



An
Bord
Pleanála

Inspector's Report ABP-314170-22

| | |
|--------------------------------|--|
| Development | Construction of a 3m shared Footway/Cycleway including public lighting, drainage works, signage, landscaping & ancillary works. |
| Location | Rathmullan Road, Co. Meath |
| Local Authority | Meath County Council (Applicant) and Louth County Council |
| Type of Application | Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (Local Authority Development Requiring Appropriate Assessment) |
| Prescribed Bodies | Dept. of Housing, Local Government and Heritage (DAU) Transport Infrastructure Ireland (TII) |
| Observer(s) | Noel Hogan, Drogheda Cycling Group |
| Date of Site Inspection | 19th February 2024 |
| Inspector | Laura Finn |

Contents

| | |
|---|----|
| 1.0 Introduction..... | 4 |
| 2.0 Site Description and Location | 4 |
| 3.0 Proposed Development | 5 |
| 3.1. Accompanying Documents | 6 |
| 4.0 Planning History..... | 6 |
| 5.0 Legislative and Policy Context..... | 8 |
| 5.1. European – E.U. Legislation and Policy..... | 8 |
| 5.2. National Nature Conservation Designations | 8 |
| 5.3. Irish Legislation..... | 9 |
| 5.4. National & Regional Policy..... | 10 |
| 5.5. Local Policy..... | 15 |
| 5.6. Meath County Development Plan 2021–2027 (MCDP21)..... | 16 |
| 5.7. Louth County Development Plan 2021-2027 (LCDP21) | 18 |
| 6.0 The Natura Impact Statement..... | 18 |
| 7.0 Consultations | 19 |
| 7.1. Responses from Prescribed Bodies to Application | 19 |
| 7.2. Public Submissions..... | 22 |
| 8.0 Further Information | 22 |
| 8.1. Further Information Request | 22 |
| 8.2. Response to Further Information Request | 23 |
| 9.0 Screening for EIA..... | 24 |
| 10.0 Assessment..... | 25 |
| 10.1. The Likely Consequences for the Proper Planning and Sustainable Development of the Area | 25 |

| | | |
|--------|--|----|
| 10.2. | Alternatives Considered | 26 |
| 10.3. | The Likely Effects on the Environment..... | 27 |
| 10.4. | Population and Human Health | 27 |
| 10.5. | Water | 28 |
| 10.6. | Air Quality and Climate | 30 |
| 10.7. | Noise and Vibration..... | 31 |
| 10.8. | Archaeology and Built Heritage | 31 |
| 10.9. | Landscape & Visual Impact | 32 |
| 10.10. | Arboricultural Issues | 33 |
| 10.11. | Biodiversity | 36 |
| 10.12. | Cumulative Effects | 44 |
| 10.13. | Conclusion - Environmental Effects | 44 |
| 11.0 | The Likely Significant Effects on a European Site | 45 |
| 11.1. | Compliance with Articles 6(3) of the EU Habitats Directive..... | 45 |
| 11.2. | The Natura Impact Statement..... | 46 |
| 11.3. | Appropriate Assessment Screening..... | 47 |
| 11.4. | Appropriate Assessment Conclusions | 61 |
| 12.0 | EIA Screening..... | 62 |
| 13.0 | Recommendation | 62 |
| 13.1. | Reasons and Considerations | 63 |
| 13.2. | Appropriate Assessment..... | 64 |
| 13.3. | Proper Planning and Sustainable Development/Likely Effects on the Environment | 65 |
| 14.0 | Conditions | 65 |

1.0 Introduction

Meath County Council is seeking approval from An Bord Pleanála to undertake the construction of a proposed shared footway/cycleway located on the Rathmullan Road in the townland of Oldbridge on the L16014 close to the River Boyne, the M1 Motorway and Drogheda in County Meath. The footway/cycleway will provide a direct linkage to the Boyne Greenway from communities on the west side of Rathmullan. It is 380m in length.

The northern extent of the proposed development site sits within the River Boyne and River Blackwater SAC. The River Boyne and River Blackwater SPA begins c. 350m west and upstream of the proposed development site boundary at the Mary McAleese Boyne Valley Bridge. The SAC and SPA are designated European sites. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). An application under Section 177AE including an Natura Impact Statement (NIS) was lodged by the Local Authority on the basis of the proposed development's likely significant effects on a European site.

Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Site Description and Location

Rathmullan Road (L16014) is located on the east side of Co. Meath in the townland of Oldbridge on the border between County Meath and County Louth, close to the M1 and the River Boyne. The site is c. 2.8km from Drogheda and c. 50km from Dublin.

Riverbank housing estate is located to the southeast of the site on Rathmullan Road, and scrub and arable agricultural lands are located to the west.

The Sheephouse Stream runs adjacent to and underneath the extent of the proposed development site. This stream is culverted for the majority of the route before becoming an open drain for its final 100 meters before discharging into the Boyne.

The Rathmullan Road is a narrow treelined road measuring in width from 4.5m to 5m and it falls steeply from the southern extent to its northern extent where the road meets the River Boyne at the Boyne Greenway/Boyneside Trail. Currently, the road has no provision for pedestrians or cyclists. The Rathmullan Road outside the site extents continues west along the Boyne and passes under the Mary McAleese Boyne Valley Bridge.

3.0 Proposed Development

It is proposed to construct a c. 3m wide shared footpath/cycleway on the eastern side of the Rathmullan Road with associated tree removal and replacement, public lighting, signage, fencing and drainage. The proposed footpath/cycleway measures c. 380m in length, stretching from a junction on the Rathmullan Road to the south adjacent to Riverbank Housing Estate to the River Boyne Greenway located to the north.

The Boyne Greenway comprises of sections of boardwalk for pedestrians and cyclists, which creates a riverside amenity connecting Drogheda's town centre to the Oldbridge Estate, an OPW site containing the Battle of the Boyne Visitor Centre, located c. 2.3km to the west. Currently the Boyne Greenway can only be accessed directly from the centre of Drogheda, Oldbridge House or at a point on the Oldbridge Road. The aim of the project is to reduce the amount of car generated trips accessing the Greenway, by making the Rathmullan Road a safer option for pedestrians and cyclists, creating a direct link for residents and visitors in this area of Drogheda to the Greenway. No improvements are planned for the existing Rathmullan Road in this location.

A small section of the works are located within Louth County Council's administrative boundary and it is noted that a Section 85 agreement was required for this section. A Section 85 agreement under the Local Government Act, 2001 allows for agreements between local authorities or other public bodies regarding the performance of specific functions. These agreements can involve transferring the responsibility for performing a function from one local authority to another. If a local authority believes that a function it performs should be carried out by another local

authority (and that authority is willing and able to do so), they can enter into an agreement.

3.1. **Accompanying Documents**

As per the application as originally submitted and further Information received these included the following:

- Planning Notices;
- Ecology Impact Assessment Report (received on Further Information by ABP) and accompanying response letter from Meath County Council;
- Appropriate Assessment (AA) Screening Report (Appendix 2 of NIS);
- Natura Impact Statement (NIS);
- Design Statement;
- Pedestrian Survey – Rathmullan Road Walkway Exit;
- Traffic Survey;
- Drawing No.: R001 – Layout – 1:500;
- Drawing No.: R002 – Typical Cross Section – 1:100;
- Arboricultural Assessment & Impact Report;
- Arboricultural Impact Drawing No.105 (Keyplan), No. 106, No. 107 & No. 108;
- Tree Survey & Constraints Drawing No. 101 (Keyplan), No. 102, No. 103, No. 104;
- Tree Planting Plan Drawing No. 109 (Keyplan), No. 110, No. 111, No. 112.

4.0 **Planning History**

The following are noted proximate to the route:

4.1.1. **Strategic Housing Development**

(Located Directly West of Proposed Development on the opposite side of the Rathmullan Road)

ABP.305552-19 – Strategic Housing Development (Oldbridge Housing Development) for demolition of existing buildings/structures on site and construction of 661 no. residential units (509 no. houses and 152 no. apartments), childcare facility and associated site works - **Board’s Decision quashed by Order of the High Court on 16/12/2020.**

4.1.2. **Oldbridge Manor Housing Development**

(Located Directly South and Southeast of Proposed Development)

Reg Ref LB/170675 & LB/191536 – In October 2018, the Council granted permission for 156 homes on a site of 7.81ha to the south including proposals to upgrade the existing signalised junction of Rathmullan Road/Marleys Lane by providing a right turn lane on Rathmullan Road. The site was subject to an amendment application in Reg Ref LB/191536, increasing the overall no. of residential units from 156 to 168.

4.1.3. **South of Oldbridge Manor Housing Development (Phase 3 & 4)**

(Located c. 300m South and Southeast of Proposed Development)

ABP-313190-22 (Reg Ref 21/1669) - In March 2022, the Council granted permission for 96 no. dwellings on a site of 3.7ha, which is described as Phase 3 of Oldbridge Manor development. The application is currently on appeal with ABP.

ABP-313187-22 (Reg Ref 21/1757) – On 8th March 2022, the Council granted permission for 26 no. residential dwellings on a site of 0.65ha, described as Phase 4 of the Oldbridge Manor development. This application is currently on appeal with ABP.

4.1.4. **Other Pedestrian/Cycleway Proposals**

Other Pedestrian/Cycle proposals which have been considered by the Board include the following:

ABP-307652-20 – In August 2023, An Bord Pleanála refused to approve the construction of the Boyne Greenway, pedestrian and cycleway linking Drogheda Town in Co. Louth to Mornington Village in Co. Meath for one reason. The Bord was not satisfied that the local authority had demonstrated beyond reasonable scientific doubt that the proposed development would not adversely affect the integrity of European Sites and that mitigation measures proposed would be adequate. The Boyne Greenway application site is located on the eastern side of Drogheda, c. 3.5km from the cycle/pedestrian application site on the Rathmullan Road.

5.0 Legislative and Policy Context

5.1. European – E.U. Legislation and Policy

The EU Habitats Directive (92/43/EEC): This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

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

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

European designated Sites located in proximity to the subject site include:

Special Protection Areas (SPA)

- Boyne Estuary SPA (Site Code 004080) (c. 4.4km to the east of the site)
- River Boyne and River Blackwater SPA (Site Code 004232) (Located directly adjacent to the site)
- River Nanny Estuary and Shore SPA (Site Code 004158) (c. 9.2km to the east)

Special Areas of Conservation (SAC)

- Boyne Coast and Estuary SAC (Site Code 001957) (c. 5.4km to the east)
- River Boyne and River Blackwater SAC (Site Code 002299) (Adjacent to the site)
- Clogher Head SAC (001459) (c.13km to the northeast of the site)

5.3. Irish Legislation

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

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

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

5.4. National & Regional Policy

The following National and Regional Policy is relevant;

- Climate Action Plan 2024
- National Planning Framework – Project Ireland 2040, DoHP&LG 2018 (NPF)
- The National Sustainable Mobility Policy, 2022
- National Cycle Network Plan, 2023 (TII) (NCN)
- CycleConnects: Ireland’s Cycle Network (under development by NTA)
- Cycle Design Manual, September 2023, NTA
- Ireland’s 4th National Biodiversity Action Plan 2023-2030
- Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region & Dublin Metropolitan Area Strategic Plan (MASP) 2019-2031
- Other National & Regional Policy and Guidance

5.4.1. Climate Action Plan 2024

The Climate Action Plan 2024 (CAP24) which was approved by Government in December 2023 sets out the roadmap to deliver on Ireland’s climate ambition. It aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022. This will enable Ireland to meet 2030 targets and be well placed to meet mid-century decarbonisation objectives. The plan supports Modal Shift from the private car to walking and cycling as follows;

‘The provision of safe and accessible walking and cycling infrastructure is key to encouraging modal shift away from private car use and towards walking and cycling. The role of local authorities in the development of active travel infrastructure cannot be overstated, and the increase in the capacity of active travel teams has already helped to deliver hundreds of kilometres of new and improved cycling and walking infrastructure around the country. Over 600 km of walking and cycling infrastructure has been delivered through the NTA’s Active Travel Programme since 2020, with over 200km of Greenway infrastructure also delivered.’ It further states;

‘Priority will be given to Safe Routes to School, CycleConnects routes, the National Cycle Network and scenic greenways.....The Department of

Transport recognises and supports the wide range of benefits arising from Greenways including their positive economic impact on local businesses, enabling increased physical activity that will benefit the health and wellbeing of users and supporting safe journeys to and from home, work, education and shops.'

