



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308226-20

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<b>Development</b>	Refurbishment of Obelisk Bridge, Co. Louth
<b>Location</b>	Obelisk Bridge, Tullyallen, Drogheda, Co. Louth
<b>Applicant</b>	Louth County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Observations</b>	Pat Coffey, Boyne Valley Walking; Robert Kenny; Frank Flanagan; Aine Walsh; Jacinta Walsh, Autism Support Louth & Meath; Joan McQuillan; Ann McVeigh; Alana McVeigh; Aine McVeigh; Marcella Joyce; Raymond Boyce; Karen Devine; Anthony Murphy, Green Party Representative; Eddie Phelan
<b>Date of Site Inspection</b>	5 February 2021
<b>Inspector</b>	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 the Obelisk Bridge which is located within and above the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232) which are designated European sites. There are other designated European sites (SPAs and SACs) downstream of the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application 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 St. Dominick's Bridge which is c. 4.5km downstream of the Obelisk Bridge (Ref. ABP-308224-20) within Drogheda town centre.
- 1.4. A consultation period for submissions on the proposed development closed on 30 October 2020. Fourteen submissions were received and are summarised at Section 4.1 below.
- 1.5. Finally, it should be noted that the bridge traverses two administrative areas with the boundary between Counties Louth and Meath located within the River Boyne with the mid-point of the Bridge marking the boundary division.

## 2.0 Site and Location

- 2.1. The Obelisk Bridge is located over the main channel of the River Boyne (EPA Segment Code: 07\_2107) approximately 1.5km upstream of the M1 bridge crossing and approximately 5km west of Drogheda town centre. The Bridge is on the Oldbridge Road (LP2321), c.100m south of the N51 (Drogheda-Navan Road) and the Townley Hall woods. The Bridge, which was built c.1868-1869 is within the freshwater-tidal section of the Boyne channel and the Boyne Canal runs alongside and to the south of the River Boyne at this location. There is a pathway along the Canal and the River to the south of the bridge. There is a 5-tonne weight restriction on the bridge. The bridge gets its name from the Obelisk Monument which was located on the rocky outcrop situated to the northeast of the bridge. This monument, built c.1736 to commemorate the nearby Battle of the Boyne (1690), was destroyed in 1922 with only the base remaining.
- 2.2. The bridge, which was built to replace an earlier timber structure which had collapsed c.1867, is formed of two double lattice girders each spanning 39m. The carriageway is supported on cross-girders of varying depth and mallet buckle plates with the deck formed of reinforced concrete with the superstructure sitting on ashlar stone masonry abutments. The documentation submitted includes a report entitled visual inspection and recommendations dated July 2020 which provides a detailed description and detailed photographs of the structure and its elements. It outlines a series of recommendations which are incorporated into the proposed development which I outline in the next section.

## 3.0 Proposed Development

### 3.1. Development Description

- 3.1.1. The Obelisk Bridge, located over the main channel within the freshwater-tidal section of the Boyne channel, is a Protected Structure (RPS Ref. 645), is listed on the National Inventory of Architectural Heritage (NIAH Ref. 12802338) and is described as a significant historical structure, built in 1869 which requires refurbishment and maintenance. The application documentation states that the bridge paint system is showing signs of failure and structural members have areas of high corrosion with lattice web members with 100% section loss and cross-girders demonstrating

delamination at flange locations. The deterioration of the wrought iron structure is progressing with the cause of accelerating corrosion stated to be water ingress. Remedial works are required to prolong the design life of the bridge ensuring its serviceability as part of the local road infrastructure.

3.1.2. The proposed remedial works on the bridge are outlined as follows:

- Removal and replacement of the existing reinforced concrete (RC) deck slab
- Blasting of all wrought iron elements back to a sound surface.
- Strengthening/replacement of elements with significant cross-section loss
- Replacement of rivet missing connections
- Installation of protective paint system
- Installation of new RC deck and installation of waterproofing system to same
- Installation of drainage system to road network.
- Repointing of abutment pillars and re-installation of coping slabs
- Reconstruction of approach and departure walls to the south of the bridge
- Installation of new road surface course and lining on both sides of the structure.
- Removal of all vegetation immediately adjacent to the abutments and on the structure
- Feasibility analysis on the installation of vehicle restraint systems and safety barriers.

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

### 3.2. **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 Obelisk Bridge prepared by OCSC (Appendix B)
- Conservation Report on proposed rehabilitation works to Obelisk Bridge prepared by Cathal Cremins Architect

- Design Drawings at A4 (Appendix C) \*
  - L315-OCSC-XX-XX-DR-C-0002 – site location map
  - L315-OCSC-XX-XX-DR-C-0010 – site layout plan
  - L315-OCSC-XX-XX-DR-C-0006 – general arrangement
  - L315-OCSC-XX-XX-DR-C-0007 – elevations
  - L315-OCSC-XX-XX-DR-C-0008 – 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. These drawings were received by the Board on 29 October 2020.

## 4.0 Planning History

4.1. There is no planning history of note for the site.

## 5.0 Legislative and Policy Context

### 5.1. European Directives and Regulations

5.1.1. **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).

5.1.2. **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.

## 5.2. **National Nature Conservation Designations**

5.3. 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 within and upstream of the following sites:

- River Boyne and River Blackwater SAC (Site Code 002299) - 0km
- River Boyne and River Blackwater SPA (Site Code 004232) – 0km
- Boyne Estuary SPA (Site Code 004080) – 6km to east.
- Boyne Coast and Estuary SAC (Site Code 001957) – 7km to east.

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

5.6. 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.*

## **5.7. National Guidance**

### **5.7.1. 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.

### **5.7.2. Architectural Heritage Protection Guidelines for Planning Authorities, 2004.**

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.

