



An
Bord
Pleanála

Inspector's Report

ABP-308224-20

Development

Refurbishment of St. Dominick's
Bridge, Co. Louth

Location

St. Dominick's Bridge, Ballsgrove,
Moneymore, Drogheda, Co. Louth

Local Authority

Louth County Council

Type of Application

Application for approval made under
Section 177(AE) of the Planning and
Development Act, 2000 (local
authority development requiring
appropriate assessment)

Date of Site Inspection

5 February 2021

Inspector

Una Crosse

1.0 Introduction

- 1.1. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of a proposed development by a local authority, the authority shall prepare an NIS and submit an application to the Board for approval. The development cannot 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.
- 1.2. Louth County Council is seeking approval from An Bord Pleanála to undertake bridge remedial works to St Dominick's Bridge within the River Boyne and River Blackwater SAC which is a designated European site. 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 for approval under Section 177AE was lodged with the Board by the Local Authority on 21 September 2020 on the basis of the proposed development's likely significant effect on a European site.
- 1.3. It should be noted that the Board have also received an application for approval from Louth County Council, also on 21 September 2020, for works to the Obelisk Bridge which is c. 4.5km upstream of St. Dominick's Bridge (Ref. ABP-308226-20).
- 1.4. A consultation period for submissions on the proposed development closed on 30 October 2020.

2.0 Site Description and Location

- 2.1. St Dominick's Bridge, formerly known as the Western Bridge, is located in Drogheda town centre and is the oldest bridge crossing of the River Boyne in the town. The bridge is pedestrian use only connecting Dominick Street in the town centre on the northern riverbank with George's Street (R132) to the south of the River and is a well-used pedestrian throughfare. I note in the documentation that the bridge was

closed to vehicular traffic in the 1970's when the Bridge of Peace, located c. 200m to the west was opened. St. Dominick's bridge, it is stated was built between 1863 and 1890 in two phases, the first bridge comprised a cast iron and wooden structure building in 1862-63 and closed in 1872 and replaced with a screw-pile iron bridge in 1889-1990. It is stated that the four stone piers forming the abutment are from the original with only the main bridge being replaced. The bridge is formed of steel girders and a reinforced concrete bridge deck with the four span superstructure sitting on masonry abutments which adjoin the riverbank with three piers within the riverbed consisting of six cast iron screw-pile columns each with associated horizontal and diagonal tie-rod bracing and steel straps. The bridge is c.75 metres in length, 8.5m wide and has an area of c.672m². The bridge includes a hand rail of c.1 metre in height at each side for its length where they terminate at the masonry abutments. There is an inscribed stone on the abutment. While described as a significant historical structure, which is in need of maintenance/refurbishment works, it is not a protected structure, it is not on the NIAH list and it is not in an ACA.

3.0 Proposed Development

3.1. St. Dominick's Bridge was built in 1863 and is stated to be in need of maintenance /refurbishment works in order to prolong the design life of the bridge and ensure its serviceability as part of the local road infrastructure. The application documentation includes a visual inspection report with recommendations, dated July 2020 which outlines the current state of the structure. It is stated that the bridge paint system is showing signs of failure and structural members have areas of high corrosion. Elements of the horizontal bracing members between the pier columns have completely eroded with 100% loss in places. Vertical cracking is visible on the deck slab/edge beams at the piers. Longitudinal beams/girders are showing evidence of corrosion with up to 100% section loss within the main girder webs. The deterioration of structural members is stated to be progressing.

3.2. The works proposed are as follows:

- Strengthening of the pier columns, through wrapping same with a composite epoxy reinforcing fabric.
- Replacement of damaged/missing cross bracing members at the piers.

- Horizontal tie members to be replaced.
- Repair to concrete edge beams.
- Grit blasting and installation of protective paint system.
- Strengthening/replacement of elements with significant section loss.
- Repointing of masonry abutments.
- Replacement of bridge bearing.
- Provision of positive drainage system.
- Replacement of existing concrete deck slab.
- Installation of water proofing system to deck.
- Installation of new road surface and lining on both sides of the structure.

It is anticipated that the duration of construction works will be approximately 6 months and will be undertaken in one phase.

3.3. **Accompanying documents:**

The application is accompanied by a number of documents as follows.

- Report from Louth County Council
- Natura Impact Statement prepared by Ecofact (Appendix A)
- Visual Inspection and Recommendations Report of St Dominick's Bridge prepared by OCSC (Appendix B)
- Conservation Report on proposed rehabilitation works to St Dominick's Bridge prepared by Cathal Cremins Architect
- Design Drawings at A4 (Appendix C)*
 - L315-OCSC-XX-XX-DR-C-0001 – site location map
 - L315-OCSC-XX-XX-DR-C-0009 – site layout plan
 - L315-OCSC-XX-XX-DR-C-0003 – general arrangement
 - L315-OCSC-XX-XX-DR-C-0004 – elevations
 - L315-OCSC-XX-XX-DR-C-0005 – sections and details

- Public Notices – Copy of Newspaper Notices published in The Argus and Drogheda Independent (both 15 September 2020)

* the applicant was requested to submit copies of drawings printed as per the scale set out following receipt of the application documentation.

4.0 Planning History

4.1. None.

5.0 Legislative and Policy Context

5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. 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).

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. National Nature Conservation Designations

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

5.4. **European sites located in proximity to the subject site include:**

- River Boyne and River Blackwater SAC (Site Code 002299) - 0km
- River Boyne and River Blackwater SPA (Site Code 004232) – 3km upstream to the west.
- Boyne Estuary SPA (Site Code 004080) – 2km downstream to east.
- Boyne Coast and Estuary SAC (Site Code 001957) – 3km to east.

5.5. **Planning and Development Acts 2000 (as amended)**

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

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

- *The likely consequences for the proper planning and sustainable development of the area.*
- *The likely significant effects on a European site.*

5.6. National Guidance

5.6.1. **Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**

Guidance is provided for the competent authority to assess any plan or project. The impact of any plan or project alone or in combination with other projects on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and the structure and function.

5.6.2. **Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes (National Roads Authority).**

Chapter 5: Examination of buildings and other built structures.

Bridges are potential roost sites and should be examined properly for evidence of the presence of bats.

Appendix 3: Appropriate Survey Timetable for bats affected by roads schemes

Bridge: 4 survey rounds per season required to confirm species presence and activity.

Potential species in bridges: Brown Long-eared, Daubenton's, Natter's, Whiskered, Brandt's, Lesser horseshoe's.

5.6.3. **Guidelines on Protection of Fisheries During Construction works in and adjacent to Waters (Inland Fisheries Ireland, 2016)**

Chapter 3: Issues of concern

- Pollution of waters: silts and solids, cementitious residues, oils and greases, wood preservative.
- Introduction of invasive species: plants, algae, fish and shellfish.
- Interference with upstream and downstream movements of aquatic life: improperly designed crossing structures, insufficient water depth and physical alteration of stream channels (characteristics and stream profile).

Chapter 4: Timing of instream works

- Works should normally be carried out during the period July- September to minimise impact on salmon and trout spawning.

Chapter 7: Construction Impacts

- Uncured concrete can kill fish etc. pre-cast concrete should be used.
- Silt can clog spawning beds and damage juvenile fish.
- Discharge of fuels and oils can be toxic to aquatic life.
- Best Practice measures should be used in construction.

Chapter 10: Repairs to existing bridges, culverts and scour slabs.

- During grouting of the bridge trained staff should monitor for grout losses and use portable pH monitoring.
- A secure flume arrangement or piping may be used so grouting is undertaken in the dry. Screening shall also be used.
- A sealed and secure decking should be used during repointing and masonry works.
- Perching should not occur where new concrete slabs are poured. Extensive guidance is provided for the recommended depth etc. for scour slabs.

5.6.4. **Architectural Heritage Protection Guidelines for Planning Authorities, 2004.**

While the bridge is not a protected structure the following sections of the Guidelines are noted.

Section 14.2 provides guidance in relation to the protection of bridges stating that proposals to reinforce, widen or infill sections of a bridge which is protected which would result in the concealment of any part of it should be treated with caution.

