted showing Curlews, Shelducks, Bar Tailed Godwits and Lapwings feeding in the estuary. Note is also had of Little Terns a protected species.
- Salt marshes offer coastal protection from high tides and floods. The construction of the ecosystem will disrupt the animals that need the salt marsh for feeding and breeding purposes.
- The estuary and mudflats should be left to nature as an important protected area. The increase of people walking on the dunes will lead to habitat loss and disturbance to nesting birds.
- As currently proposed the Greenway will remove over 160m of hedgerows and 291m of treelines, totalling nearly 17% reduction of the existing vegetation and greenery along the route.
- While they note that a Landscape Plan has been submitted, the damage to habitat and biodiversity during construction and thereafter will be significant.
- Construction works should not take place between October to March in view of wintering birds.
- The Boyne Estuary will be severely impacted if the Greenway goes ahead. It will result in a net loss of biodiversity. This is a protected area under European Law and must continue to be protected.

#### Impact on Natura 2000 sites

- While they note that the length of the Greenway has been reduced in the F.I so that it terminates at the end of Tower Road they are concerned about the proximity of the proposed Greenway to the SAC and sand dune system.

- This proposal ending at Tower Cross/Crook Road bridge will lead to increased use by pedestrians, cyclists, families, dog walkers which in turn will result in habitat loss, disturbance to nesting birds and degradation of the sand dunes.
- The proposed Greenway comes at too high a cost for the fragile environment of the SPA and SAC and the proposed mitigation measures will not offset this impact and as such this proposal should not proceed and be refused.
- The routing and construction of a Greenway through a European designated site should be avoided as it will have an adverse effect (as acknowledged in the NIS Stage 2) on the integrity of the designated sites.
- There does not appear to be compliance with National and European Legislation including the EU Birds and Habitats Directives. The legal test for AA is not the exclusion of significant effects but the exclusion of adverse effects in the NIS.
- There is potential for adverse impacts on the integrity of the European site. Bird life in the area is already in decline and it will result in an overall biodiversity net loss.
- By introducing mitigation measures, the Council are accepting there is an adverse effect which needs to be mitigated and in effect disregards the protection and conservation of these European sites.
- The mitigation measures are inadequate, ineffective and are not suitable to offset the adverse threat to Biodiversity, birdlife and wildlife. They should be dismissed and the proposal refused by ABP.
- The NIS submitted by INIS Environmental Consultants is biased in favour of the Greenway. The proposed Greenway will negatively affect the SPA and SAC and the proposed mitigation measures will not offset this impact.
- Potential effects on the SPA and SAC include:
  - Increase in numbers visiting/using/frequenting the SAC and SPA
  - Increased numbers straying into ecologically sensitive areas
  - Indirect and direct habitat loss
  - Disturbance of wintering waterbirds population



- Disturbance of nesting birds
- Degradation of embryonic shifting dunes
- Loss of Biodiversity
- Climate Change

### Flood Risk

- The location of the proposed greenway in a flood zone, its alignment through an SAC and SPA designated E.U sites does little to mitigate effects of climate change. Regard should be had to rising sea levels etc.
- Houses in the Mornington area have been severely impacted in the past by flooding.
- There is a query as to whether the construction of the greenway is an appropriate engineered solution taking into account issues of flood risk.
- Reference is had to precedence cases recently refused by the Board relative to concerns about flooding and impact on the Natura 2000 sites. These include Ref. ABP-308079-20. Also, to Boyne Valley Camping. Ref. ABP-302948-18 refers.
- Regard is had to the Road Safety Audit Stage 1 and to concerns about flooding including that the level of the greenway be raised.

### Health and Safety

- An increase in pedestrian/cycle traffic (Greenway users) and associated vehicular traffic will increase the likelihood of accidents and incidents occurring.
- The design does not show a safety margin between private accesses and the proposed Greenway.
- The proposal will impact adversely on the health and safety of local residents including in Tower Road, Crook Road and The Haven, Mornington.
- At the Drogheda end the proposed Greenway will pass by Flogas, one of the Flogas LPG Terminals. Here the storage of large tanks of LPG, another source for a major fire and risk of major explosion.

- Risk of Fire hazard from the materials to be used on the boardwalk.
- The Sewage Treatment Plant on the opposite side of the road with large bulk lorries entering and exiting this plant daily will have odour and safety implications for the Greenway route.
- Health and Safety issues due to the lack of facilities/amenities available or to be provided to facilitate users along the route.

### Alternatives

- The concept of a greenway route between Mornington and Drogheda has some merit but the proposed route and design is unsuitable and comes at too high a cost to the fragile environment, SPA and SAC and to the local community.
- The Greenway poses negative impacts to people, wildlife and ecosystems and it should be reconsidered as to whether a walkway is more important than the safety of people and the future of the dunes, ecosystems and wildlife in the area. They query why alternative routes were not considered.
- The Greenway will transverse the SPA and SAC on several occasions causing disruption to sensitive habitats and bird life. There are alternative routes that do not access the SPA/SAC and these should be considered.
- An alternative inland route is the preferred option, in line with the Baldoyle to Portmarnock Greenway mentioned in the Council's submission. This greenway was built offroad and away from the coast, separated from the water by the R106.
- If there is to be a Greenway to Bettystown from Drogheda it should turn south from the estuary along the 'Mill Road' or else onto, the road by the 'New' Church in Mornington, through Donacarne and onwards to reach Bettystown.
- An alternative route that incorporates linkages with the majority of schools in the area should be considered.
- While they note the proposed reduction in speed limits and the inclusion of traffic calming measures MCC need to revisit their proposed route and redesign to address these concerns.

## 8.0 Planning Assessment

### 8.1. Introduction

8.1.1. I have reviewed the proposal in the light of the National, Regional, and Local Plans, the relevant Section 28 Ministerial Guidelines, and Planning Guidelines relevant to cycling and infrastructure as outlined in the Policy Section above, the relevant planning history, the submissions made, and my own site visits.

8.1.2. Accordingly, I consider that the main issues arising in this case are:

- (i) Policy Considerations - Justification and Purpose,
- (ii) Construction and Design of the Route,
- (iii) Traffic movement and safety,
- (iv) Land take and Boundary Treatment,
- (v) Consideration of Alternatives,

Section 9 deals with Environment Considerations

Section 10 deals with Appropriate Assessment

### 8.2. Policy Considerations - Justification and Purpose

8.2.1. The overall objective of the proposed Boyne Greenway is to provide a dedicated pedestrian and cycle route from Drogheda Town to Mornington Village for locals and tourists, while also providing connections to schools along the route. It is proposed that this section of the Boyne Greenway i.e Drogheda to Mornington be approximately 5.9km in length, with approximately 4.1km of the route directly alongside the Regional Road and approximately 1.8km off the road, much of this part on an elevated boardwalk. This is to ensure the safe continuation of the greenway and to provide high amenity value through enhanced interaction with the Boyne Estuary. In practice, it is likely that the proposed pedestrian/cyclist route will carry a high level of pedestrian and cyclist traffic, given its location between the urban centre of Drogheda, the visual amenity of the Boyne estuary and the coastal village of Mornington and the lack of availability of alternative options for pedestrians and cyclists and its additional strategic function.

- 8.2.2. The development of cycle infrastructure such as that proposed is directly in accordance with the key tenets of the National Planning Framework which seeks to support the delivery of recreational cycle infrastructure throughout the country. National Policy Objective 22 seeks to “*Facilitate tourism development and in particular a National Greenways Strategy*”. It is acknowledged in a number of policy documents including the ‘Get Ireland Walking Strategy and Action Plan 2017-2020’ and the ‘Get Ireland Active Plan 2016’ that such facilities play a pivotal role in promoting active pursuits such as walking and cycling and providing universal access to such.
- 8.2.3. In addition, it is an objective of the National Cycle Policy Framework to support the delivery of such rural cycle networks especially for visitors and recreational cycling. The Boyne Greenway has also been identified as a route which will form part of the National Cycle Network (corridor 5 & 15) linking the East Coast Trail to the international cross-country EuroVelo Route 2 from Galway to Dublin southwest of Trim. Once developed, the Boyne Greenway will provide an important tourist facility creating significant economic opportunities for business and communities along the length of the route and surrounds. The greenway will link with future proposed cycle schemes along Mornington Road (R151), which are outlined /illustrated in the ‘Laytown and Bettystown Walking and Cycling Study’ submitted with the Council’s F.I response.
- 8.2.4. Regard is also had to the Design Principles outlined in Section 2.2 of the TII publication Rural Cycleway Design (Offline) i.e: *In order to develop appropriate design standards for rural cycling facilities, there are a number of core design principles that need to be implemented. The principles include Coherence, Convenience, Directness, Safety, Comfort, Attractiveness and Access.*
- 8.2.5. At a local level and as noted in the Policy Section above, policies and objectives of the Meath and Louth Development Plans, seek to support and promote the delivery of cycle and walking infrastructure within the county, including specific reference to the provision of the Boyne Greenway, in order to promote recreational facilities and attract tourism. For example, Policy HER POL3 of the East Meath Local Area Plan seeks: *To work with stakeholders to progress the Boyne Greenway, subject to proposals being screened for their potential impacts on the Boyne cSAC and SPA.*

8.2.6. As a pedestrian/cyclist route, the development will contribute to national, regional and local policy objectives, with potential social and economic benefits. From a sustainable transport perspective, the proposed development will also provide for enhanced cycling and walking facilities and connectivity along the coast road between Drogheda and Mornington.

***Concluding comments - Justification and Purpose***

8.2.7. Therefore, having regard to the foregoing and as detailed in the Policy Section of this Report, I would conclude that the principle of the development of a Greenway is supported by planning policy. The proposal would be in accordance with the provisions of the national, regional and local plans relevant to support for greenways as a sustainable form of transport, within the wider area and is in accordance with the proper planning and sustainable development of the area.

8.2.8. The purpose of the development has been clearly set out and is justified in planning terms. It is intended to deliver a safe, high quality shared cycle and pedestrian path, linking key tourist attractions along the route and in the Boyne Valley area and its delivery is primarily targeted as a form of sustainable transport for local users, tourists and day trippers. It would provide a recreational amenity and promote outdoor physical activity. The route for the greenway would provide for a new walking and cycling route and increase the recreational amenities of the area. It would help to deliver a sustainable transport route for commuters through established and future planned links and would support the future development of a national sustainable transport network.

8.2.9. The proposed development would broadly comply with the various guidelines and standards for Greenways and Cycleways which are also summarised in the Policy Section above and I am satisfied that the concept of a Greenway is to be welcomed and is acceptable in principle. As noted in the details submitted relative to the Construction Methodology, there would be some site-specific deviations from the standards to take account of local environmental conditions, including the proximity to Natura 2000 sites (including the boardwalk element, site gradients, permanent obstacles along the route, residential crossings and traffic conditions).

8.2.10. Taking these issues into consideration and having regard to the documentation submitted and to the concerns raised in the Submissions made, it needs to be ascertained that the proposed route and construction and design of the Greenway

would not impact adversely on the integrity of the proximate Natura 2000 sites, the environment, and on roads/traffic and the safety of users. Therefore, while the proposal to construct a pedestrian and cycle greenway would be consistent with policy and the proper planning and sustainable development of the area, this is subject to an assessment of the impact on these issues.

### **8.3. Construction and Design issues**

8.3.1. As noted in the Constraints & Preliminary Design Report the proposed Boyne Greenway: Drogheda to Mornington route from the railway viaduct to Mornington is approx. 5.9km in length with approx. 4.1km of the route directly alongside the Regional Road and approx. 1.8km slightly away from the route of the road to ensure both a safe continuation of the route. In summary the Greenway includes for segregated pedestrian/cycle facilities in the form of a Greenway (Bituminous surface, Elevated Boardwalk to be 4m in width and footways of 1.8m.

8.3.2. For ease of description the route is subdivided into 5no. sections. The Route Alignment drawings are provided with the planning application and should be read in conjunction with this section to illustrate the preliminary design. The construction of the greenway route along each of these adjoining sections is described in detail in Section 4.0 of the Report above i.e:

- Section 1 – Ship Street/railway viaduct to Drogheda Wastewater Treatment Plant along Marsh Road (Ch.0-980)
- Section 2 – Drogheda Wastewater Treatment Plant to Le Chéile Educate Together National School on the Marsh Road (CH. 980 -2250).
- Section 3 – Le Chéile Educate Together N.S to Mornington Bridge (CH.2250-3720)
- Section 4 – Mornington Bridge to West of Mornington Court (Ch. 3730-5100)
- Section 5 – West of Mornington Court to Crook Road/Tower Road junction (Ch.5100 -5870)

8.3.3. Section 4.2 of the of the Constraints and Preliminary Design Report provides details of Scheme Construction Types which in summary include the following:

- Bituminous flexible pavement - Fig. 4.1 includes a photomontage.

- Boardwalk Greenway Construction – Fig. 4.2 includes a photomontage.
- Greenway Construction Bridge Section – Fig. 4.3 includes a photomontage shown separately to the north of Mornington Bridge.

8.3.4. Section 4.4. provides that junction layouts have been designed in accordance with T11 Guidelines, Design Manual for Urban Roads and Street, National Cycle Manual and existing road constraints. The proposed scheme includes upgrades to 8no. junctions, along the route, which are listed. Three of these junctions have been designed to include raised tables for traffic calming. Details, of these, entry points and new pedestrian crossing facilities at locations including for the schools and Mornington Court are provided. Submissions made note concerns relative to raised tables and that emergency services will have difficulties accessing the route in view of access difficulties, raised table junctions, ramps etc.

8.3.5. It is noted that the proposed design was subject to a Stage 1 Road Safety Audit and the Report provides that the recommendations made by the RSA team were incorporated into the final preliminary design for the scheme. This is discussed further in the traffic section below.

### ***Construction Methodology***

8.3.6. The Outline Construction Methodology Report provides an overview of the project from DBFL Consulting Engineers to outline the proposed construction methodologies for the proposed Boyne Greenway between Drogheda and Mornington. The Report notes physical constraints and opportunities along the route both natural and manmade within the study area and these are listed. It is noted that an Updated Outline Construction Methodology Report is included as part of the Council's F.I response submission. This includes further details relative to Resilient Construction Forms and Traffic Management and Access during Construction Operation.

8.3.7. Each of the proposed construction forms is discussed within the OCM Report providing an overview of the proposals and measures intrinsic to project design which are designed to avoid adverse impact on the ecological aspects of the scheme. These Construction forms and methodologies are discussed in further detail in Section 3 of the Updated OCM Report submitted in response to the F.I request. This Report provides details of 'Proposed Works and Mitigation'. Given the location, access and low maintenance requirements, robust and resilient construction forms

are preferred. Details are given in these documents of the forms of construction proposed for the greenway project. These and other forms of construction are shown in a colour coded Key Plan on the Proposed Route Alignment drawings (Sheets 1 – 9 submitted as part of the F.I). The main construction forms are summarised below:

*Greenway Construction alongside the roadway*

8.3.8. That section alongside the road (c.4.1km) is to be constructed using a bituminous (flexible) pavement construction in accordance with the recommendations of the TII Design Manual for Roads and Bridges (TII DMRB). This is described as a robust resilient construction form and details are given of the method of construction. The width of the greenway is to be limited to 4m and restrained on each side with a kerb.

8.3.9. Regard is also had to impact on the environment and on ecology along the route and measures include in summary:

- No engineered barriers are proposed from the road or estuary side.
- In the event of flood, the greenway is to be cleared using similar procedures to the road alongside.
- Planting of native species of hedgerows etc will be provided particularly where areas have been removed.
- Only minimal lighting is to be provided and none where birds forage within 50m of the cycle path to avoid any potential disturbance.

*Greenway Construction within Intertidal Zones/SPA/SAC*

8.3.10. As provided in the documentation submitted, there is approx. 2.4km of proposed greenway within the SPA/SAC areas and approx. 610 metres of this area within the intertidal zone. It is proposed that the greenway be constructed of proprietary recycled plastic elements and be elevated onto a boardwalk structure to minimise impact. Where the proposed greenway moves away from the road it is to be elevated above the appropriate flood zone level (refer to the Flood Risk Assessment) and this will require a robust and resilient construction form that requires little or no maintenance.

8.3.11. Construction practices are to minimise impact on flora and fauna and the OCM Report considers the impact will be negligible and that in the longer term the boardwalk will merge into its surroundings. Further details are given in the revised



OCM Report of barriers to be erected and of minimal lighting and it is noted that no lighting is to be provided in sensitive locations and where birds forage within 50m of the cycle path to avoid any disturbance. As the intertidal, SPA and SAC areas are typically away from the road, this area is more ecologically sensitive and a summary of measures to be employed during construction works is given in Section 2.3 of the updated OCM Report.

### *Greenway Construction Bridge Sections*

- 8.3.12. It is noted that bridge sections are to be provided at two locations along the route of the greenway to provide 20m clear spans. The first bridge at chainage 3705 to 3725, spanning the outlet of the Stameen/Colpe Stream, is to be a prefabricated steel arch bridge placed on precast concrete cross beams on precast concrete piles. It is submitted that this construction approach was agreed with the architectural heritage section of the Council to limit impact on the existing stone arch bridge structure (Mornington Bridge - Protected Structure) and not detract from the bridge visually.
- 8.3.13. The second is between chainage 4720 and 4740 and spans the outlet from an unnamed watercourse. This is described as a simpler construction formed by providing a prestressed precast concrete beam resting on a precast concrete ground beam on precast piles. Also, that the deck will be partially precast with in-situ finished surface. Details are given of typical bridge lifting operations.

### ***Road Lighting***

- 8.3.14. No lighting is proposed for the greenway as a whole, as it is likely to be used during daylight hours in the main. Existing lighting associated with the road corridor and existing amenity lands will be maintained. Details are given of proposals for minimal bird sensitive lighting with cowlings directed away from estuarine habitats.
- 8.3.15. It is noted that an Outdoor Lighting Report and accompanying drawings have been submitted as part of the Council's F.I response and this, details proposed lighting at junctions and crossings along the Greenway. In view of ecology and bird life in the area, it is important to keep lighting low and at a minimum.

### ***Conclusion regarding Construction and Design***

- 8.3.16. It is of note that a Route Description Summary, in relation to the route position, whether in flood level Zone A, the intertidal zone, or within/outside the SPA/SAC and noting the construction form is provided in tabular form in Appendix A of the updated

Outline Construction Methodology Report. This should be read in conjunction with the drawing packages submitted both with the application and at F.I stage which provide details and clearly illustrate the route. I would consider that the outline, design and construction of the route and the constraints have been adequately described in the documentation submitted.