5.4.2. **National Planning Framework – Project Ireland 2040, DoHP&LG 2018 (NPF)**

The NPF is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. It sets out a number of national strategic outcomes which includes enhanced amenities and heritage. Key objectives of the framework are to ensure the promotion of compact urban development, sustainable mobility and transition to a low carbon and climate resilient society. It promotes communities that are designed in a way that supports physical activity, e.g. generously sized footpaths, safe cycle lanes and accessible recreation areas. **NPO 27** aims to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

In relation to Tourism, the NPF states the '*development of greenways, blueways and peatways offer a unique alternative means for tourists and visitors to access and enjoy rural Ireland. The development of a strategic national network of these trails is a priority and will support the development of rural communities and job creation in the rural economy, as well as the protection and promotion of natural assets and biodiversity*'.

NPO 22 seeks to facilitate development and in particular a National Greenways, Blueways and Peatways Strategy, which prioritises projects on the basis of achieving maximum impact and connectivity at a national and regional level.

5.4.3. **The National Sustainable Mobility Policy, 2022**

This policy which was prepared by The Department of Transport in April 2022 sets out a strategic framework to 2030 for active travel (walking and cycling) and public transport journeys to help Ireland meet its climate obligations. It includes an action plan to 2025 which contains actions to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternative to car journeys. The Policy aims to support this modal shift between now

and 2030, through infrastructure and service improvements, as well as demand management and behavioural change measures. This is with a view to encouraging healthier mobility choices, relieving traffic congestion, improving urban environments and helping to tackle the climate crisis.

5.4.4. **National Cycle Network Plan, 2023 (TII) (NCN)**

The National Cycle Network outlined in the plan represents a step-change in active travel infrastructure in Ireland. The NCN Plan sets out a phased programme that will see the delivery of c. 3,500km of cycle facilities by 2040. Together with the NTAs CycleConnects programme, the NCN will provide a comprehensive network of high-quality cycle infrastructure to promote safety, comfort, and increased participation in cycling. It will make a significant contribution to Ireland's commitments to sustainability and decarbonisation and will generate benefits for cyclists and communities across Ireland. Drogheda is indicated as a Primary NCN Node with a population of over 20,000 people.

5.4.5. **CycleConnects: Ireland's Cycle Network (under development by NTA)**

CycleConnects is a proposed network of fully connected coherent and safe cycling routes in each county. The plan is being developed as part of the *National Development Plan 2021-2030* and the *Climate Action Plan*. This plan aims to encourage people of all levels to cycle more. It aims to support new cyclists, those transitioning from other non-sustainable modes and improving conditions for existing cyclists. With more specific cycling routes, and the potential for the introduction of cycle infrastructure, it is hoped that more people will be encouraged to cycle. Research conducted by National Travel Survey indicated that safer cycling routes is the main factor (31.7% of respondents) that would encourage respondents to cycle more in the future. The survey also noted that the introduction of more cycling specific routes would be another factor that would influence respondents (17.3%) to cycle more. The proposed CycleConnects cycle network plans are comprised of 22 county maps and 57 urban maps. The urban maps consist of primary and secondary routes. The primary routes connect to the main trip attractors. These will be supplemented by the secondary routes which will serve residential areas and areas of employment.

The Draft Louth Cycle Network including the Proposed Drogheda Urban Cycle Network indicates Rathmullan Road as an Urban Secondary Route.

5.4.6. Cycle Design Manual, September 2023, NTA

The Cycle Design Manual prepared by the NTA replaces the National Cycle Manual, 2011. It places more emphasis on the range of cycles that cycle infrastructure will have to accommodate and the recommendations focus on segregating cyclists from traffic where speeds and volumes make roads unsuitable for sharing. There is also a general presumption towards segregating pedestrians and cyclists where possible. The Manual states that there are five main requirements which designs should fulfil under the headings of Safety, Coherence, Directness, Comfort and Attractiveness to cater for current cyclists and to attract new cyclist to the network.

5.4.7. Ireland's 4th National Biodiversity Action Plan 2023-2030

The *Wildlife (Amendment) Act 2023* introduced a new public sector duty on biodiversity. The legislation provides that every public body, as listed in the Act, is obliged to have regard to the objectives and targets in the National Biodiversity Action Plan. The 4th NBAP strives for a “*whole of government, whole of society*” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “*act for nature*”.

Outcome 3C: Planning and development will facilitate and secure biodiversity's contributions to people. The action is that all public authorities and private sector bodies move towards **no net loss of biodiversity** through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.

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

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

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

5.4.9. **Other National & Regional policy and guidance:**

- Transport Strategy for the Greater Dublin Area, 2022-2042 (NTA);
- Transport Infrastructure Ireland (TII) Rural Cycle Scheme (including Amendment No. 1, December 2014);
- Strategy for the Future Development of National and Regional Greenways, July 2018, Dept. of Tourism, Transport and Sport;
- National Physical Activity Plan, April 2016;
- 2022 Greater Dublin Area Cycle Network;
- National Investment Framework for Transport in Ireland (NIFTI);
- Road Safety Strategy 2021-2030 (RSA);
- Design Manual for Urban Roads and Streets (DMURS), as amended;
- DMURS Advice Note 5, road and Street Drainage using Nature Based Solutions 2023;
- National Development Plan 2021 – 2030.

Policies within these documents seek to guide development to provide a compact urban form, supported by the provision of healthy, sustainable Active Travel.

5.5. Local Policy

The site is located along the Rathmullan Road, which is the County Boundary between Meath and Louth. The development plan context for the application site comprises in the main the *Meath County Development Plan 2021–2027* (MCDP21) and a small portion of the site is located in Louth County Council, which comes under the *Louth County Development Plan 2021-2027* (LCDP21). The application site is located in the settlement of ‘*Southern Environs of Drogheda*’, the policy objective of which is contained in Volume 2 – Written Statement and Maps for Settlements of the MCDP21.

In relation to the MCDP21, the following plans and maps are relevant to the application site;

- MCDP21;
- Southern Environs of Drogheda, Written Statement;
- Amended Sheet 35(a) Southern Environs of Drogheda Land Use Zoning Map;
- Amended Sheet 35(a) Southern Environs of Drogheda Combined Land Use Zoning Map;
- Amended Sheet 35(b) Southern Environs of Drogheda Culture and Natural Heritage Map.

In relation to Plans and Maps for the portion of the site within Louth, the following are relevant in the LCDP21;

- Volume 1 - Written Statement (Consolidated)
- Drogheda Zoning and Flood Zones
- Drogheda Composite Map

The application site located along the Rathmullan Road is unzoned land in County Meath based on the MCDP21 Interactive Map Portfolio.

On the **MCDP21**, lands to the west of Rathmullan Road and to the immediate east of the M1, comprise the site of a previous 661 no. unit Strategic Housing Development (SHD), which was subsequently quashed on Judicial Review. The northern part of the SHD lands is a wooded area that slopes sharply down to the level of the road along the River Boyne. These lands are zoned Objective F1 - Open Space on the MCDP21.

The remainder of the lands further south are arable land and are zoned Objective A2 – New Residential on the MCDP21.

On the **LCDP21, Drogheda Composite Map**, lands to the north of the application site which are located adjacent to the River Boyne are zoned Objective H1 - Open Space. This is where a small portion of the application site is located within the Louth administrative area. The lands at Riverbank Housing Estate, which are located further south and to the east of the proposed application site are zoned Objective A1 Existing Residential on the LCDP21.

5.6. Meath County Development Plan 2021–2027 (MCDP21)

The current Meath CDP was adopted on the 22nd of September 2021 and came into effect on the 3rd November 2021. A number of objectives within the Plan support the sensitive integration of a new cycle/pedestrian route, including the following;

5.6.1. Movement Strategy (MCDP21 – Chapter 5)

Section 5.7.2 in Chapter 5 recognises Cycling and Walking as the most sustainable mode of transport available in terms of their positive impacts on the environment. Relevant **Movement Strategy** policy in relation to design for cycle infrastructure includes **MOV OBJ 3**.

5.6.2. Infrastructure Strategy – (MCDP21 - Chapter 6)

Section 6.10.2 refers to Flood Risk Management. Policy **INF POL 20** requires Flood Risk Assessments to be carried out for any development proposal, where flood risk may be an issue.

5.6.3. Cultural and Natural Heritage Strategy (MCDP21 - Chapter 8)

Map 8.3 shows the Natural Heritage Designations including the Natura 2000 sites. The Vision in **Section 8.2** seeks: *‘to identify, protect, conserve and manage the cultural and natural heritage of the County and to encourage its sensitive integration into the sustainable development of the County for the benefit of present and future generations. The Plan seeks to achieve a balance between the foregoing and economic prosperity and social integration.’*

Section 8.8 refers to Natural Heritage, including Articles 6(3) and 6(4) of the Habitats Directive and Natura 2000 sites. **Section 8.9.2** refers to European Sites (Natura 2000) SACs and SPAs. Other relevant policies which promote Cultural and Natural Heritage including the use of professionals to carry out ecological surveys and Appropriate Assessments and the promotion and protection of townland boundaries, hedgerows and native hedgerow species included in Chapter 8 are as follows; **HER POL 31, HER POL 32, HER POL 33, HER POL 35, HER OBJ 36, HER POL 37, HER POL 38, HER POL 39** and **HER POL 40**.

Section 8.17.3 refers to and provides key objective for the Landscape Character Assessment (LCA). Other Relevant policies include; **HER OBJ 49, HER OBJ 50, HER POL 52, HER POL 53, HER OBJ 60**.

5.6.4. **Climate Change Strategy (MCDP21- Chapter 10)**

Section 10.5.4 in Chapter 10 – Climate Change Strategy outlines the following relevant Transport policy objectives;

MOV POL 9 - To ensure that the design and planning of transport infrastructure and services accords with the principles of sustainable safety, in order that the widest spectrum of needs, including pedestrians, cyclists, the ageing population and those with mobility impairments are taken into account.

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

Other relevant transport policies which encourage a greater uptake of active transport in the region include; **MOV POL 1, MOV POL 17, MOV POL 18, MOV POL 19, MOV POL 20, MOV POL 21, MOV POL 22, MOV OBJ 27, MOV OBJ 28, MOV OBJ 29, MOV OBJ 30, MOV OBJ 31 & MOV OBJ 33**.

5.6.5. **Southern Environs of Drogheda (Volume 2 Written Statement and Maps for Settlements) MCDP21**

Drogheda is the largest town in Ireland, with a population of almost 41,000 in 2016. The town is strategically located along the Dublin-Belfast Economic Corridor. Its importance as a centre for population and economic growth is recognised in the

designation of the settlement as a Regional Growth Centre in the National Planning Framework. The Southern Environs of the town lies within the jurisdiction of Meath County Council, where there are strategically located employment and residential lands. The Development Strategy for the area focuses on the creation of a sustainable settlement with improved links and connections to the town centre and where there is a balance between population growth and economic development.

Relevant policies supporting accessibility and Active Transport include **STH DRO POL1** and **STH DRO OBJ 3**.

5.7. **Louth County Development Plan 2021-2027 (LCDP21)**

As noted in the description of development, a small section of the works are located within Louth County Council's administrative boundary and it is noted that a Section 85 agreement was required for this section.

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

A Drogheda Joint Local Area Plan (DJLAP) is currently being prepared by Meath and Louth County Councils.

Relevant policies relating to Core and Settlement Strategy (Chapter 2) with regard to implementing an integrated pedestrian and cycle network and Active Travel along the River Boyne are included in Policy **Objective SS 17** and **Policy Objective SS 18**.

Relevant policy in relation to Tourism (Chapter 6) and Active Travel routes are discussed in **Section 6.3.1.1** and Policy **Objective TOU 10**. Policy in relation to Movement (Chapter 7) and the Expansion of the Boyne Greenway and other cycleways include Policy **Objective MOV 34** and **Policy Objective MOV 38**.

6.0 **The Natura Impact Statement**

Meath County Council's application for the proposed development was accompanied by a Natura Impact Statement (NIS) which scientifically examined the proposed

development and the European sites. It includes an appropriate assessment screening of all sites likely to be affected by the proposed development. The screening concluded in view of the best scientific knowledge and in view of the conservation objectives of the European sites reviewed in the screening exercise, the risk of Likely Significant Effects associated with the proposed development individually/in combination with other plans and projects (either directly or indirectly) to the River Boyne And River Blackwater SAC and other European sites within the Boyne River system could not be ruled out at this stage. Therefore, an Appropriate Assessment is required.