Section 19.1 provides guidance on the maintenance and repair of protected structures and buildings located within ACA's noting that repair and maintenance works should not generally include the replacement of elements except where required to make good a shortfall or to replace individual broken items.

Section 19.4 outlines that repairs should be carried out only after careful analysis of the problems that have led to deterioration so as to ensure that the repairs are appropriate and have a relatively long life.

5.7. Drogheda Borough Council Development Plan 2011-2017 (as varied) and Louth County Development Plan 2015-2021

The bridge itself is not zoned but is adjoined on the northern bank of the river by lands zoned Town centre and lands zoned Open Space on the southern bank in the Drogheda Borough Council Development Plan 2011-2017 which is still in effect. The bridge is not a protected structure, it is not located within an ACA and it is not a recorded monument. The northern half of the bridge is located within the area designated as of archaeological importance in the Development Plan. Two strategic views included in Map 8.3 of the Development Plan include the subject bridge – V2 & V4. V2 is a view of the town from Ballsgrove which is a view from the south of the Bridge to the northeast and northwest. V4 - view of Millmount from the West is a view along the river looking east with the bridge central in the view.

Policy CH3 of the Drogheda Borough Council Development Plan 2011-2017 seeks to *“Protect the designated Boyne Estuary SAC and SPA and the River Boyne and Blackwater SAC from any adverse impacts of development and to require appropriate assessment of any development likely to have an impact on such sites”*.

The following policies in the Louth County Development Plan are of relevance:

HER 3 - To ensure that all proposed developments comply with the DECLG “Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2010”

HER 4 - The Local Authority will ensure that a screening for Appropriate Assessment (AA) on all plans and projects and or Stage 2 Appropriate Assessment (NIS/NIR) where appropriate, is undertaken to make a determination. Natura 2000 sites located outside of the County but within 15 km of the proposed development site should also be included in such screenings. All screening assessments submitted to the planning authority shall include a written statement indicating control methods proposed to prevent the spread of invasive species onto a Natura 2000 site.

HER 5 - Any plans or projects that would have a significant adverse impact (either individually or in combination with other plans and projects) upon the conservation objectives of any Natura 2000 site will not be permitted.

6.0 The Natura Impact Statement

- 6.1. Louth County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which was prepared by Ecofact Environmental Consultants, dated July 2020. A screening for appropriate assessment matrix is included as Appendix 1 of the report and examines six sites within the wider area, two of which are screened out on the basis that there is no pathway from the proposed development to these sites. The remaining four sites are brought forward for appropriate assessment. The report outlines the methodology, describes the project, outlines the receiving environment in respect of the four sites, undertakes an impact assessment, outlines mitigation required and addresses the implications for the conservation objectives of the affected Natura 2000 sites. The NIS report scientifically examines the proposed development and the European sites likely to be affected. The NIS identifies and characterises the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provides information to enable the Board to carry out an appropriate assessment of the proposed works. A Screening for Appropriate Assessment Matrix is attached as Appendix 1.
- 6.2. The NIS submitted did not address in-combination effects and therefore further information was requested. In response to same a revised NIS was submitted which addresses in-combination effects at Section 6.

7.0 Consultations

7.1. Consultation Process

7.1.1. The application was circulated to the following bodies:

- Department of Agriculture and the Marine
- Department of Housing, Local Government and Heritage
- Department of Climate Action, Communication Networks and Transport.
- National parks and Wildlife Service

- Department of Media, Tourism, Arts, Culture, Sports and the Gaeltacht
- Inland Fisheries Ireland
- Office of Public Works
- An Taisce
- The Heritage Council
- An Chomhairle Ealaíon

It was noted following receipt of the application that the documentation had been sent to the National Parks and Wildlife Service rather than to the Development Applications Unit of the Department. The applicant was requested to send the documents to the Department and in response, the Board received a submission from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media co-ordinated by the Development Applications Unit which I will summarise as follows:

Nature Conservation

- Notes location in relation to Natura 2000 site and the potential negative impacts from the proposal identified in the NIS;
- Potential biosecurity risk identified note in respect of equipment/machinery potentially spreading invasive species.
- Possibility that bridge might harbour bat roosts outlined.
- Recommended that any permission granted should include 3 conditions which are summarised as follows:
 - Detailed Construction and Environmental Management Plan (CEMP) and Method Statement to be drawn up prior to commencement to include measures for the fencing off of a buffer area around the bridge works, methods to avoid pollution of the River Boyne and appointment of a site ecologist.
 - Methods to be employed to sterilise the equipment and machinery to be set out in the CEMP and Method Statement.

- Bat Roost and bat activity surveys to be carried out of the bridge during the period April-September, and if any bat roosts identified in the course of such surveys that a licence to derogate from the Habitats Directive to disturb the roosts be obtained from the NPWS.

7.2. Public Observations

- 7.2.1. No observations from members of the public were received.

8.0 Further Information Request

- 8.1. A Further Information Request was sent to Louth County Council, dated 11 February 2021. The request was issued under the following headings with the response underneath each one and summarised as follows:

8.2. Item 1. In-combination Effects

Article 6(3) of the Habitats Directive (92/43/EEC) includes the following:

“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 Natura Impact Statement submitted with the application for approval does not address or make reference to ‘*in-combination effects with other plans or projects*’ within the report and you are therefore requested to address this matter either by way of a revised NIS or an addendum to same.

The NIS has been revised to address in-combination effects which is now included as Section 6 of the NIS. The NIS is attached as Appendix A of the response.

8.3. Item 2. Archaeology

The conservation report submitted with the application documentation, when considering the archaeological interest of St Dominick’s Bridge refers to an Archaeological Impact Assessment of the proposed works by Archaeological Consultancy Services Unit (ACS) and notes that the northern side of the river lies within the area of archaeological potential for Drogheda. This report has not been

submitted with the application documentation and you are requested to submit this document.

The report has been submitted as Appendix B of response.

8.4. Item 3. Submissions and Observations

You are invited to respond to the submission received from the Department if you so wish.

No response is provided to the submission received from the Department.

9.0 Assessment

9.1. Introduction

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

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

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

I will address each in turn.

9.2. The likely effects on the environment

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

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

- Cultural Heritage
- Biodiversity
- Visual Impact

9.2.1. **Cultural Heritage**

The works proposed to the structure are outlined in Section 3 of this report above. I will address the potential effects on architectural heritage and archaeology in turn.

9.2.1.1. **Architectural Heritage**

As outlined elsewhere in this report, while the bridge is not a protected structure or a recorded monument it is described in the documentation submitted as being a significant historical structure. The application for approval is accompanied by a Conservation Report on the proposed rehabilitation works to the Bridge, dated July 2020, which it was proposed originally to accompany a proposed Section 5 reference. The report outlines the history of the structure which I have detailed in Section 2 above. The report states it follows the methodology in the NIAH handbook. I consider that this is appropriate. Section 6 of the report provides an assessment of significance of the bridge and assesses the structure under the headings, categories of special interest – architectural, historical, archaeological, artistic, cultural, scientific, social and technical and provides the parameters for the assessment of each of these interests.

In terms, of architectural significance of the structure it is stated that while the bridge is not of architectural design interest, which is consider is reasonable, there is an interest in the engineering structure which I address under technical interest below. In terms of historical interest, the early use of the screw-pile system in the design of the structure is of some note as this system was invented by the Civil Engineer, Alexander Mitchell. The bridge is not considered to be of artistic interest, nor is it considered to have any special cultural interest or scientific interest and I consider that this is reasonable. In terms of technical interest, as I outlined above, the early deployment of Alexander Mitchell's screw-pile system is of some technical interest. I

would agree with the author that the bridge is a good example of an engineering structure constructed using an innovative design for that time. The author considers that the fact that the bridge acts as connection point for the community between both sides of the river gives it a social interest. The bridge is considered to be of local importance with some historical, technical and social interest. In terms of the impact of the works proposed on the structure, the report notes that there will be no change to the appearance of the bridge wall or parapet apart from a visual improvement given the repair, repointing and painting proposed. There is no impact on the character of the historic structure. I consider this is a reasonable conclusion. I would note that the report sets out a detailed Conservation Methodology for Conserving the Fabric of the Bridge. I consider that the methodology proposed is comprehensive and should be incorporated into any approval as a condition.