- 8.3.17. In the context of existing infrastructure in the area, measures have been outlined in the aforementioned reports to seek to limit the risk of interference along the Greenway route, both within the existing environment and to avoid risks associated with the proposed construction works. However, as noted by the third parties, the impact on traffic, movement and safety and on the environment and the Natura 2000 sites needs to be considered.

#### **8.4. Traffic, Movement and Safety**

- 8.4.1. There is approx. 4.1km of the proposed greenway (4m in width) to be constructed alongside the road or very close to the road. Submissions from third parties are concerned about the implications of this in that this is a busy heavy trafficked area and the R150 & R151 support a large volume of traffic. That the proposal will result in traffic congestion and hazard in the area. That the current road network is not designed to facilitate a Greenway with its narrow corridor for vehicles, pedestrians and cyclists. It is submitted that the existing road network (R150/R151) is not safe for pedestrians and cyclists. Also, that there is poor connectivity and accessibility to the proposed Greenway. There is concern that no traffic impact assessment has been provided nor assessment made of the capacity and sustainability of existing public transport systems to cater for the predicted Greenway users to the local area.

##### ***TIA issues***

- 8.4.2. A Traffic Impact Assessment has not been submitted with this application. Nor is it directly referred to in the EIAR Screening Report. Standard traffic and construction management is proposed to effectively reduce any negative impacts relative to traffic during the construction phase. During the operational phase it is anticipated that the risk of road traffic accidents and associated pollution risks will be reduced due to the provision of an off-road transport corridor. While I would acknowledge that the greenway in itself, will provide for a sustainable transport option, cognisance is had that submissions raised include relative to traffic/user safety concerns.

- 8.4.3. The Board's Further Information request advised that a Traffic Impact Assessment be submitted. Meath County Council's F.I response provides that as part of the planning application submission, it is their view that the Boyne Greenway scheme does not require/warrant a TIA as it does not meet the criteria/thresholds outlined in the Traffic and Transport Assessment Guidelines (TII Publications PE-PDV-0225, May 2014). They therefore propose to consider and address the potential traffic impacts during construction stage in a revised Outline Construction Methodology (OCMR) (Appendix D refers). It is noted that this document has been submitted separately and has been discussed in the context of the Construction and Design Section.
- 8.4.4. The Council, have stated that a TIA is not warranted in this case in accordance with the above TII Guidelines. They do not consider that the vehicular traffic envisaged as part of the operational phase of the Greenway is such that it would trigger a threshold for a TIA. Accordingly, they provide that they do not intend on assessing the cumulative traffic impacts associated with committed developments in the locality. I note that they have not provided traffic estimates, taking into account the sustainable nature of the Greenway. I have had regard to their F.I Roads/Traffic response and to the documentation submitted and would consider that, based on the current Guidelines and that they have established that a TIA is not required.

***Predicted Nos. using the Greenway***

- 8.4.5. Submissions made include concern that details have not been given of the number of people predicted to use the proposed Greenway per day. In addition, that based on the proposed width of the Greenway at 4m it can be estimated that Meath Co.Co. can expect c.1,500 users per day at high season. Transport Infrastructure Ireland (TII) Rural Cycle Scheme (including Amendment No. 1, December 2014).
- 8.4.6. It is queried what standards have been applied to the calculations regarding the width size of the areas allocated for walkers, cyclists and motorised vehicles. The Council's F.I response (Technical Note 170029 DBFL Consulting Engineers) provides that they propose to calculate the predicted number of users based on data collected from similar greenway schemes in Ireland, along with expert experience and calculations. They propose to include a summary of the predicted usage in a similar format to the recently ABP Broadmeadow Estuary Greenway Scheme (ABP-304624-19 refers). They note that the average daily trips expected is between 900 -

1000, with 1,200 – 1,300 potential daily users in peak season. That the 4m width is considered to meet/exceed the minimum desirable width of 3m for low volume routes (1.e 1,500 daily users). The Council provides in their F.I response that the proposed development meets national greenway design standards. Therefore, it is intended that the proposed Greenway usage will follow the pattern of usage of others that have been permitted.

### ***Traffic Management & Access During Construction & Operation***

8.4.7. This Section (4.0) has been included in the revised OCM Report to address the potential traffic impacts during construction stage. In summary this provides details on the following:

- General Storage Compounds & Parking;
- Temporary Impact on Schools and Surrounding Business;
- Temporary Traffic Management for Greenway Construction '*Alongside Road*';
- Temporary Traffic Management for Greenway Construction '*Away from Road*';
- Temporary Traffic Management for Greenway Construction '*Bridge Structures*';
- Traffic Management of the Greenway in Operation.

The latter notes that there will be limited need for permanent traffic management of the R150 or Greenway, as the road will remain generally as it is currently, and the greenway will be alongside, off road. Controlled and uncontrolled crossing locations will be provided at strategic locations along the route to service schools etc.

8.4.8. As noted from the Flood Risk Assessment, a significant portion of the greenway falls within Flood Zone A, because of being directly alongside the existing low lying road infrastructure. Although flooding of the greenway route is a rare event and will only occur where flooding has taken place on the road alongside, a management procedure will be necessary. Details are given of a formal flood warning system.

8.4.9. The OCM Report notes that the effectiveness of the intrinsic design measures will be monitored during construction and post construction for 3 years. That this will be undertaken by an Ecological Clerk of the Works (ECoW) with a 'Stop Works' authority. The performance of the particular measures of importance shall be

observed, such as the durability of the fencing erected, the effectiveness of any screening and feeding habits of birds adjacent to the screens. Measures have been included to avoid risks associated with the proposed construction works.

### ***Road Safety Audit***

- 8.4.10. A Road Safety Audit Stage 1 was carried out by an independent engineering consultancy in December 2018, which outlined road safety issues during the operation of the Greenway along the R150/151. In general, the RSA provides that the updates required are minor in nature, such as the provision of uncontrolled crossings and tactile paving etc. and that these will be updated at detailed design stage. This report has been updated to incorporate any changes in the scheme design and is included with the F.I submitted. This also includes that as part of the proposed scheme, there is no vehicle restraint systems proposed in the design.
- 8.4.11. The RSA identifies a number of Problems along the route and Recommendations are made. These include a reduction in speed limits along the route, particularly in the area of the schools. They recommend that the effective width of the greenway be kept constant throughout the scheme. They note issues with the proximity of the route of the greenway to the River Boyne. Their Recommendations include that risk assessments be carried out on the need to provide protection for errant vehicles from entering the riverbed at various locations along the scheme. This should include the approach and departure lengths to parapet/retaining walls and an assessment of suitable containment. Regard is also had to RSA recommendations for traffic calming and relative to the various junctions the greenway will cross. This includes a recommendation for access to Marsh Road/Mill Road Junction (Drogheda end) that the junction with the Greenway be widened locally to facilitate cyclists turning movements. Also, a recommendation that the new zebra crossing at the junction of Church Road and the R150/R151, be signalised.
- 8.4.12. It is noted that the Stage 1 RSA includes 3no. Observations i.e:
- The use of transverse bar marking is currently only permitted on dual carriageway approaches to roundabouts. Alternative forms of traffic calming may be required on approach to the R150/R151.
  - The use of tactile paving at raised tables throughout the scheme is inconsistent. They provide that this can be made consistent during detailed design phase.

- It is assumed that the greenway will be lit during the hours of darkness and the crossing points will also be lit.

Having regard to the latter as described in the Ecology Report and NIS - relative to the impact on bird life in the Natura 2000 sites, it is not proposed that the greenway be lit along its route with the exception of crossing points.

- 8.4.13. It is noted that the greenway will terminate at Mornington Road (R151/Tower Road junction). A footpath is to be provided on Tower Road from Mornington Road (R151) to Tower Road/Crook Road junction. This is to enable safe crossing onto the greenway from Tower Road. It is intended that the strategic greenway will follow the R151 as it proceeds south to Bettystown (not part of the subject application). Uncontrolled crossings are to be provided to access the bus stop at the Mornington end. I note that significant modifications have been recommended in the revised Stage 1 RSA, with the aim of improving safety along the Greenway.
- 8.4.14. MCC have acknowledged in the F.I submission, that there are significant public safety concerns with the route and will seek the reduction of speeds from 80km/hr to 50km/hr on this route along with the provision of other traffic calming measures such as table-top ramps to reduce speeds on the R150 and R151 Regional Roads. However, the Drogheda/Mornington coastal road network is currently a fast busy route with poor visibility due to the alignment of the road in certain sections, and few lay-bys to pull in. I would be concerned that there are no details given of how this reduction in speed limits along the Regional Roads (R150/R151) are to be implemented.
- 8.4.15. Having regard to the Stage 1 Road Safety Audit, a number of problems have been identified and that there is a need to ensure safety of potential users and other road users. The RSA notes issues relative to the proposed greenway route along the roadside and on the elevated boardwalk and has regard to surfaces, crossing points, flood risk etc. While their recommendations are noted, I would be concerned that this is a narrow fast busy regional route and I would conclude that it has not been demonstrated that the measures put forward are robust and generally adequate to ensure public safety of both greenway and road users.

### ***Public Transport***

- 8.4.16. Submissions made are concerned that the public transport system will be put under pressure and that no assessment has been made as to the capacity and suitability of

existing public transport systems to cater for the predicted Greenway users to the local area. Also, about the impact of the greenway on the width of the R150/151 on public transport, noting the existing bus service along the Drogheda/Mornington route. This includes concerns that the bus lay-by on the westbound traffic lane, near Mornington Court entrance will disappear. Considerations include, poor connectivity and accessibility to proposed Greenway – it is envisaged users from the Drogheda end will access by train or bus. The train station and the pay and display parking area are some distance from Mornington.

- 8.4.17. The F.I response notes that the proposed ‘in-line’ bus stops are similar to the bus stop layout proposed for the Golf Links Road south of Mornington Village to Bettystown, which are suitable for 50kph urban zone. I would be concerned that it has not been adequately demonstrated as to how public transport will link up to serve users of the Greenway. Regard is had to the car parking issue below.

### ***Car Parking***

- 8.4.18. The Council provide that there is no car parking provided and it is envisaged that most users will come by train (using the train carpark), bus or from Drogheda (or Mornington & Laytown) to use the facility. In response to the F.I request they provide that greenway users may use the Irish Rail carpark (at the Drogheda end) complying with the pay and display protocols. However, they also note that there is no agreement in place nor is it intended to enter into any such agreement. They note that the scheme extent has been reduced in the F.I submission, on the eastern extent of Tower Road to prevent any works within the dunes which are part of the SAC. They seek to discourage parking in the dunes which is to be commended in view of its Natura 2000 status, except that they have not provided an alternative for parking at the Mornington end. Road safety issues, including parking during the construction stage are also outlined in the revised OCMR.
- 8.4.19. Several Submissions made express concern about traffic congestion and the lack of parking available, and none proposed along the route. This includes particularly at the Mornington/Tower Road end of the proposed greenway where local residents are concerned about parking in the residential area and within the dunes, which are within a Natura 2000 site. I would consider that the lack of provision of dedicated parking areas to serve the greenway is a significant issue and as put forward in the submissions made would result in potential congestion points including at the

Mornington end of the route. This is not in context with other greenway routes that have been granted by the Board, which include dedicated parking areas. It is of note that the Road Safety Audit also recommended that provision be made for parking for those who wish to use the greenway who initially travel there by car. I would conclude that parking provision has not been addressed and that this is a significant issue, with potential to impact adversely on the area.

### ***Conclusion – Traffic, Movement and Safety***

- 8.4.20. Having regard to the above, and taking into consideration the documentation submitted including in response to the F.I, and the submissions made, I would conclude that while the concept and advantages of a Greenway as a sustainable form of development have been acknowledged, that it has not been demonstrated that this proposal will not have a negative impact on the road network, local residents and users of the Greenway. The Problems noted in the Stage 1 RSA are significant and I would not consider that the recommendations made to rectify these, are sufficiently robust.
- 8.4.21. While in the interests of safety it would be beneficial, indeed essential, to reduce the speed limit along the route (R150 and R151), details have not been given by Meath County Council, on how this reduction in speed limits is to be implemented along the route. Sufficient regard has not been given to public transport links. Dedicated parking for Greenway users has not been provided and there are concerns that this will lead to congestion, particularly at the Mornington end and result in parking in the dunes. The latter would be detrimental to the Natura 2000. Therefore, I would recommend that the Board refuse this proposal based on these grounds relative to Traffic, Movement and Safety.

### **8.5. Land take and Boundary Treatment**

- 8.5.1. The proposed route has restricted space along the edges of Mornington Road (R151) and would require land acquisition from privately owned properties on both sides of the Mornington Road. Revised entrance/boundary treatment is to be provided for residents affected by land acquisition on both sides of the Mornington Road in Mornington Town. It is submitted (Appendix B of the Constraints & Preliminary Design Report) refers that the proposed boundary treatment provided will likely be as per the original façade e.g. a clad wall (to be agreed with landowner)



and will be positioned at the back of the greenway or offset from the edge on the permanent land-take line.

- 8.5.2. Widening of the carriageway along the southern side of Mornington Road to cater for the proposed Greenway will impact on the Mornington Court boundary wall. This wall is to be relocated to the back of a new footpath and the boundary treatment provided is to be as per the original façade.
- 8.5.3. Boundary treatment is to be provided to non-residential properties affected by land acquisition on the northern side of Marsh Road (R150)/Mornington Road(R151). The boundary treatment provided will likely be as per the original façade e.g. fence, stone wall etc (to be agreed with landowner) and will be positioned at the back of the greenway or offset from the edge of the permanent land take line.
- 8.5.4. In summary elements of the proposed development would evidently require land take i.e. the carrying out of works on lands currently held in private ownership. In this regard, I note that it is open to the Local Authority to acquire by agreement or compulsorily, any easement, way-leave, water-right or other right with landowners pursuant to Section 213 of the Planning and Development Act, 2000, as amended.
- 8.5.5. The consent of landowners and the acquisition of lands and/or easements over land is a separate process to this application for approval of proposed development under Section 175 of the Planning and Development Act, as amended. Whilst such an application, if so required, can be lodged in tandem with an application for approval under Section 175 of the Act, the absence of an associated compulsory purchase process does not prohibit the Board from determining the application for approval.

## **8.6. Consideration of Alternatives**

- 8.6.1. Submissions made are concerned that alternative less obtrusive routes should have been chosen for the Greenway. The third parties are concerned that this is not the proper place for an integrated Greenway. While in favour of a Greenway they are not in favour of the current suggested route. They query what alternative routes were considered and note that the Council's F.I response has not had regard to alternative less intrusive routes. Submissions include that an alternative inland route set back from the estuary may preferable.
- 8.6.2. It is noted that Bird Watch Ireland are concerned that because the Boyne Greenway poses a significant threat to the bird life in the Boyne Estuary SPA, they object to this

development. They recommend the investigation of alternative routes away from the estuary to develop a suitable greenway for the people. In view of bird life in the SPA this is an important consideration.

- 8.6.3. Separate to the EIA Screening Report a Route Options Assessment Report has been submitted. This has regard to the Physical Character of the area and notes the route of the proposed Greenway. It has regard to Characteristics and Constraints along the Study Area Sections along the route i.e. Sections 1 – between the Boyne Viaduct and Mornington Road/Old Golf Range access and 2 – between Mornington Road/Old Golf Range access and Tower Road/Crook Road junction. Section 3 of the Report provides the Route Option Assessment Methodology. A route options summary table format has been prepared which collates and summarises the appraisal of route options under each of the assessment criteria and is presented in Appendices A – B. Section 4 of the Report submits that three principal route options (Figures 4.1, 4.2 and 4.3 refer) were assessed.
- 8.6.4. A discussion is had of each of these routes and includes note of their constraints. Issues including road safety, land take and to limit the impact on the Boyne Coast and Estuary SAC and Boyne Estuary SPA were taken into account. Option S1-2 is the favoured route and it is stated that this has been designed to avoid the potential for likely adverse effects on European Sites and Biodiversity receptors. Section 5 of the Report notes that there are a number of sub-options relevant to specific portions of this route (Figures 5.1, 5.3 relate). It is provided that multi-criteria assessment was utilised to assess these sub-options to determine the optimum layout to be included, in the principle route options considered. Regard is also had to sub-options A – D relative to the Mornington Road to the old golf range, Butterfly Alley, Mornington Road & Tower Road, sections of the route. Constraints are noted relative to Option Routes 1 and 2 and it is noted that Option Route 3 has been screened out.
- 8.6.5. The proposed greenway route corridor is principally aligned along existing road corridors, amenity areas and existing trackways and disturbed ground, following the southern margin of the River Boyne estuary. While, it would be preferable to have the greenway completely away from the road, the Route Options Assessment Report provides that this approach balances the proximity to the SPA/SAC with access and functionality and seeks to ensure that this amenity can be enjoyed by users of the facility. They also note that previously the proposed greenway route continued past Tower Road/Crook Road junction onto the dunes east of Mornington Town and that

this section of the route has been removed to avoid permanent land use change of the Annex 1 habitats.

### ***Conclusion - Alternatives***

- 8.6.6. Having regard to the details presented in this Route Options Assessment Main Report, I would consider that a discussion of alternatives has been had and that justification has been given relative to the rationale for the emerging route selection as presented in the current application. However, it is noted that none of these alternatives refers to the possibility of locating the proposed greenway elsewhere, i.e away from the SPA and SAC. Any possibility of an alternative cross-country off-road route away from the estuary and the Natura 2000 sites has not been presented.
- 8.6.7. Of note, the third party submissions including Birdwatch Ireland consider that further regard is needed for an alternative more suitable route that would have less of an impact on the existing R150/R151 and on the Natura 2000 sites and not traverse the intertidal route. Regard has been had to their suggestions for alternatives in the third party submissions section above. However, specific consideration of alternative routes is not part of the subject application. Taking all of these issues into account, I would consider that the route proposed is not optimum. This includes that having regard to traffic safety issues. It would be preferable if an alternative route could be looked at and to ensure that the proposal had less of an impact on the environment and did not transverse the Natura 2000 sites.

### ***Overall Conclusion on Planning Considerations***

- 8.6.8. This Section of the Report has had regard to the construction and design of the Greenway and the likely consequences for the proper planning and sustainable development of the area. Note has been had under each of the headings above of the issues raised and of the conclusions to each Section. Regard has been had to the documentation submitted including that provided in response to the Board's request for further information, drawings, mapping etc. Also, to the issues raised by the third parties in the submissions made.
- 8.6.9. The justification and purpose of the Greenway has been established, as has support for the concept noting this is in compliance in principle with sustainable development in the National, Regional and Local Planning policy. A discussion has been had of the Outline Construction Methodology both on and off road (including the boardwalk and bridges). Details have been provided of the proposed works, constraints and

mitigation measures and the need for robust construction methods and to limit the impact on the environment during construction and operational phases.