An NIS was prepared. It described the development and the methodology adopted for screening and appropriate assessment. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works. The NIS will be evaluated under Section 10 of this report.

7.0 Consultations

7.1. Responses from Prescribed Bodies to Application

The NIS was circulated to prescribed bodies and the responses received are summarised below. The circulation list comprised of the following:

- Fáilte Ireland
- An Taisce
- The Heritage Council
- Eastern and Midland Regional Assembly
- Inland Fisheries Ireland
- National Transport Authority
- Environmental Protection Agency
- National Parks and Wildlife Service
- Department of Housing, Local Government & Heritage (DAU)
- Department of Transport
- Department of Environment, Climate and Communications
- National Monuments Service
- Irish Water
- Office of Public Works
- Transport Infrastructure Ireland
- Department of Rural and Community Development

- Department of Housing, Local Government & Heritage (Build Heritage & Architectural Policy)
- Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media
- An Chomhairle Ealaíon
- Minister for Justice
- HSE
- Teagasc
- Iarnrod Eireann
- Coras Iompair Eireann
- Department of Agriculture, Food and the Marine

Responses from Prescribed Bodies received to the application include from the following:

7.1.1. **Transport Infrastructure Ireland (TII)**

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

7.1.2. **Department of Housing, Local Government and Heritage (DAU)**

Heritage related observations and recommendations of the Department are as follows;

7.1.2.1. **Archaeology**

- Noted that the development is large scale in extent within the landscape of the Battle of the Boyne and is located in an area of high archaeological potential.
- Recommending a condition in relation to Archaeological Monitoring to be including in any grant of planning permission.

7.1.2.2. **Nature Conservation**

- Noted Department had some concerns regarding the development.
- Substantial hedgerows and wooded areas located on both the east and west sides of Rathmullan Road. Tree surveys carried out in February when herbaceous plant would not be evident.

- Eastern hedgerow/treeline, including 68 trees to be almost entirely cleared to enable construction. Arboricultural Assessment states the loss of these trees will have a significant negative impact on the treescape in this area.
- Planning Permission permitted on lands to the west of Rathmullan Road for 661 residential units (SH305552). The application includes road widening to 6m and the construction of a 2m wide footpath on its western margin. The replacement planting proposed in the SHD application (37 non-native street trees and some native crab apples, birch and guilder rose) is not considered to be a replacement from a biodiversity perspective for the existing hedgerow.

(Inspector's comment: I note that this SHD application was quashed on judicial review)

- Concerned that no Ecological Impact Assessment (EclA) was carried out in relation to the impact of removal of the hedgerow/treeline, in light of its value as an ecological pathway from the River Boyne and River Blackwater SAC into the wider countryside.
- Discussed alternative route for the cycleway immediately to the east of this hedgerow and parallel with it, in an area of amenity grassland of limited ecological value between the hedgerow and the Riverbank Housing Estate.
- Concern that the proposed cycleway/footway conflicts with Meath County Development Plan 2021 – 2027 (MCDP) policy objectives HER POL 31, HER POL 35, HER POL 37, HER POL 38, HER POL 39, which relate to ecological assessment and protection of native hedgerows and biodiversity.
- The conclusion of the supporting NIS that no adverse effects on the River Boyne and River Blackwater SAC and other European sites should result from construction impacts following implementation of mitigation measures is accepted.
- However, further information is recommended, that an EclA at an appropriate time of year to include botanical survey, breeding bird survey and bat survey. The EclA should include appropriate mitigation measures to mitigate impacts on local biodiversity.

7.2. Public Submissions

The Board received one submission in relation to the proposed development, as follows;

7.2.1. Niall Hogan, Drogheda Cycling Group

- Welcomes the development of new cycling infrastructure in Drogheda, although some concerns about the proposed development.
- Possibility of collisions with other cyclists, pedestrians and motorists due to the steepness of the road and the speed that can be attained when travelling downhill.
- Sharp turn at the bottom of the hill presents danger to cyclists especially in wet conditions.
- Leaf fall from afforested area could constitute a slip hazard. New cycleway would need regular attention to keep it clear of wet leaves.

8.0 Further Information

8.1. Further Information Request

The Board requested Meath County Council (MCC) on 12th December 2022 to provide the following items of Further Information (FI);

- **FI Request No. 1** - An Ecological Impact Assessment (EclA) to include botanical, breeding bird and bat surveys, to be carried out at appropriate periods of the year, as well as appropriate measures to mitigate any impacts on local biodiversity identified, such as re-routing of the proposed cycleway/footway or the replacement planting of a hedgerow of native species of trees and plants as part of the proposed landscaping for this project, and the installation of bat friendly lighting.
- **FI Request No. 2** - Measures to address any severance in ecological connectivity should also be addressed.

- **FI Request No. 3** - Outline any alternatives considered at initial project stage and a clear justification for the current proposal over other available alternatives.

8.1.1. Extension of Time Period for Response to Further Information

Having regard to the need for bat and breeding bird surveys to be conducted at appropriate periods of the year, the Board allowed 9 months for a response to the request. Further Information was received on 19th September 2023. The Further Information Response was not recirculated to the DAU as I considered that it had dealt with their queries adequately.

8.2. Response to Further Information Request

8.2.1. Response to FI Request No. 1 – EclA

In response to the Further Information Request, MCC submitted an Ecology Impact Assessment Report (EclA) dated 11/09/2023. The report includes measures to mitigate impacts on local biodiversity and provides enhancements and compensation measures as requested in the FI. Two separate field surveys were carried out as follows;

| | |
|--|---|
| Field Survey | <ul style="list-style-type: none"> • Walkover Survey, February 2022 |
| Field Survey | <ul style="list-style-type: none"> • Walkover Survey, June 2023 |
| Fauna Survey | <ul style="list-style-type: none"> • Carried out during multidisciplinary walkovers survey for the detection of field signs such as tracks, markings, feeding signs as well as direct observation. • Bird Species recorded in Table 5 of EclA |
| Bat Survey (Including Walked Transect Survey) | <ul style="list-style-type: none"> • An inspection of the external areas including man-made structures and trees within and surrounding the subject lands was conducted. A Walked Transect Survey was conducted was carried out during which all bat activity observed were recorded using an Echo Meter Touch 2. • Noted that A Walked Transect Survey carried out on 30th August 2023 (Section 3.2 of EclA) and A Bat Transect Survey was carried out on 6th September 2023 (Section 5.6 of EclA) |

8.2.2. Response to FI Request No. 2 – Severance in Ecological Connectivity

In terms of severance in ecological connectivity the EclA proposes bird boxes on retained trees as mitigation for impact on birds in relation to loss of habitat. Replacement tree planting is proposed along the length of the new route.

8.2.3. **Response to FI Request No. 3 – Alternatives Considered**

In terms of other Options Assessed, Appendix 2 of the EclA report provides a clear justification for the route chosen. See Section 10.2 of this Report for further detail of alternatives considered.

8.2.4. **FI Response Conclusion**

I have carried out a detailed review of the information contained within the EclA submitted on Further Information in my Assessment under the relevant headings in Section 10 of this Report and will not repeat it here. In my opinion, the applicant has responded to the request for Further Information adequately.

9.0 **Screening for EIA**

It is noted that an EIAR Screening Report was not submitted with the application documentation. The proposed development which involves a proposed shared cycleway and footpath c. 380m in length with a total width of approximately 2 - 3m for sealed surfaces is not a class of development under the classes listed under Schedule 5 of the Planning & Development Regulations 2001 (as amended), nor is it a type of development listed under Section 50 of the Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994 and hence a mandatory EIA is not required.

The proposed development of a shared cycleway and footpath is not a class of development listed under Schedule 5, and hence does not meet the criteria under the Planning and Development Regulations, nor is it a type of development listed under Section 50 of the Roads Act 1993, nor under Article 8 of the Roads Regs 1994. Therefore, in my opinion an EIA or Screening for EIA is not required for the proposed development.

10.0 Assessment

10.1. The Likely Consequences for the Proper Planning and Sustainable Development of the Area

The creation of a safe cycle/pedestrian route is supported in National, Regional and Local policy and guidance. Policy and guidance is outlined in Section 5 of this report and will not be repeated here. The existing Rathmullan Road, is narrow and steep, with no footpath and bad sightlines. This makes walking and cycling difficult and dangerous. The aim of the project is to reduce the amount of car generated trips accessing the Boyne Greenway, by making the Rathmullan Road a safer option for pedestrians and cyclists.

National policy supports active travel (walking and cycling) to help Ireland meet its climate obligations. The proposed development is supported by a framework of policy which aims to improve and expand sustainable mobility options across the country by providing safe, green, accessible and efficient alternatives to car journeys.

At a local level, Rathmullan Road is indicated as an Urban Secondary Route in the 'CycleConnects' Proposed Drogheda Urban Cycle Network prepared by the NTA. The new route will provide a safe connection to the Boyne Greenway for the existing and new population of Drogheda. It will promote connectivity, attract more cyclists and pedestrians and will open up the Boyne Amenity to local populations and visitors. Currently the Greenway can only be accessed directly from the centre of Drogheda, Oldbridge House or at a point on the Oldbridge Road. The provision of the pedestrian/cycle route is therefore in principle consistent with its policy context. I conclude that the principle of a cycle/pedestrian route is supported by planning policy.

Having reviewed the observation from Niall Hogan of Drogheda Cycling Group, I note his safety concerns in relation to the design of the cycle/pedestrian route at the bottom of the steep hill where it meets the Boyne greenway. This issue arises due to the topography of the site, but I consider it can be addressed by way of a signage condition, which would advise caution and a reduction in speed at the bottom of the hill and the provision of a Road Safety Audit to inform the design.

10.2. Alternatives Considered

The DAU in their submission requested the applicant to investigate an alternative route for the cycleway immediately to the east of this hedgerow and parallel with it, in an area of amenity grassland of limited ecological value between the hedgerow and the Riverbank Housing Estate. A Further Information request was issued to MCC in this regard as addressed in Section 8 of this report.

In terms of other Options Assessed, Appendix 2 of the EclA report provides a clear justification for the route chosen. It notes that given the steeply sloping nature of the adjacent lands on either side of the Rathmullan Road, only 2 options were available for the proposed route along the eastern and western verges of the Rathmullan Road. The Eastern Verge Route Option (Option 1) is the route that was proposed originally (this application). In this option 63 trees will need to be removed along the length of Rathmullan Road. The Western Verge Route Option (Option 2) requires significantly more vegetation clearance compared to the Eastern Verge option, given that the treeline bordering the route is directly adjacent to the Rathmullan Road. 70 trees, most of which are immature and of low quality would be removed to facilitate the western verge development.

The eastern verge option was considered more ecologically advantageous because the western verge option would require a larger number of trees and vegetation to be removed with more potential for direct and indirect impacts to birds and bats, the removal of a historic stone wall and c. 130m of treeline habitat due to the lack of roadside verge at the southern end of the route. I concur with the option chosen for the cycle/pedestrian route to be located on the Eastern Verge. I consider the option to have less impact in terms of tree and vegetation removal, and associated biodiversity impacts and heritage in relation to damage to the historic stone wall.

Having regard to the details presented in the EclA, I would consider that a discussion of alternatives has been had and I am satisfied that justification has been provided relative to the rationale for the emerging route selection as presented in the current application.

10.3. **The Likely Effects on the Environment**

The proposed development is not of a type which falls within the activities listed in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The Board should note however, that the subject application has been made under section 177AE of the Planning and Development Act 2000 as amended, and in this context, regard must be had to the broader environmental impacts of the development. The subcategories to assess the broader environmental impact are listed below. It must be noted that these subcategories do not follow the formal headings as in the EIA Directive 2014 but are considered most relevant to the project in determining its broader environmental impact. I have considered the project under the following headings:

- Population and Human Health
- Water including Hydrology and Flooding
- Air and Climate
- Noise and Vibration
- Archaeology and Built Heritage
- Landscape and Visual Impact
- Arboricultural Issues
- Biodiversity

10.4. **Population and Human Health**

The proposed development will involve modest construction works within and adjoining the existing public road. During construction, there may be disruption to the local population in terms of nuisance associated with localised traffic disruption and noise, however, such impacts will be temporary and short-term. During the operational phase, the development will provide connectivity for local populations to amenity areas along the River Boyne. It will also promote increased pedestrian and cycle usage for local populations with the health benefits associated with active forms of travel. Overall, impacts on population and human health are therefore likely to be positive.