9.2.1.2. **Archaeology**

I note that the northern half of the bridge is within the boundary of the area of Archaeological interest included in the Drogheda Development plan. The conservation report submitted with the application states that its archaeological interest in this area of the Boyne is reported on by ACS in their report. This report was submitted in response to the further information request for same. The report entitled “Archaeological Impact Assessment of Proposed Rehabilitation Works to St. Dominick’s Bridge” dated 19th March 2020.

The report notes that the immediate environs of St Dominick’s Bridge, particularly the northern side of The River Boyne, that lie within the area of archaeological potential for Drogheda town, contain a number of recorded monuments listed within the Record of Monuments and Places (RMP). The nearest recorded monument is RMP LH024-041079- a quay, it was identified at the south end of Dominick Street in 1996. Excavation carried out under licence 96E0160 revealed an east-west aligned 1m thick, mortared stone section of quay wall (medieval town wall) which was exposed c.20m north of St Dominick’s bridge and therefore would not be impacted by any of the proposed works. The riverbed was originally much wider here as shown on several illustrations from the period and the adjacent Wellington Quay has been confirmed to consist mostly of 18th century made up ground with new river walls

constructed between 1720 and 1749 further out into the riverbed which provides that the entirety of St Dominick's bridge is constructed in made ground.

The report concludes that the location of St Dominick's Bridge within the old riverbed in 18th century made ground, outside the line of the medieval town wall and just outside the area of archaeological potential for Drogheda town suggests that it has limited archaeological potential. The proposed works to the bridge are of a remedial nature to the bridge structure with no ground works proposed.

It is recommended that if any ground investigations are required such as boreholes or slit trenching then these should be archaeologically monitored by a licensed archaeologist. Further to this, given the proximity of the bridge to the town wall (c. 20m), which is a National Monument then any such groundworks may require Ministerial Consent as defined by Section 14 of the National Monuments Acts 1930 (as amended).

I consider that the matter has been satisfactorily addressed.

9.2.2. **Biodiversity**

While the application documentation does not include a separate Ecological Impact Assessment of the proposed development, Section 9 of the NIS states that the authors were not commissioned to carry out an assessment of other ecological interests that may be covered by an EclA report but that Section 9 deals with issues not addressed in the NIS itself as it applies to AA. The section covers bats and crayfish and I will address in turn.

Bats

A bat suitability desk study was carried for the proposed works location at St. Dominick's Bridge. Table 1 in the report outlines the suitability of the study area for the bat species which have been previously recorded at St. Dominick's Bridge area based on National Biodiversity Data Centre data. NBDC maps outline suitability for bats based on Lundy *et al.*, (2011) and are a visualisation of the results of the analyses based on a 'habitat suitability' index which ranges from 0 to 100, with 0 being least favourable and 100 most favourable for bats. Table 1 below gives the

suitability of the study area for the bat species found in Ireland (based on NBDC) along with their Irish Red List Status (from Marnell *et al.*, 2009). The overall assessment of bat habitats for the current study area is given as 37.44 with the most potential considered to be Leisler's Bat and Common pipistrelle (both 53 on index) and least suitable is the Lesser horseshoe bat (0 on index).

It is also noted that the site survey of the bridge also included a brief assessment of roosting potential of the bridge structure for bats where it was determined that there is limited bat potential at St. Dominick's Bridge and bats are unlikely to be present in the structure. It is, however, possible for an individual or small number of bats to use the bridge on occasion and for that reason it is recommended that a pre-works screening be undertaken to confirm this before the works commence. While such screening is noted, I would refer the board to the recommended condition from the Department which requires that bat roost and bat activity surveys be carried out of the bridge during the period April-September, and if any bat roosts are identified in the course of such surveys that a licence to derogate from the Habitats Directive to disturb the roosts be obtained from the NPWS. I would recommend that this condition is attached to any approval.

Crayfish

The crayfish are noted as an important part of an Otters diet and therefore impacts on the crayfish population in the Boyne would impact on the Otter population in the River Boyne, which as outlined in the AA below is a qualifying interest of the SAC. It is stated that the Boyne catchment was subject to a crayfish plague outbreak in 1987 with almost the entire population of whit-clawed crayfish wiped out at that time. The species now occurs in small numbers in parts of the river system. It is therefore considered necessary to ensure biosecurity measures are taken at the proposed bridge works in order to prevent the spread of crayfish plague which is easily transferred on equipment or machinery with mitigation measures included in the NIS for biosecurity which are also applicable in this instance. I also note that the Department have recommended a condition is attached which requires that methods

to be employed to sterilise the equipment and machinery should be set out in the CEMP and Method Statement. I recommend that such a condition is attached and consider that the matter has been satisfactorily addressed.

The limitations of the assessment in respect of biodiversity are acknowledged, given the authors were not commissioned to undertake an EclA. However, I consider that the issues addressed, the limited nature of the works in respect of the immediate impacts on the environment and the response from the Department in relation to same, particularly the proposed conditions recommended, are sufficient to facilitate an assessment of the likely effects on this environmental factor.

9.2.3. Visual Impact

I have addressed matters related to cultural heritage above. In relation to any potential impact on the visual landscape I consider that given the works proposed are for the repair of the existing structure with no works which would add to or remove elements of the existing structure there is no change in the appearance of the bridge apart arguably from an improvement to the structure given the proposed repairs, repointing and repainting. I also note that the strategic views identified in the Development Plan would not be negatively affected by the proposed works but could be improved given the improvements proposed to the appearance of the structure.

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

The proposed development comprises the carrying out of remedial works on St. Dominick's Bridge which crosses over the Boyne River. I have inspected the Bridge and can confirm to the Board that it is clear that remedial and repair works are required to the span of the bridge including the concrete deck and lattice girders and to the terminating piers including the removal of vegetation. The visual inspection report submitted with the documentation provides very useful detail as to the current condition of the structure.

The Development Plan includes a number of polices in relation to protected structures, ACA's and other architectural heritage polices. I have undertaken an assessment at section 9.2.5 above in respect of architectural heritage. While the

bridge is not a Protected Structure nor located in an ACA, given its location, its construction design it is acknowledged by the applicant as being a significant historical structure. In this regard the works proposed will help maintain and protect the structure in accordance with the policies related to structures of heritage importance and this is considered to be satisfactory.

The bridge facilitates pedestrian/cyclist activity and the improvement of the surface including drainage and the structure itself will increase the longevity of the structure for such movements and connectivity.

With respect to the remedial works to the bridge itself, I am satisfied that the remedial works are necessary and that the principle of the proposed works is consistent with the Objectives and Policies set out in both Development Plans and is in accordance with the proper planning and sustainable development of the area.

9.4. The Likely Significant Effects on a European Site

The areas addressed in this section are as follows:

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

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

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

management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Natura Impact Statement (NIS) as part of the planning application dated July 2020 which includes a Screening Matrix for Appropriate Assessment at Appendix 1. They have been prepared by Ecofact Environmental Consultants. While as noted in the NIS, the consultants were not engaged to carry out a Screening report for AA but were only engaged to undertake the NIS. However, a **Screening for Appropriate Assessment Matrix** was undertaken and is attached as Appendix One and while brief provides the relevant information to facilitate the Board as it provides a brief description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius). The sites within this area are as follows:

- River Boyne and River Blackwater SPA [004232]
- River Boyne and River Blackwater SAC [002299]
- Boyne Coast and Estuary SAC [001957]
- Boyne Estuary SPA [004080]
- River Nanny Estuary and Shore SPA [004158]
- Clogher Head SAC [001459]

The NIS proceeds to examine in detail the following four sites for the purposes of Appropriate Assessment:

- River Boyne and River Blackwater SPA [004232]
- River Boyne and River Blackwater SAC [002299]
- Boyne Coast and Estuary SAC [001957]
- Boyne Estuary SPA [004080]

The NIS concludes that the proposed development would not have the potential to affect the integrity of the above-mentioned sites.

As outlined elsewhere in this report, the NIS submitted with the application documentation did not address in-combination effects. Further information was requested on this basis and a response to same was received from the applicant which addresses in-combination effects.