### 5.7.3. **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.

### 5.7.4. **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.

## 5.8. Local Planning Policy

There are two relevant planning policy contexts for the subject site, the Louth County Development Plan 2015-2021 (as varied) and the Meath County Development Plan 2013-2019 (as varied). The following policies in each plan are considered relevant which I will outline in turn.

### 5.8.1. Louth County Development Plan 2015-2021 (as varied)

The Obelisk Bridge is located within Development Zone 6, the objective of which is *“to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Bru na Boinne, the UNESCO (Tentative) World Heritage site of Monasterboice and the Site of the Battle of the Boyne”*

Protected Structure – Ref. LHS024-006 described as a *“Single-span iron girder road bridge over River Boyne, built 1868, on rock-faced limestone piers. Limestone ashlar piers to north and south ends with recessed panels, cut stone cappings. Suspended repair gantry to underside”*.

An appraisal of the structure states: *“This iron girder bridge is a fine example of nineteenth century engineering. It was designed by engineering company A. Tate and the county surveyors for Meath and Louth, Samuel Searanke and John Neville. The prefabricated girders, each weighing a staggering twenty-eight tons, were transported up river from the works of Thomas Grendon & Co. in Drogheda to the site”*.

Polices Related to Appropriate Assessment

**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.

**HER 6** - To co-operate with the Regional Planning Authority and adjoining local authorities, public agencies and community interests to protect regionally significant heritage assets, environmental quality and to identify threats to existing environmental quality in a transboundary context throughout the region.

#### Other Relevant Considerations

It is noted that King Williams Glen (LH21) is a site of Geological Interest (Map 5.4)

#### Policies related to Built Heritage

The Battle of the Boyne sites are set out on Map 5.11 with the subject site within same.

Section 5.9.4 outlines the considerations in relation to the UNESCO World Heritage Site of Bru na Boinne. Policies HER 25 and HER 26 relates to the protection of the site. The following policies are considered to be of relevance:

**Policy HER 27** - To require that all development within Development Zone 6 be subject to Development Assessment Criteria set out in Section 5.9.7 (set out on page 156)

**HER 29** - To maintain the Outstanding Universal Value of the Brú na Bóinne World Heritage Site, Louth County Council will seek to ensure that no development which might have significant, deleterious impacts upon the character of the World Heritage Site is permitted.

## Policies related to Architectural Heritage

Section 5.10.3 of the Plan outlines the documentation to accompany proposals for works to protected structures. The following policies are considered of relevance:

**HER 33** - To ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

**HER 34** - The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

**HER 35** - To prohibit inappropriate development within the curtilage and/or attendant grounds of a protected structure. Any proposed development within the curtilage and/or attendant grounds must demonstrate that it is part of an overall strategy for the future conservation of the entire complex including the structures, demesne and/or attendant grounds.

**HER 36** - To require that all planning applications relating to protected structures contain the appropriate documentation as described in the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)* or any variation thereof, to enable a proper assessment of the proposed works and their impact on the structure or area.

**HER 39** - To promote best practice and the use of skilled specialist practitioners in the conservation of, and for any works to protected structures.

### **ACA's**

The Obelisk Bridge is located within the Townley Hall Historic Demesne Architectural Heritage Area. The following policies are of relevance:

**HER 45** - To require that any development within or affecting an ACA preserves or enhances the character and appearance of the architectural conservation area. Any development should respect the character of the historic and traditional architecture in scale, design and materials. Regard should be had to the character appraisal where available/ applicable.

**HER 48** - To require that any development proposal takes account of the Council’s specific ACA objectives contained in Appendix 5, Volume 2 (b) and the objectives as set out in the ACA character appraisal, where applicable.

The specific objectives of the ACA for Townley Hall are as follows:

1. To preserve the character of the demesne, its designed landscape and built features by limiting the extent of new development permitted within the demesne and requiring that any such development respect the setting and special qualities of the demesne.
2. To require that all works, whether of maintenance and repair, additions or alterations to existing buildings or built features within the demesne shall protect the character of those buildings and features by the use of appropriate materials and workmanship.

Landscape

The Boyne Valley/King Williams Glen is located in an area of High Scenic Quality (AHSQ 3) as included in Map 5.16.

Scenic Routes are outlined in Table 5.15 and Map 11.1 (Appendix 11 Vol 2(b) with King Williams Glen No. SR21.

There are two views and prospects within the Plan (Appendix 11) in the vicinity of the site:

Ref.	Location	Direction	Description
VP27	Townley Hall Nature Walk	Townley Hall Nature Walk, 200m east from Townley Hall entrance along Nature Walking Trail.	Elevated view south east towards Battle of the Boyne Site. Boyne River visible in foreground, partial view of Battle of the Boyne Visitor Centre Boyne and Oldbridge house behind copse of mature deciduous native trees.
VP28	Drybridge Escarpment	Drybridge Escarpment	180 degree View from the N51 at the rocky outcrop where the former Obelisk stood. Panoramic view over the Battle of the Boyne site. King William approached

			from the north & King James approached from the south at Donore hill.
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Access and Transport

Section 7.3 of the Plan addresses road infrastructure with Cycling and Walking addressed in Section 7.4.

Policy TC7 is as follows: To provide and maintain a road hierarchy based on motorway, national routes, regional routes and local roads and to maintain the carrying capacity and lifespan of the road network and ensure high standards of safety for road users and to require that all proposals for development that would be likely to impact significantly on the carrying capacity of national routes be accompanied by traffic transport assessment, road safety impact assessment, road safety audits and mobility management plans, in accordance with the Spatial Planning and National Roads Guidelines 2012 and/or the Design Manual for Urban Roads and Streets (2013)

Section 7.4 states “*Good quality and safe cycling and walking facilities and their use, particularly in urban areas, can make a valuable contribution to the reduction in traffic congestion and the encouragement of significant modal shift away from dependency on the use of the private motor car*”.