10.5. Water

Regard is had to surface and groundwater and to compliance with the Water Framework Directive. The River Boyne runs adjacent to the northern extent of the route. The Boyne Estuary has a WFD Status of 'Moderate' and the transitional water body has a WFD risk status of 'at risk'. Works occur above and adjacent to the Sheephouse stream, which discharges into the River Boyne. As such a direct hydrological pathway exists between the proposed development site and the River Boyne and River Blackwater SAC and other European sites.

10.5.1. Surface Water

The principal potential impacts to surface water are associated with discharges to the receiving watercourses, specifically changes in surface water quality as a result of construction works 50m upstream and 150m downstream of the proposed development site.

During construction, in the absence of mitigation, there is potential for Direct Impacts to water quality within the Sheephouse Stream and River Boyne as a result of clearance and construction works through sediment loading or accidental spillages of polluting liquids in surface water run-off.

During the operational stage, potential positive impacts and effects might also occur as a result of the proposed development. The construction of formal surface water management infrastructure may decrease the volume of direct run-off from the Rathmullan Road, compared to the runoff from drains currently in use on the existing roadway and from the drains that discharge into the Sheephouse stream. This may positively effect water quality and Annex II species for which water quality is a key indicator of good conservation status.

Construction Phase Mitigation Measures are provided in Section 3.3 and Table 3-5 of the accompanying Applicants NIS. These measures are aimed at addressing possible risks to water quality from the construction phase of the proposed development.

10.5.2. Groundwater

It is not considered that the operation of the cycle/pedestrian route would have a significant impact on groundwater quality. The development will be located on the surface with minimal excavation works and there will be no requirement for any

significant cut and fill. The proposed route will not create any traffic pollutants impacting on the water systems.

10.5.3. Flood Risk

A Flood Risk Assessment does not accompany the planning application documentation.

The northern portion of the site where the route meets the Boyne Greenway is indicated as being located in Flood Zone A – High Probability of Flooding on the MCDP21 Map, although when viewed on the CFRAMS maps, the relevant area of the map is indicated as being Under Review. Until it is confirmed that the site no longer floods, as a precautionary measure, I will assume the site is still liable to flooding for the purposes of my assessment.

Flood Zone A is described as follows;

‘This zone defines areas with the highest risk of flooding from rivers (i.e. more than 1% probability or more than 1 in 100) and the coast (i.e. more than 0.5% probability or more than 1 in 200).’

Different types of development are classified as being highly vulnerable, less vulnerable or water-compatible, depending largely on the risks to people who will use the development, the effects of damage to buildings and structures that might be caused by flooding, and the potential environmental damage that could be caused arising from pollution caused by the development were it to flood. Having regard to ‘*The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009*’, the proposed shared cycle/pedestrian route could be classified as either local transport infrastructure (less vulnerable development) or amenity open space/outdoor sports and recreation (water compatible development). The existing road-based infrastructure along the route falls within these same flood zones, as does the existing Boyne Greenway amenity route.

The guidelines state in Section 3.5 that;

*‘Only water-compatible development, such as docks and marinas, dockside activities that require a waterside location, **amenity open space, outdoor sports and recreation**, would be considered appropriate in this zone.’*

I consider the proposed development to be a less vulnerable development and a water compatible development and an appropriate form of development for Flood Zone A, as per the guidelines. It is also clear from the relevant maps that precedent exists for the Boyne Greenway and Rathmullan Road to be located in an area likely to flood.

However, the location of the northern portion of the site, potentially within Flood Zone A would give rise to concerns relative to the proposed cycle/pedestrian route, including that at times it may be impassable and hazardous for pedestrians and cyclists. The construction should be an appropriate engineered solution so that the materials and construction of the route is such that as the flood waters recedes and water will slowly ebb away and the structure will remain unaffected.

10.5.4. **Conclusion - Water**

I consider that if appropriate controls are put in place, as outlined in the application documentation, there will likely be no impact on hydrology or water quality during the construction and operational phases.

I am satisfied that the proposed development of a cycle/pedestrian route in what could potentially be Flood Zone A is a water compatible use but if the Board considers that further details in relation to a suitable engineering solution or more details in relation to the likely extent of flooding or potential safety issues, I would suggest that the Board consider requesting a Flood Risk Assessment from the Applicant prior to making a decision on the application.

10.6. **Air Quality and Climate**

In terms of construction, I consider the level of construction traffic required for a project of this scale will likely have no impact on the local air quality or climate, having regard to the limited extent of construction.

The operational phase of the development will likely have positive impacts, promoting active travel, and a reduction in car generated trips with its potential associated emissions. I consider the operation of the cycle/pedestrian route will have no operational impacts on Air Quality and Climate as it will only be used by cyclists and pedestrians.

10.7. Noise and Vibration

The proposed development is situated c. 10m from the Riverbank Housing Estate. Construction methods are to be carried out in accordance with best practice. Any construction operations which have the potential to cause noise or vibration will be carried out during normal working hours and are not anticipated to be for an extended period of time.

During Operational stage, it is anticipated that pedestrians and cyclists using the proposed route will have little impact on noise or vibration or the local environment.

I consider the construction impacts on Noise and Vibration will be temporary in nature and should not cause undue disturbance. In terms of the Operational stage, I consider that the additional pedestrian/cyclist movements would add little to the existing level of noise/disturbance.

10.8. Archaeology and Built Heritage

An Archaeological and Built Heritage Assessment does not accompany the planning application documentation. A review of The Sites and Monuments Record (SMR) database, in the fields to the west of Rathmullan Road, identified a large enclosure (int. diam. c. 70m) defined by a ditch which produced a wealth of Middle Bronze Age pottery (SMR No. ME020-088). A possible enclosure identified on Lidar imagery was also discovered in the same landholdings (SMR No. ME020-072). Archaeological excavations have also occurred in lands to the west along the M1 Motorway (SMR No. ME020-035 & SMR No. ME020-054). A Ford is indicated on the SMR close to the northern site boundary on the River Boyne (SMR No. ME020-039).

A review of the LCDP21 Record of Protected Structures (Volume 4) indicated that there are two recorded sites of architectural interest in the vicinity, that of Drybridge House (ID - Lhs024-008), located on the north side of the river to the northwest of the subject site and Drybridge Cottage (ID – DB-292) a thatched cottage, located to the north on the opposite side of the river. The house has the north south line of the M1 motorway and the substantial structure of the Mary MacAleese Bridge, between it and the subject site. I consider that there will be no negative impacts of the operational phase of the development on the Protected Structures. There are no protected structures indicated on the MCDP21 in the vicinity of the application site.

The Department of Housing, Local Government and Heritage (DAU) has noted that the development is large scale in extent within the landscape of the Battle of the Boyne and is located in an area of high archaeological potential and requires Archaeological Monitoring during the construction phase. This can be dealt with by way of a condition.

10.9. Landscape & Visual Impact

No Visual Impact Assessment has been submitted with the application. A review of the MCDP21 indicates the application site is located in a Landscape Character Type which is described as Coastal Landscape as per Landscape Character Type (LCA - Map 1). It is described as the Coastal Plains with Moderate Value on the Landscape Character Area Map (LCA – Map 2) and is described as High Sensitivity in the Coastal Plains on Map 3 (LCA – Landscape Sensitivity Map). The sensitivity of the Landscape Character Areas is defined as its overall resilience to sustain its character in the face of change and its ability to recover from loss or damage to its components.

Section 8.17.3 of the MCDP21 discusses Landscape Character Assessment. Appendix 5 of the plan provides guidance for a detailed understanding of the landscapes of the county and sets out guidance and recommendations to assist in the development of related planning policies, development of strategies and development management within the County.

There are no Protected Views & Prospects on Map 8.3 of the MCDP21 within the vicinity of the application site.

The proposed development is situated within a historic landscape. The site is not visible from the Bru Na Boinne World Heritage Site due to the location of the Mary McAleese Boyne Valley Bridge located to the west of the site. The pedestrian/cycle route at ground level is not visible from the M1 heading south on the Boyne Valley Bridge, due to the level of the lands on both sides of the Rathmullan Road, which are considerably higher than the application site, but the top of the treeline along the Rathmullan Road is visible and reads as a wooded area in the landscape with the treeline which runs along the Boyne.

The site is visible from close proximity, through well-established vegetation from adjacent housing areas to the east (Riverbank housing estate) and new housing located to the south at Oldbridge Estate.

The proposed shared cycle/pedestrian route will be low-lying compared to the adjoining lands, screened in many views from the surrounding landscape by a mix of existing roadside boundaries, topography and vegetation.

The trees on the eastern side of the road are mirrored by trees on the western side and they form a strong visual presence over the Rathmullan Road in this location. In terms of impacts, I consider there would be an adverse negative landscape and visual impact by the removal of 63 trees to enable the proposed development.

10.10. Arboricultural Issues

The submission made by the DAU outlined in Section 7.1.2 above was concerned about the extent of tree removal on the eastern hedgerow/treeline, including 68 trees. It was noted that the Arboricultural Assessment stated the loss of these trees would have a significant negative impact on the treescape in this area. The Dept. was concerned that no Ecological Impact Assessment (EclA) was carried out in the original submission in relation to the impact of removal of the hedgerow/treeline, in light of its value as an ecological pathway from the River Boyne and River Blackwater SAC into the wider countryside. The Dept. requested an EclA and surveys to be carried out at an appropriate time of year to include botanical survey, breeding bird survey and bat survey and for the EclA to include appropriate mitigation measures to mitigate impacts on local biodiversity.

In response to the concerns outlined above, the Council stated that originally it was planning to provide a segregated footway and cycleway which had a minimum width of 4.7m, which would have had a far greater impact on vegetation removal. It was decided to reduce the width to a 3m shared footway/cycleway and in some areas reduce this to a 2m at pinch points resulting in a reduced impact on vegetation and the number of trees to be felled.

The proposed development will lead to the permanent loss of 63 trees. The Applicants EclA report notes in terms of compensation or enhancement of the treeline, that given the retention of surrounding woodland and treeline habitat, no compensation measures are required. Hence, no additional tree planting is proposed. This statement is contradictory to the Landscape Proposals and Tree Planting Plans submitted with the original application. I consider replacement tree planting as

indicated in the Landscaping proposals to be appropriate and consider this can be dealt with by way of condition.

An Arboricultural Assessment & Impact Report and Tree Planting Plan has been submitted with the application. This provides a general description of the trees and hedgerows along the proposed shared cycle/pedestrian route. Photographic images are included with the general description. A total of 74 trees were assessed with a detailed analysis of individual trees. The overall quality of the trees from an Arboricultural and Landscape perspective is generally good with 67% of trees falling into the higher categories A & B. The trees on the application site comprise Sycamore (41%), Ash (22%), Hawthorn (24%) and Elm (13%). Tree locations and categorisations are shown on Tree Survey & Constraints Drawing No. 101 (Keyplan), No. 102, No. 103, No. 104.

The impact on trees is shown on Arboricultural Impact Drawing No.105 (Keyplan), No. 106, No. 107 & No. 108. The proposed shared surface is c.3m wide and directly impacts on all of the trees along the route on the eastern verge. The report states that the removal of trees will have a significantly negative impact on the treescape in this location, by removing one side of the existing corridor of trees on this section of roadway.

Importantly, it must be pointed out that the Arboricultural report notes that;

‘the inevitable spread of ash dieback and Dutch elm disease within these species at 35% of the total number of trees and the natural loss of the poorer specimens (category C & U) which represents 34% of the total will lead to a reduction of the current tree population by 69% regardless of any works progressing.’

A Tree Planting Plan is proposed with the aim of contributing to the new streetscape for the eastern side of Rathmullan Road. Tree planting is shown on Tree Planting Plan Drawing No. 109 (Keyplan), No. 110, No. 111, No. 112.

The Arboricultural report in Section 4 mentions that the new path/cycleway route will be illuminated by streetlights at 40m intervals and will have a wooden fence between the edge of the path and the existing lands. It further notes that is proposed to plant

37 trees on the opposite side of the proposed fence from the route at 7m intervals with radii of 7m retained tree free at public light columns. It is proposed to plant a cultivar of field maple (*Acer campestre* 'Elsrijk') which has a proven track record as a high-quality street tree. In addition, native trees and shrubs including crab apple and birch with an understory of guelder rose are proposed as planting to augment retained trees along the edge of the open ditch to the north of the site.