Having reviewed the documents and submissions including the response to further information, I am satisfied that the information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

9.4.2. Screening for Appropriate Assessment – Test of Likely Significant Effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

9.4.2.1. Brief Description of Development and Potential Effects on Designated Sites

The applicant provides a description of the project in Section 3 of the NIS. The development is also summarised in Section 3 of this Report. The works in summary comprise the repair and rehabilitation of the bridge span structure, the piers/columns and abutments.

While I outline in summary the rationale for screening in and out the relevant designated sites above, the following potential effects have been identified in respect of a development of the type proposed. Having regard to the hydrological connections between the site and the Natura network, the proposed development could result in the discharge of pollutants or sediments to the watercourse which could significantly impact on downstream habitats which are qualifying interests and species of conservation interest. This potential effect requires a hydrological pathway

as identified above in respect of each of the sites and which I address in further detail in the following section. In respect of habitat loss/alteration and habitat and species fragmentation, I note that the development will not result in the direct loss of habitats or fragmentation of habitats or species, identified as conservation interests of the European sites.

Taking account of the characteristics of the proposed development which will involve in-stream and out-of-stream works, in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction Phase (estimated duration: c.6 months in one phase)

- Temporary erection of scaffolding on the riverbed to facilitate works to sides and underside of the bridge impacting on species.
- Impact on water quality from sediment release and contaminated run-off directly impacting species within the vicinity of the bridge or indirectly impacting habitats further downstream.
- Potential for introduction/spread of invasive species affecting habitat and potential food availability.
- Disturbance of species fish/otter/birds present in the vicinity of the bridge structure including risk of harm to lamprey larvae within the substrate.
- Increased noise, dust and/or vibrations as a result of construction activity;
- Increased dust and air emissions from construction traffic;
- Increased lighting in the vicinity as a result of construction activity;
- Increased human presence in the vicinity as a result of construction activity;

Operational Phase (estimated duration: indefinite)

- Potential for impacts arising from maintenance of the structure.

9.4.2.2. Submissions and Observations

The submission received from the Department is summarised in section 7 of this Report which refers to Nature Conservation and proposes three conditions in respect of mitigation and bats.

9.4.2.3. Screening Assessment of Designated Sites

Based on my examination of the NIS report including the Screening for AA Matrix and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, the proximity and potential functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I have examined the following sites and the potential pathways and potential effects in order to determine if the site can be screened out or if it is necessary to carry it forward for Appropriate Assessment:

European site (SAC/SPA)	Site Code	Distance	Pathway
River Boyne And River Blackwater cSAC	002299	0km	Yes
River Boyne And River Blackwater SPA	004232	3km	Yes
Boyne Coast and Estuary cSAC	001957	3km	Yes
Boyne Estuary SPA	004080	2km	Yes
River Nanny Estuary and Shore SPA	004232	8.2km	No
Clogher Head SAC	001459	11.4km	No

Neither the River Nanny Estuary and Shore SPA nor the Clogher Head SAC have any pathway to or from the proposed development site and therefore there is no possibility of a significant affect from the proposed development arising and they are not considered any further in this screening and are screened out at this point.

I will address each of the remaining sites in turn and refer to potential for likely significant effects and determine whether the sites can be screened out or whether they should be brought forward for appropriate assessment.

Special Areas of Conservation

River Boyne and River Blackwater SAC (002299)

The subject site is located within and directly over this SAC. The qualifying interests for this site are as follows:

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

The generic conservation objectives seek to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

The site is hydrologically linked/connected to the proposed development site.

Potential for Likely Significant Effects

Potential impact on water quality from sediment release and contaminated run-off directly impacting species within the vicinity of the bridge.

Potential for introduction/spread of invasive species affecting habitat and potential food availability. Disturbance of species fish/otter present in the vicinity of the bridge structure including risk of harm to lamprey larvae within the substrate. Increased noise, dust and/or vibrations as a result of construction activity, Increased dust and air emissions from construction traffic, Increased lighting in the vicinity as a result of construction activity, Increased human presence in the vicinity as a result of construction activity.

Can Significant Effects be ruled out? No

Site Carried Forward to Appropriate Assessment? Yes

Boyne Coast and Estuary cSAC (site code 001957)

The subject site is located c.3km from this SAC. The qualifying interests for this site as set out in the Conservation Objectives are as follows:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]

- Annual vegetation of drift lines [1210]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Embryonic shifting dunes [2110]
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120]
- *Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] – priority habitat

The site-specific conservation objectives seek to maintain or restore the favourable conservation condition of the qualifying interests above. It should be noted that the status of the Mediterranean salt meadow as a QI Annex I habitat for this site is currently under review.

The site is hydrologically linked/connected to the proposed development site..

Potential for Likely Significant Effects

Potential for indirect impact on water quality from sediment release and contaminated run-off directly impacting habitats within this site which are further downstream. There is also the potential for the introduction/spread of invasive species affecting the habitats and potential food availability.

Can Significant Effects be ruled out? No

Site Carried Forward to Appropriate Assessment? Yes

Special Protection Areas

River Boyne and River Blackwater SPA (site code 004232)

While the subject site is located c. 3km downstream of this SPA, the River Boyne is a transitional waterbody in the lower parts of the SPA and therefore a potential pathway exists between the bridge and this SPA. The special conservation interests for this site as set out in the Conservation Objectives are as follows:

- Kingfisher (*Alcedo atthis*) [A229]

The generic conservation objectives seek to maintain or restore the favourable conservation condition of the special conservation interests above.

The site is hydrologically linked/connected to the proposed development site.

Potential for Likely Significant Effects

Potential for impact on water quality from sediment release and contaminated run-off directly impacting the species within the vicinity of the bridge. Potential for introduction/spread of invasive species affecting habitat and potential food availability. Disturbance of the species present in the vicinity of the bridge structure from construction activity.

Can Significant Effects be ruled out? No

Site Carried Forward to Appropriate Assessment? Yes

Boyne Estuary SPA (site code 004080)

The subject site is located c.2km upstream of this SPA. The special conservation interests for this site as set out in the Conservation Objectives are as follows:

- Shelduck (*Tadorna tadorna*) [A048]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Knot (*Calidris canutus*) [A143]
- Sanderling (*Calidris alba*) [A144]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Redshank (*Tringa totanus*) [A162]
- Turnstone (*Arenaria interpres*) [A169]
- Little Tern (*Sterna albifrons*) [A195]
- Wetland and Waterbirds [A999]

The site-specific conservation objectives seek to maintain the favourable conservation condition of the special conservation interests above.

The site is hydrologically linked/connected to the proposed development site.

Potential for Likely Significant Effects

Potential for disturbance of individuals who may occasionally be found upstream in the vicinity of the bridge which is in the freshwater-tidal reaches of the river but potential impacts most likely to be indirect. Potential for indirect impact on water quality from sediment release and contaminated run-off directly impacting habitats within this site which are further downstream. There is also the potential for the introduction/spread of invasive species affecting the habitats and potential food availability.

Can Significant Effects be ruled out? No

Site Carried Forward to Stage 2? Yes

9.4.2.4. **Conclusion on Stage 1 Screening – Screening Determination**

With regard to the following European sites, River Nanny Estuary and Shore SPA [004158] and Clogher Head SAC [001459] I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these three European Sites, in view of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests of the sites, the separation distances and particularly the lack of any pathway between the proposed works and these European sites and an Appropriate Assessment is not therefore required for these sites.

It is concluded therefore that:

There is potential for construction and operation related surface water discharges, disturbance impacts on species from construction activity, potential for spread of invasive species and potential damage to alluvial forest on the river bank from the development site to have significant negative impacts on the conservation objectives of the European Sites namely the River Boyne & River Blackwater cSAC, River Boyne and Blackwater SPA [004232], the Boyne Estuary SPA and Boyne Coast and Estuary cSAC.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on:

- River Boyne & River Blackwater cSAC;
- River Boyne and Blackwater SPA [004232]
- The Boyne Coast and Estuary cSAC,
- Boyne Estuary SPA;

in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is therefore required. The possibility of significant effects on other European sites has been excluded on the basis of objective information.