- 8.6.10. Note has been had to Traffic, Movement and Safety. This includes issues regarding public safety along various sections of the route as raised in the third party submissions and in the Stage 1 Road Safety Audit. I would conclude that it has not been demonstrated that the measures put forward are sufficiently robust or adequate to ensure public safety of both users of the greenway and the road network. In addition, while it has been noted that the Council has in their F.I submission, proposed to reduce speed limits along the route, it has not been detailed as to how this will be implemented, on what is currently a fast busy regional road network.
- 8.6.11. The lack of public parking to be provided for the Greenway has been noted, particularly in the context of the undesirability of parking in the dunes at the Mornington end, which are within a Natura 2000 site. Note has also been had of the third party submissions and their concerns about traffic congestion, the potential for adverse impacts on their residential amenities and the lack of parking available or to be provided for the anticipated users of the route. The lack of integrated public transport available has also been raised.
- 8.6.12. While alternatives have been referred to in the 'Route Options Assessment Report', none of these refer to a route that would be away from the Boyne estuary and the designated sites, and/or off road in an alternative location. It is noted that while it has not been ruled out that there is a possibility of such an alternative route, consideration of such has not been investigated in the documentation submitted, but has been raised in the third party submissions made.
- 8.6.13. In conclusion having regard to all these issues raised, while I consider the principle of the Greenway to be acceptable, I am concerned about the locational context and the aforementioned constraints and am not convinced that it has been demonstrated that the proposed route will have a positive impact or that this is the optimum route.

## **9.0 Environment**

### **9.1. EIAR Screening Considerations**

- 9.1.1. It is noted that as part of the application documentation, an EIAR Screening Report was submitted, the stated purpose of which is to determine whether an EIA is

required for the proposed greenway. The report provides a description of the proposed development and route of the greenway and has regard to planning policy. Section 4.0 considers whether the development meets the thresholds for a mandatory EIA under Section 50 of the Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994 and concludes that the development does not fall within a mandatory threshold. The report then goes on to consider whether the development would constitute a sub threshold development and require an EIS as per the guidance set out under Article 120 of the Planning and Development Regulations 2001.

9.1.2. The greenway does not constitute any of these types of development. In conclusion, as the proposed development does not meet the criteria either under the Planning and Development Regulations or the Roads Act, an EIA or screening for EIA is in my opinion not required.

9.1.3. The application is made under section 177AE and this assessment, therefore, is not a formal screening assessment. If the applicant requires a formal view as to whether an EIAR is required, there are other statutory mechanisms for them to do so.

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

9.2.1. The Board should note however, that the subject application has been made under section 177 AE of the Planning and Development Act 2000 as amended, and in this context, regard must be had to the broader environmental impacts of the development.

9.2.2. The subcategories to assess the broader environmental impact are listed below. It should be noted that these subcategories do not follow the formal headings as in EIA Directive 2014, but are considered most relevant to the project in determining its broader environmental impact. I have considered the project under the following headings:

- Human Beings, Population and Human Health
- Water includes Hydrology and Flooding
- Air and Climate
- Noise and Vibration

- Archaeology & Built Heritage
- Landscape and Visual Amenity
- Arboricultural issues
- Biodiversity & Ecology

### 9.3. Population and Human Health

- 9.3.1. The proposed development will involve construction works within and adjoining the public road network and in the inter tidal area. During construction, there may be some temporary disruption to the local population, however such impacts can be minimised, as proposed by the applicant in the Outline Construction Methodology.
- 9.3.2. The route of the proposed greenway development runs along the northern side of the Regional Road (i.e. estuary side). The majority of residential properties between Drogheda and the western edge of Mornington are on the southern side of the R150 and R151 and so the preferred route reduces the potential for negative impact on residential amenity. Standard health and safety precautions will be required at design, construction and operation stage.
- 9.3.3. The proposed development would require a limited land take along the majority of the greenway extent but it is provided in the EIAR Screening Report that there would be no demolition of property. The lands which form part of this proposal are in the ownership of Drogheda Port and Meath and Louth County Councils and some sections are in private ownership that would require to be purchased to accommodate the proposed development.
- 9.3.4. During the operational phase, the greenway would provide many benefits in terms of its recreational and amenity value and potential positive impacts on human health. It is noted that some of the submissions made are concerned about a lack of facilities along the route. However, I would consider that the numbers of persons using the greenway, may lead to an overall increase in the provision of such facilities.
- 9.3.5. Potential exists, particularly at the construction stage for a limited amount of nuisance associated with localised traffic disruption and noise. However, for the most part construction works related to this project are likely to be 'low-key' and similar in nature to road improvement works (tarmacadam surfacing). Any such impacts would also be temporary in nature and would only take place during daytime hours.

Significant negative impacts on Human Beings, Population or Human Health have not been reported from the operation of other existing greenways. Overall, impacts on population and human health are therefore likely to be positive.

#### 9.4. **Water**

- 9.4.1. Regard is had to surface and groundwater and to compliance with the Water Framework Directive. The River Boyne runs adjacent and to the north of the route. The Boyne Estuary has a WFD Status of 'Moderate' and the transitional water body has a WFD risk status of 'at risk'.

##### *Surface Water*

- 9.4.2. The principle potential impacts to surface water are associated with discharges to the receiving watercourses. The only identified water course that intersects the proposed development is the Stagrennan Stream that flows to the estuary at Mornington Bridge. The EIAR Screening Report notes that watercourses are sensitive to pollution and that there is potential for increased levels of suspended solids during construction stage.
- 9.4.3. During construction there is the potential for impacts to the Boyne River/Estuary and Stagrennan Stream from sediment loading and associated anthropogenic polluting substances as a result of surface water run-off or spills on site. The EIAR Screening provides that the enforcement of industry best practice pollution prevention measures will prevent the occurrence of a pollution event. Provided appropriate controls are put in place, it is anticipated that there will be no impact to hydrology or water quality during the construction or operational phase.
- 9.4.4. It is not considered that the greenway will create any significant impacts on surface water quality or on the surface water system. Regard is had to potential for disturbance to wintering birds feeding along the shoreline and mudflats and ground roosting above the high tide mark during construction phase. Mitigation measures are proposed to protect fisheries and aquatic biodiversity in Section 5 (operational phase of the EclA document submitted). These measures are to mitigate the potential for significant impacts from the proposed development on the water receptors.

##### *Groundwater*

9.4.5. It is not considered that the operation of the greenway would have a significant impact on groundwater quality. The greenway will be mainly located on the surface with minimal excavation works, there will be no requirement for any significant cut or fill. There will be no significant impact on the groundwater regime at these locations. Where piling works for the boardwalk areas along the foreshore are required, any impact would not be expected on local hydrology but that may be dependent on the depth of piling required during construction. The greenway will not create any traffic pollutants impacting on the water system. It is concluded that if appropriate controls are put in place that there will be no impact on hydrology or water quality during the construction or operational phase.

## 9.5. Flood Risk

9.5.1. The issue of Flood Risk for local roads and users has been raised in the Submissions made, having regard to the location of the Greenway route proximate to the Boyne Estuary. A Flood Risk Assessment was submitted which seeks to assess the proposed greenway route in accordance with the requirements of “The Planning System and Flood Risk Management Guidelines for Planning Authorities”. It is of note that an Updated FRA has been submitted as part of the F.I submission.

9.5.2. The FRA identifies possible tidal flooding. This indicates that the proposed development, although within a flood zone for short sections, will be constructed at an elevation above the flood zone (i.e. raised boardwalk) in these areas. The construction of a boardwalk in the inter-tidal zone will be at minimum level defined within the flood risk assessment report (i.e 3.54m above O.D). This is approx.1.5m above the present day highest astronomical tide level and will mitigate the risk of flood throughout the design.

### *Fluvial & Coastal FRA*

9.5.3. Given the extent of existing road based infrastructure already within flood zone A, the design seeks to ensure that the lowest point on the proposed greenway is higher than the lowest existing level of the existing road based infrastructure and to ensure that construction forms are both robust and resilient to flooding. The risk of roadside flooding is noted, the road and greenway will drain back down following the tidal event, normally within a 12hour period. Where the greenway is away from the road, and on the boardwalk, the level of same will be set above the Flood Zone A level. It



is also noted that there is a significant risk of coastal and fluvial flooding from the River Boyne and Estuary, with a moderate risk of surface water (pluvial) and minor risk of groundwater flooding.

#### *Pluvial FRA*

- 9.5.4. The Source – Pathway - Receptor model identified a moderate risk of pluvial flooding to the existing surface water drainage and human/mechanical error. The risk of the greenway impacting on the existing road drainage network will be mitigated ensuring that the run-off from the proposed greenway is directed to soakage areas away from the road drainage network. The risk of pluvial flooding affecting the operation of the greenway is to be mitigated by setting the level of the greenway at a level above the road alongside.

#### *Surface Water Management & SUDs*

- 9.5.5. The greenway will be drained naturally to the underlying soil along the entire route. This is to be in the form of over the edge to grass verge for the greenway construction alongside the road and will pass through construction in the case of boardwalk or bridge.
- 9.5.6. Surface water runoff from the proposed bituminous flexible pavement section of the greenway will run over the edge and soak naturally to the underlying soil. While, the 1.9km of proposed Boardwalk will drain straight through the boardwalk to the underlying river or soil. It is noted that further information on the surface water drainage for the scheme can be found in the FRA and Update FRA Reports submitted.

#### *Impact on Adjacent Areas*

- 9.5.7. Adjacent Areas will not be impacted greatly by the greenway, as the drainage will generally be straight to ground or river estuary not making use of any existing conveyancing or active drainage systems. Vehicular access and egress for emergency services during future flood events will be from the R150/R151 alongside. During extreme flood events the greenway will be allowed to flood along the road. Variable Messaging Signs will be used to advance warn users of the impact of the proposed greenway.

#### *Flood Risk Mitigation*

As noted in the FRA a practical approach to mitigating the flood risk associated with the greenway would be to ensure the following:

- The lowest level on the greenway route is above the lowest level of the road, and that the construction form of the greenway is robust, resilient and easily maintained.
- They consider it prudent to apply the principle that where a boardwalk structure is used away from the road that the level of same is kept out of flood Zone A to reduce maintenance levels associated with same.

9.5.8. The FRA provides that where possible the route should be kept above Flood Zone A (in Flood Zone B or C) when not constrained by existing physical infrastructure. The most prominent flood risk associated with the greenway route is coastal flooding which is a reoccurring problem on the Marsh Road and R150/R151 generally. To reduce the impact on the existing road based infrastructure would necessitate significant works in the form of flood defences or by raising the existing road by more than 1m in places. The FRA provides that this is considered beyond the study requirements of the greenway.

9.5.9. A substantial portion of the proposed greenway is within Flood Zone A. Having regard to the Guidelines, the proposed greenway could be classified as either local transport infrastructure (less vulnerable) or amenity open space/leisure based amenity (water compatible development). The existing road based infrastructure along the route falls within these same flood zones currently.

### **Conclusion**

9.5.10. It would be impractical, commercially restrictive and visually obtrusive to increase the greenway height to meet the required flood zone (as much as 1.2m above the road level in places). Where the greenway is within Flood Zone A, it is directly alongside a road that is constraining any increase in level. This ensures that the 'Justification principle' has been applied in accordance with The Planning System and Flood Risk Management Guidelines Sequential Approach.

9.5.11. The construction forms irrespective of location will be robust and resilient requiring limited maintenance following a flood event. Automated advance warning signage will also be provided. This ensures that the 'Mitigation principle' has been applied in

accordance with the said guidelines sequential approach. Having regard to the FRA submitted, I would conclude that a greenway is not a vulnerable use and that a further detailed Site-Specific Flood Risk Assessment is not required.

## **9.6. Air and Climate**

- 9.6.1. A proposal of this nature has minimal potential for air and climate impacts and is more sustainable than use of the private car and the associated potential for emissions. In this respect the Greenway can be seen as a positive.
- 9.6.2. It is considered that the level of construction traffic required for a project of this scale will have no impact on the local air quality or climate. Neither will a construction project of this scale result in any significant generation of dust. The operation of the Greenway will have no impact on Air Quality or Climate in the area as it will be used by cyclists and pedestrians only.

## **9.7. Noise and Vibration**

- 9.7.1. The proposed greenway will largely be active in daytime hours only. It is anticipated that the cyclists and pedestrians using the greenway will have little impact on noise or vibration or the local environment.
- 9.7.2. Construction methods are to be carried out in accordance with best practice. Any construction operations such as piling which have the potential to cause noise and vibration will not be carried out at times which are considered to be noise sensitive such as early in the morning or late in the evening, or during seasons where wintering birds are migrating to the area. Screening will be erected at residential boundaries to minimise noise intrusion.
- 9.7.3. Potential impacts on aquatic life should also be considered. Mitigation measures have been proposed to reduce noise and vibration impacts on wildlife and local residents. It is concluded that these measures will mitigate the potential for significant impacts.

## **9.8. Archaeology and Built Heritage**

- 9.8.1. An Archaeological and Built Heritage Assessment Report of the Proposed Greenway has been submitted as part of the application package. This notes there are a

number of recorded monuments within the area surrounding the proposed greenway. The closest is the zone of archaeological notification associated with the former medieval settlement at Mornington. The proposed greenway will pass through this area. Three further monuments are located within the immediate vicinity of the proposed greenway, Mornington church, graveyard and a chest tomb. A detailed Assessment is given relative to the route being divided into sections and to the impact of the proposed works on the archaeology of each area.

- 9.8.2. Regard is had to the Built Heritage and it is noted, there are a total of 17 protected structures located within the study area of the proposed greenway, along with 14 structures included on the NIAH Survey and 13 features included in the Meath Industrial Heritage Survey. Note is had to Recorded Monuments and to Built Heritage in the list of Protected Structures in the Meath County Development Plan.
- 9.8.3. A number of demesne walls directly associated with protected structures border the proposed greenway directly. These include walls associated with St. James and Weirhope House. Several smaller items of street furniture, including milestones and water pumps are also located within the immediate vicinity of the proposed greenway.
- 9.8.4. Sections of the proposed greenway will travel across marginal estuarine areas of the board walk or elevation platform. It is possible that such areas may have archaeological potential and that the boardwalk may have adverse impacts on archaeological features or deposits that have the potential to survive in the landscape. Estuarine landscapes are considered to possess high archaeological potential.
- 9.8.5. The new bridge for the greenway is to be constructed to the north of the Mornington Bridge, a Protected Structure, with the scheme also passing beneath the Boyne Viaduct at the western end of the scheme. There are to be no direct impacts on the existing Mornington Bridge (RPS MH021) as a result of the proposed new arched bridge. It is proposed to construct a new bridge to the immediate north of Mornington Bridge which is a P.S, which will require piles to be driven through the estuarine area. These works may have an adverse impact on archaeological features or deposits that have the potential to survive within the watercourse/estuarine area that the bridge will cross.

- 9.8.6. The proposed bridge may result in an indirect visual impact on Mornington Bridge, however, the design is described (Section 4.2.6 of the Constraints and Preliminary Design Report) as being sympathetic to the existing structure, allowing the main elements of the northern elevation to remain visible. It is recommended that a photographic record be carried out prior to and during the works to document the current setting of the structure and the construction of the adjacent structure.
- 9.8.7. The milestone and water pump at the junction of Church Street and the R151 are valuable architectural features of the street furniture. The raised table and bollards proposed at this junction may have an adverse effect on these protected structures. If the milestone and water pump are required to be moved during works at the junction, that they be reinstated following the completion of works. The items should be stored safely off-site during the course of the works.
- 9.8.8. There is one Architectural Conservation Area (ACA) located within the landscape surrounding the proposed greenway, which consists of Ship Street ACA. This area is located to the immediate northwest of the proposed greenway route off Marsh Road. The greenway does not transverse Ship Street. No adverse impacts are predicted upon the remaining protected structures, associated curtilage features or on the Ship Street ACA.
- 9.8.9. The Halpin and Moran war memorial borders the footpath on Marsh Road. While this is not a P.S. it does constitute a feature of architectural and cultural interest. The proposed greenway will negatively impact on the enclosing wall of the memorial. It is recommended that the Halpin and Moran Memorial is subject to a written and photographic record prior to works commencing. Also, that the replacement of the enclosing wall should be carried out sympathetically and be undertaken by appropriately qualified masonry experts.
- 9.8.10. Section 4 provides the Results of the Field Inspection relative to archaeology and the built environment including reference to the protected structures in the five no. Sections of the route. Many of the structures are included in the NIAH built heritage survey for County Meath, including Mornington Bridge and the Boyne Viaduct. The proposed greenway will travel through the northern section of a demesne associated with Stagrennan House and to the north of demesnes associated with St. James and Weirhope House.

- 9.8.11. Section 5 provides an Impact Assessment and Mitigation Strategy. The proposed greenway is considered low impact in nature, due to the limited requirement for groundworks. No adverse impacts are predicted in relation to where the proposed greenway passes in close proximity to the four recorded monuments. It is possible that the ground works associated with the construction of the scheme across greenfield areas may have an adverse impact on previously unrecorded archaeological remains.
- 9.8.12. The Report recommends that any topsoil stripping that is required for the proposed scheme is subject to archaeological monitoring by a suitably qualified archaeologist. If any archaeological features are identified, further mitigation, such as the preservation in situ or by record maybe required. Further mitigation will require the agreement of the National Monuments Service of the DoCHG.
- 9.8.13. The Report also recommends that prior to construction that an archaeological intertidal survey/wade survey be carried out along the proposed greenway, where it crosses the boardwalk. That this should be performed by an underwater archaeologist under licence to the National Monuments Service. This survey should include metal detection. Depending on the results of the survey, further archaeological mitigation maybe required, such as preservation in situ or by record and /or archaeological monitoring.

### ***Conclusion***

- 9.8.14. I would consider that based on the documentation submitted in the Archaeological and Built Heritage Assessment, that provided the recommended mitigation measures are complied with that, the impact on Archaeology and Built heritage would not be significant.

### **9.9. Landscape and Visual Amenity**

- 9.9.1. As provided in the documentation submitted the low impact design of the greenway and the implementation of mitigation measures included in the EclA, NIS and Archaeological and Built Environment Assessment reports seek to ensure that the greenway will be constructed and operated so it will not impact adversely on the

landscape or visual amenity of the area. However, it is noted that some of the submissions made are concerned that the proposal will impact adversely on the environment and in particular on landscape and visual amenity.