The Applicants EclA report submitted on FI notes that no lighting is proposed to mitigate for bats and as such no impacts are predicted. Street Lighting proposals were outlined in the Landscaping Plans which accompanied the original application as discussed above. No further revised landscaping plans or reports were submitted with the response to Further Information, which omits the lighting. I consider that public lighting will be necessary for pedestrian and cyclists safety along the proposed shared cycle/footpath. This can be dealt with by way of a condition in relation to bat friendly lighting being provided.

Having regard to the information submitted I have concerns about the impact of the removal of 63 trees on both the landscape & visual amenity and biodiversity, however, having reviewed the detail of the Arboricultural report in Section 3 in relation to the inevitable spread of Ash dieback and Dutch Elm disease which comprise 35% of the trees to be felled and the natural loss of the poorer specimens (category C & U) which represents 34% of the total, a reduction in the current tree population by 69% will occur along the eastern verge regardless of any works progressing. It is proposed to plant 37 trees to replace the trees to be felled and to also plant native trees and shrubs to the north of the site.

The section of Rathmullan Road proposed for the new pedestrian/cycle route is not serviced by a public footpath. Access for local residents to and from the River Boyne walk is dangerous. The proposed shared surface aims to provide a safe passage along this section of road to the River Boyne.

On balance, based on the fact that there is inevitably going to be a loss of 69% of the trees without any works occurring, I consider that the proposed development in terms of its replacement planting, will provide benefits in the long-term for this section of Rathmullan Road in terms of landscaping, visual amenity and biodiversity. In addition,

the proposed development will provide an attractive, safe access for the local populations to the River Boyne amenity area.

10.11. Biodiversity

The total length of the proposed cycleway and footpath is c. 380m with a total width of between 2m to 3m for sealed surfaces. Works will involve the removal of trees and other vegetation, the removal and stock piling of surface soil and over burden material, groundwork, pouring of concrete kerbs and spreading of bitumen.

The accompanying NIS confirms the northern extent of the proposed development site sits within the River Boyne and River Blackwater SAC. The River Boyne and River Blackwater SPA is located c. 350m west and upstream of the proposed development site boundary at the Mary McAleese Boyne Valley Bridge.

Impact of the development on European sites is dealt with in the Appropriate Assessment Section 10 of this report. It is concluded that no significant effects on the integrity of European sites will arise in light of their conservation objectives.

The Applicants EclA which was prepared in September 2023, describes the methodology used to determine the Zone of Influence (ZOI). Desk and Field surveys were carried out on the Site and immediate surrounding lands as described below;

| | |
|--|--|
| Desk Study | <ul style="list-style-type: none"> • The National Biodiversity Data Centre Online Database • The NPWS Protected Species Database and Online Mapping • The EPA ENVISION Database • Zoning Maps and Planning History • Data on Waterbodies from EPA • Information supplied by the applicants design team • Louth County Council Planning Portal for Planning History • National Survey of Native Woodland (NSNW) and Ancient Woodlands Inventory (2011-2012) |
| Field Survey | <ul style="list-style-type: none"> • Walkover Survey, February 2022 |
| Field Survey | <ul style="list-style-type: none"> • Walkover Survey, June 2023 |
| Fauna Survey | <ul style="list-style-type: none"> • Carried out during multidisciplinary walkovers survey for the detection of field signs such as tracks, markings, feeding signs as well as direct observation. Bird Species recorded in Table 5 of EclA. |
| Bat Survey (Including Walked Transect Survey) | <ul style="list-style-type: none"> • An inspection of the external areas including man-made structures and trees within and surrounding the subject lands was conducted. A Walked Transect Survey was conducted during which all bat activity observed were recorded using an Echo Meter Touch 2. • Noted that A Walked Transect Survey carried out on 30th August 2023 (Section 3.2 of EclA) and A Bat Transect Survey was carried out on 6th September 2023 (Section 5.6 of EclA) |

The report described the ecological baseline conditions and constraints, the legislative context and planning and policy guidance. The possible impacts have been assessed under the CIEEM Guidelines (2018) and the National Road Authority Guidelines (NRA, 2009). Criteria for assessment of duration of impacts used according to EPA guidelines 2002. Appendix 1 of the report contains the Site Photos. Appendix 2 contains the Options Assessment and Appendix 3 contains the National Biodiversity Data Centre Information.

10.11.1. **Receiving Environment**

In summary, Rathmullan Road is flanked by Hedgerows/Treelines or Mixed Broadleaved Woodland along its extent. Tree species include Ash, Hawthorn, Blackthorn, Sycamore, Holly, and Elder. The ground layer is dominated by Ivy, Bramble, Winter Heliotrope, Wood Avens, Enchanters nightshade, Cow Parsley and Lady fern. Adjacent to the outside edge of both the woodland strip and the treelines/hedgerows that bound the route are areas of grassy verge. The routes northern extent ends at the River Boyne whose banks are dominated by reeds. The Sheephouse stream runs adjacent to and underneath the extent of the proposed development area. It is culverted for most of the route before becoming an open drain for its final 100m before discharging into the River Boyne.

Section 5.1.6 of the EclA notes there are no Annex I habitats in the study area and that much of the application footprint will occur within already sealed surfaces which are of negligible benefit to biodiversity. No rare, threatened or protected species of plants as per the Red Data List were found. No species listed in the Flora Protection Order (2015) were found to be growing within the site. The Sheephouse Stream is described as highly altered and of low local ecological value. The surrounding woodland is considered to be of moderate quality and of high local value. It is noted that the greater majority of this woodland will be retained.

10.11.2. **Breeding Birds**

One 'red listed' species (Meadow pipit) was noted foraging within the development site and surrounding fields. Two amber-listed species (Swallow and Willow Warbler) were also recorded during the breeding bird surveys conducted in 2022 and 2023. No winter bird surveys were carried out. No wetland areas or permanent large bodies of open

water are found within or proximate to the proposed development site. In terms of severance in ecological connectivity the EclA proposes bird boxes on retained trees as mitigation for impact on birds in relation to loss of habitat. Replacement tree planting is proposed along the length of the new pedestrian/cycle route. I consider the mitigation measures outlined in the EclA to be appropriate and am satisfied that if implemented will promote biodiversity and support breeding bird species.

10.11.3. **Fauna**

No otters found within 2km of the site based on historical records of the NBDC database. The Sheephouse Stream doesn't provide any possible Otter foraging potential and only carries water intermittently. No badger setts or evidence of Badger activity were found during the surveys. No records or signs during field surveys of Red Squirrel or Pine Marten were found on the site. No aquatic surveys were carried out within the Boyne. The EclA notes that the Sheephouse Stream does not have any fisheries potential. I consider the proposed development will likely have no impact on fauna or fisheries due to the lack of foraging potential on the site and based on the fact that the Sheephouse Stream only carries water intermittently.

10.11.4. **Bats**

The site was found to have low suitability for roosting and high suitability for foraging. Foraging activity was high along the River Boyne with numerous bats noted feeding along the reed fringe and adjacent willow woodland. The southern extent of the scheme site above the treeline was also active with bats, despite the light pollution from street lighting. It is noted in the EclA that the installation of bat boxes is proposed as an enhancement measure. I consider the proposed development is not likely to have significant impacts on bat roosting as there are no suitable trees or buildings located on the site to accommodate a roost. The bat surveys indicate the site is highly suitable for bat foraging. Replacement tree planting is proposed which will mitigate for the loss of the trees. I note that the bat survey has found that despite the current light pollution from street lighting, that bats are still active above the treeline. I consider bat friendly lighting and the proposed tree replanting will mitigate any negative impacts on foraging bats.

10.11.5. **Key Ecological Resources**

Below is a summary table comprising an evaluation of the Key Ecological Resources within and surrounding the subject site. (Refer to Table 8 of the EclA for full details)

| Summary of Ecological Evaluation of Resources within and Surrounding the Subject Site (From Table 8 of the EclA) | |
|---|---|
| Habitat/Species & Ecological Value | Rationale |
| International Importance European Sites: River Boyne and Blackwater SAC, Boyne Coast and Estuary SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA | Works occur adjacent to the River Boyne. River Boyne and Blackwater SAC connected to the site of works via the Sheephouse Stream. A portion of the Rathmullan Road and roadside is also located within this designated area. Hydrological connectivity with other European Sites including Boyne Coast and Estuary SAC, River Boyne and River Blackwater SPA, Boyne Estuary SPA via Sheephouse Stream and River Boyne |
| Habitats and Flora | |
| National Importance Depositing lowland River (Boyne) | The River Boyne is hydrologically linked to the site via the Sheephouse Stream. This watercourse is important for the conservation of several nationally and internationally protected species. |
| High Local Importance Upland Eroding River (Sheephouse Stream) | While this watercourse is highly altered and of limited ecological value it is important given its connectivity to the River Boyne. |
| High Local Importance Hedgerow/Treeline | A total of 63 trees most of which are immature and of low quality will be removed to facilitate this development. |
| Fauna | |
| High Local Importance Bats Foraging | Treeline removal may potentially impact Bat foraging potential along the Rathmullan Road. |
| International and National Importance Otters | None recorded within the ZOI of works. |
| High Local Importance Birds | Loss and alteration of any habitat features important for birds will occur as a result of this scheme. |
| International – High Local Importance Aquatic Fauna | No fisheries potential was noted within the Sheephouse Stream. The River Boyne is known to support a range of Aquatic Fauna |
| Cumulative Impacts | |
| Several projects were reviewed in the EclA within a 1km radius. No cumulative or in-combination impacts or effects were found as a result of any of these projects in conjunction with this proposed development. | |

10.11.6. **Potential Impacts and Mitigation and Enhancement Measures (Section 7 of accompanying EclA)**

The construction phase will involve site preparation including the clearance of trees, earthworks, excavation, installation of culverts, footpaths and finally bitumen

surfacing. Likely significant effects include habitat loss, disturbance for foraging bats, noise and visual disturbance to breeding and foraging bird species, pollution of habitats from contaminated surface-water runoff.

The table below describes the Construction & Operational Phase Impacts and the Mitigation & Enhancement Measures contained within the Applicants EclA to protect local habitats and biodiversity.

In relation to Bats, Section 7.3 highlights that works must ensure that they do not impact Bats normal functioning, emergence, foraging and navigation.

The primary ecological mitigation measures include the preparation of a CEMP for the construction works and the commission of an Ecological Clerk of Works (ECoW) to oversee the clearance and construction phase of the proposed works. I am satisfied that the proposed Mitigation and Enhancement Measures outlined in the EclA are robust and will ensure the protection of local habitats and biodiversity and that the preparation of a CEMP can be dealt with by way of condition.