Map 7.2 outlines cycle routes and greenways

The following polices are considered to be of relevance

**TC 22** - To provide where possible, traffic free pedestrian and cyclist routes especially where they would facilitate more direct, safer and pleasant alternative routes to those of the private car.

**TC 23** - To incorporate, where feasible, provision for cycle and pedestrian paths within new road proposals and improvement schemes.

**TC 24** - To promote the development of cycling by the provision of cycle routes in both rural and urban areas.

**TC 25** - To investigate the possibility of developing additional linear cycle routes utilizing existing natural or manmade corridors such as riversides and abandoned road and rail infrastructure.

## 5.8.2. Meath County Development Plan 2013-2019 (as varied)

### Protected structure

The Obelisk Bridge is listed on the record of protected structures as Ref. MH020-111 and is described as a “*single-span road bridge over river, built c.1869, comprising two wrought-iron double latticed girders with ashlar limestone terminating piers*”.

### Protected Views/Prospects

View 60 is located at the Obelisk Bridge at Oldbridge looking north wets. The view is described as “view west from south of Obelisk Bridge is selected as typical of the quality of local visual amenity at this location. A site of considerable scenic and historic significance. Site of Battle of Boyne.

### Cultural and Natural Assets

Section 9.6.10 of the Plan addresses architectural heritage, Industrial Heritage is addressed at section 9.6.11 and Architectural Conservation Area at Section 9.6.12.

The following polices and objectives are considered of relevance:

**CH POL 10** - To conserve and protect the architectural heritage of Meath.

**CH POL 11** - To require that all planning applications relating to Protected Structures contain the appropriate accompanying documentation in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any variation thereof, to enable the proper assessment of the proposed works.

**CH OBJ 13** - To protect all structures (or, where appropriate, parts of structures) within the county which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and which are included in the Record of Protected Structures.

**CH POL 16** - To protect the industrial heritage of Meath, including the Royal Canal and Boyne Navigation, historic bridges, roadside features and street furniture.

**CH OBJ 17** - To work with stakeholders to progress the phased restoration, maintenance and re-use for amenity purposes of the Boyne Navigation, towpath and associated structures within Meath.

**CH OBJ 21** - To ensure that any new development within or contiguous to an ACA is sympathetic to the character of the area and that the design is appropriate in terms of scale, height, plot density, layout, materials and finishes.

## Transportation Policies & Objectives

The following policies are considered relevant:

**Tran Pol 14** - to co-operate with the NTA on the development of a cycle network for the Greater Dublin Area and to promote, enhance and provide the development of cycling and walking facilities in the County in accordance with relevant national policy and guidelines.

**Tran Pol 15** - To identify and seek to implement a strategic, coherent and high quality cycle and walking network across the county that is integrated with public transport and interconnected with cultural, recreational, retail, educational and employment destinations and attractions.

**Tran Pol 16** - To encourage, where appropriate, the incorporation of safe and efficient cycleways, accessible footpaths and pedestrian routes into the design schemes for town centres/neighbourhood centres, residential, educational, employment, recreational developments and other uses.

**Tran Pol 21** - To make provision for cycle lanes as part of road improvement / redesign schemes on identified cycle networks, consistent with the NTA National Cycle Manual.

**Tran Pol 22** - To ensure, where possible, that cycleways and footpaths are effectively delineated from major vehicular carriageways.

**Tran Obj 8** - it is an objective of MCC to promote and explore the development of the following linkages within the lifetime of the Development Plan subject to the appropriate environmental assessments, including Appropriate Assessment of the likely significant effects on Natura 2000 sites in accordance with Article 6(3) of the EC Habitats Directive; subsection (iv) to develop a system of cycle/greenways, subject to the availability of resources, along the banks of the Boyne and Blackwater Rivers, in such a manner so as not to significantly negatively impact on the conservation status of the Natura 2000 site either alone or in combination with other objectives in this or other plans.

## 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 which sought that the applicant would address same. The revised NIS submitted addresses in-combination effects at Section 6.

## 7.0 Consultation Process

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

## 7.1. Public Submissions

Fourteen submissions were received from the following:

- Pat Coffey, Boyne Valley Walking
- Robert Kenny
- Frank Flanagan
- Aine Walsh
- Jacinta Walsh, Autism Support Louth & Meath
- Joan McQuillan
- Ann McVeigh
- Alana McVeigh
- Aine McVeigh
- Marcella Joyce
- Raymond Boyce
- Karen Devine
- Anthony Murphy, Green Party Representative
- Eddie Phelan

The issues raised are summarised as follows:

- Consider the addition of dedicated road markings for pedestrians as part of the upgrade works in form of continuous painted line or small rubber partitions/dividers.
- Dedicated marking does not necessitate a footpath, markings or segregated space such as rubber guides.
- Bridge currently single file traffic only with sufficient space for a coloured delineation/making of a pedestrian lane on the bridge.
- Request segregated pedestrian and cycle walkway on the bridge to protect users from traffic using cycle lane delineator posts.
- Would improve safety and clarity for pedestrians and drivers crossing bridge and avoid indecision, hesitation or confusion crossing in either direction.