- 9.9.2. A Landscape and Visual Impact Assessment of the Greenway was submitted as part of the Council's F.I response. This provides a description of the proposed route which will pass under the viaduct to the eastern edge of the built-up area of Drogheda, and through the countryside (unzoned land) via the estuary to the Mornington Village. It is noted that built development is concentrated within Mornington and Donacarney. There is also significant ribbon development along the R150 and R151 regional roads as well as along the local road network. A significant amount of land to the south of these roads is zoned for housing.
- 9.9.3. The LVIA submitted by the Council, refers in its content to local Landscape Character Zones created to describe the route of the Greenway and these are referred to in the text (LCZ 1-10). It also describes key landscape features, key visual amenity features and landscape quality. In general, the landscape character is described as being medium in quality. However, Landscape character zone 7 is described as scenic and High in quality. This character zone is focused on Mornington Bridge Protected Structure, is a triple arched stone road bridge surrounded by four historic artefacts (Star of the sea church plus graveyard and house, deserted mediaeval settlement) and the natural shoreline to the north.
- 9.9.4. Landscape character zone 10 is described as the urban fringe of Mornington Manor to Tower Road where vehicular access at the car park for Lady's Finger Tower north of Mornington Beach. This area is more residential, and the key visual amenity is described as – 'channelled view of Lady's Finger Tower at the end of Tower Road'. The Landscape quality is described as 'unremarkable and Low in quality'. I would consider that this description is a bit limited, taking into account, the landscape and visual amenity of the dunes and the monuments at the end of Tower Road.
- 9.9.5. I would also consider that the description of Landscape character zones, 1,2, and 3 at the Drogheda end of the route, taking full cognisance of the view of the railway viaduct (eighteen-span limestone and iron railway over river bridge, dated 1855) which is a feature of note, could not be described as unremarkable. It is noted that the Boyne Viaduct is a Protected Structure.

- 9.9.6. The LVIA includes regard to the impact on visual amenity and visual receptors along the route. Section 4 refers to potential impacts at construction and operational phases. This has regard to the Arboricultural Impact Assessment and notes the visual impact of the loss of trees and hedgerows along the route to facilitate the construction of the greenway. Also, that the presence of construction traffic, plant and materials will create visual clutter and increase activity causing short term impacts on visual amenity. Operational phase impacts are detailed relative to Landscape Character zones along the route (1 -10).
- 9.9.7. Section 5 notes the Mitigation Measures relative to construction and operational phases in each of the landscape character zones. This includes that to avoid the nesting season existing trees and hedgerows should not be removed between 1<sup>st</sup> of March and the 31<sup>st</sup> of August and that planting take place between November and March. This is to ensure that areas of planting which contribute to the landscape character and visual amenity of the site come back into leaf in the next season to maintain levels of vegetation pre-development. Soft landscape proposals are as shown on the drawings in Appendix C.
- 9.9.8. Separately Photomontages showing LVIA viewpoint locations selected for the Boyne Greenway project were submitted in response to the F.I request. These are shown in Appendix B and in a separate booklet which includes views of 'before' and 'after' at various locations. I would consider that this provides a visual assessment showing the impact of the greenway (views 1 – 7) on the various parts of the route, to include the on and off road constructions and the new bridges proposed.

### ***Conclusion – Landscape and Visual Amenity***

- 9.9.9. Residual Impacts are referred to relative to the landscape character zones and in general the implementation of this proposal relative to Landscape and Visual Assessment will remain as a *Slight adverse permanent landscape impact*. That in the long term when the planting is established that this will be an *imperceptible permanent visual impact*. It is of note that in time the proposed replacement trees and hedgerow planting will serve to screen the visibility along the northern roadside boundary of the proposed greenway and of the moving cyclists. I would consider that the LVIA provided in response to the F.I request adequately describes the impact of the proposed development.



## 9.10. Arboricultural issues

- 9.10.1. The submissions made are concerned that the construction of the Greenway will result in the considerable loss of trees and hedgerows along the route including along the roadside and in private garden areas. They are concerned that this will have an adverse impact on habitat and diversity and screening during construction and thereafter. While further landscaping and replanting is envisaged, it will take a long time to replace these established trees and hedgerows and the biodiversity they support will in the short/medium term be impacted.
- 9.10.2. An Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report has been submitted with the application. This provides a general description of trees and groups of trees and hedgerows along or proximate to the route of the proposed Boyne Greenway. Photographic images are included with the general description. As part of the Council's F.I response updated Arboricultural Reports and detailed Landscape, Tree Protection and Arboricultural Assessment drawings have been submitted.
- 9.10.3. The Assessment provides that a total of 269 trees were assessed along the subject route with a detailed analysis of individual trees. That the condition of the trees is generally moderate to poor with a relatively high spread within categories B and C. Many of these are roadside trees/hedgerows which currently provide screening of the Port area. This includes that the trees opposite Drogheda Grammar School which provide the greatest concentration of higher value specimens, in terms of variety, venerability and landscape value. Others are located in the residential area of Mornington including within private front garden areas adjoining the roadside verge. Photographs have been included showing these trees and hedgerows, many of which are proposed for removal to facilitate the route of the greenway. It is noted that some of these trees and hedgerows are of low landscape value but offer good ecological opportunities for wildlife.
- 9.10.4. Details are given on Arboricultural Impact and Mitigation in Section 9 of the updated Report. This notes that 147 trees and 10 private hedges (table 6 refer to the latter) are to be removed to facilitate works. Eight of these trees are within private residential lands. The greenway route would have a marked arboricultural impact with the necessary removal of over 50% of wooded vegetation within the proximity of the works on the north side of the R150/R151. The Assessment provides that much

of this vegetation is within a hazardous distance of the public roads and is not of landscape value. That proposed works offer an opportunity to remove these before they present falling hazards and opens the possibility for new, more suitable, plantings. That impact on moderate value trees is minimal with just 24% of 94 'B' classified trees being affected. Mitigation measures include that a Tree Protection Strategy be provided as part of the arboricultural element of the submission with the aim of ensuring retained trees are maintained for the duration of the construction stage of the development, free of negative construction related impacts. Reference is had to the revised scaled drawings and Tree Protections details and locations.

- 9.10.5. Section 10 provides the Tree Protection Strategy and this is designed to outline the procedures which will be undertaken to retain trees free from adverse construction impacts for the duration of the construction period on the site of the proposed Greenway at between Drogheda and Mornington. Details include regard to the Consulting Arborist, Scheduling of Works. Also, to Construction and Post-construction periods and to the Code of Practice for the Preservation of Trees. In addition, that a post construction report on the condition of trees should be undertaken and all recommendations should be carried out in accordance with current standards for tree works.

### ***Conclusion***

- 9.10.6. Having regard to the information submitted, I would have concerns that the removal of such a significant number of trees and hedgerows along the route will result in a considerable impact on landscape and visual amenity. While I note replacement landscaping is to be provided, this will take a considerable time to become established and an alternative route that had less of an impact on the trees and the environment would be preferable.

### **9.11. Biodiversity - Ecological impact**

- 9.11.1. The route of the greenway is located partly within the inter-tidal area and within the boundaries of two Natura 2000 sites: the Boyne Coast and Estuary SAC and the Boyne Estuary SPA. Details of both Natura 2000 sites are included in the Ecological Impact Assessment (EclA) and the Natura Impact Statement (NIS) completed as part

of the planning application. Note is also had of the Natura 2000 Sites and their proximity to the route of the greenway.

- 9.11.2. Submissions made have expressed concern about the impact of the proposed development on Biodiversity and Ecology. An updated Ecological Impact Assessment has been submitted as part of the Council's F.I response. This provides that the level of duplication between the EclA Report and the NIS is kept to a minimum within the updated reports. The impact of the development on these European sites (and flora and fauna including waterbirds associated with them) is discussed within the Appropriate Assessment.

#### Summary of Survey Work

- 9.11.3. The EclA provides that Desk Studies and Field Surveys have been carried out. A description is given of habitats along the route and of flora and fauna. A list of Terrestrial Habitats are identified along the route of the proposed greenway. Photographs and survey mapping drawings are included. The latter are colour coded to indicate clearly the various habitats within a 50m buffer of the proposed greenway route. A brief summary is given below of the species along the route noted in the EclA is provided below.

#### Terrestrial Fauna

##### *Bats*

- 9.11.4. Bat species noted on National Biodiversity Data Centre (NBDC) included, Daubenton's Bat, Brown Long-eared Bat, Lesser Noctule, Pipistrelle and Soprano Pipistrelle. All bat species are protected under Annex IV of the EU Habitats Directive (1992) and the Wildlife Act (2000). A visual assessment of the suitability of bat habitat was completed along the proposed route corridor and included the lands immediately surrounding the proposed works. While there are a number of individual mature trees with potential within the vicinity of Drogheda Grammar School, along the road alignment, the majority of trees along the route were identified as being of negligible bat roost potential. No buildings were identified as potential roost features within the survey area. The majority of treelines recorded along the route were evaluated as having low-medium potential as foraging and commuting habitat for bats. The survey notes a good degree of connectivity between roadside hedgerows

and treelines and to those of adjoining field boundaries. It concludes that based on the habitats recorded, foraging and commuting bats are evaluated as likely using the habitats within the route alignment and also connected to the wider landscape. Construction works are to be limited to daylight hours and mitigation measures are required to avoid long term effects of habitat loss within commuting corridors.

#### *Mammals*

- 9.11.5. It is noted that there are records of Badger, Hare and Otter in the area. The latter is included as a qualifying interest of the River Boyne and River Blackwater SAC, which adjoins the proposed route corridor. Badger activity was not identified in the survey area and this is likely to be constrained by the road. Construction works are to be limited to daytime hours in line with the existing baseline. The EclA concludes that the potential for significance impacts is limited to temporary short time effects arising from disturbance at construction phase.

#### *Birds*

- 9.11.6. Full methods and results from Bird Surveys are detailed within the NIS report for the project. This has regard to the impact on the conservation interests and qualifying species of the Natura 2000 sites. A search of bird records held by the NBDC within the 10km grid square are presented in Table 3.1 of the updated EclA. A list of the species given are noted and these, are typically associated with the coastal areas, woodland and agricultural land. Details include whether they are listed on Annex I, II and III and as to whether they are of conservation concern i.e on the 'Amber' or 'Red' list. The EclA concludes that there is potential for disturbance and displacement of breeding birds utilising the suburban and estuarine habitats crossed by the route including (in the absence of mitigation) the potential for destruction of active birds nests.

#### *Other Species*

- 9.11.7. Note is had of Reptiles and Amphibians within the area. These include: Common Frog, Smooth Newt and Common Lizard. Invertebrates include threatened butterflies, bees etc. The EclA concludes that the potential for significance impacts is limited to temporary short time effects arising from disturbance at construction phase.

#### Fisheries and Aquatic Biodiversity

- 9.11.8. The EU Water Framework Directive (WFD) status (2013-2018) for the Boyne Estuary is characterised as 'Moderate'. It discharges to the Boyne Estuary Plume Zone waterbody and this is characterised as 'Moderate status. Details are given of the components of this status. The Boyne Estuary was surveyed by Inland Fisheries Ireland as part of the WFD Fish programme in 2009. This noted a total of 23 fish species (sea trout are included as a separate variety of trout) recorded in the Boyne Estuary.
- 9.11.9. Records are noted of Harbour Seal, common Dolphin and Striped Dolphin identified on the northern side of the estuary. All marine cetacean species are designated for conservation under Annex IV of the EU Habitats Directive as well as the Wildlife Act.
- 9.11.10. The EclA notes that mitigation measures are required to avoid and reduce the significance of any disturbance or indirect water quality impacts affecting aquatic biodiversity receptors during construction stage.

#### Invasive species

- 9.11.11. Locations of Japanese Knotweed have been identified, to the west of the viaduct in Drogheda town, occurring within housing estates in the Drogheda area outside of the proposed route 50m buffer zone. A number of other invasive species have been recorded within 2km of the proposed greenway route. Invasive fauna include the Grey Squirrel, the Rabbit and the Brown Rat. Mitigation measures will be required to avoid significant impacts.

#### Mitigation - Construction and Operational Phases

- 9.11.12. Table 3.2 of the EclA provides an identification of Key biodiversity receptors identified within the zone of influence within the proposed Boyne Greenway. In addition, potential construction phase impacts are identified in relation to the Natura 2000 sites and these are assessed in the NIS Section of this Report. Potential construction impacts noted in the EclA comprise direct land-take (i.e. habitat loss), pollutant run-off and disturbance of designated features (e.g waterbird populations).
- 9.11.13. Potential Impacts Arising from the Proposed Development are discussed. Section 4 includes tables providing Impact Evaluation for habitats identified as biodiversity receptors within the footprint of the works area and recommendations of where mitigation measures are required. Table 4.4 provides a 'Summary of the potential

construction impacts on key biodiversity receptors from the proposed Greenway Project’.

- 9.11.14. Section 4.2 has regard to Operational Phase/long-term Impacts. Table 4.5 provides a ‘Summary of the potential operational impacts on key biodiversity receptors from the proposed Greenway Project. The EclA provides that the impact is limited in extent to the corridor. Potential impacts are described as being in general imperceptible and not significant. An outline of detailed Mitigation measures during construction and operational phases is given in Section 5.
- 9.11.15. The Greenway design includes various measures to minimise construction and operational impacts on ecological receptors. Measures outlined, include sensitive route planning and lighting design, installation of screening and landscape planting and information signage. Operational impacts and associated mitigation and monitoring is described in detail in the NIS report for the project.
- 9.11.16. The operational phase of the Greenway, which considers the utilisation of the amenity feature by the public, is limited in its potential primarily due to the nature of the scheme. This evaluation is summarised in Table 6.1– ‘Summary of the potential residual impacts on key biodiversity receptors from the proposed Greenway Project’. The EclA report concludes that there are no significant residual impacts identified at operational stage with regard to biodiversity.

### ***Conclusion***

- 9.11.17. I note this conclusion relative to ecology. I would consider that the revised EclA has provided clarification and a more thorough overview of ecology and biodiversity along the route and of impacts during construction and operational stages and mitigation measures proposed. However, in this case some of the species referred to, are also qualifying interests of the adjoining Natura 2000 sites and regard is had to their conservation interests. I would, therefore, draw the Board’s attention to the issues raised relative to the route being proximate to/traversing the Natura 2000 sites in the NIS Section below.

## **10.0 Appropriate Assessment**

- 10.1.1. I refer to the report of Dr Maeve Flynn (Inspectorate Ecologist) which is contained in Appendix 1 of this report. A summary, of which is provided below.

- 10.1.2. The proposed Boyne greenway route between Drogheda East and Mornington would be located adjacent to and partly (2.4kms) within European sites designated Special Conservation Areas (SAC) under the Habitats Directive (92/43/EC) and Special Protection Areas (SPA) under the Birds Directive (2009/147/EC).
- 10.1.3. The applicant submitted a screening report and Natura Impact Statement (NIS) which concluded that the proposed development could result in significant effects on three European sites and an NIS was required to inform appropriate assessment of potential effects on the conservation objectives of Boyne Coast and Estuary SAC, Boyne Estuary SPA and the River Boyne and Blackwater SAC.
- 10.1.4. Having reviewed the screening report and taking Dr Flynn's recommendation into account, I concur with the finding that Appropriate Assessment of the proposed development is required with respect to these three European sites and the possibility of significant effects can be excluded for other European Sites.
- 10.1.5. Following a request for further information which included additional winter bird surveys in response to concerns raised by the Department, BirdWatch Ireland and other public observers, a revised NIS was submitted with a suite of other reports.
- 10.1.6. Together with observations and submissions on the further information provided and information on European Sites, this suite of scientific information was considered in the Appropriate Assessment undertaken by Dr Flynn. The assessment also took account of nature conservation observations made on behalf of the Department of Housing, Local Government and Heritage.
- 10.1.7. The recommended outcome of the Appropriate Assessment undertaken by Dr Flynn ascertained that the proposed development, individually or in combination with other plans or projects would not adversely effect the Boyne and Blackwater SAC, however, adverse effects on the integrity of the Boyne Coast and Estuary SAC and Boyne Estuary SPA could not be ruled out beyond reasonable scientific doubt in view of the conservation objectives of these sites.
- 10.1.8. This conclusion was based on the following:
- Detailed assessment of construction and operational impacts of the raised boardwalk structure and bridge structures on intertidal habitats including Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] of the Boyne

Coast and Estuary SAC in view of their conservation objectives is not possible due to lack of information on certain aspects of the proposed development.

- Uncertainty as to effectiveness of measures to prevent disturbance and displacement of wintering birds Boyne Estuary SPA in terms of their range, timing and intensity of use of areas within and adjacent to the intertidal sections of the proposed greenway. Adverse effects on site integrity cannot be excluded.
- Adverse effects on sand dune habitats of the Boyne Coast and Estuary SAC cannot be excluded, including the priority habitat Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Reliance on post consent monitoring to identify any further adverse effect is not in line with the obligations of Article 6(3) of the Habitats Directive.

10.1.9. I would concur with Dr Flynn's conclusions in respect of the Appropriate Assessment which now forms part of this report. I do not consider that the adverse effects can be overcome by compliance with conditions or other restrictions. As adverse effects on the site integrity of Boyne Coast and Estuary SAC and Boyne Estuary SPA cannot be excluded, permission cannot be granted for the proposed Boyne Greenway.

## 11.0 Recommendation

On the basis of the above assessment, I recommend that the application under Section 177AE for the construction of a greenway be refused.

### 11.1. Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,



(d) the conservation objectives, qualifying interests and special conservation interests for the Boyne Coast and Estuary SAC (Site code: 001957); River Boyne and River Blackwater SAC (Site code: 002299); Boyne Estuary SPA (Site code: 004080),

(e) the policies and objectives of the Meath County Development Plan 2021 – 2027, the Louth County Development Plan 2021-2027 and the East Meath Local Area Plan 2014-2020,

(f) the nature and extent of the proposed works as set out in the application for approval,

(g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,

(h) the submissions and observations received in relation to the proposed development,

(i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter, including the Inspectorate Ecologist.

1. The Board agreed with the AA screening assessment and recommendation carried out by the Inspectorate Ecologist and AA Screening determination in the Inspector's report that the Boyne Coast and Estuary SAC (Site code: 001957); River Boyne and River Blackwater SAC (Site code: 002299); Boyne Estuary SPA (Site code: 004080), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, including further information submitted, the mitigation measures contained therein, the submissions and observations on file, and the Inspectorate Ecologist's assessment.

The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Boyne Coast and Estuary SAC (Site code: 001957); River Boyne and River Blackwater SAC (Site code:

002299); Boyne Estuary SPA (Site code: 004080) in view of the site's conservation objectives.

In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

Thus, the Board is not satisfied that the Local Authority has demonstrated beyond reasonable scientific doubt that the proposed development would not adversely affect the integrity of the Boyne Coast and Estuary SAC [001957], the Boyne Estuary SPA [004080] in view of the Conservation Objectives of these sites.