| Construction & Operational phase Impacts and Mitigation & Enhancement Measures (Summary of details contained within Applicants EclA (Section 7)) | |
|---|---|
| European Sites, Rivers, Otters, King Fisher and Aquatic Fauna – Water Quality | |
| Construction & Operational Phase Impacts | Mitigation & Enhancement Measures |
| <p>There is potential for adverse impacts during the construction and operational phases. During Construction phase, likely significant effects, in the absence of mitigation include in the worst-case scenario, an accidental pollution event which would affect the water quality in the Sheephouse Stream and River Boyne. Operation and refuelling of machinery has the potential to result in leaks of hydrocarbons in the absence of mitigation. This is addressed in the applicants NIS and in Section 10 below.</p> <p>During the Operational phase negligible impacts on surface water quality or species of the Boyne are predicted. Once complete</p> | <p>Mitigation for the Protection of Water Quality Impacts are outlined in Section 7.2.3 of the EclA, which includes details of best practice for silt fencing to protect water quality during construction. It provides further detail on mitigation measures for the management of potentially polluting materials. I consider the mitigation proposed in the EclA to be adequate to protect water quality.</p> <p>No mitigation is required for Operation Phase to protect water quality and I agree that surface water runoff from the site will be like that of preconstruction conditions.</p> |

| | |
|---|--|
| <p>surface water runoff from the site and the surrounding area will be similar to that of the preconstruction conditions.</p> | |
| Bats | |
| Construction & Operational Phase Impacts | Mitigation & Enhancement Measures |
| <p>During Construction Phase, possible minor adverse short-term impacts to local bat populations in the absence of mitigation. Works will require the removal of 63 trees, the majority of which are small immature Sycamore, Elm and Ash. No trees due for removal were noted as having any bat roosting potential.</p> <p>The volume of retained trees on both sides of the Rathmullan Road ensures that the corridor overall remains intact for foraging bats.</p> <p>During Operational Phase, possible moderate long-term impacts to local bat populations in the absence of mitigation. Possible impacts are limited to lighting in previously unlit areas.</p> | <p>Construction Phase works to ensure that they do not impact bats normal function including emergence, foraging and navigation. This includes impacts of lighting and anthropogenic disturbance. Works will take place in daylight hours only. These measures are considered sufficient to prevent any adverse impacts on commuting and foraging bats during construction. Specific details of Mitigation and Enhancement is outlined in Section 7.6 & 7.6.1 of the EclA ensuring bats are not adversely affected. This detail to be included in any future CEMP.</p> <p>During Operational Phase, the EclA notes that no lighting is proposed along his corridor. I consider that a condition in relation to bat friendly lighting is more appropriate to balance the needs for cyclist and pedestrian safety.</p> |
| Breeding Birds | |
| Construction & Operational Phase Impacts | Mitigation & Enhancement Measures |
| <p>Minor adverse long-term impacts to local breeding bird populations, in the absence of mitigation. The loss of 63 trees and associated scrub habitat during the Construction Phase has the potential to affect bird populations as a result of disturbance or in worst-case scenario,</p> | <p>Construction Phase – No removal of vegetation during the breeding bird nest season (March 1st to August 31st). This can be addressed by way of condition.</p> <p>Compensation/Enhancement Proposals – Bird Boxes - For other</p> |

| | |
|--|--|
| <p>the mortality of scrub nesting breeding bird species. Mortality or disturbance of nesting birds could occur if cutting or clearance of hedgerow vegetation occurs within the breeding bird nest season (March 1st to August 31st). While the effect on local bird populations would be localised, a disturbance/mortality impact would be significant considering the legal protection afforded to birds. Increased noise and human activity during construction could also result in the displacement and reduction of the breeding success of birds within the subject site.</p> <p>However, the level of impact is considered not significant in view of the limited scale of the development and would be confined to a very localised area over the brief construction period.</p> | <p>breeding birds, the loss of nesting habitat should be partly compensated by the installation of bird boxes on the retained trees. Birdbox details are contained in Section 7.7.2 of the accompanying EclA. I consider that the compensation and enhancement measures proposed are appropriate and will provide nesting habitat which will be lost through the removal of trees to enable the construction of the proposed new pedestrian/cycle route. I am satisfied that bird boxes will support the local bird populations.</p> |
|--|--|

Treelines

| Construction & Operational Phase Impacts | Mitigation & Enhancement Measures |
|---|--|
| <p>Elements of the project involve the loss of semi-natural habitat and treelines, which are of high local ecological value at a local level.</p> <p>During Construction Phase, the proposed development will lead to the permanent loss of 63 trees. This is considered a moderately adverse long-term impact on habitats of high local significance. Impacts will be highly localised and are considered minor adverse given the abundance of similar habitats local to the site of works.</p> <p>No Operational Phase impacts to habitats are predicted.</p> | <p>Mitigation proposed includes that only trees identified for removal in the Arboricultural Impact Assessment survey to be removed. Proposing Root protection Areas (RPA) to be set up and soil not to be placed within the RPA for retained trees.</p> <p>During construction, mitigation measures proposed will protect remaining trees and root protection areas. I consider the replacement tree planting proposed in the planning application documentation will provide adequate mitigation for the loss of trees along the proposed route.</p> |

10.11.7. **Residual Impacts**

Below is a summary of the Residual Impacts as outlined in Section 8.0 of the EclA;

- **European Sites, Rivers, Otters, King Fisher and Aquatic Fauna** - With the implementation of mitigation measures to ensure the protection of watercourses (and associated habitats and species), there will be a minor localised impact on surface water quality during the construction phase and no impact during the operation phase.
- **Treelines** – The overall residual effect of the proposed development on habitats and flora will be a slight, negative effect and at a local level only.
- **Breeding Birds** – Through the prevention of the destruction and disturbance to birds nests during the construction phase, impacts on birds will be reduced to levels not deemed significant. The loss of treeline habitats is not considered significant given the abundance of this habitat and other similar habitat types locally. As such, no residual impacts are predicted.
- **Bats** – Through avoidance measures during the construction and operational phase of the development, no residual impacts are predicted. Compensation measures outlined will enhance roosting potential within the wider site. As such no residual impacts are predicted.

I consider that Residual Impacts of the proposed development have been appropriately assessed and consider that with the implementation of mitigation measures outlined in the application documentation, impacts will likely not be significant.

10.11.8. **Conclusion - Biodiversity**

I consider the EclA submitted on Further Information has provided clarification and provides a more thorough overview of ecology and biodiversity along the route and of impacts during construction and operation stages and mitigation measures proposed. However, there were some inconsistencies with the findings in relation to the Arboricultural Assessment, which I have already addressed in the Assessment of the application (Section 10 of this report).

Habitat loss and disturbance impacts will occur during the construction and operation phases which cannot be avoided or fully mitigated, and these will have a slight, negative effect on the relevant receptors at a local level. However, having reviewed the Mitigation and Enhancement Measures contained within the EclA, NIS and other accompanying documentation, I am satisfied that there would be no significant adverse impacts subject to compliance with relevant legislation, implementation of the final CEMP mitigation measures, which will reiterate all proposed mitigation contained within the planning documentation and compliance with recommended conditions.

10.12. Cumulative Effects

Given the relatively modest scale of the proposed development, cumulative effects will primarily arise from the change in character of the area. However, I consider that in the longer-term following replanting of the treeline on the eastern verge, impacts are not likely to be significant.

In the longer term, cumulative environmental effects will arise as the development becomes integrated with other sections of pedestrian/cycle routes planned for Drogheda. These impacts may be positive, with beneficial social and economic impacts. Currently, this project comes forward as a stand-alone project, being integrated only into the existing local network of footpaths/ cycle routes at its northern and southern ends.

10.13. Conclusion - Environmental Effects

At present the section of Rathmullan Road proposed for the new pedestrian/cycle route is not serviced by a public footpath. Access for local residents to and from the River Boyne walk is dangerous. The proposed shared surface aims to provide a safe passage along this section of road to the River Boyne. The proposed length is c.380 metres.

There is a balance that needs to be struck between the removal of vegetation and hedgerows and the protection of biodiversity (MCDP21 Objectives HER POL 31, HER POL 35, HER POL 37, HER POL 38, HER POL 39) and the creation of healthy and sustainable communities that encourages and facilitates walking and cycling and

general physical activity through the implementation of best practices in urban design that promotes permeability and interconnecting spaces. (MCDP21 objective SH POL 3).

I consider that the EclA submitted on Further Information provides an adequate basis for the assessment of the application and expected impacts on biodiversity, which can be further controlled by way of condition. As outlined in the conclusion of the EclA, there will be habitat loss and disturbance impacts during both construction and operational phases which cannot be avoided or fully mitigated. Having regard to the above assessment, and subject to the implementation of mitigation measures referred to in the application documentation and compliance with any recommended conditions, I consider that the proposed development would be the least detrimental option on biodiversity and visual impact, considering c. 69% of the eastern treeline will not survive in any event and it is proposed to replant this section of the eastern verge with a more resilient tree type and other native trees. The trade-off will be a safe, attractive pedestrian/cycle route for local populations to reach the amenity of the Boyne River without having to use their cars.

11.0 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
- Appropriate Assessment Screening
- Appropriate Assessment
- Appropriate Assessment Conclusions

11.1. Compliance with Articles 6(3) of the EU Habitats Directive

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.

11.2. The Natura Impact Statement

The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

The NIS was informed by the following studies, surveys and consultations:

- A desk top study, which includes reference to NPWS protected species database and online mapping, Meath and Louth County Council planning database and historical OSI maps.
- A field survey of the proposal site was undertaken on 24th February 2022.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not result in direct, indirect or cumulative impacts which would have the potential to adversely affect the qualifying interests of these European Sites with regard to the range, population densities or the site-specific conservation objectives of the habitats and species for which the sites are designated.

Relevant European Sites:

The potential for significant effects could not be excluded for:

1. River Boyne and River Blackwater SAC (002299)
2. River Boyne and River Blackwater SPA (004232)
3. Boyne Estuary SPA (004080)
4. Boyne Coast and Estuary SAC (001957)

A description of the sites and their Conservation Objectives and Qualifying Interests are set out in Section 2.1 of the Applicants NIS and summarised in this report as part

of my assessment (Table 2 – Table 5). I have included a summary of the European Sites relevant attributes and targets in my assessment. I have taken this information from that provided by the Applicant and I have also examined the Conservation Objectives and Site Synopsis and other supporting documents for these sites available through the NPWS website. (www.npws.ie). The following tables summarises the information considered for the Appropriate Assessment.

11.3. Appropriate Assessment Screening

I consider that the proposed development of is not directly connected with or necessary to the management of any European site.

Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

11.3.1. European sites considered for Stage 1 screening:

| Table 1. Summary of European Sites (SAC/SPA) Considered for Stage 1 Screening | |
|--|--|
| Qualifying Interests | Distance from Site to Qualifying Interest |
| Conservation objectives: <ul style="list-style-type: none"> To maintain favourable conservation condition M To restore favourable conservation condition R | |
| 1. River Boyne and River Blackwater SAC (002299) - Adjacent to Site Direct hydrological connection to this European site via the Sheephouse stream which discharges into the River Boyne. | |
| Alkaline fens (7230) M | c. 20km |
| Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) (91E0) R | c.350m upstream |
| Lampetra fluviatilis (River Lamprey) (1099) R | Found throughout the River Boyne system. |
| Salmo salar (Salmon) (1106) R | |
| Lutra lutra (Otter) (1355) M | |

| Table 1. Summary of European Sites (SAC/SPA) Considered for Stage 1 Screening | |
|---|---|
| Qualifying Interests | Distance from Site to Qualifying Interest |
| <p>2. River Boyne and River Blackwater SPA (004232) - c.350m upstream from Site</p> <p>Direct hydrological connection to this European site via the Sheephouse stream which discharges in the River Boyne. However, this SPA is upstream of the proposed development site.</p> | |
| Kingfisher (<i>Alcedo atthis</i>) (A229) R | Found throughout the River Boyne system. |
| <p>3. Boyne Estuary SPA (004080) – c.4.4km from Site</p> <p>Hydrological connection to this European Site via the Sheephouse stream which discharges in the River Boyne which subsequently reaches this SPA. Possible indirect impacts due to run-off from the proposed development.</p> | |
| Shelduck <i>Tadorna tadoma</i> (A048) M | Mostly found in the in the estuary downstream of Drogheda c.5km from the proposed site. |
| Oystercatcher <i>Haematopus ostralegus</i> (A130) M | This species favours intertidal areas for foraging, which is available downstream in the estuary to the east of Drogheda c.5km from the proposed site. |
| Golden Plover <i>Pluvialis apricaria</i> (A140) M | Mostly found in the in the estuary downstream of Drogheda c.5km from the proposed site. |
| Grey Plover <i>Pluvialis apicaria</i> (A140) M | Generally, a coastal species. Found c.9km downstream of the proposed site. |
| Lapwing <i>Vanellus vanellus</i> (A142) M | Generally found within the intertidal areas along the estuary c.8km from the proposed site. |
| Knot <i>Calidris canutus</i> (A143) M | Generally, a coastal species. Found c.9km downstream of the proposed site. |
| Sanderling <i>Calidris alba</i> (A144) M | Generally found along sandy shoreline habitat. Found c.9.5km downstream of the proposed site. |
| Black-tailed Godwit <i>Limosa limosa</i> (A156) M | Generally found within the intertidal areas along the estuary c. 8km from the proposed site. |
| Redshank <i>Tringa tetanus</i> (A162) M | Generally found within the intertidal areas along the estuary c.8km from the development site. |
| Turnstone <i>Arenaria interpres</i> (A169) M | Generally found along rocky shoreline habitat. Found c.9.5km downstream of site. |
| Little Tern <i>Sterna albifrons</i> (A195) M | Generally, a coastal species. Found c.9km downstream of the proposed site. |
| Wetlands (A999) M | The main wetland habitat that is of importance to waterbirds in the Boyne Estuary is located to the east of Drogheda and out along the estuary to the coast. Beginning c.4.6km from the proposed site and extending to the coast. |
| <p>4. Boyne Coast and Estuary SAC (001957) - c. 5.4km from Site</p> <p>Hydrological connection to this European site via the Sheephouse Stream which discharges in the River Boyne which subsequently reaches this SAC. Possible indirect impacts due to run-off from the proposed development.</p> | |

| Table 1. Summary of European Sites (SAC/SPA) Considered for Stage 1 Screening | |
|--|--|
| Qualifying Interests | Distance from Site to Qualifying Interest |
| Estuaries (1130) M | c. 4.6km from the proposed site |
| Mudflats and sandflats not covered by seawater at low tide (1140) M | c. 5km from the proposed site |
| Salicornia and other annuals colonizing mud and sand (1310) R | c. 9.8km from the proposed site |
| Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) (1330) M | c. 4.6km from the proposed site |
| Embryonic shifting dunes (2110) R | c. 9.4km from the proposed site |
| Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) (2120) R | c. 9.6km from the proposed site |
| Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130) R | c. 8.8km from the proposed site |
| 5. Clogher Head SAC (001459) – c. 13km from Site | |
| No source-pathway receptor links and no risk of likely significant effects identified, either alone or in combination with other plans or projects. | |
| Vegetated sea cliffs of the Atlantic and Baltic coasts (1230) M European dry heaths (4030) M | c. 13km from proposed site |
| 6. River Nanny Estuary and Shore SPA (004158) – c. 9.2km from Site | |
| No source-pathway-receptor links and no risk of a likely significant effect identified, either alone or in combination with other plans or projects. | |
| Oystercatcher <i>Haematopus ostralegus</i> (A130) M Ringed Plover <i>Charadrius hiaticula</i> (A137) M Golden Plover <i>Pluvialis apricaria</i> (A140) M Knot <i>Calidris canutus</i> (A143) M Sanderling <i>Calidris alba</i> (A144) M Herring Gull <i>Larus argentatus</i> (A184) M Wetlands (A999) M | c. 9.2km from the proposed site |