- Proposal welcomed and should include footpath and cycleway over the bridge continuing to the footpaths and cycle ways along the River Boyne on south side and car park.
- Accommodation of pedestrian/cycle traffic essential as alternative involves c.10km detour to east or 20km to west with continued increase by pedestrian/cyclists anticipated.
- Arguments to resist request for such facilities may include:
  - Impact on historic bridge – proposed that 1.5m wide strip on one side of new reinforced concrete deck be coated in contrasting coloured macadam with line of ORCA kerb or similar (e.g Leeson St) which does not impact on historic fabric of the bridge, shows new work as new as required in conservation report, is reversible and provides appropriate segregation.
  - Available width – available internal width not indicated on drawings but dimension from outer edge of lattice girder from side to side – 6120mm, width of lattice girder 400mm giving clear width of 5320mm with provision of kerb for rubbing strip of 320mm leaving 5000mm. Provides sufficient space for 1500mm pedestrian/cycle path (similar to restricted sections on Boyne Greenway), 200mm ORCA kerb and 3300mm between kerbs for vehicles with 3000mm adequate for cars and light vans encouraging light speeds. At each end of bridge, piers jut out by c.250mm requiring that pedestrian/cycle path would be reduced to 1200mm and vehicular carriageway to 3100mm creating natural traffic calming.
  - Available load carrying capacity - Bridge previously carried two-way traffic given, the ability of multi-lattice structure to distribute the load. Current one-way signage missed or ignored with dedicated cycle/pedestrian lane with ORCA kerb ensure only single line of cars can traverse bridge which in addition to proposed repairs will ensure pedestrian/cycle lane will not increase the load required to be resisted by the structure.
  - Safety - Bridge used by cyclists and pedestrians in absence of dedicated facilities with provision of segregated path enhancing safety.

- Works to safeguard important historic bridge welcomed which has been predominately used for vehicular traffic with two-way system replaced by one-way (stop & go) c.10 years ago with coaches restricted from traversing due to constricted carriageway over canal c.300m to east of L16014.
- Route increasingly busy for walkers and cyclists with routes to and from Oldbridge House, Battle of Boyne site, site of Obelisk Monument and Townley Hall Woods.
- Bridge part of Boyne Camino route, a 25km looped walk from Drogheda to Mellifont Abbey and is one of few on-road section.
- Bridge is part of Boyne 10k route which is used all year round by local runners.
- Given promotion of Boyne Valley as walking destination, appears logical to provide a pedestrian space as part of the refurbishment.
- Oldbridge area popular recreation and tourist destination with increase in pedestrian and completion of Boyne Walkway and recent nature trail on King Williams Glen contributing to this.
- Would give drivers clarity on position when meeting pedestrians.
- Would provide safer walking access route coming from Tullyallen Village to access greenway to Drogheda and is located beside existing and proposed section of the Boyne Greenway.
- Provision of proper walking and cycling infrastructure will enhance proposed future development of the greenway by providing spur to local attractions.
- Part of activities for autism support group involve walking part of the new Boyne Camino Route from Oldbridge.

## 7.2. Prescribed Bodies

- 7.2.1. 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 who co-ordinate submissions. It was also noted that it was not clear whether the documentation had been sent to Meath County Council. The applicant was requested to send the documents to both of these bodies

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 sites and the potential negative impacts from the proposal identified in the NIS;
- Potential biosecurity risk identified - note 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.

## **8.0 Further Information Request**

### **8.1. Request**

A further information request, dated 11 February 2021, issued from the Board to the applicant. The matters arising are outlined below with the response from the applicant summarised following each one.

#### **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 the in-combination effects with other plans or projects and you are therefore requested to address this matter either by way of a revised NIS or an addendum to same.

In response the NIS has been revised to address in-combination effects which is now included as Section 6 of the NIS. I would note that the inclusion has not resulted in any changes to the conclusions of the NIS. The NIS is attached as Appendix A of the response.

## **2. Pedestrian/Cyclist Connectivity**

Section 177AE of the Planning and Development Act 2000, as amended requires at subsection (6) that the Board in their consideration of the application for approval, take the following into account:

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

The application documentation submitted to the Board does not address the proper planning and sustainable development of the area as it relates to pedestrian and cyclist connectivity across the Bridge.

In addition, Louth County Development Plan 2015-2021 (as varied) includes the following policy: TC 23 which seeks *“to incorporate, where feasible, provision for cycle and pedestrian paths within new road proposals and improvement schemes”.*

In light of the above and the concerns raised in the submissions received by the Board which you have been provided with, you are requested to respond to the

matter of the management of pedestrian/cyclist movement across the Obelisk Bridge.

The applicant's response outlines the rationale for concluding that no proposed measures are provided within the current application for approval. The response is accompanied by two drawings – L315-OSCS-Z2-XX-SK-C-0001 & 0002.

### **3. Archaeology**

The conservation report submitted with the application documentation, when considering the archaeological interest of the Obelisk Bridge, states that "*its archaeological interest in this area of the Boyne is reported on by ACS in their report*". This report has not been submitted with the application documentation and you are requested to submit this document.

In response the applicant has provided the document as Appendix C of the submission.

### **4. Submissions and Observations**

While the further information requested above addresses the main concerns expressed in the submissions received by the Board, you are invited to respond to any further matters raised therein that you consider have not been included in the further information request above.

No specific response is provided.

## **9.0 Assessment**

### **9.1. Introduction**

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

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

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

I will address each in turn.

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

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

I address the matter of pedestrian/cyclist connectivity in the next section of this assessment. I consider that the likely effects of the proposed development on the environment can be assessed under the following headings:

- Visual Impact
- Cultural Heritage
- Biodiversity

### 9.2.1. **Visual Impact**

While I address cultural heritage in the next section, 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 visual impact arising. I also note that the views and prospects identified in the Development Plan would not be affected by the proposed works. The visual integrity of the structure will not be affected.

### 9.2.2. **Cultural Heritage**

The works proposed to the structure are outlined in Section 3 of the report above. I will consider this matter under Architectural Heritage and Archaeology.

#### 9.2.2.1. **Architectural Heritage**

Policy HER 36 of the Louth County Development Plan and policy CH POL 11 of the Meath County Development Plan require that all planning applications relating to protected structures contain the appropriate documentation as described in the *Architectural Heritage Protection Guidelines for Planning Authorities (2011)* or any variation thereof, to enable a proper assessment of the proposed works and their impact on the structure or area.