In the absence of detailed information on the installation of the proposed boardwalk within the SAC and SPA and any possible changes to Annex I habitats including Atlantic Salt marsh during the lifetime of the proposed greenway, the Board cannot rule out the possibility of adverse effects on site integrity.

The increased level of usage by pedestrians/cyclists associated with the greenway will increase human activity along this stretch of the Boyne Estuary resulting in potential adverse effects on the wintering waterbirds of the Boyne Estuary SPA in terms of their range, timing and intensity of use of the intertidal. The Board are not satisfied that mitigation measures proposed will be effective in preventing

disturbance of the special conservation interest waterbirds and cannot place any reliance of post consent monitoring to identify adverse effects.

The Board is not satisfied that adverse effects on sand dune habitats of the Boyne Coast and Estuary SAC can be excluded, in particular the priority habitat Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] and the Board can place no reliance on post consent monitoring to identify any further adverse effects or apply additional mitigation measures.

The Board is satisfied that the proposed development would not result in adverse effects to the third site included in the appropriate assessment namely the River Boyne and River Blackwater SAC (002299) in view of the conservation objectives of that site.

Furthermore, the Board are not satisfied that the long term efficacy of the mitigation measures to protect the aforementioned bird species have been sufficiently demonstrated. In overall conclusion, the Board is not satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the site's Conservation Objectives.

2. Having regard to the absence of adequate information regarding the potential traffic and parking impacts of the development, and the lack of facilities to be provided for parking to serve the greenway, the Board is not satisfied that it has been demonstrated that the development would not have an adverse impact on traffic safety or result in congestion on the local road network. Nor has it has been demonstrated that the proposed greenway route would be the optimum one, having regard to implications for the road network and for the environment or that alternative routes have been investigated, resulting in the greenway, being further away from the Boyne Estuary and the Natura 2000 sites. The proposed development would, therefore, be contrary to proper planning and sustainable development of the area.
3. It is considered that the proposed development, the design of which is predicated on significant mitigation measures, including extensive screening, fencing and security measures of varying scale and design, would have significant and unacceptable

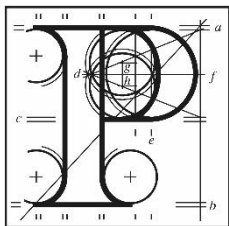
negative effects on the environment and residential properties in the vicinity and would be detrimental to the attractive and sensitive visual and landscape amenities of the area. Furthermore, these negative impacts would arise even though the full extent of the greenway, which despite the landscaping plans submitted would result in a significant loss of mature trees and hedgerows, particularly along the roadside boundaries. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Angela Brereton  
Planning Inspector

28<sup>th</sup> of October 2022

## Appendix 1 - Appropriate Assessment Report



An  
Bord  
Pleanála

**Report to Inspector  
(Appendix to main  
report)  
ABP- 307652**

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**Development**

Boyne Greenway, Drogheda to  
Mornington

**Applicant**

Meath County Council

|  |  |
|--|--|
| <b>Type of Application</b>               | Application for approval made under Section 177(AE) of the Planning and Development Act, 2000                          |
| <b>Topic:<br/>Appropriate Assessment</b> | Response by Applicant to An Bord Pleanála requests for further information and Appropriate Assessment (recommendation) |
| <b>Site visit</b>                        | 15 <sup>th</sup> July 2022   |
| <b>Ecologist</b>                         | Maeve Flynn BSc. PhD. MCIEEM   |
| <b>Planning Inspector</b>                | Angela Brereton  |

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## 12.0 Introduction

### 12.1. Background

Meath County Council is seeking approval under Section 177(AE) of the Planning and Development Act (2000) to develop a shared cycle and walkway, the Boyne Greenway project, from Drogheda East to Mornington. The proposed 5.9km greenway runs adjacent to the Marsh Road R150 and is proposed to be constructed upon a boardwalk for sections along the Boyne Estuary where there is insufficient accommodation along the road verge. A significant proportion of the proposed greenway falls within the boundary of the Boyne Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC).

A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the likely significant effects of the proposed development on the Boyne Coast and Estuary SAC, Boyne Estuary SPA and possible significant effects on the River Boyne and River Blackwater SAC in view of the conservation objectives of those sites.

Following the public and statutory consultation period, the Board received numerous detailed submissions on nature conservation aspects of the application, including a submission from the Department of Housing, Local Government and Heritage.

An Bord Pleanála requested Meath County Council to provide further information on a number of issues, including additional winter bird surveys in response to concerns raised by the Department, BirdWatch Ireland and other public observers.

The applicant submitted a detailed response to the request for further information (March 2022). The response included a revised NIS and Ecological Impact Assessment (EclA) and a suite of supplemental documents which were readvertised and circulated to prescribed bodies. The Board has received further submissions on the revised documents including from the Department Housing, Local Government and Heritage. Of note is the fact that notwithstanding the further information provided, there remains considerable concern expressed in observations regarding

the location of the proposed greenway adjacent to and within the SPA and SAC sites and the effects this may have on wintering bird populations and coastal habitats.

## 12.2. **Scope of Report**

As part of my role as Inspectorate Ecologist, I was requested to examine and evaluate the Applicants response to the further information request and determine the adequacy of the information for the purposes Appropriate Assessment. Prior to this, I contributed to the request for further information.

This report to the Planning Inspector and available to the Board is a written record of my review of the submitted information as it relates to the Appropriate Assessment (AA) under the provisions of Article 6(3) of the Habitats Directive and S177AE of the Planning and Development Act 2000 (as amended). The report comprises a detailed examination and analysis of the information provided by the applicant for the purpose of Appropriate Assessment (AA). I provide a recommendation on the AA based on the scientific information provided taking into account submissions and observations.

I made a site visit on the 15<sup>th</sup> of July 2022 to inform the assessment.

## 13.0 **Proposed Development**

13.1. A general description of the proposed development is provided in section 1.1 of the NIS (revised) with greater detail stated to be provided in the Ecological Impact assessment (EclA) and in the Construction Methodology report (revised versions) and in revised drawings provided by the applicant.

13.2. The stated aim of the project is the development of a pedestrian and cycle access route which follows the River Boyne Estuary from east of Drogheda to the coast at Mornington, in order to provide a safe, traffic-free environment for tourists and local users to cycle or walk adjacent to the River Boyne estuary and coast. From detail provided in the further information, average daily trips of between 900-1000 users a day with those numbers increasing to 1,200-1,300 users during the peak season (June-August).

13.3. In summary the development would comprise:



- 5.9 km shared pedestrian and cycle path *greenway*, 4m wide. 4.1 km constructed alongside or immediate to road edge and 1.8 km off road.
- 2.4km within the boundary of the Boyne Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC); 610 metres (m) stated to be within the intertidal zone
- Bituminous surface to be constructed alongside the road: 4m wide restrained on each side with a kerb; involves clearing of road verge.
- Sections within the intertidal to be constructed on an elevated boardwalk at minimum height of 1.5m above present day highest astronomical tide level (3.54 above ordnance datum). 4m wide. Made from recycled plastic elements. Will be installed by mini-piling rig.
- Bridge installation at two locations: Prefabricated steel bridge at Mornington-CH 3705-CH 3725 and a precast concrete beam on precast concrete piles at CH 4720 and CH4740.
- Removal of 147 trees and ten hedges from roadside verges to accommodate works
- Project includes integral design features and measures to reduce impacts on ecology including provision of the boardwalk to reduce the footprint in the intertidal, timing of works, lighting plan, planting specifications and best practice construction mitigation measures (NIS 6.1.2).

#### 13.4. Gaps in information:

- No detail provided on estimated dimensions for support beams and piles required for Boardwalk sections.
- Lack of detail in NIS on how the boardwalk will be installed in the intertidal.
- Lack of detail in NIS on how two bridges will be installed in the intertidal.

(I note that the revised NIS states that piling will be undertaken from the roadside but construction methodology report details how a mini rig mounted on excavator will move along the intertidal with access points identified. NIS also states that piling will be done from roadside for bridges, however works are also required in intertidal at Mornington with installation of stone bags to level the working area).

## 14.0 Submissions and Observations

### 14.1. Prescribed bodies

#### **Department of Housing, Local Government and Heritage**

The Department made a detailed submission via the Development Applications Unit (DAU) on nature conservation aspects of the initial application which is summarised as follows:

- Consideration should be given to location of greenway outside of SAC/SPA
- Further data required to substantiate conclusions in NIS
- Additional counts of wintering birds required to allow for a fuller assessment of impacts of disturbance of birds in SPA
- Apply supporting data underpinning Conservation Objectives of SPA
- Lack of detail on area from which birds could be displaced, extent of available habitat, possible depletion of prey resources
- Shading, quantum and proportion of QI habitats which will be affected and assessment of significance of such effects

Following submission of further information, DAU submitted further observations on the revised NIS (20.05.2022). Overall, the Department doesn't agree that the data and analysis support the conclusion of no adverse effects on site integrity on the European sites. In summary:

- Inconsistent information on impacts of project on saltmarsh habitat within SAC. Absence of detailed description of vegetation. Conservation Objectives supporting documenting should be taken into account.
- Lack of information of how boardwalk will be constructed in intertidal.
- No systematic description impacts on the European sites in terms of attributes and targets associated with the site-specific conservation objectives- difficult to understand how the overall conclusion was reached.
- Difficult to determine potential operational impact on Sand Dune habitat as no data presented. An adverse effect is identified, and mitigation includes a

reliance on post consent operation monitoring which is not consistent with article 6(3).

- Updated NIS finds that adverse effects cannot be ruled out for disturbance effects on wintering birds of the SPA. *Additional* mitigation is proposed- full length screening on the boardwalk sections 1400mm with proposed tree planting and half height screening elsewhere (some confusion as to what *additional* means as it was purely mitigation in the earlier version of NIS). No detail on types or height of planting to be provided and no indication of how long it would take to provide the screening effect.
- Monitoring of bird mitigation is proposed for 3 years. If continued disturbance impact identified, more screening will be installed. This is reliance on post consent measures not consistent with article 6 (3).

### **BirdWatch Ireland (BWI)**

The scientific and advocacy staff at BirdWatch Ireland reviewed and made a submission on the planning application (10.09.2020) and the readvertised further information (09.05.2022). BWI objects to the proposed Boyne Greenway as it poses a significant threat to the Boyne Estuary SPA.

Concerns primarily relate to the impact on the avian and habitat conservation interests of the SPA and SAC due to disturbance from pedestrians, cyclists, dogs and antisocial behaviour. BWI raised concerns regarding data collected, analysis of data and adequacy of mitigation measures in both submissions. These issues are set against declines in wintering waterbirds (-15% Nationally) which make them vulnerable to recreational disturbance, habitat modification and habitat loss.

In summary:

- Winter bird survey undertaken for the application in 2018 was inadequate (12 days March 2018).
- Challenged the scientific information used on bird disturbance
- Assessment should be in view of conservation objectives: no significant decrease in range, timing or intensity of use of areas by the waterbird species, habitat stable and not less than 594ha
- Inadequate assessment of terrestrial feeding

- Impact on SAC- inadequate assessment of impacts on estuary habitats and sand dunes
- Erroneous argument that greenway will prevent people straying into more sensitive areas.
- Number of projected users of the proposed development are unclear.
- Examples provided of other cycleways close to SPA sites are not necessarily comparable. Example of the Exe Estuary provided.
- Of 10 special conservation interest species (SCI) for Boyne Estuary SPA half have a declining site status based on long term 23-yr trend, 4 have undergone large decline in winter populations (Golden plover, Grey plover, Lapwing, Turnstone)
- Using SPA baseline data may be misleading as populations have changed-based on results of Irish Wetland Bird Survey data (IWeBS 5year mean)
- SPA Bird populations need to be restored (not maintained)

Taking account of the further information provided BWI included the following (reiterating earlier submission) as part of their observations (19.05.2022):

- Despite additional survey work and assessment, Meath County council has not proved that adverse effects brought about by disturbance of birds caused by operation of greenway can be mitigated.
- IWeBS data published in 2022<sup>1</sup> shows the fragility of Boyne estuary and its water birds where populations of 9 species have undergone declines.
- Importance of the Boyne Estuary in the context of the east Atlantic flyway
- Acknowledge the importance of Greenways but they should be built where the environment can accommodate what is essentially a road.

## 14.2. Public submissions

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<sup>1</sup> Kennedy, J., Burke, B., Fitzgerald, N., Kelly, S.B.A., Walsh, A.J. & Lewis, L.J. 2022. Irish Wetland Bird Survey: I-WeBS National and Site Trends Report 1994/95 – 2019/20. BirdWatch Ireland Waterbird Report to the National Parks and Wildlife Service. BirdWatch Ireland, Wicklow. ([https://birdwatchireland.ie/app/uploads/2022/04/iwebs\\_trends\\_report.html](https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_report.html))

A significant proportion of the public submissions on the Boyne Greenway application and readvertised further information made observations on nature conservation and impacts on European Sites.

The provision of a walking and cycle way is acknowledged widely as a good idea however, large number of submissions and objections to the scheme question the decision to locate it within the SAC and SPA. The following is a summary of the observations. As there are many overlapping themes among the submissions, I do not identify individual observations but note that many have gone to significant effort in compiling their submissions.

**Location:**

- Importance of SPA, mudflats for feeding zones for wintering water birds
- Importance of estuaries for species they support, carbon sequestration, shelter and food for overwintering birds, fish nurseries, buffer to regulate impact of the tide and reduce flooding
- Opening up areas not currently disturbed
- Prioritizing walkers and cyclists on the existing road by making it single lane for cars rather than encroaching on wildlife areas
- Alternative routes are possible and should be found
- No detail on numbers of people using the greenway (original application)
- Greenway part of bigger plan- not assessed

**Boyne Estuary SPA**

- Impacts and disturbance of wildfowl species from noise, walkers, cyclists, dogs, dogs off lead, anti-social behaviour, littering and dog fouling
- Example provided of birds lifting/disturbed when walking dog along Mornington Road
- Boardwalk will impact on feeding and roosting grounds of birds
- Conservation objectives outline need to avoid significant disturbance of bird species and habitats

- Past and existing pressures on Boyne Estuary (loss of mudflats at Stagrennan polder, loss of mussel beds, reduction in nutrient load). Changes in hinterland and ex-situ habitats
- Location of proposed bridge and boardwalk at Mornington is important area for wildfowl in the estuary- freshwater entering and birds wash and preen- picture of lapwing provided
- No assessment of individual bird species, e.g. Curlew, Brent Geese, breeding shelduck
- Bird numbers decreasing
- Inadequate survey (original application)
- Proposed screening measures not adequate to mitigate disturbance

### **Boyne coast and Estuary SAC**

- Negative impacts on saltmarsh habitat
- Negative impacts on sand dunes at Mornington- further degradation and unrestricted access. Lack of management by Meath County Council or NPWS
- Mitigation and monitoring not adequate for adverse effects identified. Signage will not be adequate mitigation
- Sea buckthorn more widespread than reported in EclA/ NIS
- Remedial actions are lacking and too many issues deferred to construction phase.
- Does not appear to be in compliance with national or European legislation
- reduction in extent of greenway at Tower Road in FI does not materially change the potential impact on the SAC. The presence of the greenway will encourage users to interact with the SAC increasing indiscriminate car parking trampling of the dunes, increased litter etc.

Not all submissions are negative, and a number of supportive submissions outline contrary observations. The following is a summary of possible positive benefits of the proposed Boyne Greenway from observations:

- Positive benefits for people: immersion in the environment will develop a greater respect for and wish to protect the environment
- Can provide outdoor classrooms for biodiversity education. Will facilitate locations for bird hides and monitoring
- Level of human activity on the greenway will be lower in winter: in wintering period November to March (when bird numbers are at highest) compared to summer months
- Habituation of wildlife to changes in environment.
- Design is outside of intertidal and removed from dunes, encroachment is not within important feeding grounds and screening by balustrade reduction in disturbance by traffic
- Decrease in numbers of birds when the Drogheda interceptor sewer was commissioned – decreasing nutrient levels in the estuary- bird numbers returned to natural balance?

#### 14.3. **Response to further information request**

As outlined above, the Board made a request for further information on various topics including Biodiversity (Item 7) and Impacts on European sites (item 9). This is described in the Inspectors report and is not repeated here.

Meath County Council and the consultants working on their behalf responded to each request and supplied additional information to assist in the assessment of significant effects. A summary report (March 2022) provides an overview of responses and detailed additional reports and drawings have been provided. I confirm that I have examined the response documentation and drawings prepared on behalf of the applicant.

In terms of further information requested to inform the AA process, I am satisfied that the applicant commissioned additional bird survey and that this has been undertaken in line with best practice and standard methodology.

Other issues raised include incorporation of site-specific conservation objectives, impacts on wetland habitats, clarity on mitigation measures and effectiveness, post construction monitoring, impact on sand dune habitats. As stated in the response document, these issues are considered in the revised NIS, and I evaluate and examine the issues as part of the detailed assessment presented below.

The Inspector and the Board will note from the observations and submissions on the FI that considerable concern remains regarding possible impacts on the River Boyne Estuary and Coast SAC and Boyne Estuary SPA. I consider the additional information and revised NIS further in my assessment in sections 4.5 and 4.6 below based on standard guidance and the requirements determined by relevant case law.

## **15.0 Consideration of the Likely Significant Effects on a European Site**

### **15.1. Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177AE of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening for appropriate assessment
- The Natura Impact Statement
- Appropriate assessment of implications of the proposed development on the integrity each European site

For the avoidance of doubt, the assessment is of the **Revised NIS** and associated appendices and mapping submitted in the response to further information.

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



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

### **15.3. Screening for Appropriate Assessment**

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant).

I note that Meath County Council did not provide evidence of formal AA Screening determination, instead reliance placed is on the screening test applied by Inis Environmental Consultants and this is included in the NIS.

The screening test on behalf of the applicant concluded that the likelihood of significant effects could not be ruled out for Boyne Coast and Estuary SAC, Boyne Estuary SPA and the River Boyne, River Blackwater SAC in view of the conservation objectives of those sites and thus the proposed development must proceed to (stage 2) Appropriate Assessment, and an NIS prepared to inform this stage.