Based on my examination of the NIS report and supporting information (including AA Screening), the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I consider that in the absence of mitigation measures, the proposed development has the potential to result in significant effects on four of the six European sites referred

to above, in view of the conservation objectives of a number of qualifying interest features of those sites. This proposed development site has a direct hydrological link from the Sheephouse Stream to the River Boyne and the proposed works have the potential to cause changes to surface water quality, pollution and turbidity. The European sites which could not be excluded due to this direct hydrological link include the River Boyne and River Blackwater SAC (002299), River Boyne and River Blackwater SPA (004232), Boyne Estuary SPA (004080), and the Boyne Coast and Estuary SAC (001957).

The remaining two sites can be screened out from further assessment because no hydrological pathways were identified from the proposed development to the European Sites, no ex-situ issues arise, the small-scale nature of the proposed development, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is therefore 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 European Sites which include Clogher Head SAC (001459) and River Nanny Estuary and Shore SPA (004158) in view of the site(s) conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

Table 2: AA Summary Matrix for River Boyne and River Blackwater SAC

River Boyne and River Blackwater SAC (002299):

Description of site: This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramon and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers.

Conservation Objectives:

- To maintain the favourable conservation condition of Alkaline fens (7230), *Lutra lutra* (Otter) (1355) **M**
- To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) (91E0), *Lampetra fluviatilis* (River Lamprey) (1099), *Salmo salar* (Salmon) (1106) **R**

| Summary of Appropriate Assessment | | |
|---|--|---|
| Qualifying Interest Feature *priority habitat Annex I | Conservation Objectives & Targets Attributes (Summary) | Potential for Impact/Mitigation Measures |
| Alkaline fens (7230) M <i>20km from proposed development site</i> | Area stable or increasing. No decline in habitat distribution or size. Maintain ecosystem functions, vegetation composition and structure and hydrological regime. | I consider that there is no likely impact on this QI due to the separation distance of 20km from the proposed development. No Mitigation Required |
| Alluvial forests* with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) (91E0) R <i>c.350m upstream of proposed site.</i> | Area stable or increasing. No decline in habitat distribution or size. Maintain woodland structure and function and hydrological regime. | I consider that given their location c.350m upstream of the proposed development, no negative impacts are likely. No Mitigation Required |
| <i>Lampetra fluviatilis</i> (River Lamprey) (1099) R <i>Found throughout the River Boyne system</i> | Distribution - Restore access to all water courses down to first order streams, distribution and population structure of larvae, no decline in extent or distribution of spawning and nursery beds | I consider there is potential for changes to surface water quality due to the proposed works. Mitigation is required to protect the European Sites against changes to surface water quality (and turbidity) due to the proposed works and protect against Indirect impacts through impacts to prey species. |
| <i>Salmo salar</i> (Salmon) (1106) R <i>Found throughout the River Boyne system</i> | Distribution - Extent of anadromy, number of adult fish, salmon fry abundance, no significant decline in out migrating smolt abundance, no decline in number and distribution of redds, maintain water quality (Q4 at EPA sites sampled) | Mitigation Required |

| | | |
|---|--|--|
| Lutra lutra (Otter) (1355) M <i>Found throughout the River Boyne system</i> | No significant decline in distribution or extent of terrestrial or freshwater habitat, no decline in couching sites or holts, no significant decline in fish biomass and no increase in barriers to connectivity | |
|---|--|--|

Table 3: AA Summary Matrix for River Boyne and River Blackwater SPA

River Boyne and River Blackwater SPA (004232):

Description of site: The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries. The site is a SPA under the EU Birds Directive of special conservation for the Kingfisher, an Annex I species.

Conservation Objectives:

- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest for this SPA, Kingfisher.

Summary of Appropriate Assessment

| Qualifying Interest Feature *priority habitat Annex I | Conservation Objectives Attributes & Targets (Summary) | Potential for Impact/Mitigation Measures |
|--|---|--|
| Kingfisher <i>Alecco atthis</i> (A229) <i>Found throughout the Boyne River System</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest for this SPA, Kingfisher | I consider that potential changes to surface water quality (and turbidity) due to the proposed works and Indirect impacts through impacts to prey species are likely in the absence of mitigation. Mitigation Required |

Table 4: AA Summary Matrix for Boyne Coast and Estuary SAC

Boyne Coast and Estuary SAC (001957):

Description of site: This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramon and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers.

Conservation Objectives:

- To maintain the favourable conservation condition of Estuaries (1130), Mudflats and sandflats not covered by seawater at low tide (1140), Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) (1330) **M**
- To restore the favourable conservation condition of *Salicornia* and other annuals colonizing mud and sand (1310), Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) (2120), Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130) **R**

Summary of Appropriate Assessment

| Qualifying Interest Feature *priority habitat Annex I | Conservation Objectives Attributes & Targets (Summary) | Potential for Impact/ Mitigation Measures |
|--|--|---|
| <p>Estuaries (1130) M</p> <p><i>c. 4.6km from the proposed development</i></p> | <p>Permanent habitat area is stable or increasing. Conserve community types in natural condition: intertidal estuarine mud and fine sand with <i>Hediste diversicolour</i> and <i>Corophium volutator</i> community, and Subtidal fine sand dominated by polychaete community.</p> | <p>I consider that minor negative impacts of short-term temporary duration are likely due to the proposed works and that potential changes to surface water quality including siltification and pollution as a result of losses of these pollutants to the Sheephouse stream are also likely.</p> <p>Mitigation Required</p> |
| <p>Mudflats and sandflats not covered by seawater at low tide (1140) M</p> <p><i>c. 9.8km from the proposed development</i></p> | <p>Permanent habitat area is stable or increasing. Conserve community types in natural condition: intertidal estuarine mud and fine sand with <i>Hediste diversicolour</i> and <i>Corophium volutator</i> community, and Subtidal fine sand dominated by bi-valves community.</p> | <p>As Above</p> <p>Mitigation Required</p> |

| | | |
|---|---|---|
| Salicornia and other annuals colonizing mud and sand (1310) R <i>c. 5km from the proposed development</i> | Area stable or increasing and no decline in habitat distribution. Maintain/Restore natural circulation of sediments and organic matter without physical obstructions. Maintain pan and creek structure. Maintain natural tidal regime and range of coastal habitats including transitional zones. Maintain vegetation structure, cover & composition. | As Above Mitigation Required |
| Atlantic salt meadows (Glauco-Puccinellietalia maritima) (1330) M <i>c. 4.6km from the proposed development</i> | Area stable or increasing and no decline in habitat distribution. Maintain natural circulation of sediments and organic matter without physical obstructions. Maintain pan and creek structure. Maintain natural tidal regime, range of coastal habitats including transitional zones, maintain vegetation structure, cover & composition. | I consider that due to the separation distance of c. 4.6km to the QI and the scale of the proposed works, no likely significant effects are predicted. No Mitigation Required |
| Mediterranean salt meadows (Juncetalia maritimi) | Under Review by NPWS | Not Considered due to it being under review by NPWS |
| Embryonic shifting dunes (2110) R <i>c. 9.4km from the proposed development</i> | Area stable or increasing with no decline in habitat distribution. Maintain/Restore natural circulation of sediments and organic matter without physical obstructions. Maintain range of coastal habitats including transitional zones. Maintain vegetation structure, cover, composition, negative indicator species less than 5% cover | I consider that due to the separation distance of c. 9.4km to the QI and the scale of the proposed works, no likely significant effects are predicted. No Mitigation Required |
| Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (2120) R <i>c. 9.6km from the proposed development</i> | Area stable or increasing and no decline in habitat distribution. Maintain/Restore natural circulation of sediments and organic matter without physical obstructions. Maintain range of coastal habitats including transitional zones. Maintain vegetation structure, cover & composition. Negative indicator species less than 5% cover. | I consider that due to the separation distance of c. 9.6km to the QI and the scale of the proposed works, no likely significant effects are predicted. No Mitigation Required |
| Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130) R <i>c. 8.8km from the proposed development</i> | Area stable or increasing and no decline in habitat distribution. Maintain/Restore natural circulation of sediments and organic matter without physical obstructions. Maintain range of coastal habitats including transitional zones. Maintain vegetation structure, cover & composition. Negative indicator species less than 5% cover. | I consider that due to the separation distance of c. 8.8km to the QI and the scale of the proposed works, no likely significant effects are predicted. No Mitigation Required |

Table 5: AA Summary Matrix for Boyne Estuary SPA

Boyne Estuary SPA (004080):

Description of site: This moderately sized coastal site comprising most of the estuary of the Boyne River, located west of Drogheda. The site is a SPA under the EU Birds Directive which pays particular attention to the wetlands which form part of this SPA, the site its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Conservation Objective:

- To maintain the favourable conservation condition of Shelduck, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Black-tailed Godwit, Redshank, Turnstone, Little Tern, Wetlands **M**

Summary of Appropriate Assessment

| Qualifying Interest Feature *priority habitat Annex I | Conservation Objectives Attributes & Targets (Summary) | Potential for Impact/ Mitigation Measures |
|---|--|--|
| <p>Shelduck <i>Tadorna tadorna</i> (A048) M Oystercatcher <i>Haematopus ostralegus</i> (A130) M Golden Plover <i>Pluvialis apricaria</i> (A140) M Grey Plover <i>Pluvialis apricaria</i> (A140) M Lapwing <i>Vanellus vanellus</i> (A142) M Knot <i>Calidris canutus</i> (A143) M Sanderling <i>Calidris alba</i> (A144) M Black-tailed Godwit <i>Limosa limosa</i> (A156) M Redshank <i>Tringa tetanus</i> (A162) M Turnstone <i>Arenaria interpres</i> (A169) M Little Tern <i>Sterna albifrons</i> (A195) M</p> <p><i>Mostly found located between 5km – 9.5km from the proposed development.</i></p> | <p>Maintain the favourable conservation condition: Long term population trend stable or decreasing (% change) No significant decrease in the range, timing or intensity of use of areas by individual species (other than that occurring from natural patterns of variation)</p> <p>No significant decline in breeding population abundance- apparently occupied nests, no significant decline in productivity rate, no significant decline in distribution of breeding colonies, no significant decline in prey biomass available. No significant increase in barriers to connectivity and Disturbance – human activities should occur at levels that do not adversely affect the breeding population</p> | <p>I consider that minor negative impacts of short-term temporary duration are likely and that these bird species are not considered likely to occur often within the ZOI of the proposed development site due to the lack of optimal habitat for this species. Possible water quality impacts may affect the quality of the habitat that supports this species and the availability of its food source.</p> <p>Mitigation Required</p> |

| | | |
|---|--|---|
| <p>Wetlands (A999) M</p> <p><i>Located to the east of Drogheda and out along the estuary to the coast. Beginning c. 4.6km from the proposed development site and extending to the coast.</i></p> | <p>The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 594ha, other than that occurring from natural patterns of variation</p> | <p>I consider that minor negative impacts of short-term temporary duration are likely and that there is potential for the designated Wetland and Waterbird area, just over 4km downstream of the proposed development site to be affected by water quality impacts from the proposed works during the construction phase. These relate to changes in surface water quality through pollution lost to the Sheephouse stream which is hydrologically connected to the wetland area via the River Boyne.</p> <p>Mitigation Required</p> |
|---|--|---|

11.3.2. Potential Impacts and Recommended Mitigation Measures

In this section, I will consider the Potential Impacts and Schedule of Mitigation, which are contained in Section 3 of the Applicants NIS and summarised as follows;

11.3.3. Potential Direct Effects

- During construction phase, ingress of suspended solids, organic materials and other pollutants to surface waters could impact a number of Annex I habitats and Annex II species.
- Potential short-term and long-term impacts of polluting materials such as fuels, oils and lubricants and hydraulic fluids, can result in substantial fish kills. Accidental spillages or leaks of oil or other polluting liquids can have significant effects on fisheries. In addition, their persistence within aquatic environments can reduce water quality and ecological value within the river system beyond the construction phase of the proposed development.
- Impacts to water quality within the River Boyne may occur as a result of clearance and construction works. Works occur above and adjacent to the Sheephouse stream, which discharges into the River Boyne. As such a direct hydrological pathway exists between the proposed development site and the River Boyne and River Blackwater SAC and other European sites.

