



An
Bord
Pleanála

Inspector's Report ABP-315410-22

Development

The proposed development comprises the following:

1. The preservation and conservation of the former Spicer's Bakery (PS) and the demolition of associated outbuildings and sheds.
2. The renovation and extension of the former Spicer's Bakery 2-storey office building as a café with an associated public realm area inclusive of bandstand.
3. The reconfiguration of the Ramparts Car Park with new access and egress points, cycle parking, public realm area and footpaths.
4. The demolition of 4 No. terraced derelict properties along the Athlumney Road and replacement with a stepped public plaza area at the entrance to Andy Brennan Park.
5. The redevelopment of the Andy Brennan Park for active

recreational use including the refurbishment of the existing fishing platform.

6. Associated landscaping, associated pedestrian linkages including 2 No. pedestrian crossings, site drainage works, and all associated site development works.

A Natura Impact Statement has been prepared in respect of the proposed development.

Location

The former Spicer's Bakery (Registered Protected Structure), the Ramparts Car Park and Andy Brennan Park in the townland of Athlumney, Navan, Co. Meath. The application site includes a protected structure no. 90881 The former Spicer's Bakery.

Local Authority

Meath County Council

Re.

Application for approval made under Section 177(AE) of the Planning and Development Act, 2000, as amended.

Prescribed Bodies

Transport Infrastructure Ireland
Inland Fisheries Ireland

Department of Housing, Local
Government and Heritage

Observer(s)

Navan & District Anglers Association

Date of Site Inspection

20th June, 2023

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The site in question is located along Athlumney Road (the R153 Regional Road) in Navan, Co. Meath (in the townland of Athlumney), to the southeast of the confluence of the River Boyne with the River Blackwater and approximately 200m east of the town centre. It has a stated site area of c.1.7 hectares and can be described as comprising two principal constituent parts in that the proposed development relates to the carrying out of works at two separate but interlinked locations as follows:
 - 1.2. **The Former Spicer's Bakery (a Protected Structure) & the Ramparts Car Park:**
 - 1.2.1. This part of the overall site comprises that area occupied by the former 'Spicer's Bakery' and the 'Ramparts' car park to the immediate north of Athlumney Road (the R153 Regional Road) as well as a section of the public road. The majority of this land lies between Athlumney Road and the canal basin associated with the Boyne Navigation to the north. It is broadly rectangular in shape and aligned along an elongated east-west axis with the former bakery complex making up most of the site area. Although the adjoining lands to the rear (north) of the site are primarily woodland with pathways providing recreational usage, that part of the canal basin to the immediate rear of the easternmost extent of the former bakery complex (in the vicinity of Ruxton's Lock) is notable for the considerable expanse of Japanese Knotweed present alongside the waterline. A wooded area extends alongside the canal on travelling east away from the site while the headquarters of the Navan Silver Band are located to the immediate west.
 - 1.2.2. The former Spicer's Bakery complex includes a variety of warehousing, open yards, sheds and other outbuildings of later 20th Century construction, however, it is dominated by a six-bay, four-storey former corn store / mill building (since converted to a three-storey configuration) with an exposed rubble façade which extends perpendicularly from the public road and has been designated as a protected structure. The only other building of note is the former Spicer's Bakery three-bay, two-storey office building further east which fronts onto Athlumney Road. The site perimeter is defined by combination of existing structures and assorted walling.
 - 1.2.3. The Ramparts Car Park occupies the easternmost extent of this part of the site area and provides access to the Ramparts walking trail which extends east / north-eastwards along the River Boyne and canal. It is accessed directly from Athlumney

Road with narrow one-way entry and exit points. Although there are a number of mature trees in the car park, the arboricultural report submitted with the application has indicated that these specimens have outgrown their current locations.

1.3. Andy Brennan Park & the Adjacent Terrace of Dwellings:

- 1.3.1. This part of the site generally comprises a broadly triangular piece of land that encompasses Andy Brennan Park, a terrace of 4 No. two-storey dwellings in varying states of dereliction which face onto Athlumney Road, and a section of the public road. In addition, the site also includes a series of steps on the opposite side of Athlumney Road and an underpass of that roadway which both serve to link the area to the Ramparts walking route to the rear of the former Spicer's Bakery.
- 1.3.2. Andy Brennan Park is a small riverside public amenity space that includes a fully accessible play area and a pump house building (the latter of which will remain in situ as part of the proposed development). It is bounded by Athlumney Road to the north, an existing cottage to the south, the River Boyne to the west, and by the Sommerville apartments and an accountancy firm to the east. A low parapet wall separates the park from the overgrown riverbank where a small fishing / viewing platform is visible (although this is presently inaccessible from the park itself). During the course of a site inspection, it was noted that the park appeared to be underutilised with clear evidence of anti-social behaviour including graffiti, littering and discarded drink cans & beer bottles etc. While the park is directly accessible from Athlumney Road, an underpass beneath the public road links it to a pathway on the northern side of the roadway which in turn leads to the Ramparts walking route.
- 1.3.3. To the immediate north of Andy Brennan Park is a terrace of 4 No. derelict dwellings in various states of repair that face onto Athlumney Road. Although efforts have been made to secure these properties it is apparent that they have been a focus for anti-social activities.
- 1.3.4. On the northern side of Athlumney Road is a series of steps (in the ownership of An Taisce) that lead from the public road to the lower pathway linking to the Ramparts and the underpass to Andy Brennan Park.