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

9.4.3. **Appropriate Assessment**

The Natura Impact Statement

The NIS examines and assesses potential adverse effects of the proposed development on the following European Sites;

- River Boyne & River Blackwater cSAC;
- River Boyne and Blackwater SPA [004232]
- The Boyne Coast and Estuary cSAC,
- Boyne Estuary SPA;

Section 2 of the NIS outlines the methodology, including details of surveys, habitat surveys undertaken. In relation to surveys I note that it states that fields surveys were undertaken on 21 June 2020 with the proposed remedial works area and environs inspected for evidence of ecological features of high conservation concern. The following is outlined:

- Flora and fauna at the site of the proposed bridge works were identified and evaluated for ecological importance.
- Surveys included habitat surveying, mammal surveying, aquatic ecology surveying and bird surveying.
- General protected species surveys were undertaken to identify any species of ecological importance within the study area.
- The bridge was surveyed for the presence of otters or other mammals from 50m upstream of the bridge to 50m downstream of the bridge.
- Area was inspected for the presence of kingfisher nesting sites along the river channel.
- Habitats within 50m of the bridge were surveyed to identify any Annex I habitats in the area.
- Area was surveyed for the presence of any non-native invasive species.
- Potential for salmon and lamprey habitat in the river from 50m upstream of the bridge to 50m downstream of the bridge was assessed.

Section 4 describes the relevant European Sites and their conservation objectives. Section 5 undertakes an impact assessment of each of the four sites. Section 6 identifies the mitigation measures considered necessary. Section 7 outlines the implications for the conservation objectives of the sites. Section 8 concludes the report and states that:

“The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EC (2000) defines ‘integrity’ as the ‘coherence of the site’s ecological structure and function, across its whole area, or the habitats, complex of habitats and / or population of species for which the site is or will be classified’. The mitigation measures proposed are considered to be sufficient to ensure that potential impacts regarding disturbance, water quality and invasive species are avoided / minimised. From the evidence presented in the current assessment, it is concluded that the potential direct, indirect and cumulative impacts that may arise from the proposed works do not have the potential to affect the integrity of the River Boyne and River Blackwater SAC, the

River Boyne and River Blackwater SPA, the Boyne Coast and Estuary SAC and Boyne Estuary SPA”.

As noted above, further information was requested in respect of in-combination effects as it was considered that this matter had not been addressed in the NIS submitted with the application for approval. In response the applicant has submitted a revised NIS which addresses in-combination effects at Section 6.

9.4.3.1. **Appropriate Assessment of implications of the proposed development**

The following is a summary of the objective assessment of the implications of the project on the qualifying interests/special conservation interests of the European sites. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. Regard is had to the following guidance documents:

- 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. DoEHLG (2009).
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC EC (2002)
- Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC] EC (2018).

9.4.3.2. **European Sites subject to Appropriate Assessment**

The following sites are subject to Appropriate Assessment:

- River Boyne & River Blackwater cSAC;
- River Boyne and Blackwater SPA
- The Boyne Coast and Estuary cSAC,
- Boyne Estuary SPA;

I will address each site in turn. I would also note that while I indicate the mitigation required for each of the QI/SCI, further detail in relation to the mitigation measures proposed is set out in Section 9.4.3.7 below.

9.4.3.3. **River Boyne & River Blackwater cSAC;**

The subject site is located within and directly over this SAC and therefore the site is hydrologically linked/connected to the proposed development site. As outlined in the NIS, the watercourse at St. Dominick's Bridge is classified as tidal-freshwater habitat, which is the habitat type found at the upstream reaches of transitional water bodies and downstream from the fully non-tidal freshwater ecosystems. Tidal-freshwater areas are described as those within the tidal reaches of a river system but still have very low salinity with freshwater flowing in from upstream. It is also stated that the EPA carries out biological monitoring at the Bridge, just downstream of the Tulaigh_álainn confluence with a Q-rating of 4 indicating 'Good' water quality assigned at this monitoring station (Station Code: 07B042 200) in 2018. It is stated that there is no other freshwater monitoring on the Boyne downstream of this location but there are several transitional water surveillance stations along the channel moving east through Drogheda Town and to the river mouth as the watercourse becomes estuarine. The Boyne River at Drogheda has a Transitional Waterbody WFD Status 2013-2018 of 'Moderate'. The WFD risk assessment of the Boyne Estuary is 'At risk' with the main sources of pressure on the river catchment stated to be from upstream agricultural diffuse and septic tank and landfill pollution.

As I outlined above, there are no specific conservation objectives for this site with the generic conservation objectives seeking to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Table 1 of the NIS looks at the qualifying interests for the site and their occurrence/potential to occur in the vicinity of the Obelisk Bridge. I will address the qualifying interests for this site in turn.

Alkaline fens [7230]

The alkaline fens habitat consists of a complex assemblage of vegetation types which are characteristic of sites where there is tufa and/or peat formation with a high water table and a calcareous base-rich water supply. The core vegetation type is

short sedge mire. The main areas of alkaline fen in this SAC are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough (NPWS, 2014) upstream of the subject site. It is stated that it is not present at the bridge site and would not be affected by the proposed development. The potential for likely significant effects on this habitat can therefore be ruled out given the absence of the habitat in the area and its occurrence upstream of the proposed. Given the absence of potential adverse affects, there is no requirement to include mitigation measures for this habitat. Therefore, I consider that the proposed development would not adversely affect the integrity of the Alkaline Fen qualifying interest within the River Boyne and River Blackwater SAC in view of the site's conservation objectives.

Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae* *Salicion albae*) [91E0]

The priority habitat of Alluvial Forests is described as typically woodlands of alder (*Alnus glutinosa*) and ash (*Fraxinus excelsior*), often with willow (*Salix* spp.) and sometimes oak (*Quercus robur*) and occurs in areas subject to periodic flooding along rivers and on lake shores. This habitat is located approximately 2.6km upstream of the subject bridge near the M1 crossing of the Boyne and while not present at the subject bridge site it is within the transitional water body area of the Boyne system and so there is hydrological connection due to tides. Therefore there is some potential for indirect affects on this habitat from the proposed works.

Potential for Adverse Affects

As detailed above, while the proposed development is located at some remove from the most proximate location of this qualifying interest due to the transitional nature of this part of the watercourse there is hydrological connection to the upstream habitat and there is potential for indirect adverse impacts on this important habitat. They are summarised as follows:

- Potential for water quality impacts to affect the upstream areas of the habitat near the M1 motorway crossing of the river with potential for the watercourse to carry sediment released from the proposed works and contaminated run-off

- Risk that equipment and vehicles used at the proposed works site could introduce invasive species to the habitats if they are not cleaned and treated appropriately before arriving at site.

Proposed Mitigation

The NIS provides specific mitigation measures for the protection of this qualifying interest which are summarised as follows:

- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement to be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the Alluvial forest qualifying interest within the River Boyne and River Blackwater SAC in view of the site's conservation objectives.

Lampetra fluviatilis (River Lamprey) [1099]

The NIS states that in 2005 Ecofact carried out lamprey surveying in the River Boyne catchment which confirmed that significant populations of River/Brook lampreys occurred throughout the catchment with River lamprey found to be the more dominant species in the lower reaches of the river (subject location). It is also noted that the site at St. Dominick's Bridge was among the six sites with the highest densities of lamprey larvae with a density of 27 larvae per m² recorded in the 2005 surveying. The substrate in this area was predominantly sand and silt according to the Boyne lamprey assessment. The existing lamprey habitat in the catchment is under threat from pollution and drainage maintenance. As outlined in Table 1 of the NIS, River lamprey are present at the subject bridge site.

Potential for Adverse Affects

This species has the potential to be affected by water quality and disturbance impacts arising from the proposed works, both directly and indirectly as follows:

- If areas of the river under the bridge are dewatered for repair works, lampreys will become stranded and will die.
- Direct disturbance of spawning lampreys can also occur if instream works are undertaken during the lamprey spawning seasons.
- Depending on the precise procedures involved there may be a risk of water quality impacts arising from an increase in suspended solids in the watercourse which can be generated by the activities at the works site and from accidental spillages of oil/ fuel/paint and/or cement/concrete that may be used for the bridge rehabilitation works or residue/debris from blast cleaning.
- Dewatering of areas is sometimes required for bridge rehabilitation works and in such situations there is also a risk of water quality impacts arising from the potential accidental release of sand into the river from sand bags used around dewatered areas in the event of a flood.