The application for approval is accompanied by a Conservation Report on the proposed rehabilitation works to the Bridge which it was proposed originally to accompany a proposed Section 5 reference. 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 notes that it makes a notable and positive contribution to the surrounding area. The bridge is described as a single-span road bridge over the river, built in 1869 comprising two wrought-iron double latticed girders with ashlar limestone terminating piers. It is described as an interesting example of late 19<sup>th</sup> century engineering and unusual in Meath due to the form and materials used in its construction.

The conservation report 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.

The special architectural significance of the structure is in part, it is stated, due to its elegance which is described as its lightness, simplicity in detail and the lack of intermediate supports which contrast with the heavy masonry abutments. I would concur with this. The bridge is unique with the lattice girders and the lightness of the span is highlighted by the limestone piers at either end. In terms of historical interest, I would concur with the author that the location of the bridge adjacent to the site of the former Obelisk monument is significant particularly given its name and its proximity to Oldbridge and the Battle of the Boyne site.



The detailing of its iron work and the simple stone abutments are considered to give the structure an artistic interest and I consider that this is reasonable. In relation to cultural interest, the architectural and historical interest outlined above contribute to same. By way of scientific interest, it is considered that the structural transition from a wooden lattice structure to a metal one provides scientific interest. In terms of technical interest, I would agree with the author that the bridge is a good example of an engineering structure constructed using an innovative design with only a few similar examples of wrought-iron truss bridges in Ireland. The author considers that the fact that the bridge acts as connection point between counties Louth and Meath gives it a social interest. The bridge is considered to be of regional importance. 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 historical significance of the bridge and no aesthetic implications. It is concluded that there is not impact on the character of the protected structure which I consider is a reasonable conclusion. In the context of the rationale for the report, it concludes that there is no requirement for planning permission, however this point is not relevant to the current assessment for approval as the proposed development requires approval under Section 177AE of the Act. 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.

#### 9.2.2.2. **Archaeology**

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 Obelisk Bridge” dated 19<sup>th</sup> March 2020. It is stated that the immediate environs of Obelisk Bridge, particularly on the southern side of the River Boyne contain a number of recorded monuments listed within the Record of Monuments and Places which the report details and which include a settlement cluster, cultivation ridges, a battlefield, a road - road/trackway, a burial and a ford and are located within c.300m

radius of Obelisk Bridge. The closest protected structure, as listed in the Meath County Development Plan 2013-2019 is Oldbridge House. It will not be impacted by the proposed development.

It is considered that the location of Obelisk Bridge within the environs of the Battle of the Boyne Battlefield Site and within the Brú na Bóinne UNESCO World Heritage Site, as well as an examination of the recorded monuments located within the surrounding townlands, and a review of previous archaeological assessments and excavations undertaken in the environs, suggests that the overall landscape has high archaeological potential. It is concluded and recommended that while the proposed remedial works do not involve any ground disturbance, should any advance ground investigations be required such as boreholes or slit trenching then these should be archaeologically monitored by a licensed archaeologist.

I consider that the matter has been satisfactorily addressed.

### 9.2.3. **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.

#### 9.2.3.1. **Bats**

A bat suitability desk study was carried for the proposed works location at Obelisk Bridge. Table 1 in the report outlines the suitability of the study area for the bat species which have been previously recorded in the Obelisk 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 33.89 with the most potential considered to be Leisler's Bat and Common pipistrelle (both 47 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 Obelisk 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.

#### 9.2.3.2. **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.

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

- 9.3.1. The matters of relevance in this section are firstly, compliance in principle and with planning policy and secondly the matter of pedestrian/cyclist connectivity which I will address in turn.

#### **Compliance with Policy**

- 9.3.2. The proposed development comprises the carrying out of remedial works on the Obelisk 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.
- 9.3.3. The Obelisk Bridge is located within Development Zone 6 in the Louth Development Plan, the objective of which is “*to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Bru na Boinne, the UNESCO (Tentative) World Heritage stie of Monasterboice and the Site of the Battle of the Boyne*”. The works proposed to the bridge will not interfere with the integrity of the structure and are required to maintain the structure and ensure its longevity which I consider would comply with this objective.

9.3.4. 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. The bridge is a Protected Structure (ref. LHS024-006 – Louth & MH020-11 - Meath) and the works proposed will help maintain and protect the structure in accordance with policy HER33 which seeks to ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure. I consider that the proposal would comply with this policy. Furthermore, policy HER 34 requires that the form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected. I would note that the Bridge is not part of any complex given the demolition of the former Obelisk monument almost 100 years ago. The Meath County Development Plan, protected view – View 60 – is located at the Obelisk Bridge at Oldbridge looking northwest. The proposed works relate to the existing structure and do not result in any additional elements. Therefore, the bridge sits within the landscape in its own right and I do not consider that the works proposed would impact same.

9.3.5. 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.

### **Pedestrian Cyclist Connectivity**

9.3.6. Section 7.3 of the Plan addresses access and transport. I would make reference to policy TC23 which seeks to incorporate, where feasible, provision for cycle and pedestrian paths within new road proposals and improvement schemes. This matter was also the main concern outlined in the submissions received by the Board which are summarised in Section 7.1 above. The further information request, as it relates to this matter, is detailed at Section 8 above was set out in two parts which I will address in turn.