In determining the potential significant effects of the proposed Boyne greenway, six European Sites in the wider area (up to 15km) were considered and the source-pathway-receptor model applied. Potential effects considered included:

- Direct habitat loss, fragmentation or disturbance
- Indirect terrestrial or aquatic habitat loss or degradation

- Indirect/ex-situ disturbance or displacement of animal species

**Table 1. Summary of European Sites for which the likelihood of significant effects cannot be ruled out (Applicant).**

| Boyne Coast and Estuary SAC (001957)  | Boyne Estuary SPA (004080)  | River Boyne, River Blackwater SAC (002299)   |
|---|---|--|
| <b>Conservation objectives:</b><br><b>to maintain favourable conservation condition M</b><br><b>to restore favourable conservation condition R</b>  |   |  |
| <b>Estuaries M</b><br>Mudflats and sandflats not covered by seawater at low tide <b>M</b><br>Annual vegetation of drift lines<br>Salicornia and other annuals colonising mud and sand <b>R</b><br>Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> ) <b>M</b><br>Embryonic shifting dunes <b>R</b><br>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) <b>R</b><br>Fixed coastal dunes with herbaceous vegetation (grey dunes) <b>R</b> | <b>Shelduck M</b><br>Oystercatcher <b>M</b><br>Golden Plover <b>M</b><br>Grey Plover <b>M</b><br>Lapwing <b>M</b><br>Knot <b>M</b><br>Sanderling <b>M</b><br>Black-tailed Godwit <b>M</b><br>Redshank <b>M</b><br>Turnstone <b>M</b><br>Little Tern <b>M</b><br>Wetland and Waterbirds <b>M</b> | <b>Alkaline fens M</b><br>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) <b>R</b><br><i>Lampetra fluviatilis</i> (River Lamprey) <b>R</b><br><i>Salmo salar</i> (Salmon) <b>R</b><br><i>Lutra lutra</i> (Otter) <b>M</b> |

Three sites, Clogher Head SAC, River Boyne and Blackwater SPA and River Nanny Estuary and Shore SPA were screened out from further assessment due to separation distance and no potential for significant indirect or ex-situ effects (NIS Table 5.3).

I note that a survey (breeding) for Kingfisher was included in the expanded suite of surveys undertaken in 2021 to further inform the overall examination of indirect and ex-situ impacts. No suitable nesting habitat was recorded in the proposed development area and surveys did not identify any Kingfisher activity adjacent to the route.

I note that consideration was given to interactions between the Boyne Estuary SPA and the River Nanny Estuary which is 3.5km south at closest point with 4 no. of common SCI species (Oystercatcher, Golden Plover, Knot and Sanderling). The possibility of significant ex-situ effects due to disturbance (movement of birds between SPA sites) during construction and operation was ruled out by the applicant.

The potential for significant effects could not be ruled out for the Boyne Coast and Estuary SAC (001957) River Boyne and Blackwater SAC (002299) and Boyne Estuary SPA (004080).

In-combination effects with other plans and projects were considered at the screening stage and no additional potentially significant effects were identified.

#### **15.4. Screening Determination (recommended)**

Having regard to the information presented in the AA Screening Report, NIS, submissions, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I concur with the applicant's screening determination that the proposed greenway could result in likely significant effects for the Boyne Coast and Estuary SAC, Boyne Estuary SPA and River Boyne and River Blackwater SAC and that AA is required.

The potential for significant effects on other European sites in the wider area, alone or in in combination with other plans and projects within the wider area can be excluded. I am satisfied that the applicant has demonstrated this objectively with reference to the geographical separation from those sites and the absence of/or weak ecological pathways between those sites.

No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

#### **15.5. The Natura Impact Statement**

The application is accompanied by an NIS which describes the proposed development, the project area and the surrounding area. A revised NIS has been prepared in response to a further information request and this report along with associated drawings and appendices informs the Appropriate Assessment. Both NIS documents have been prepared by staff ecologists from Inis Environmental

Consultants and informed by desk study including reference material from the NPWS website and data base. I note the sourcing of I-WeBs data and field surveys including habitat survey spanning the period 2018-2021 in the revised NIS.

A description of the 2018 wintering bird surveys and additional 2021 waterbird surveys is provided. Surveys were undertaken at suitable times and in suitable weather conditions. Data was collected at varying distance bands to show distribution of birds and disturbance events. In addition to standard wintering bird survey methods, a migrating waterbird survey was undertaken in September 2021, Little Tern survey (breeding SCI species) and Kingfisher survey were also undertaken.

The receiving environment and results of field surveys is presented in NIS Section 4 and considered further in my assessment below.

I-Webs data for the Boyne Estuary SPA (2013-2018) is presented in the revised NIS to provide a more recent indication of population trends (See table 4.6 comparison of peak counts). Overall, the 2018 and 2021 wintering bird surveys showed that subsites adjacent to the proposed route corridor held significant proportions of SCI waterbird species of the Boyne Estuary SPA relative to SPA citation data and I-Webs data.

The scientific assessment to inform AA is presented in section 6 of the revised NIS. It includes description of the iterative design of the proposed greenway and research of similar projects located within or close to European Sites. Integral project features and mitigation are provided in section 6.1.2. The Conservation objectives of the various qualifying interest features and special conservation interest species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity presented in tables 6.2-6.4.

Where adverse effects could not be excluded based on integrated project mitigation, additional mitigation measures have been proposed (see note on methodology below). The NIS concludes that, subject to the implementation of the recommended mitigation measures, which include on-going monitoring, adverse effects on the integrity of European sites can reasonably be avoided.

#### 15.5.1. Note on methodology

The revised NIS states that it has been prepared in line with standard methodological guidance and in consultation with relevant stakeholders including the National Parks

and Wildlife Service. At the outset, I draw the inspector and the Boards attention to a number of methodological issues ranging from minor to misapplication of the AA process.

Section 2.1 of the NIS refers to Natura Impact Assessment stages and there are references to the *natura impact assessment process* which is incorrect use of terminology of the AA process.

For clarity, in line with the provisions of S177AE, the Applicant prepares a Natura Impact Statement (NIS) to *inform* the Appropriate Assessment process (stage 2) and the Board undertakes the AA.

Stage 2: Appropriate Assessment. In this section the NIS refers to ‘embedded’ mitigation that can be considered at this stage but if adverse effects remain, the project must proceed to Stage 3 (of the AA process). This is incorrect. For clarity, mitigation measures should be applied in the NIS to inform stage 2 of the AA process. Current guidance<sup>2</sup> states the following:

If adverse effects cannot be avoided, mitigation measures should be applied during the AA process to the point where no adverse impacts on the site remain.

There is no reference to, or constraint in the guidance documents related to *embedded* mitigation or a requirement to move onto another stage of assessment for *additional* mitigation to rule out adverse effects on site integrity as is the approach taken by the consultants in the revised NIS.

In the revised NIS, the ecological consultants incorrectly define, describe and apply Stage 3 of the AA process.

Stage 3 – **Alternative Solutions can only be included in the AA process under Article 6(4)** which is a derogation of the AA process i.e., where the competent authority finds that adverse effects cannot be excluded by mitigation measures but consider that a project should proceed. A project may only proceed to the consideration of IROPI if no other less damaging alternatives are possible to deliver on the aims of the project. The determination on the absence of alternative solutions

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<sup>2</sup> EC (2021) Assessment of plans and projects in relation to Natura 2000 sites- Methodological guidance on Article 6(3) and Article 6(4) of the Habitats Directive 92/43/EEC

is undertaken by the competent authority and not the applicant. This is very clearly laid out in all guidance documents related to AA and tested in case law.

I consider that the revised NIS has not been prepared in-line with best practice guidance in this regard. The NIS submitted with the initial application did not take this approach and section 1.2.1 had the express statement that no reliance has been placed on stage 3- Alternative solutions.

Therefore, I ask the Board to disregard any reference to Stage 3 AA, consideration of alternatives, as this does not fall within the legal provisions of Article 6(3).

The DAU submission from the Department outlined in section 3.1 above also raises issues with regard to adherence with the provisions of Article 6(3). Mitigation measures appear to include a reliance on post consent operation monitoring to identify any further adverse effects which is not consistent with Article 6(3). I consider this further in the detailed assessment below.

## 15.6. **Appropriate Assessment**

The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites based on the scientific information provided by the applicant and taking into account expert opinion through submissions on nature conservation and observations made by the public.

All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

### 15.6.1. Relevant European sites:

The potential for significant effects could not be excluded for:

- River Boyne and River Blackwater SAC (site code: 002299);
- Boyne Coast and Estuary SAC (site code: 001957); and
- Boyne Estuary SPA (site code: 004080).

A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS sections 6.2 and summarised in this report as part of my assessment. However, I note that for the Boyne Estuary SPA the attribute related to *Distribution* of the various species of wintering waterbirds appears to be omitted on page 51. The target for this attribute is no significant decrease in the range, timing or intensity of use of area by the individual species other than that occurring from natural variation.

I have also examined the Conservation Objectives Supporting Documents for these sites, available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

Tables 2-4 below summarise the information considered for the Appropriate Assessment and site integrity test. I have taken this information from that provided by the applicant.

The Inspector and the Board should note that some information is not expressly included in the applicant's assessment, as pointed out in the DAU submission, the potential impacts are not considered in terms of the specific conservation objectives and there is no reference to the conservation status of the individual SCI. For ease of reference, I have summarised conservation objectives in the tables provided. Where I consider there are gaps in the applicants' assessment, I note this in the tables.

I expand on certain issues further in the text, in particular, the impact of disturbance of wintering birds and impacts on QI habitats and how these may affect the attainment of site-specific conservation objectives.

**Table 2: AA summary matrix for River Boyne and River Blackwater SAC**

|  |   |  |  |  |
|--|---|--|--|--|
| <p><b>River Boyne and River Blackwater SAC (site code 002299 ):</b><br/> <b>Summary of Key issues that could give rise to adverse effects: (Indirect)</b></p> <ul style="list-style-type: none"> <li>• Indirect Habitat Loss/ degradation</li> <li>• Disturbance of QI species</li> <li>• Water quality</li> </ul> <p>See Table 6.2 NIS (updated 2022)<br/>                 Detailed Conservation Objectives available: <a href="#">CO002299.pdf (npws.ie)</a></p> |   |  |  |  |
|  |   |  | <b>Summary of Appropriate Assessment</b>   |  |
| <b>Qualifying Interest feature</b><br><b>*priority habitat Annex I</b>   | <b>Conservation Objectives Targets and attributes (summary- inserted)</b>   | <b>Potential adverse effects</b>   | <b>Mitigation measures</b>   |  |
| <b>Alkaline Fen Maintain favourable conservation condition</b>   | Area stable or increasing. No decline in habitat distribution or size. Maintain ecosystem functions, vegetation composition and structure and hydrological regime   | No direct impacts. Construction phase: Water quality degradation: temporary, dilution factor of tidal area | Embedded mitigation measures including lighting scheme, Best practice construction methods |  |
| <b>Alluvial forest* Restore favourable conservation condition</b>  | Area stable or increasing. No decline in habitat distribution or size. Maintain woodland structure and function and hydrological regime   |  |  |  |
| <b>River Lamprey Restore favourable conservation condition</b>   | Distribution- restore access to all water courses, distribution and population structure of larvae, no decline in extent or distribution of spawning and nursery beds   | No direct impacts. Construction phase: Water quality degradation: temporary, dilution factor of tidal area |  |  |
| <b>Atlantic Salmon Restore favourable conservation condition</b>   | Distribution- extent of anadromy, number of adult fish, salmon fry abundance, no significant decline in out migrating smolt abundance, no decline in number and distribution of redds, maintain water quality (Q4 at EPA sites) |  |  |  |
| <b>Otter Maintain Favourable conservation condition</b>  | No significant decline in distribution, extent of terrestrial or freshwater habitat, no decline in couching sites or holts, no significant decline in fish biomass and no increase in barriers to connectivity                  | Disturbance: Construction and operation<br>No otter holts recorded (within 50m), low otter activity        |  |  |
| <b>Overall conclusion: Integrity test</b>  |   |  |  |  |



The applicant determined that following the implementation of mitigation, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects can be excluded for this site. No direct impacts are predicted, and I agree that any indirect impacts would not be significant in terms of the conservation objectives and can be mitigated.

**The proposed Boyne Cycleway would not delay or prevent the attainment of the Conservation objectives of the River Boyne and Blackwater SAC.**

**Table 3: AA summary matrix for Boyne Coast and Estuary SAC**

|   |   |  |   |  |
|---|---|--|---|--|
| <p><b>Boyne Coast and Estuary SAC (001957):</b><br/> <b>Summary of Key issues that could give rise to adverse effects:</b></p> <ul style="list-style-type: none"> <li>• Direct and indirect Habitat Loss/ degradation</li> <li>• Disturbance of QI species</li> <li>• Water quality degradation (construction)</li> </ul> <p>See Table 6.3 NIS (updated 2022)</p> <p>Detailed Conservation Objectives available: <a href="#">Site specific conservation objectives 1957</a><br/> Conservation objectives supporting document- coastal habitats <a href="#">Boyne Coast and Estuary SAC (site code 1957)</a></p> |   |  |   |  |
|   |   | <b>Summary of Appropriate Assessment</b>   |   |  |
| <b>Qualifying Interest feature</b><br>*priority habitat Annex I   | <b>Conservation Objectives Targets and attributes (summary- inserted)</b>   | <b>Potential adverse effects</b>   | <b>Mitigation measures</b>  |  |
| <b>Estuaries Maintain favourable conservation condition</b>   | Permanent area is stable or increasing (403ha)<br>Conserve community types in natural condition (intertidal estuarine mud and fine sand with <i>Hediste diversicolour</i> and <i>Corophium volutator</i> community and Subtidal fine sand dominated by polychaete community | 2.5km boardwalk in SAC/SPA<br>Circa 1km length will cause shading of mudflats and sandflats in intertidal<br>Estimate of 4000m <sup>2</sup> 0.1% (of 403ha) affected<br>-----<br>Temporary deterioration during construction (not defined) | Embedded mitigation including provision of boardwalk on intertidal sections<br><br>Best practice construction methods |  |
| <b>Mudflats and sandflats not covered by seawater at low tide Maintain favourable conservation condition</b>  | As above  | Boardwalk will be raised above intertidal muds and the structure and function of habitats present will not be impaired through operation- this statement not backed up by evidence.  |   |  |

|   |  |  |
|---|--|--|
|   |  | <p>Method of installation not clearly described.</p> <p>Method of installing bridges not clearly described .</p> <p>Extent of habitat impacted by piles to support boardwalk not defined.</p>  |
| <p><b>Salicornia and other annuals colonising mud and sand</b></p> <p><b>Restore favourable conservation status</b></p> | <p>Area stable or increasing no decline in habitat distribution, maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain pan and creek structure, maintain natural tidal regime, range of coastal habitats including transitional zones, maintain vegetation structure, cover, composition.</p> | <p>Assessed by applicant under heading of all coastal habitats impacted.</p> <p>-----</p> <p>Note from NPWS mapping that unlikely to be impacted by proposal but some scattered areas of this habitat may occur in mosaic with Atlantic salt meadow</p>  |
| <p><b>Atlantic meadows</b></p> <p><b>Salt</b></p>   | <p>Area stable or increasing no decline in habitat distribution, maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain pan and creek structure, maintain natural tidal regime, range of coastal habitats including transitional zones, maintain vegetation structure, cover, composition</p>  | <p>Temporary deterioration during construction (not defined)</p> <p>Shading from boardwalk- (proportion not defined for this habitat)</p> <p>Invasive species</p> <p>-----</p> <p>Extent of habitat impacted by piles to support boardwalk not defined.</p> <p>Method of installation not clear.</p> <p>Method of installing bridges not clear.</p> <p>Direct impacts at discrete locations (permanent)</p> <p>Scientific justification of saltmarsh not conforming to Annex I habitat not provided.</p> <p>At odds with NPWS mapping of this habitat in certain locations.</p> <p>No assessment of impacts of boardwalk piles on circulation of</p> |

|   |  |   |   |
|---|--|---|---|
|   |  | organic matter or impacts along the transitional zone   |   |
| <b>Mediterranean salt meadows</b>   | Under review by NPWS   |   |   |
| <b>Embryonic shifting dunes</b><br><b>Restore favourable conservation condition</b>   | Area stable or increasing (Mornington section-0.67ha) no decline in habitat distribution, maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain range of coastal habitats including transitional zones, maintain vegetation structure, cover, composition-negative indicator species less than 5% cover (inc. sea buckthorn)  | Three dune habitats considered together in NIS table 6.3<br><br>Operational impact:<br>Degradation of dune habitat from dispersion of users of greenway into dune habitat (adjacent to proposed terminus at tower road)- increased use of habitat by public resulting in further trampling, erosion, dog fouling. | Route terminates outside dune habitat area. Information on signage on sensitivity of habitats, discourage access to certain sensitive areas (not defined) instruction to keep dogs on leads   |
| <b>Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</b><br><b>Restore favourable conservation condition</b>   | Area stable or increasing (Mornington section-1.99ha) no decline in habitat distribution, maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain range of coastal habitats including transitional zones, maintain vegetation structure, cover, composition-negative indicator species less than 5% cover (inc. sea buckthorn, ragwort)                                   | <b>Adverse impact predicted</b>   | Ongoing monitoring<br>To determine effectiveness of measures and to id if any adverse impacts are occurring<br>Additional mitigation in form of screen planting/<br>physical barrier to access in these areas of QI habitat<br><br>-----<br><b>Concern as to likely effectiveness of these measures and application of any post consent measures.</b> |
| <b>Fixed coastal dunes with herbaceous vegetation (grey dunes)*</b><br><b>Restore favourable conservation condition</b>   | Area stable or increasing (Mornington section-20.46ha) no decline in habitat distribution, maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain range of coastal habitats including transitional zones, maintain vegetation structure, cover, composition-negative indicator species less than 5% cover (inc. sea buckthorn, ragwort, creeping thistle, common nettle) |   |   |
| <b>Overall conclusion: Integrity test</b>   |  |   |   |
| The applicant determined that following the implementation of embedded mitigation, and the installation of signage combined with monitoring, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. |  |   |   |

**Based on the information provided, I am not satisfied that adverse effects can be excluded for this site.**

**I consider that the proposal is likely to further degrade and delay the attainment of the conservation objective to restore the favourable conservation condition of QI sand dune habitat, in particular, fixed coastal dunes with herbaceous vegetation, a priority habitat. This is considered an adverse effect on site integrity. Mitigation measures proposed are weak and given the current state of the habitat, unlikely to be effective. Reliance cannot be placed on post construction monitoring for additional measures should significant effects be found to occur on sand dune habitats once the proposed greenway is operational. Installation of screen planting or physical obstruction would not be suitable in sand dune habitat.**

**I consider that the applicant has not fully described or examined the possible adverse effects on other coastal habitats, Atlantic Saltmarsh in particular, in view of the conservation objectives, targets and attributes set for this habitat, for construction or operational phases of the proposed Boyne Greenway.**