Mitigation

The NIS provides specific mitigation measures for the protection of this qualifying interest which are summarised as follows:

- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement will be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the River Lamprey qualifying interest within the River Boyne and River Blackwater SAC in view of the site's conservation objectives.

Salmo salar (Salmon) [1106]

The NIS notes that the River Boyne is known to support substantial salmon populations. Adult salmon are stated to be present in the River at St. Dominick's Bridge although as the River Boyne watercourse is freshwater-tidal habitat at the St. Dominick's Bridge it is unsuitable for salmon spawning.

Potential for Adverse Affects

Poor water quality would affect the conservation status of salmon in the River Boyne with Atlantic salmon having the potential to be affected by disturbance and water quality impacts arising from the proposed works at the bridge. The following outlines the likely affects:

- Direct disturbance impacts are likely to arise if any instream works are required, disturbance would be particularly significant during the salmon close season when the fish move upstream past the bridge to freshwater areas to spawn.
- Risk of water quality impacts from the proposed works arising from an increase in suspended solids in the watercourse which can be generated by the activities at the works site and from accidental spillages of oil / fuel / paint and / or cement / concrete that may be used for the bridge rehabilitation works or residue / debris from blast cleaning.
- Dewatering of areas is sometimes required for bridge rehabilitation works with a risk of water quality impacts arising from the potential accidental release of sand into the river from sand bags used around dewatered areas in the event of a flood.
- Any water pollution will affect salmon and habitat quality of salmon at this subject bridge site and in this transitional waterbody in general.

Mitigation

The NIS provides specific mitigation measures for the protection of this qualifying interest which are summarised as follows:

- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement will be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the Atlantic

Salmon qualifying interest within the River Boyne and River Blackwater SAC in view of the site's conservation objectives.

Lutra lutra (Otter) [1355]

Otters are stated to have two basic requirements: aquatic prey and safe refuges where they can rest with the species dependent on fish stocks which are ultimately dependent on water quality. While no otter holts were found to exist 50m upstream or downstream of the proposed works area, there was evidence of Otter activity at the subject bridge site and it is considered highly likely that this species uses the subject bridge site for foraging and commuting. There is potential for direct impacts.

Potential for Adverse Affects

There is the potential for water quality impacts and disturbance impacts on Otter as a result of the proposed works. These are considered as follows:

- Direct disturbance impacts are not considered likely to be significant as works are expected to take place during daytime hours when Otters are not active at the subject bridge site, works under the bridge could affect Otters moving upstream and downstream through the bridge if large sections were to be closed off for the works.
- Indirect water quality impacts could potentially affect fish populations in the river also which are a food source for this species and depending on the precise procedures involved there may be a risk of water quality impacts arising from an increase in suspended solids in the watercourse which can be generated by the activities at the works site and from accidental spillages of oil/fuel/paint and/or cement/concrete that may be used for the bridge rehabilitation works or residue/debris from blast cleaning.
- Water pollution will affect otters and their habitat quality at this subject bridge site and in the transitional waterbody section of the Boyne on general.
- Dewatering of areas is sometimes required for bridge rehabilitation works with a risk of water quality impacts arising from the potential accidental release of sand into the river from sand bags used around dewatered areas in the event of a flood which would severely impact fish populations which are a food source for Otter.

Mitigation

The NIS provides specific mitigation measures for the protection of this qualifying interest which are summarised as follows:

- Works limited to daylight hours to avoid disturbing/deterring otters which are active at night.
- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement will be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the Otter qualifying interest within the River Boyne and River Blackwater SAC in view of the site's conservation objectives.

9.4.3.4. **River Boyne and River Blackwater SPA (site code 004232)**

The subject site is located within and above this SPA and is therefore hydrologically linked/connected to the proposed development site. The special conservation interests for this site as set out in the Conservation Objectives are as follows:

- Kingfisher (*Alcedo atthis*) [A229]

The generic conservation objectives seek to maintain or restore the favourable conservation condition of the special conservation interests above.

The NIS states that this section of the Boyne watercourse is not likely to be used by Kingfisher. This species occurs upstream of the M1 motorway crossing which is located upstream of the proposed bridge works.

Potential for Adverse Affects

There is the potential for water quality impacts on Kingfisher to arise as a result of the proposed works. The following potential impacts are considered:

- As this species may occur in the upper parts of the transitional waterbody stretch of the river there is some potential of indirect water quality impacts affecting the habitat of this species.

- Indirect water quality impacts could potentially affect fish populations in the river also which are a food source for this species and depending on the precise procedures involved there is a risk of water quality impacts arising from an increase in suspended solids in the watercourse which can be generated by the activities at the works site and from accidental spillages of oil/fuel/paint and/or cement/concrete that may be used for the bridge rehabilitation works.
- Dewatering of areas is sometimes required for bridge rehabilitation works with a risk of water quality impacts arising from the potential accidental release of sand into the river from sand bags used around dewatered areas in the event of a flood. This would have a severe impact on fish populations which are a food source for Kingfisher.

Mitigation

The NIS provides specific mitigation measures for the protection of this qualifying interest which are summarised as follows:

- Ensure at least partial access available for kingfishers to fly under bridge along watercourse.
- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement to be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the Kingfisher special conservation interest within the River Boyne and River Blackwater SPA in view of the site's conservation objectives.

9.4.3.5. Boyne Coast and Estuary cSAC (site code 001957)

The subject site is located c.3km upstream of this SAC. The site is hydrologically linked/connected to the proposed development site albeit it at some remove – c.3km. The site-specific conservation objectives seek to maintain or restore the favourable conservation condition of the qualifying interests above. It should be noted that the

status of the Mediterranean salt meadow as a QI Annex I habitat for this site is currently under review. Given the distance of the proposed development from the qualifying interests in this site, I am going to address them collectively and make reference to specific affects on individual habitats where required and following same, address the potential for adverse affects.

Estuaries (1130)

This habitat occurs downstream of St. Dominick's Bridge from Drogheda Port Company out to the mouth of the River Boyne between Baltray and Mornington (Map 3 of Conservation Objectives).

Tidal mudflats and sandflats (1140)

This habitat occurs downstream of St. Dominick's Bridge (Map 4 of Conservation Objectives) and dominates both edges of the river from this point out to the mouth of the River Boyne stretching along the coast north and south of the river mouth at Baltray and Mornington.

Annual vegetation of drift lines (1210)

This habitat type occurs at the north side of the mouth of the River Boyne at Baltray, downstream of the subject site.

Salicornia mud (1310)

This habitat type is downstream of the bridge and becomes more frequent particularly at the north side of the river (Map 6 of Conservation Objectives).

Atlantic salt meadows (1330)

This habitat occurs downstream of the Bridge occurring frequently along both banks of the river out towards the mouth of the River Boyne (Map 6 of Conservation Objectives).

Embryonic shifting dunes (2110)

This habitat type occurs at the coast at either side of the mouth of the River Boyne, downstream of the Bridge (Map 7 of Conservation Objectives).

Shifting dunes along the shoreline with *Ammophila arenaria* (White dunes) (2120)

This habitat type occurs at the coast at either side of the mouth of the River Boyne, downstream of the bridge (Map 7 of Conservation Objectives).

Marram dunes (Grey dunes) (2130)

Grey dunes habitat occurs downstream of St. Dominick's Bridge and along both banks at the mouth of the river, (Map 7 of Conservation Objectives).

All of the Aforementioned Habitats

I would note in relation to all of the habitats above that:

- None occur in the immediate vicinity of St. Dominick's Bridge.
- The habitats occur from approximately 3 km downstream of the Bridge
- Given the tidal nature of the river at the location of the bridge and the hydrological connection there is potential for water quality impacts.

Potential for Adverse Affects

Although the abovementioned habitats do not occur at the site of the proposed bridge works there is potential for the downstream habitats to be affected by water quality impacts from the proposed bridge works. These include:

- Depending on the precise procedures involved there is a risk of water quality impacts associated with the proposed works arising from an increase in suspended solids in the watercourse which can be generated by the activities at the works site and from accidental spillages of oil/ fuel/paint and/or cement/concrete that may be used for the bridge rehabilitation works or residue/debris from blast cleaning of the bridge surface.
- Dewatering of areas is sometimes required for bridge rehabilitation works with a risk of water quality impacts arising from the potential accidental release of sand into the river from sand bags used around dewatered areas in the event of a flood.