- 9.3.7. Firstly, it was stated that the documentation received did not address the proper planning and sustainable development of the area as it relates to pedestrian and cyclist connectivity access the bridge. In response Louth County Council state that the proposed works relate to maintenance and refurbishment works to the Bridge to ensure its ongoing serviceability and availability to existing vehicular and pedestrian traffic and that the level of intrusion to be carried out to the bridge proposed are such that the material character of the protected structure is not impacted. They state further that to incorporate upgrades to address pedestrian and cyclist traffic across the bridge would be outside the scope of the essential maintenance works and would require a study to be completed for the wider environs. They consider that to implement pedestrian and cyclist connectivity across the bridge in the absence of a wider study may be considered premature. It is stated that while there are currently no development plans for a pedestrian/cycle route on the approach roads to the Bridge, the Council at a future stage will consider pedestrian and cyclist connectivity across the bridge as part of wider planned pedestrian and cycling connectivity for the area.
- 9.3.8. From a procedural perspective, while the applicant considers that as the works proposed relate to refurbishment works to the structure, I would point out that the approval process under Section 177AE requires that the three specific matters of likely effects on the environment, likely consequences for the proper planning and sustainable development and likely significant effects on a European site are addressed. The further information request stated that the test relating to proper planning and sustainable development was not sufficiently addressed and the response to same provides the Board with an ability to address the matter.
- 9.3.9. In relation to the principle of incorporating pedestrian and cycle connectivity measures into the design, while it would appear to be a missed opportunity in respect of the making of this application, I consider that there are 'mitigating' factors in relation to the approach. Firstly, the structure of the bridge is in need of urgent repair and the works proposed seek to remedy the structural concerns arising which in turn will improve the general aesthetic of the structure. Connected to this requirement is the matter of a pedestrian/cyclist plan for the wider area and not just the bridge itself. The application boundary relates to the structure and therefore any plans which may be incorporated in respect of pedestrian/cyclist connectivity could

only relate to same. This would provide that there would be no provisions for pedestrian/cyclist connectivity on the approaches to the bridge itself and within the immediate road network. Therefore, it would be more appropriate to provide a plan for pedestrian/cyclist connectivity within the wider area of which the bridge is part. This would facilitate connections between the various tourist landmarks in the area. I consider that in principle the consideration of the refurbishment works to the bridge in the absence of pedestrian/cyclist connectivity measures, is appropriate at this time.

9.3.10. In relation to the second item in the further information request whereby reference was made to policy TC23 which seeks to incorporate where feasible provision for cycle and pedestrian paths within new proposals and improvement schemes and to respond the matter of the management of pedestrian/cyclist movement on the bridge, the applicant reiterates their point about the purpose of the application which is to refurbish the structure. They consider that the proposal is neither a new road nor is it an improvement scheme. While I do not intend repeating my comments above on process or principle, I would note that given the nature of the works, to refurbish the bridge for its ongoing serviceability it could be equally argued that it is an improvement scheme. As I note above, it would appear to be a missed opportunity. However, I do agree that plans for pedestrian/cyclist connectivity measures on the structure should be part of a scheme for the wider area and not just the bridge in isolation. I am not clear as to exactly what is meant by the comment from the applicant that “*where a study to be carried out at later stage by LCC in relation to new or local road improvements schemes at a later date, LCC will undertake to assess the feasibility for the provision of a cycle and/or pedestrian route across the Obelisk Bridge*”. However, given the rest of the submission it is clear that the provision of pedestrian/cyclist connectivity on the bridge is not proposed as part of the subject application and I would tend to agree with their position as it relates to plans for the wider area, although I do note the absence of any commitment as to when that may happen.

9.3.11. The applicant has however sought to further address the matter by undertaking a review of the possibility of providing a dedicated pedestrian/cycle route across the bridge and have submitted two drawings to assist the Board in this regard (L315-OSCS-Z2-XX-SK-C-0001 & 0002). The response from the applicant outlines the

constraints within the review. These were, firstly that the availability of a pedestrian/cycle track across the structure would be restricted by its current structural form in the absence of carrying out substantial modifications to the existing structure which would impact on the material character of the structure. The second constraint relates to the requirement of the available spaces to consider the maintenance of a single lane of vehicular traffic that currently operates across the structure. As outlined in the aforementioned drawings, the available space for a path on the structure is c.1.5m across the main span and c.1.2/1.26m at the piers. The applicant outlines the design standards for the provision of cycle infrastructure making references to TII's publication – DN-GEO-03047 with the desirable minimum 1.75m, the National Cycle Manual where the minimum width for a cycle path with no shared use 1.9m and DMURS, which the applicant considers is not suitable for rural use but which directs designers to the National Cycle Manual.

- 9.3.12. They conclude by stating that given the constraints that it would not be possible to provide a segregated pedestrian/cycle route across the bridge without a significant departure from the standards as the available width is too narrow. It is considered that the establishment of even a substandard protection to pedestrians/cyclists would create an illusion of a level of safety that would not be in place. The absence of public lighting within the area is also outlined which would be required to provide passive safety noting that if the substandard arrangement was provided that pedestrian/cyclists would exit from the restricted space onto roads without any further cycle/pedestrian routes. While the matter of whether a restricted space on the bridge is better than none is arguable particularly given such a structure is outside the norm of modern road design, I consider that critical to the consideration of the matter is the provision of facilities on the approaches to the bridge and within the wider area which requires a wider consideration of the matter which is outside the scope of this application. While I acknowledge that it will be very disappointing for the many interested observers who made submissions on the matter, the consideration of the wider network of which the bridge is part is critical and given the pressing need to refurbish this structure I consider that the matter has been addressed appropriately by the applicant.



#### 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 addressed the matter.

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 Conservation Areas (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 repair and rehabilitation of the bridge span structure and the piers.

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 and 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.
- Damage to alluvial forest on downstream right bank within proposed works area;

- 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 submissions and observations from Prescribed Bodies and third parties are summarised in sections 7 of this Report. No objections refer to ecological and AA concerns with the response from the Department in respect of Nature Conservation proposing 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	0km	Yes
Boyne Coast and Estuary cSAC	001957	7.5.km	Yes
Boyne Estuary SPA	004080	6.5km	Yes
River Nanny Estuary and Shore SPA	004232	12.4km	No
Clogher Head SAC	001459	13.9km	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 for damage to alluvial forest on downstream right bank within proposed works area. 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.7.5km 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)**

The subject site is located within and above 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.6.5km 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 provided a revised NIS which addresses the matter of in-combination effects which I address below.

#### **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 the Obelisk 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 Obelisk 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.