**Adverse effects on site integrity cannot be excluded beyond reasonable scientific doubt.**

**Table 4: AA summary matrix for Boyne Estuary SPA**

|   |   |   |   |
|---|---|---|---|
| <p><b>Boyne Estuary SPA (004080):</b><br/> <b>Summary of Key issues that could give rise to adverse effects:</b></p> <ul style="list-style-type: none"> <li>• Direct and indirect Habitat Loss, fragmentation/ degradation</li> <li>• Disturbance, displacement of SCI species</li> </ul> <p>See Table 6.4 NIS (updated 2022)</p> <p>Detailed Conservation Objectives available: <a href="#">Conservation Objectives 4080</a><br/> <a href="#">Conservation Objectives supporting document 4080</a></p> |   |   |   |
|   |   | <b>Summary of Appropriate Assessment</b>  |   |
| <b>Special Conservation Interest</b>  | <b>Conservation Objectives Targets and attributes (summary- inserted)</b>   | <b>Potential adverse effects</b>  | <b>Mitigation measures</b>  |
| <p><b>Shelduck</b><br/> <b>Oystercatcher</b><br/> <b>Golden Plover</b><br/> <b>Grey Plover</b><br/> <b>Lapwing</b><br/> <b>Knot</b><br/> <b>Sanderling</b><br/> <b>Black-tailed Godwit</b><br/> <b>Redshank</b><br/> <b>Turnstone</b></p>   | <p><b>Maintain the favourable conservation condition:</b></p> <p>Long term population trend stable or decreasing (% change)</p> <p>No significant decrease in the <b>range, timing or intensity</b> of use of areas by individual species (other than that occurring from natural patterns of variation)</p>  | <p>Disturbance Construction: outside of wintering period</p> <p>Operation: Disturbance / displacement (feeding/roosting) of SCI species</p> <p>Significant numbers /usage of areas adjacent to route of (see below)</p> <p>Baseline disturbance events examined. Strong response from birds to presence of dogs.</p> <p><b>Potential for adverse effect</b></p> | <p>Integrated measures:</p> <p>Timing of works ecological clerk of works, noise screening during construction, lighting design, Screen planting</p> <p>Screening of boardwalk</p> <p>Code of conduct for dogs, no off leash.</p> <p>Monitoring and additional screening mitigation if adverse effects remain during operation</p> |
| <p><b>Little Tern</b></p> <p><b>Maintain favourable conservation condition</b></p>  | <p>No significant decline in breeding population abundance- apparently occupied nests, no significant decline in productivity rate, no significant decline in distribution of breeding colonies, no significant decline in prey biomass available. No significant increase in barriers to connectivity and Disturbance – human activities should occur at levels that do not adversely affect the breeding population</p> | <p>No Direct impacts, Indirect impacts from disturbance – not significant</p> <p>Low activity recorded in vicinity of proposed development.</p>   | <p>As above</p>   |

|  |   |  |  |
|--|---|--|--|
| <b>Wetlands</b>  | The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of <b>594ha</b> , other than that occurring from natural patterns of variation | Degradation of habitat during construction (as for SAC in table 3) 2.5km boardwalk in SAC/SPA with 610m-1km in intertidal Habitat loss (not quantified), shading due to installation of boardwalk on intertidal sections. Spread of invasive species Indirect habitat loss due to displacement of birds from disturbance | As above See also construction management report |
| <p><b>Overall conclusion: Integrity test</b></p> <p>The applicant determined that following the implementation of mitigation, including monitoring with the option of additional screening should adverse effects be recorded, the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.</p> <p><b>Based on the information provided, I am not satisfied that adverse effects can be excluded for this site in view of the conservation objectives related to distribution of wintering waterbird species.</b></p> <p><b>Cannot determine beyond reasonable doubt that no significant decrease in the range, timing or intensity of use of areas by individual species will occur in the vicinity of the proposed Boyne Greenway when operational due to human disturbance. This is compounded by the scientific evidence that many SCI species have experienced declines in population numbers.</b></p> <p><b>Reliance cannot be placed on post construction monitoring for additional measures should significant effects be found to occur.</b></p> <p><b>Adverse effects on site integrity cannot be excluded beyond reasonable scientific doubt.</b></p> |   |  |  |

### 15.6.2. Adverse effects

In this section, I address the potential for adverse effects identified by the applicant and expand on the conclusions of Tables 2-4 as presented above.

#### **Boyne Estuary SPA**

A key concern in submissions and observations on the original application was the timing and extent of the winter waterbird survey, which was undertaken in March 2018, just one month out of the overall wintering period of October to March.

The applicant has addressed this with the commissioning of additional survey of wintering waterbirds undertaken by Inís consultants. Having reviewed the methodology, timing and frequency of the surveys, I am satisfied that they have been

undertaken in line with best practice and have added to the information on the bird species composition and distribution of SCI birds in particular within a zone of influence of the proposed greenway. Surveys were undertaken on a monthly basis in January to March 2021 and October to December 2021. Additional surveys were undertaken in September 2021 to provide information on birds utilising the area during the pre-winter period which would indicate the significance of the area for migrating waterbirds.

A survey for the one breeding species for which the SPA is of importance, Little Tern was also undertaken. I am satisfied that adverse effects can be excluded for this species in line with the determination of the applicant.

It is obvious that a significant amount of data has been collected to inform the bird study and assessment. The data collected on wintering birds shows that significant proportions of the SPA population use areas adjacent to the proposed greenway.

Notwithstanding the data collected, it is a challenge to get to the key issue of what the effects may be in terms of the targets and attributes set for the wintering birds i.e. beyond a broad disturbance effect. For example, while the data collected and presented in the mapping supplied notes foraging and roosting behaviours, this is not translated into the results presented in the NIS. In terms of bird distribution, it is useful that the areas surveyed are the IWeBS subsites and that disturbance events examined in distance bands. However, it would have been helpful to see distribution and activity levels in terms of those same bands to determine extent to which those disturbance predications could be applied to distribution. Any bird survey is a snapshot in time, however I consider that more could have been done with the data collected in terms of relating it to the attributes and targets of the SCIs and their conservation objectives, and information contained in the conservation objectives supporting document, an issue also raised by the Department in the DAU submission and BirdWatch Ireland.

For information I insert a map of subsites covered in the bird surveys (from Figure 2.1 of NIS) and the peak numbers recorded in 2021 at subsites adjacent to the proposed greenway route as reported by the applicant.

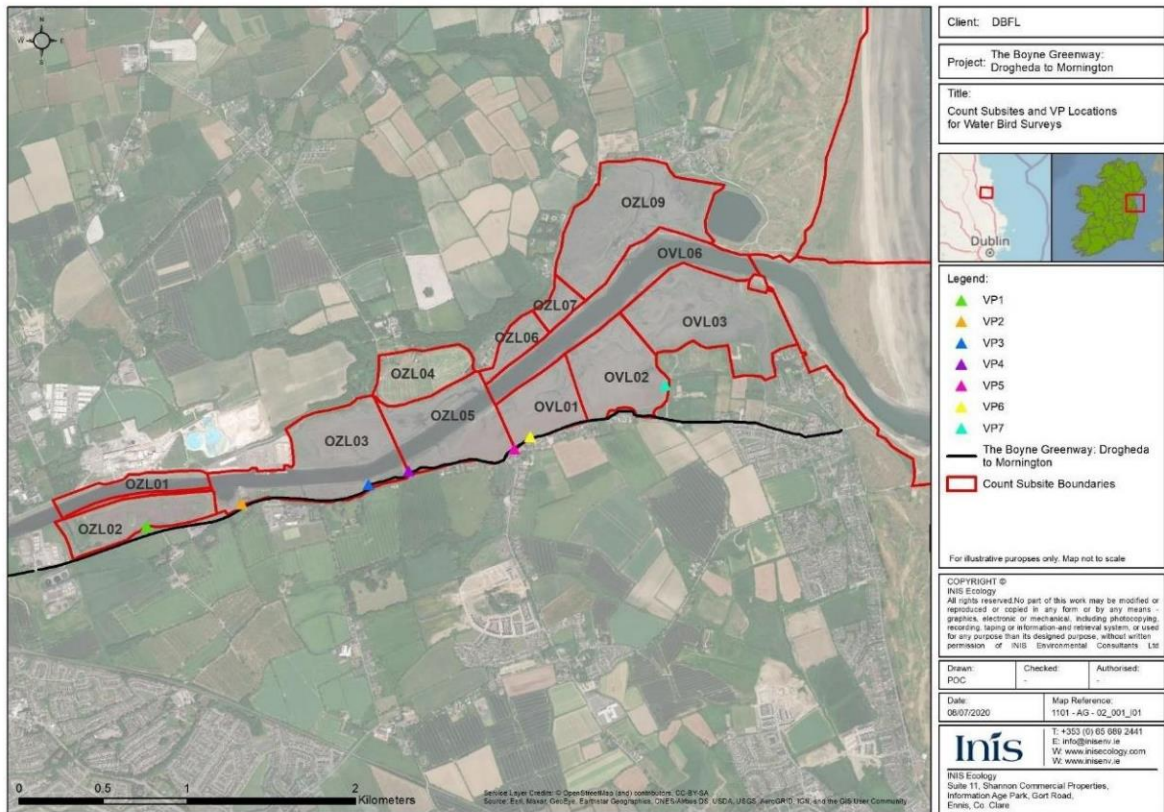


Figure 2.1: Sub-sites and Vantage Point locations for wintering and migrating waterbird surveys in relation to Boyne Estuary SPA

- OVL01:** peak counts were significant for Shelduck (8.7%), Black-tailed Godwit (13.4%) and Redshank (9.8%). Five of the ten wintering SCI species were recorded.

Note that significant peak counts were recorded in 2018 for Shelduck (5.5%), Golden Plover (36.2%) Black-tailed Godwit (14.6%) and Redshank (20.2%).
- OVL02:** peak counts were significant for Grey Plover (7.1% of the baseline SPA population), Lapwing (7.4%) and Redshank (12.3%: the highest peak count for Redshank recorded at any sub-site). Nine of the ten wintering SCI species were recorded.

Note that significant peak counts were recorded in 2018 for Shelduck (16.1%), Black-tailed Godwit (57.3%) and Redshank (20.6%).
- OZL05:** peak counts were significant for Shelduck (11.0%), Lapwing (8.1%) and Turnstone (5.7%). Eight of the ten wintering SCI species were recorded. o Note that significant peak counts were recorded in 2018 for Golden Plover (42.8%), Black-tailed Godwit (86.3%) and Redshank (18.9%).
- OZL02:** peak counts were significant for Redshank (11.1%) only. Four of the ten wintering SCI species were recorded.



Note that significant peak counts were recorded in 2018 for Shelduck (6.0%) and Redshank (7.0%).

- **OZL03:** peak counts were significant for Shelduck (16.5%: the highest peak count for Shelduck recorded at any sub-site) and Redshank (8.6%). Five of the ten wintering SCI species were recorded.

Note that significant peak counts were recorded in 2018 for Shelduck (22.0%), Black-tailed Godwit (42.3%) and Redshank (15.6%)

As described by the applicant, when taken together, these five sub-sites within/in close proximity to the proposed Greenway route were found to contain significant proportions of the SPA populations for seven of the ten SCI waterbird species in 2018 and/or 2021: specifically, Shelduck, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Redshank and Turnstone.

Outside of the areas adjacent to the proposed greenway route, the applicant recorded peak counts that were slightly higher. Of particular note were: OVL04, in which peak counts exceeding 20% of SPA baseline populations were recorded for Oystercatcher (28.9%), Grey Plover (23.5%) and Sanderling (49.3%); and OZL08, in which peak counts exceeding 50% were recorded for Grey Plover (153.1%), Knot (59.3%) and Sanderling (72.5%), comprising the peak counts for these species recorded in any sub-site.

As part of their submissions on the application Birdwatch Ireland refer to the declining population trends of winter water birds nationally and at the Boyne Estuary SPA site. They state that due to these declines, the use of SPA baseline data may be misleading as populations have changed based on the results of the of Irish Wetland Bird Survey data (I-WeBS 5year mean). The applicant has addressed this in the assessment as part of the further information in the revised NIS (Section 4.2.5, Table 4.6 Table 6.4). For nine of the ten SCI species, the I-WeBS 5 year mean (2013-2018) is lower than the cited SPA baseline populations, reflective of declining populations nationally. Therefore, peak numbers of a number of species recorded during 2018 and 2021 represent a more significant proportion of the actual populations currently using the SPA than that indicated when comparing 2018 and 2021 data with baseline data for the SPA. This is illustrated for three species in particular:

- I-WeBS and 2018 bespoke field data indicate much higher Golden Plover populations in proximity to the proposed Greenway route (42.8% of the SPA population was recorded during 2018 field surveys);
- I-WeBS and 2018 bespoke field data indicate much higher Black-tailed Godwit populations in proximity to the proposed Greenway route (86.3% of the SPA population recorded during 2018 field surveys);
- I-WeBS data indicate higher numbers of Shelduck within the SPA as a whole (potentially including areas in close proximity to the proposed Greenway route) (average 87.1% of the SPA population recorded annually in 2013-18).

In their submission on the further information, BirdWatch Ireland included data on the population trends for SCI species Boyne Estuary SPA from the most recent analysis of I-WeBS data. I note that as this is a recent publication, it was not available to the applicant at the time of preparation of the FI and I am satisfied that it has been submitted for information purposes only. The analysis shows the national trends for the SCI species of the Boyne Estuary and also the trends within the Boyne Estuary. National trends of decline are represented at the site level. Of the ten wintering SCI waterbird species for the Boyne Estuary SPA, five have a declining status based on a long term (23 year) trend, Golden Plover, Grey Plover, Lapwing and Turnstone undergoing large population declines. Notably, data is showing declines over the more recent 5year period with six species showing declines with nine species showing declines over the last 12 years. BirdWatch points out that the site-based data suggested that species which across the long-term appear to be doing OK are now in decline within the SPA.

I agree with the Applicants conclusion that due to the significant concentrations of birds recorded in areas adjacent to the proposed greenway, adverse effects are possible even when taking account of the proposed embedded project mitigation including screen planting, lighting plan and also taking account of the projected minimum avoidance distances. Such an adverse effect would be in terms of possible changes in the range, timing and use of areas by individual species, but this aspect of the targets and attributes has not expanded upon by the applicant. This presents a challenge when assessing the effectiveness of mitigation proposed to ameliorate adverse effects as it is unclear what aspects of disturbance are of relevance as the

significance of disturbance event upon waterbirds varies according to a range of factors.

### **Boyne Coast and Estuary SAC**

The submission by the Department raised an issue regarding inconsistencies between data held by the National Parks and Wildlife Service on the extent of Saltmarsh in the SAC and that presented by the applicant. In addition, the submission queried the impacts level predicted by the applicant. In terms of the examination for potential for adverse effects, the intertidal habitats are grouped together in the NIS and predict that any temporary impacts during the construction phase would be ameliorated by good construction practice and the natural tidal cycle of the Estuary which would dissipate and redistribute any disturbance of intertidal muds and sediments.

I concur with the Departments observation that potential impacts of the construction phase have not been fully examined as there are gaps and inconsistencies in the information presented in the NIS (revised and original application) with regard to how the boardwalk and bridges will be installed in the intertidal and the degree of habitat disturbance that will occur.

The NIS states that the potential for adverse effects during the operational phase are predicted to affect 4000m<sup>2</sup> of intertidal habitat where shading of vegetation is the main impact and not considered an adverse effect. It is stated that boardwalk will be raised above intertidal muds and the structure and function of habitats present will not be impaired through operation. However, the boardwalk will be installed on piles that cumulatively add up to some level of habitat loss (albeit minor) and these structures also may alter the deposition and movements of sediments in this transitional zone.

The distribution of Saltmarsh habitat has been described and mapped for the SAC (Saltmarsh monitoring programme McCrory and Ryle 2009- presented in the conservation objectives supporting document) and the known mapped distribution overlaps with sections of the proposed boardwalk within the intertidal sections (Mornington). The applicant states that the upper saltmarsh habitat does not confirm to Annex I habitat, but I can find no evidence of how this was determined as no detailed description of species composition is presented in the NIS. Additionally, I am uncertain

if the *non* Annex I saltmarsh habitat is at a localised area or if all saltmarsh habitat recorded is considered not conform to Annex I, which would be at odds with the NPWS data.

I do note from my site visit that along the Mornington road, the habitat immediately adjacent to the road before the proposed bridge crossing at CH 4720-4740 is not saltmarsh habitat (mapped as *saltmarsh other* in the Conservation Objectives supporting document- coastal habitats) as there is a band of managed amenity grassland which is bounded to the North by saltmarsh habitat.

Based on the lack of detail in relation to impacts on the intertidal habitats, saltmarsh habitat in particular, I find that it is not possible to come to a definitive conclusion as regards the absence of adverse effects in view of the conservation objectives which includes the requirement to maintain/restore natural circulation of sediments and organic matter without physical obstructions, maintain pan and creek structure, maintain natural tidal regime, range of coastal habitats including transitional zones, maintain vegetation structure, cover and composition. I also have concerns regarding shading of saltmarsh habitat, an impact not considered of significance in the NIS.

In a study examining the effects of shading of docks on saltmarsh habitat, using 1.2m wide experimental docks at various heights, Logan *et al*<sup>3</sup> (2017) found that where the height to width ratio of docks is 1:1 significant adverse effects to vegetation can occur from shading. Based on the proposed width (4m) some shading is likely notwithstanding that there is some light penetration through the gaps between the decking. Observing the existing Boyne greenway west of Drogheda, very little vegetation can be seen growing underneath the boardwalk sections, however, I note that the proposed boardwalk will be more elevated at 1.5m above highest astronomical tide level.

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<sup>3</sup> Logan, J.M, Voss, S., Davis A., FordK.H., An Experimental evaluation of dock shading impacts on salt marsh vegetation in a new England Estuary (2017). Estuaries and Coasts Vol41 [An Experimental Evaluation of Dock Shading Impacts on Salt Marsh Vegetation in a New England Estuary \(mass.gov\)](#)



Picture of existing Boyne Greenway located west of Drogheda.

In terms of the assessment of impacts on sand dune habitats and resultant adverse effects on these habitats in view of the conservation objectives, I concur with the applicants conclusion that adverse effects cannot be excluded and consider this further in my consideration of mitigation and monitoring, section 4.6.3 below.

### 15.6.3. **Mitigation Measures and Monitoring**

A summary of mitigation measures is presented in the tables above. Full details are provided in Section 6.1.2 of the revised NIS covering measures embedded in the project design (also table 6.2-6.4), measures required during construction and operation of the proposal. Further detail is provided in the construction methodology report including construction and environmental management, ecological clerk of works duties and responsibilities.