Mitigation will be required during the works to protect the water quality in the downstream Boyne Estuary and the associated habitats.

Mitigation

The NIS provides specific mitigation measures for the protection of all of the qualifying interests which are summarised as follows:

- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement will be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the qualifying interests within the Boyne Coast and Estuary SAC in view of the site's conservation objectives.

9.4.3.6. **Boyne Estuary SPA (site code 004080)**

The subject site is located c.2km upstream of this SPA. The site is hydrologically linked/connected to the proposed development site. The site-specific conservation objectives seek to maintain the favourable conservation condition of the special conservation interests above. I also note the Supporting Document to the Conservation Objectives (Version 1 – December 2012). Given the distance of the proposed development from the special conservation interests in this site, I am going to address them collectively and make reference to specific affects on individual species/habitats where required. I will therefore outline each of the SCI's first and then address the potential for adverse affects. I would also note that each of the species are stated to occur in nationally important numbers in this site, other than the Lapwing and Turnstone. I would also note that the black-tailed Godwit occurs in internationally important numbers.

Shelduck Tadorna tadorna (A048)

Shelduck occurs in nationally important numbers downstream of Drogheda in the Boyne Estuary.

Oystercatcher Haematopus ostralegus (A130)

This is a wading bird species that forages primarily on tidal flats feeding on cockles and mussels in estuaries. The NIS states that Oystercatcher tends to occur on the intertidal areas along the estuary over 2rkm downstream of the subject bridge.

Golden Plover *Pluvialis apricaria* (A140)

This species is also listed under Annex I of the EU Birds Directive. Golden Plovers feed primarily within agricultural grassland and arable land with tidal flats used more as a roosting/resting habitat and the birds tend to favour large, open tidal flats. The NIS notes that the subject bridge site does not provide an ideal roosting or foraging area with the designated SPA site downstream of Drogheda (over 2rkm downstream of the subject bridge) of particular importance with the species mainly found aggregating on tidal flats more than 3.5rkm downstream of the subject bridge

Grey Plover *Pluvialis squatarola* (A141)

This coastal species occurs as both passage and wintering birds in Ireland and is noted in the NIS to be found in nationally important numbers in the Boyne Estuary.

Lapwing *Vanellus vanellus* (A142)

The conservation condition of the species is currently considered as 'Unfavourable' in this SPA. As noted in the NIS there is more suitable habitat for this species c.2km downstream of the bridge where the species occurs predominantly on the intertidal areas along the estuary.

Knot *Calidris canutus* (A143)

Knot is a specialist intertidal forager, favouring estuarine sites with extensive area of muddy sand. As with the lapwing, there is more suitable habitat for this species c.2km downstream of the bridge where the species occurs predominantly on the intertidal areas along the estuary.

Sanderling *Calidris alba* (A144)

Sanderling occurs in Ireland as wintering and passage birds. As outlined in the NIS, it tends to occur along the sandy shorelines at the coast with such suitable habitat found approximately 7.5rkm downstream of the subject bridge site along the coast.

Black-tailed Godwit *Limosa limosa* (A156)

The Boyne Black-tailed Godwit population is supported mainly in the estuary habitat over 2rkm downstream of the proposed works and is a wading bird species that forages within intertidal flats in estuaries and estuarine coasts.

Redshank *Tringa totanus* (A162)

Redshank favours mudflats, large estuaries and inlets and forages mainly within the muddier areas of intertidal mudflats in the Boyne Estuary. It is found mainly in the intertidal habitat over 2rkm downstream of the proposed works.

Turnstone *Arenaria interpres* (A169)

The conservation condition of the species is currently considered as 'Unfavourable' in this SPA. It is a coastal species that favours rocky shorelines and is mainly found at the coast near the Boyne River mouth

Little Tern *Sterna albifrons* (A195)

This species is listed under Annex I of the EU Birds Directive also and is strictly a coastal species. This species is only found along the coast to the east of Drogheda and approximately 7.5rkm downstream of the subject bridge.

Species Outlined Above

This freshwater-tidal area of the Boyne where St. Dominick's Bridge is located, is not considered to be of any importance for the aforementioned species given its location in the centre of the town and the lack of optimal habitat with the Boyne Channel in this location comprising walls. As outlined above they occur in more favourable habitats over 2km downstream of the bridge in the estuary and at the coast at the mouth of the River and to the east of Drogheda downstream of the proposed works.

Wetland and Waterbirds (A999)

The downstream wetlands of the Boyne Estuary are stated to be of significant importance for wintering waterfowl. This habitat supports internationally important numbers of Black-tailed Godwit and nine other species in nationally important numbers. Of particular significance is that two of the wintering species supported in the Boyne Estuary, Golden Plover and Bar-tailed Godwit are listed on Annex I of the E.U. Birds Directive. Little Tern is also listed on Annex I of this directive. The subject bridge site is located within the freshwater-tidal part of the River Boyne, upstream of the site within the urban area of the town centre. The designated wetland and

waterbirds area is stated to be present just over 2rkm downstream of St. Dominick's Bridge to the east of Drogheda and out along the estuary to the coast. Given the tidal nature of the river at the location of the bridge and the hydrological connection to this habitat there is potential for water quality impacts and the introduction of invasive species.

Potential for Adverse Affects

Although the abovementioned species and habitats do not occur at the site of the proposed bridge works there is potential for the downstream habitats to be affected by water quality impacts from the proposed bridge works and potential disturbance to individual birds as follows:

- While disturbance impacts will be localised at the subject bridge site, some disturbance impacts may occur for individuals that may occasionally be found at the subject bridge site in the freshwater-tidal reaches of the river although this impact is mainly indirect.
- There is hydrological connection to the main waterbird habitat of the estuary and the watercourse can carry sediment released from the proposed works and contaminated run-off as well as invasive species introduced to the site downstream to these habitats and have adverse affects on the habitat quality.

Mitigation

The NIS provides specific mitigation measures for the protection of all of the special conservation interests which are summarised as follows:

- Water quality protection measures to prevent contamination of the watercourse.
- Biosecurity measures to prevent introduction or spread of invasive species.
- Detailed site-specific CEMP and Method Statement will be prepared to ensure works are carried out to comply with mitigation and best practice methods to prevent adverse impacts.

I consider that following the implementation of the mitigation measures proposed that the proposed development would not adversely affect the integrity of the special conservation interests within the Boyne Estuary SPA in view of the site's conservation objectives.

9.4.3.7. **Mitigation Measures**

I have indicated in the sections above reference to mitigation measures proposed and I intend in this section to outline in more detail the measures proposed. I would note that Table 9 of the NIS outlines the mitigation considered necessary for each of the Qualifying Interests/Special Conservation Interests addressed above. There are five mitigation measures as follows:

- Detailed Method Statement and Construction and Environmental Management Plan
- Avoidance
- Water Quality Protection
- Biosecurity
- Site Ecologist

I will address each of the above in turn.

Detailed Method Statement and Construction & Environmental Management Plan

This is the main mitigation measure proposed with a site specific CEMP and Method Statement to be prepared prior to the commencement of development outlining how the works will be carried out in compliance with the necessary mitigation measures. It is proposed that they will follow best practice procedure and guidelines which are detailed in Section 6.1 of the NIS. I recommend that the Board condition the preparation of these documents and the placement of same on the file for public record.

Avoidance

The avoidance measure is two-fold. Firstly, limiting the footprint of the works and surrounding same with silt fences and sandbags. A set back/buffer area from the river will be maintained. The main compound will be more than 10m from the river on dry land. It is also proposed that access to the river for any instream bridge works would be limited to a single access route to minimise the footprint of the works with free access under a portion of the bridge to be provided at all times to allow safe passage along the river channel of Otter. The second avoidance measures is timing.

It is proposed that the works take place outside the lamprey spawning season (May to July) and limited to daylight hours (8 am to 5 pm) to avoid disturbing nocturnal animals foraging at the bridge such as Otter.