I consider the Applicant has provided a detailed description of the likely potential direct effects of the proposed development and has established that any potential impacts on water quality will occur due to construction and clearance work, which could reach the European Sites through the direct hydrological link between the Sheephouse Stream and the River Boyne.

11.3.4. Potential Indirect Effects

- Indirect effects relate to changes in prey species and feeding grounds due to impacts on water quality. For example, changes in turbidity and water quality can inhibit some invertebrate species upon which many fish species are dependent. This may then have subsequent impacts upon River Lamprey, Salmon and mammal species such as Otters. Possible impacts to prey abundance may also extend to water birds in the Boyne Estuary SPA leading to indirect impacts.
- The construction of formal surface water management infrastructure may decrease the volume of direct runoff from the Rathmullan Road, compared to the runoff from drains currently in use on the existing roadway and from the drains that discharge into the Sheephouse stream. This may positively effect water quality and Annex II species for which water quality is a key indicator of good conservation status.

I consider the Applicant has also provided a detailed description of the likely potential indirect effects of the proposed development, which focuses on the impact of water pollution on prey species. The applicant has noted a positive indirect impact which relates to the inclusion of a formal surface water management system on the road which may improve water quality discharging from the Sheephouse Stream to the River Boyne, a European Site. I consider this is a positive consideration in relation to the proposed development.

11.3.5. Potential In-Combination Effects

The applicant has highlighted an SHD planning application for 661 residential units. As mentioned previously in my report, that application was quashed on Judicial Review. Other proposed residential developments within the area, which are currently on appeal with ABP are located at a distance at a minimum of c.300m to the south of

the proposed development and I do not consider them relevant for the purposes of cumulative impacts. Hence, I believe that no cumulative impacts are likely to occur.

11.3.6. **Mitigation Measures**

The applicant has identified that adverse effects cannot be excluded for four of the European Sites discussed in Table 2 – Table 5 above. In summary, the proposed development may lead to direct impacts to water quality as a result of polluting material lost from the site of works to the River Boyne during the construction phase of the proposed development. This would lead to possible direct impacts to freshwater species including Salmon and River Lamprey within the River Boyne, as a result of water quality impacts. Indirect impacts upon the Natura 2000 Sites include possible significant changes in the physical composition of the River Boyne and River Blackwater SAC and other European sites within the Boyne River system as a result of the construction phase of the proposed development. These impacts may in turn impact upon the conservation status of a number of QI species.

Mitigation measures are aimed at addressing possible risks to water quality from the construction phase of the proposed development. The Mitigation Measures proposed in the NIS have not been broken down for the individual European Sites but rather are grouped for construction and operational phase mitigation. The European Sites that are impacted are hydrologically linked from the Sheephouse Stream located on the subject site to the River Boyne and River Blackwater SAC and other European sites outlined above. I consider this to be a reasonable approach to the mitigation, as all of the impacts are similar and relate to impacts on water quality relating to the proposed construction works, hence all of the mitigation will be comparable.

The Applicant states that NIS Mitigation Measures have been prepared with regard to the following guidance documents:

- IFI (2016) Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters. Inland Fisheries Ireland, Dublin;
- CIRIA Guidelines Control of water pollution from construction sites –Guide to Good Practice (C532); and
- Control of water pollution from linear construction projects. Technical Guidance (C648)

The applicant recommends the following Construction and Operational phase mitigation in Table 3-5 of the applicants NIS.

11.3.6.1. **Construction Phase Mitigation**

- Construction Environmental Management Plan Co-ordinator (CEMPC) will be appointed to oversee and implement measures detailed below.
- A designated Ecological Clerk of Works (ECoW) will be appointed to oversee the clearance phase and the construction phase of the proposed development. ECoW will be on site daily during clearance works and weekly during construction works.
- Silt fencing will be installed downstream of the works area within the Sheephouse stream for the duration of the clearance and construction works.
- All stationary plant must be placed on drip trays to prevent leaking oils reaching the Sheephouse stream and the River Boyne.
- No storage of equipment will take place within 5 meters of the Sheephouse stream or the River Boyne.
- A silt buster will be kept on site to capture any silty runoff that may enter the Sheephouse stream during works.
- If instream works are required a site meeting to discuss works method will be organised between IFI, Meath County Council and the projects designated Ecologist.
- Signage will be erected that clearly states that works are occurring adjacent to an ecologically sensitive area.
- All clearance works will take place during dry weather.
- No bare soils will be left exposed over night to ensure no silts, soils or organic material is lost to either the Sheephouse stream or the River Boyne.
- No stockpiling of excavated material will take place anywhere on the site given the steeply sloping nature of the site and the sites proximity to the River Boyne.
- All excavated material will be removed from site immediately.
- Any diesel or fuel oils stored on site must be bunded to 110% of the capacity of the storage tank. Design and installation of fuel tanks must be in accordance with best practice guidelines BPGCS005, oil storage guidelines.

- Drip trays and spill kits must be kept available on site.
- No washings or waste materials of any kind can be directed into the nearby drains or into the river (including concrete washout from any concrete deliveries).
- Machinery on site must have pollution control kits on hand in the event of an emergency.
- No refuelling will occur on site. This will be carried out at least 30m from the site boundary. Any fuel to be stored on site will be stored in a safe area where the likelihood of damage to the fuel container by moving vehicles is minimised. Fuel, if being stored, will be stored in a double-bunded, undamaged, fit-for-purpose storage unit, specifically designed for fuel storage.
- All site staff will be briefed regarding the environmental sensitivity of the site, including the importance of the European designated site. A Toolbox talk will be held to inform site staff of best practice required in these areas.
- All excavation equipment will be in good working order and checked daily for any hydraulic leaks/oil leaks. It will not be used unless in good working order.
- Any area of exposed soil left after the works are completed will be reseeded with an appropriate seed mixture at the end of the project.

11.3.6.2. **Operational Phase Mitigation**

- Operational impacts associated with the proposed development are limited. Where possible new hard stands of concrete and bitumen will have drains that discharge into storm water infrastructure and not the Sheephouse stream. Lighting will be appropriately located and will be considerate of bats given that this area is currently a dark area and a known bat roost has been recorded to the west of the proposed development site (Scott Cawley, 2019).

I consider the construction and operational phase mitigation outlined in the Applicants NIS to be robust, appropriate and adequate to protect the Qualifying Interests of the European Sites. I am satisfied that there will be no significant adverse impacts on European Sites subject to compliance with relevant legislation, implementation of the final CEMP mitigation measures, which will reiterate all proposed mitigation contained

within the NIS and planning documentation and compliance with recommended conditions.

11.3.7. Residual Effects

Taking account of the mitigation measures outlined above and the limited scale of the proposed development, I consider that there is no potential for residual adverse effects on these Annex I habitats, Annex II species or the overall habitat quality and integrity of the River Boyne and River Blackwater SAC or other connected European sites including River Boyne and River Blackwater SPA, Boyne Coast and Estuary SAC, Boyne Estuary SPA as a result of the proposed development.

11.3.8. NIS Omissions

I note that Table 7 of Page 3 of the Applicants NIS has been incorrectly labelled as 'Qualifying Interests of the Boyne Coast and Estuary SAC'. The contents of the Table describe the 'Qualifying interests of the Boyne Estuary SPA (004080)'. I am satisfied that this is a minor typo error and not significant to the integrity of the findings of the NIS.

11.3.9. NIS Conclusion

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

11.4. Appropriate Assessment Conclusions

The proposed development has been considered under the assessment requirements of Section 177U and 177AE of the Planning and Development Act 2000 and having regard to:

- I. The scientific information on file in respect of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, Boyne Coast and Estuary SAC and Boyne Estuary SPA,

- II. The Development Plan context for the proposed shared pedestrian/cycle route and the nature and scale of the works proposed.
- III. The location of the route along the Rathmullan Road and the compensatory and enhancement measures which are being proposed to mitigate against adverse impacts.
- IV. The potential impacts and mitigation measures proposed for the construction and operational phases of the development.

This conclusion is based on a complete assessment of all aspects of the proposed project. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would / would not adversely affect the integrity of the European site nos. 004080, 001957, 002299 & 004232. or any other European site, in view of the site's Conservation Objectives.

12.0 EIA Screening

The proposed development which involves a proposed shared cycleway and footpath c. 380m in length with a total width of approximately 2 -3m for sealed surfaces is not a class of development under the classes listed under Schedule 5 of the Planning & Development Regulations 2001 (as amended), nor is it a type of development listed under Section 50 of the Roads Act 1993, as amended and Article 8 of the Roads Regulations 1994 and hence a mandatory EIA is not required.

13.0 Recommendation

Based on the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS, the EclA and other accompanying planning documentation.

13.1. Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the policies and objectives of the Meath County Development Plan, 2021-2027 and the Louth County Development Plan 2021-2027.
- (d) 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,
- (e) the conservation objectives, qualifying interests and special conservation interests for the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957).
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and the likely significant effects of the proposed development on European Sites,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the likely effects and consequences for the environment and the proper planning and sustainable development of the area including the replanting proposed, as well as a provision of a safe, attractive shared pedestrian/cycle route to reach the amenity of the Boyne River.
- (j) the report and recommendation of the inspector.

13.2. Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Boyne and River Blackwater SAC (site code: 002299), the River Boyne and River Blackwater SPA (site code: 004232), the Boyne Estuary SPA (Site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

13.3. 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 provide a safe cycle route, which would promote sustainable travel, 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.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the further particulars submitted on the 19th September 2023 except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement and other accompanying documentation or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

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

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement, EclA and accompanying application documentation. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness, and it shall be placed on file prior to the commencement of development and retained as part of the public record.

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

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had 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. The findings of that water quality monitoring programme shall be placed on the public file, following completion of construction.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. No removal of vegetation during the breeding bird nest season (March 1st to August 31st), in the absence of the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.

Reason: In the interest of breeding bird protection and biodiversity.

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

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

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

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

8. The Local Authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the Local Authority to conduct a metal detection survey, oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works. The Planning Authority and national Monuments Service of the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

9. Public lighting shall be provided in accordance with a scheme, details of which shall be agreed with a bat specialist prior to commencement of development. The Lighting Scheme shall be kept on file as part of the public record.

Reason: In the interest of biodiversity, residential amenity and public safety.

10. The Landscaping scheme shown on the Tree Planting Plan Drawings, as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of biodiversity and visual amenity.

11. A Road Safety Audit for the pedestrian/cycle route shall be prepared prior to commencement. This shall be kept on file as part of the public record.

Reason: In the interest of cyclist and pedestrian safety.

12. Warning signage for cyclists highlighting the steep incline of the route and appropriate speed shall be erected at locations along the shared cycle/pedestrian route. Details of the signage shall be placed on the public file.

Reason: In the interest of cyclist and pedestrian safety.

Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Laura Finn

Planning Inspector

11th April 2024