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 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 effects, 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. It is stated that there is a 64,662m<sup>2</sup> area of alluvial

forest along the south bank of the river at the location of the subject site and stretching downstream, (NBDC online maps of the National Woodlands 2010 dataset). It is also noted that approximately 700m downstream of the site, there is a 102,859m<sup>2</sup> area of this habitat on the opposite bank stretching down to just downstream of the M1. The potential for direct impacts on this habitat arises.

### **Potential for Adverse Affects**

As detailed above, the proposed development is located proximate to this qualifying interest and therefore there is potential for direct adverse impacts on this important habitat. They are summarised as follows:

- If access to the bridge/river was obtained through this area it is likely that damage would be caused to the vegetation especially if vehicles and machinery were required for the works.
- 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.
- 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 generated by activities at the works site and from accidental spillages of oil/fuel/paint and/or cement/concrete used for the bridge rehabilitation works and residue/debris from blast cleaning of the bridge surface.
- Potential for water quality impacts to affect the Alluvial forest directly at the subject bridge site due to contaminated run-off entering the adjacent wet woodland; and indirectly affecting the downstream areas of the habitat stretching down on the north bank of the river also past the M1 motorway crossing of the river.

### **Proposed Mitigation**

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

- Fence off a buffer area around the Alluvial forest to protect the habitat on the downstream right side of the bridge.

- Avoid accessing the bridge from this bank.
- 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 Obelisk Bridge was among the six sites with the highest densities of lamprey larvae with a density of 27 larvae per m<sup>2</sup> 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, juveniles are likely to be buried in the mud/silt.

### **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:

- Juvenile lampreys burrow into silt and can be killed easily by machines tracking over their habitats where instream works are required for such bridge rehabilitation works.

- 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 Obelisk Bridge although as the River Boyne watercourse is freshwater-tidal habitat at the Obelisk 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 the Kingfisher favours slow-moving, quiet streams/rivers/canals. Water quality, availability of suitable vertical banks for digging nest tunnels in and perches are important factors affecting the overall suitability of river systems for Kingfisher. Kingfisher also relies on adequate fish populations which this species feeds on as well as large aquatic insects. Based on the 2010 assessment of Kingfisher distribution the area around Obelisk Bridge is 'possible' Kingfisher territory and that there is 'probable' Kingfisher territory with records of Kingfisher nests a short distance upstream of the bridge at Dowth Wetland. While no evidence of Kingfisher nests were found in the immediate vicinity of Obelisk Bridge with no

suitable nesting banks identified in the vicinity of the bridge, however, this species is known to occur along the River Boyne upstream of the M1 motorway crossing of the river and it is probable that this area of the river is used for foraging/commuting by Kingfishers.

### **Potential for Adverse Affects**

There is the potential for water quality impacts and disturbance impacts on Kingfisher to arise as a result of the proposed works. It is stated that Kingfishers are generally most active in terms of feeding in the early morning but do tend to fly up and down rivers to feed throughout the day too. The following potential impacts are considered:

- Works under the bridge could affect Kingfishers passage along the river channel 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 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.7.5km from this SAC. The site is hydrologically linked/connected to the proposed development site albeit it at some remove – c.7.5km. The NIS states that the Boyne estuary is of considerable ornithological importance, particularly for wintering waterfowl. The main area that supports the estuarine bird populations of the Boyne is within the boundaries of the Boyne Estuary SPA which I address separately in the next section. 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. I will therefore outline each of the QI's first and then address the potential for adverse affects.

#### **Estuaries (1130)**

This habitat occurs c.7.5km by river downstream of Obelisk Bridge from Drogheda Port Company out to the mouth of the River Boyne between Baltray and Mornington (Map 3 of Conservation Objectives) and therefore does not occur in the vicinity of the proposed project.

#### **Tidal mudflats and sandflats (1140)**

This habitat occurs c.7.5rkm downstream of Obelisk 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 and therefore does not occur in the vicinity of the proposed project.

**Annual vegetation of drift lines (1210)**

This habitat type occurs at the north side of the mouth of the River Boyne at Baltray, approximately 12.5rkm downstream and therefore does not occur in the vicinity of the proposed project.

**Salicornia mud (1310)**

The nearest section of this habitat type is approximately 8.5rkm downstream and becomes more frequent particularly at the north side of the river at a distance of just over 9rkm downstream of Obelisk Bridge (Map 6 of Conservation Objectives) and does not occur in the vicinity of the proposed project.

**Atlantic salt meadows (1330)**

This habitat occurs approximately 8rkm downstream occurring frequently from this point along both banks of the river out towards the mouth of the River Boyne (Map 6 of Conservation Objectives) and therefore does not occur in the vicinity of the proposed project.

**Embryonic shifting dunes (2110)**

This habitat type occurs at the coast at either side of the mouth of the River Boyne, approximately 12rkm downstream (Map 7 of Conservation Objectives) and therefore does not occur in the vicinity of the proposed project.

**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, approximately 12rkm downstream (Map 7 of Conservation Objectives) and therefore does not occur in the vicinity of the proposed project.

**Marram dunes (Grey dunes) (2130)**

Grey dunes habitat occurs approximately 11rkm downstream of Obelisk Bridge and along both banks at the mouth of the river, (Map 7 of Conservation Objectives) and therefore does not occur in the vicinity of the proposed project.

**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.6.5km upstream of this SPA. The site is hydrologically linked/connected to the proposed development site albeit at a distance of .6.5km upstream. 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 qualifying 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)**

While mainly a coastal species it can occur inland on flooded gravel areas with sandy shores and gravel banks also and forages in a variety of ways and throughout the tidal cycle.

#### **Oystercatcher *Haematopus ostralegus* (A130)**

This is a wading bird species that forages primarily on tidal flats feeding on cockles and mussels in estuaries.