Water Quality Protection

A range of measures are proposed which are summarised as follows:

- Oiling or refuelling of machinery undertaken away from the River with any oils or fuels required for minor machinery used during the proposed works to be stored appropriately in bunded tanks in the site compound (which should be fenced off 10m from the river) to ensure no spillages occur.
- Machinery will be well-maintained and checked for leaks prior to its use on site and prior to working in-stream if required.
- Spill kits will be used and any leaks on site will be cleaned immediately.
- Site compound to have security to deter vandalism, theft and unauthorised access.
- Any tool washing and waste / grey water from the site will be stored securely until it can be removed from site.
- Contained chemical portaloo toilets proposed and all sewage appropriately removed from the site to an authorised treatment plant.
- Silt fences will be placed on the outside of the works area first, with sand bags placed inside to ensure no impacts regarding suspended solids arise with details of the sandbags to be included in the method statement.
- Site ecologist to ensure that any sand bags and silt fences are erected correctly, if required. Encapsulation of scaffolding will be securely put in place to catch any residue from blast cleaning of the bridge surface.
- Works area to be fenced to avoid trampling or disturbance by personnel outside of the works area or by public access to the site.
- Works should be carried out on a single pier/section at a time and when works on one section is complete the works area will be removed appropriately and the normal flow returned before the works area for the next section is assembled allowing flow to be diverted easily and ensuring that any risk posed by a potential

flood event will be reduced, as fewer sandbags will need to be removed, and there will be less risk in relation to release of silt into the River Boyne.

- Site ecologist will over-see the set-up of dry works areas if any are required for the proposed works. Any lamprey and fish species potentially caught behind the dammed area will be translocated upstream by the ecologist who will have obtained a section 14 license for this activity.
- No concrete / cement mixing will be carried out at the river bank area; mixing within the mixing area in the site compound will be controlled by the contractor, with all wash water, tool washings and any waste / grey water stored securely and removed;
- No waste will be stored on site; concrete / cement and grout work must be carried out behind the silt fencing and sandbags, in the dry works area.
- Storage areas for concrete / cement and grout required for the works will be included in the site compound.
- Waste from any vegetation removal will also have to be dealt with appropriately away from the River.
- If pumping out water from the dammed works area is required, silt bags will be installed at the end of the pumping pipes to filter water to be pumped from the dammed section of the river.
- Silt bags to be specified in the detailed method statement to adequately cope with the volume of water and maintained so it is operating effectively with suspended solids loadings at the end of pipe at less than 10 mg/l.

Biosecurity

While no invasive species were recorded at the site during the site survey, it is proposed to take precautions to ensure that none would be introduced as a result of the proposed works. It is proposed that measures will follow NRA and IFI Guidance. In order to prevent crayfish plague it is proposed that equipment / work gear that will come in contact with the river will be sterilised, by using suitable disinfectants to ensure no spread of crayfish plague occurs. It is also proposed that all equipment to be used on site will be steam cleaned before dispatching to site, and all hired equipment will be treated on site with an approved biocide/cleaning agent with a

disinfection/cleaning station to be set up next to the site compound and 10 m back from the river.

Site Ecologist

It is proposed that a site ecologist will be appointed for the duration of the works who will work with the contractor to draw up the site-specific method statement and to be on site on a regular basis to ensure compliance with the measures. It is also proposed that the ecologist will undertake induction for the personnel on site to make all persons aware of the mitigation measures to be implemented.

9.4.3.8. In-Combination Effects

As noted above, the NIS submitted with the application did not address in-combination effects. In response to the further information request, a new version of the NIS (24 February 2021) has been submitted which addresses in-combination effects at Section 6. Reference is made to the standard data Natura 2000 forms in respect of the relevant sites and the threats and pressures identified for each which include grazing, fertilisation, paths, tracks, invasive non-native species, urbanised area and human habitation to mention a few. I note that a review was undertaken of planning applications in the vicinity of the site which are minor in nature. Reference is also made to the National Invasive Species Database which was accessed via the National Biodiversity Data Centre online maps which includes a record of Japanese knotweed just south of the site between the Rathmullan Road and Ballsgrove Estate Road from 2017. Reference is also made to the proposal for the Obelisk Bridge (ABP-308226) which is subject of a concurrent application for approval. The potential for water quality impacts to arise is acknowledged as well as in-combination invasive species impacts however given the site already exists, the short-term nature of the works it is considered that with the implementation of the proposed mitigation measures to protect both water quality and biosecurity that there would be no potential for cumulative impacts.

Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Boyne & River Blackwater cSAC (002299), River Boyne and River Blackwater SPA (004232), Boyne Coast and Estuary cSAC

(001957), Boyne Estuary SPA (004080) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.4.3.9. **Appropriate Assessment Conclusion**

Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the following European sites;

- River Boyne & River Blackwater cSAC (002299);
- River Boyne and River Blackwater SPA (004232)
- Boyne Coast and Estuary cSAC (001957)
- Boyne Estuary SPA (004080).

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying interests/special conservation interests of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Boyne & River Blackwater cSAC (002299), the River Boyne and River Blackwater SPA (004232), Boyne Coast and Estuary cSAC (001957), or Boyne Estuary SPA (004080), or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures.
- Detailed assessment of in combination effects with other plans and projects including existing, permitted and proposed projects and plans.

- The lack of reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.

10.0 Recommendation

10.1. On the basis of the assessment above, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

11.0 Reasons and Considerations

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

- the EU Habitats Directive (92/43/EEC),
- the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- 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,
- the conservation objectives, qualifying interests and special conservation interests for the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.
- the policies and objectives of the Louth County Development Plan 2015-2021 and Drogheda Borough Council Development Plan 2011-2017, as varied,
- the nature and extent of the proposed works as set out in the application for approval including the response received to the further information request,
- the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- the submission received in relation to the proposed development, and

- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA, are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement, the Addendum to same and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA, in view of the Sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the

- i. Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.
- ii. Mitigation measures which are included as part of the current proposal,
- iii. Conservation Objectives for these European Sites, and
- iv. Views of the Department of Culture Heritage and the Gaeltacht.

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

In overall conclusion, the Board was satisfied that the proposed development, by itself or in-combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment

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

Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 21st day of September, 2020 and in the Further Information Response submitted to An Bord Pleanála on the 25th day of March, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Natura Impact Statement and revision to same, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>

3.	<p>Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies a Construction Environmental Management Plan and Method Statement, incorporating:</p> <ul style="list-style-type: none"> (a) all mitigation measures indicated in the Natura Impact Statement; (b) Methods to be employed to sterilise the equipment and machinery: (c) measures for the fencing off of a buffer area around the bridge works (d) methods to avoid pollution of the River Boyne <p>This Construction Environmental Management Plan shall be placed on file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment.</p>
4.	<p>A suitably qualified ecologist shall be appointed by the County Council to oversee the site set-up and works and the ecologist shall be present on site during all works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.</p> <p>Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats and Annex 11 species and their Qualifying Interests/Special Conservation Interests for which the sites were designated.</p>
5.	<p>Prior to the commencement of development and during the period April-September, the local authority shall undertake a survey of the structure for bat roosts and bat activity. If any bat roosts identified in the course of such surveys that a licence to derogate from the Habitats Directive to disturb the roosts be obtained from the NPWS. These surveys shall be placed on file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of nature conservation</p>

6.	<p>Louth County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.</p>
7.	<p>Louth County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. The recommendations set out in Archaeological Impact Assessment of Proposed Rehabilitation Works to St. Dominick's Bridge dated 19th March 2020 shall be undertaken.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
8.	<p>All works shall have regard to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.</p> <p>Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.</p>
9.	<p>Prior to commencement of development, Louth County Council and any agent acting on its behalf shall agree the timing of in-stream works with Inland Fisheries Ireland. The agreement for the programme of works shall be placed on the file prior to commencement of development and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment.</p>
10.	<p>The conservation methodology included in the Conservation Report on the Proposed Rehabilitation works to St. Dominick's Bridge submitted with the</p>

	<p>application for approval shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Reason: In the interest of clarity and protection of the historic structure during the construction and operational phases of the proposed development.</p>
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Una Crosse
Senior Planning Inspector

April 2021