#### **Measures to avoid and reduce adverse effects on Wintering bird distribution**

The primary concerns raised in submissions by the Department, Birdwatch Ireland and the public relate to disturbance of winter water birds from roosting or foraging areas during the operational phase as the route selected does not avoid impacting directly on the SPA. The most significant disturbance events have been shown to be

walking with dogs and dogs off lead in particular. This type of disturbance event is also confirmed in the conservation objectives supporting document (NPWS 2013).

I note that the consultants have undertaken a literature review of the scientific journals, the results of which indicate that waterbirds can habituate to human disturbance, and adverse effects may not necessarily occur. This is the case where large expanses of foraging habitat are available and it is argued that this is the case for the Boyne Estuary. Tolerances of individual birds were also examined, flight initiation distances and minimum approach distances were examined from the scientific literature. Referencing a study by Livezey *et al* (2016)<sup>4</sup> and applying a precautionary additional buffer, the consultants adapted minimum approach distance bands at 100m for Shelduck and 50m for waders in determining the effects of disturbance. Livezey *et al* define minimum approach distance- MAD- as the distance at which humans should be separated from wildlife. Analysis of the data collected in terms of these distance bands and presented in the NIS would have been useful to get a clearer picture of the distribution of birds within the subsites examined.

Examples of similar recreational projects from other countries located within or adjacent to SPA sites/ important bird areas were provided in the NIS. Examples are provided from the Netherlands, Portugal and the United Kingdom showing walking/cycleways from Google Maps with the associated SPA on the Natura 2000 Network viewer. In their submission, Birdwatch Ireland question the reliability of this inclusion and cautioned direct comparisons with particular reference to the Exe Estuary Trail (Exmouth, United Kingdom). There are undoubtedly many examples of recreational paths within and adjacent to SPA sites, however each case must be examined in relation to the conservation objectives and status of the particular Natura 2000 site in question. While the inclusion of the examples is interesting, no

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<sup>4</sup> <https://doi.org/10.3996/082015-JFWM-078>

Database of Bird Flight Initiation Distances to Assist in Estimating Effects from Human Disturbance and Delineating Buffer Areas. Kent B. Livezey; Esteban Fernández-Juricic; Daniel T. Blumstein  
Journal of Fish and Wildlife Management (2016) 7 (1): 181–191

information on the qualifying features, conservation objectives or possible planning issues involved in those international examples are provided and therefore I place no reliance on these examples in my assessment.

Significant proportions of the SCI waterbird species were recorded to occur within the subsites surveyed, and while the subsites encompassed large areas, the applicant considers it necessary to apply additional measures to the embedded measures to ensure operational disturbance of these populations is not present at a level that risks adverse effects on these populations. For the avoidance of doubt, I am not distinguishing '*embedded* and *additional* mitigation', it is all mitigation that can be considered as part of the Appropriate Assessment. The approach proposed by the applicant is to install screen planting (hedgerow) along the northern edge of the greenway where space allows, and the boardwalk barrier is to be screened by fixing boardwalk running boards to the fence posts within sensitive areas to counteract visual disturbance (especially from dogs) and reduce noise transfer. Boardwalk screening would be half-height (c.600mm) between Chainage 1810-2000, to supplement proposed hedgerow planting that would be situated to the north of the boardwalk, between it and the intertidal habitats. Full-height (c.1400mm) screening along the boardwalk is proposed at Chainage 2000-2104) and Chainage 2270-4735 where landscape screening from tree and hedgerow planting is not proposed.

In addition, signage outlining the conservation value of this habitat to waterbirds would be installed along the boardwalk in order to increase public awareness. In particular, the signage will specify the accepted '*code of conduct*' for dogs. Post construction monitoring is also proposed- see below. No indication has been provided on the likely success of such a measure.

While the applicant concludes that the provision of screening along the Greenway is proposed to minimise any potential disturbance to wintering birds using the intertidal habitats, the degree of effectiveness of such measures has not been detailed in the

NIS nor has it been examined against the conservation objectives. The inclusion of monitoring *to assess the effectiveness of these measures* leaves an element of uncertainty as to the likely success of the proposed screening.

For information and comparison, I bring the Inspector and the Boards attention to a similar greenway project that included mitigation proposed to prevent disturbance of waterbirds within an impact zone identified up to 200m for the Broadmeadow Greenway between Malahide and Donabate (ABP 304624-19)<sup>5</sup>. The Board accepted mitigation measures which included the provision of a 1.2m high continuous (solid) wall (with top rail up to 1.4m) along the extent of the greenway along the existing railway embankment to screen movements of pedestrians/cyclists and dogs from birds present on the water below and to ensure no adverse effects on the distribution of wintering bird species including Great Crested Grebe, Red-breasted Merganser and Goldeneye of Malahide Estuary SPA or on bird species from other SPA sites within the wider area of Dublin Bay. The applicant, Fingal Council provided evidence from the literature to support the effectiveness of the proposed mitigation and monitoring was also proposed and conditioned by the Board in the approval for the scheme. The Board should be aware that there are some differences between the two greenway schemes. The crossing of the Malahide estuary is along an existing infrastructure and outside of the intertidal where the greatest concentrations of waders and other wintering birds are present. The bird assemblage within the possible zone of influence was mainly diving ducks which occurred in low numbers but none the less significant in terms of the overall SPA population (within 500m of the embankment crossing).

The applicant has also put forward an argument that by providing a designated walking/cycling route, recreation within other more sensitive ecological areas (which are not defined) would likely be reduced. However, this statement is not supported and in fact sections of the Boyne greenway are proposed for areas that are currently

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<sup>5</sup> [304624 | An Bord Pleanála \(pleanala.ie\)](https://www.pleanala.ie/304624)



not exposed to high levels of disturbance including walkers and also habitat that currently buffers the Estuary and intertidal is proposed to be removed in order to accommodate the greenway. I note from section 5.4.4 of the Boyne Estuary SPA conservation objectives supporting document (2013) that within the SPA, the subsites with the lowest to no disturbance were those adjacent to the greenway (OVL01, Mornington West, OLV02 Mornington East, OZL02 Arp, OZL03, OZL05 Port to Beaulieu to Mornington House) with areas such as Ladys finger and Baltray experiencing greatest disturbance events mainly from people walking with dogs. In the examination of disturbance events, the applicant found that the severity of responses varied according to the proximity and degree of the disturbing activity, although moderate-high responses were consistent with disturbance by dogs, and moderate-high responses were also observed in response to human presence (e.g. pedestrians and birdwatchers). In terms of spatial patterns of waterbird disturbance, the applicant found greater numbers of disturbance events (including many with moderate-high responses) were recorded at sub-sites OVL01 and OVL02 when compared with other sub-sites in close proximity to the proposed Greenway route.

As outlined in the conservation objectives supporting document (NPWS 2013) any activity that causes disturbance can lead to the displacement of waterbirds and the significance of the impact that results from even a short-term displacement should not be underestimated. In the careful consideration of the impacts of disturbance on waterbird species as part of this AA, based on my examination of the NIS, bird distribution mapping and taking account of submissions, I conclude that there remains uncertainty as to the level of disturbance and displacement of wintering birds in view of the conservation objectives of the SPA and uncertainty as to the effectiveness of the proposed mitigation measures in preventing adverse effects on winter bird distribution within the Boyne Estuary SPA.

## **Measures to prevent adverse effects on sand dune habitat**

The applicant has identified that adverse effects cannot be excluded for the three sand dune habitats that are qualifying interests of the Boyne Coast and Estuary SAC. Impacts on these individual Annex I habitats have not been differentiated. All three sand dune habitats are in unfavourable conservation condition and there is existing damage to the Fixed Dunes (grey dunes) which is a priority habitat. This is evident from visiting the site with significant braiding of paths within the sand dunes and unrestricted car access and car parking.

A slightly revised route has been submitted with the further information document which is to move the terminus of the greenway to Tower Road. However, as one observer points out:

The reduction in extent of greenway at Tower Road does not materially change the potential impact on the SAC. The presence of the greenway will encourage users to interact with the SAC increasing indiscriminate car parking trampling of the dunes, increased litter etc.

I do not consider that given the current unmanaged situation at Mornington Dunes that any meaningful avoidance of further impacts could be achieved by the installation of signage. It is also not suitable from an ecological perspective to propose the installation of screen planting (undefined) or other features without a full assessment in this priority habitat. The applicant has not demonstrated that adverse effects can be excluded from these habitats, and I consider that the proposal as it currently stands would further delay the achievement of the conservation objectives of restoration of QI sand dune habitats for the Boyne Coast and Estuary SAC.

## **Monitoring**

In the request for further information the Board was seeking clarification on the approach that would be taken in monitoring the wintering bird population and how it would be carried out to ensure effectiveness of proposed mitigation measures.

Monitoring is an important component of ensuring mitigation is applied correctly and is effective in achieving its aims. The problem that arises in this instance is that the

applicant has not excluded the possibility of adverse effects in relation to disturbance of wintering water birds or for sand dune habitat and the mitigation measures proposed have an element of post consent amendments for both wintering bird populations of the SPA and for Sand dune habitats in the SAC if adverse effects were found to occur.

From NIS section 7.2:

As mentioned in Section 6.1.2 of this report, frequent post-construction monitoring would be undertaken to identify any potential adverse effects on SCI waterbird populations, and to inform any requirement for additional mitigation.

EC guidance (2021) on Article 6(3) states that:

the monitoring of mitigation measures is crucial to check their successful and timely implementation and to detect any unexpected impacts requiring additional measures. In addition, when the effectiveness of mitigation depends on the presence of stable natural conditions or natural processes that could change (e.g. due to floods, droughts, storms or other events), monitoring should also be used to verify the expected results and detect any possible changes warranting the adaptation or reprogramming of the measures.

However, the effectiveness of mitigation measures must be demonstrated *before* the plan or project is approved. Monitoring as a supplement to the mitigation to detect adverse effects cannot be considered as adequate to meet the requirements of Article 6(3).

Overall, I am not satisfied that the measures as described will be effective in avoiding and reducing potential adverse effects to a level that is not significant for sand dune habitats and there is residual uncertainty as to effectiveness of measures to prevent disturbance and displacement of wintering birds in terms of their range, timing and intensity of use of areas adjacent to the intertidal sections of the proposed

greenway once operational. Moreover, the reliance on post construction monitoring to identify any residual adverse effects and then apply additional measures, is not compliant with current case law and cannot be considered by the Board.

## 16.0 **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposal to develop a cycle and walkway, the Boyne Greenway, between Drogheda East and Mornington would likely result in significant effects on the Boyne Coast and Estuary SAC, the Boyne Estuary SPA and the River Boyne and River Blackwater SAC, and that Appropriate Assessment under the provisions of S177AE was required.

Following an examination and evaluation of the NIS, updated NIS and all associated material submitted as part of a request for further information, and taking into account submissions of the Department of Housing, Local Government and Heritage, BirdWatch Ireland and the public, my findings are that the scientific information before the Board is not adequate for complete, precise and definitive conclusions to be made which are capable of removing all reasonable scientific doubt as to adverse effects of the proposed Boyne Greenway on the integrity of the Boyne Coast and Estuary SAC and Boyne Estuary SPA in view of the conservation objectives of these sites.

I am satisfied that adverse effects on the River Boyne and Blackwater SAC can be excluded in view of the conservation objectives of that site.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts on intertidal habitats including Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] of the Boyne Coast and Estuary SAC in view of their conservation objectives is not possible due to lack of information on certain aspects of the proposed development.

- Uncertainty as to effectiveness of measures to prevent disturbance and displacement of wintering birds Boyne Estuary SPA in terms of their range, timing and intensity of use of areas within and adjacent to the intertidal sections of the proposed greenway. Adverse effects on site integrity cannot be excluded.
- Adverse effects on sand dune habitats of the Boyne Coast and Estuary SAC cannot be excluded, including the priority habitat Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Reliance on post consent monitoring to identify any further adverse effect is not in line with the obligations of Article 6(3) of the Habitats Directive.

Should the Inspector or the Board disagree with this assessment they may seek further information on aspects of the proposal- or seek to establish if the adverse effects can be overcome by compliance with conditions or other restrictions.

Should the board agree with this assessment but consider that the project should go ahead if it meets the criteria of Imperative Reasons of Overriding Public Importance, then the Board may seek to engage in the derogation phase under Article 6(4) and establish if there is no other feasible or less damaging alternative to achieve the aims of the proposal as a first step.



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Maeve Flynn BSc. PhD, MCIEEM  
Inspectorate Ecologist

24<sup>th</sup> October 2022

## 17.0 Appendix 2

### 17.1. List of Prescribed Bodies

The application was circulated to the following bodies:

- Department of Climate Action, Communications Networks and Transport
- Department of Culture, Heritage and the Gaeltacht
- Development Applications Unit
- Department of Transport, Tourism & Sport
- Department of Rural and Community Development
- Department of Agricultural, Food & the Marine
- Department of Justice & Equality & Law Reform
- Inland Fisheries Ireland
- National Parks and Wildlife Service
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Environmental Protection Agency
- National Transport Authority
- Transport Infrastructure Ireland
- Teagasc
- HSE

- C  ras Iompair   ireann
- Iarnr  d   ireann
- Office of Public Works
- Irish Water
- Eastern and Midland Regional Assembly
- Louth County Council
- Geological Survey of Ireland

## 18.0 **Appendix 3**

### 18.1. **List of Observer submissions to original application**

Name

- 1 [ABP-307652-20 - Submission - Aideen O Reilly.pdf](#)
- 2 [ABP-307652-20 - Submission - Aileen Clynch.pdf](#)
- 3 [ABP-307652-20 - Submission - Aileen Phelan.pdf](#)
- 4 [ABP-307652-20 - Submission - Aileen Smith.pdf](#)
- 5 [ABP-307652-20 - Submission - Aine McAuley.pdf](#)
- 6 [ABP-307652-20 - Submission - Aine Walsh.pdf](#)
- 7 [ABP-307652-20 - Submission - Aisling Monahan.pdf](#)
- 8 [ABP-307652-20 - Submission - Alexander Jimorean.pdf](#)
- 9 [ABP-307652-20 - Submission - Alison Comyn.pdf](#)
- 10 [ABP-307652-20 - Submission - Amanda Mc Mahon.pdf](#)
- 11 [ABP-307652-20 - Submission - Andrea O Grady.pdf](#)
- 12 [ABP-307652-20 - Submission - Angela Reynolds.pdf](#)
- 13 [ABP-307652-20 - Submission - Ann Mc Veigh.pdf](#)
- 14 [ABP-307652-20 - Submission - Ann McGrane and Others.pdf](#)
- 15 [ABP-307652-20 - Submission - Ann Walsh.pdf](#)
- 16 [ABP-307652-20 - Submission - Anne Burke.pdf](#)
- 17 [ABP-307652-20 - Submission - Anne Coleman.pdf](#)
- 18 [ABP-307652-20 - Submission - Anne Collins.pdf](#)
- 19 [ABP-307652-20 - Submission - Anne Dowd.pdf](#)
- 20 [ABP-307652-20 - Submission - Anne Murray.pdf](#)
- 21 [ABP-307652-20 - Submission - Antoinette Ketteringham.pdf](#)
- 22 [ABP-307652-20 - Submission - Audrey Smith.pdf](#)
- 23 [ABP-307652-20 - Submission - Barbara Walsh.pdf](#)
- 24 [ABP-307652-20 - Submission - Bernadette and John Mc Hugh.pdf](#)
- 25 [ABP-307652-20 - Submission - Bernard Mc Mahon.pdf](#)
- 26 [ABP-307652-20 - Submission - Bertha Estridge.pdf](#)
- 27 [ABP-307652-20 - Submission - BirdWatch Ireland.pdf](#)
- 28 [ABP-307652-20 - Submission - Blainaid Howard.pdf](#)
- 29 [ABP-307652-20 - Submission - Board of Management of Drogheda Grammar School.pdf](#)
- 30 [ABP-307652-20 - Submission - Boyne Valley Tourism.pdf](#)
- 31 [ABP-307652-20 - Submission - Boyneside Trail Committee.pdf](#)
- 32 [ABP-307652-20 - Submission - Breda Cusack.pdf](#)
- 33 [ABP-307652-20 - Submission - Breege Martin.pdf](#)
- 34 [ABP-307652-20 - Submission - Brian and Lisa McGinn.pdf](#)
- 35 [ABP-307652-20 - Submission - Brian Walsh.pdf](#)
- 36 [ABP-307652-20 - Submission - Brigid Campbell.pdf](#)
- 37 [ABP-307652-20 - Submission - Brigid Weir.pdf](#)
- 38 [ABP-307652-20 - Submission - Bronagh Kieran.pdf](#)
- 39 [ABP-307652-20 - Submission - Bryan Harvey.pdf](#)
- 40 [ABP-307652-20 - Submission - Caitriona Kearney.pdf](#)
- 41 [ABP-307652-20 - Submission - Carmel Dunne Ldg 030651.pdf](#)
- 42 [ABP-307652-20 - Submission - Carnel Dunne Ldg 030633.pdf](#)
- 43 [ABP-307652-20 - Submission - Carol O Halloran.pdf](#)
- 44 [ABP-307652-20 - Submission - Catherine Burke.pdf](#)
- 45 [ABP-307652-20 - Submission - Catherine Keville.pdf](#)
- 46 [ABP-307652-20 - Submission - Charles and Mary Floody.pdf](#)
- 47 [ABP-307652-20 - Submission - Cian O Geady.pdf](#)
- 48 [ABP-307652-20 - Submission - Ciara Mac Cormac.pdf](#)



- 49 [ABP-307652-20 - Submission - Ciara Walsh.pdf](#)
- 50 [ABP-307652-20 - Submission - Ciaran Dunne.pdf](#)
- 51 [ABP-307652-20 - Submission - Clare Corcoran.pdf](#)
- 52 [ABP-307652-20 - Submission - Clodine McGrane.pdf](#)
- 53 [ABP-307652-20 - Submission - Colette Mulray.pdf](#)
- 54 [ABP-307652-20 - Submission - Colin Boyle.pdf](#)
- 55 [ABP-307652-20 - Submission - Collette Farrell and Kieran Mc Nulty.pdf](#)
- 56 [ABP-307652-20 - Submission - Collette Nugent.pdf](#)
- 57 [ABP-307652-20 - Submission - Conall Tracey.pdf](#)
- 58 [ABP-307652-20 - Submission - Conor O Hara.pdf](#)
- 59 [ABP-307652-20 - Submission - Daniel Mc Mahon.pdf](#)
- 60 [ABP-307652-20 - Submission - David Monahan.pdf](#)
- 61 [ABP-307652-20 - Submission - David Smith.pdf](#)
- 62 [ABP-307652-20 - Submission - Declan Behan.pdf](#)
- 63 [ABP-307652-20 - Submission - Declan Collins.pdf](#)
- 64 [ABP-307652-20 - Submission - Deirdre Luttrell.pdf](#)
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