#### **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. While it is possible for this species to occur on grassland in the locality of Obelisk Bridge however, none were present in the vicinity of the proposed works area at the time of the site visit.

#### **Grey Plover *Pluvialis squatarola* (A141)**

This species occurs as both passage and wintering birds in Ireland.

#### **Lapwing *Vanellus vanellus* (A142)**

The conservation condition of the species is currently considered as 'Unfavourable' in this SPA. Lapwings are traditionally considered as 'inland' waders and can be



observed across a wide variety of habitats, principally using lowland farmland and freshwater wetlands (e.g. turloughs and callows) but also coastal wetlands. Estuaries are typically used as roosting areas where large flocks may be observed roosting upon the tidal flats but coastal areas will also be used to a greater degree during cold weather events when farmland and freshwater habitats freeze over. Lapwing are stated to be widespread, particularly in wet lowland areas and it is considered possible for this species to occur at the freshwater-tidal area of the Boyne at the proposed Bridge works area.

#### **Knot *Calidris canutus* (A143)**

Knot is a specialist intertidal forager, favouring estuarine sites with extensive area of muddy sand. Its winter distribution is entirely coastal with the population in the Boyne Estuary concentrating near the mouth of the river and along the coast in large flocks.

#### **Sanderling *Calidris alba* (A144)**

Sanderling occurs in Ireland as wintering and passage birds and during the non-breeding season Sanderlings can be found in a variety of coastal habitats but are characteristic of sandy shorelines (strands), where they forage in small flocks at the edge of the tide. It is stated that in the Boyne Estuary they forage mainly at Lady's Finger and Baltray at the coast, east of Drogheda on fine sand sediments dominated by bivalves.

#### **Black-tailed Godwit *Limosa limosa* (A156)**

The Boyne Black-tailed Godwit population is supported mainly in the estuary habitat over 6.5km downstream of the proposed works and is a wading bird species that forages within intertidal flats in estuaries and estuarine coasts with particularly suitable foraging grounds for this species noted to occur along the south shore of the Boyne Estuary from Mornington to Burrow Point. This species can also occur inland on wet grassland sand river deltas.

#### **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. The suitable mudflats of 'intertidal mud and fine sands' are most extensive along the southern shore of the estuary from Mornington to Burrow Point.

### **Turnstone *Arenaria interpres* (A169)**

The conservation condition of the species is currently considered as 'Unfavourable' in this SPA. Turnstone is stated to be a coastal species which does not breed in Ireland. Wintering Turnstones have a widespread distribution in Ireland and are a familiar species of open, non-estuarine, rocky shorelines although they do occur regularly occur within estuaries too. This species is associated with shorelines with rocky substratum, particularly those with algal wrack zones and the subject bridge site is considered to be too far inland and there is no suitable rocky shore foraging areas here to be of any importance to Turnstone.

### **Little Tern *Sterna albifrons* (A195)**

This species has bred in the Boyne Estuary SPA since 1984, but breeding numbers and fledging success is stated to have been variable over the years. This species is listed under Annex I of the EU Birds Directive also and is strictly a coastal species.

### **Species Outlined Above**

This freshwater-tidal area of the Boyne where the Obelisk is located, is not considered to be of any importance for the aforementioned species which occur in the more favourable habitats over 6.5rkm 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 located within the freshwater-tidal part of the River Boyne, upstream of Drogheda does not provide optimal habitat for waterbird foraging and/or roosting. The designated wetland and waterbirds area is stated to be present just over 6.5rkm downstream of Obelisk Bridge.

### **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 effects 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 8 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 alluvial forest area will be maintained with access to the site avoiding this area. 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 Kingfisher and 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 will 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 sectioned so they do not take place across the entire river channel at once 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. I would note that the inclusion has not resulted in any changes to the conclusions of the NIS. 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 with reference to a large housing development (SH305552 – Oldbridge) which included extensive mitigation measures proposed with no residual impacts on the Natura network. I would note that this decision was overturned on judicial review. A number of small-scale residential developments are also noted in the area. While I note that within the revised NIS for St Dominick's Bridge (ABP-308224-20) reference is made to the works to the Obelisk Bridge which is upstream, the NIS for the Obelisk Bridge does not appear to do the same. However, given that it has been established that the works proposed to either structure will not have adverse effects on the relevant European sites, I consider that it is reasonable to conclude that neither would the proposed development in-combination with the works to St Dominick's Bridge.

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 downstream of the bridge with the latest record stated to be from 2010. The potential for water quality impacts to arise is acknowledged as well as in-combination biosecurity risks 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.

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:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the River Boyne & River Blackwater cSAC, River Boyne & River Blackwater SPA, Boyne Coast and Estuary cSAC, and the Boyne Estuary SPA.
- (e) the policies and objectives of the Louth County Development Plan 2015-2021 and Meath County Development Plan, 2013-2019,
- (f) 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,

- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions 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 and the revision 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 Objective 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><b>Reason:</b> 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><b>Reason:</b> 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"> <li>(a) all mitigation measures indicated in the Natura Impact Statement;</li> <li>(b) Methods to be employed to sterilise the equipment and machinery:</li> <li>(c) measures for the fencing off of a buffer area around the bridge works</li> <li>(d) methods to avoid pollution of the River Boyne</li> </ul> <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><b>Reason:</b> 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><b>Reason:</b> 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</p>

	<p>prior to commencement of development and retained as part of the public record.</p> <p><b>Reason:</b> 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><b>Reason:</b> 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 the Obelisk Bridge” dated 19<sup>th</sup> March 2020 shall be undertaken.</p> <p><b>Reason:</b> 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><b>Reason:</b> 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><b>Reason:</b> In the interest of protecting the environment.</p>

10.	<p>The conservation methodology included in the Conservation Report on the Proposed Rehabilitation works to the Obelisk Bridge submitted with the application for approval shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p><b>Reason:</b> 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