2.0 Background and Proposed Development

2.1. Background:

- 2.1.1. In 2018 Meath County Council was successful in obtaining funding under the Urban Regeneration and Development Fund for the Navan Land Activation Project which enabled its purchase of the former Spicer's Bakery site and 4 No. derelict terraced dwellings fronting onto the R153 Athlumney Road adjacent to Andy Brennan Park (both Andy Brennan Park and the Ramparts Car Park were already in the ownership of the Council). It was considered that an integrated plan-led approach would best serve the delivery of a comprehensive redevelopment scheme of the Council's lands at this location and, therefore, consultants were commissioned to prepare an 'Overall Concept Master Plan'. This masterplan explored the potential of the entire landholding and also examined the possibility of developing linkages between it and the existing pathway network within the Ramparts area (which is in the ownership of An Taisce). The subject proposal represents the first phase of a wider redevelopment plan and it is anticipated that later phases will include the restoration of the former Spicer's Bakery and could also include the restoration of the Boyne Navigation / Canal Basin to the rear of the site as well as pathway upgrades (subject to landowner agreement and the availability of funding) which would complement the proposed works.
- 2.1.2. In further support of the proposed development, it has been submitted that following the closure of Spicer's Bakery in 2012 the site quickly fell into a state of dereliction and became a focus for anti-social behaviour before suffering a fire in that section adjacent to the headquarters of the Navan Silver Band in 2017. Moreover, the decision by the Local Authority to seek funding to purchase the complex further recognises the importance of the former Spicer's Bakery as a heritage asset and its strategic location in the context of Navan town centre.
- 2.1.3. With regard to Andy Brennan Park, this space is noted as having failed to reach its potential as a public amenity with a lack of footfall and passive surveillance resulting in a significant level of anti-social behaviour which has compounded its undesirability as a recreational space. In addition, it is considered that the dereliction of the adjacent terrace of 4 No. dwellings alongside Athlumney Road has further

contributed to instances of anti-social behaviour and the perception that the area is unsafe and uninviting as an amenity space.

2.1.4. It is anticipated that the revitalisation of the subject lands will complement the significant programme of investment in public realm and sustainable transport measures planned to be undertaken in partnership with the National Transport Authority, including the implementation of the Navan 2030 Project (Navan Town Centre Integrated Public Realm and Movement Plan). It is also considered that the works will complement the Boyne Greenway and Navigation Restoration Project with a proposed greenway to extend between Andy Brennan Park and the main gates at the Oldbridge Estate.

2.1.5. The subject proposal has thus been designed with a view to redeveloping the wider public realm as confirmed in the accompanying Design Statement which sets out the following vision for the Spicer's Mill masterplan:

'to strengthen and develop the area's existing riverfront heritage assets, environmental resources and social amenities into a dynamic range of vibrant and attractive parkland facilities, ecological protected areas and unique visitor attractions.

These are tied together through the development of a site-wide parkland network that connects the site to Navan town centre to the west, to the Ramparts walk to the east and to the Boyne Valley trail network that traverses the site and wider region'.

2.1.6. Meath County Council subsequently published notice of the proposed works in the Meath Chronicle and the Irish Independent on 17th December, 2022 and 19th December, 2022 respectively. The public notices advise that a Natura Impact Statement (NIS) has been prepared in respect of the proposed development.

2.1.7. The application was received by the Board on 22nd December, 2022 and includes the following:

- Cover Letter
- Letter of consent for planning purposes from a third-party landowner (An Taisce)
- Planning Report

- Design Statement
- EIA Screening Report
- A Desk-Based Review and Assessment of the Record of Monuments and Places, the Record of Protected Structures, and Architectural Conservation Areas
- Conservation Report / Management Plan
- Ecological Impact Assessment – Identification of Ecological Constraints
- Ecological Surveys of the area of the Spicer's Mill Masterplan
- Invasive Alien Plant Species Management & Control Plan
- Natura Impact Statement
- Bat Assessment: Spicer's Bakery, Rampart's Car Park & Andy Brennan Park
- Arboricultural report and associated drawings
- Outline Construction Management Plan
- Outline Construction & Demolition Waste Management Plan
- Engineering Services Report
- Site-Specific Flood Risk Assessment
- Report on Proposed Interventions to Existing Structures
- Traffic Impact Assessment
- Drawings (Site Location and Layout; Plans and Sections) for each location
- Copies of public notices
- Copies of letters issued to prescribed bodies
- Electronic copy of the application.

2.2. The Proposed Development:

- 2.2.1. The proposed development includes for the preservation and conservation of the former Spicer's Bakery (a protected structure) along with the demolition of later 20th Century outbuildings and sheds (which will allow the original stone buildings to be read in a form similar to when they were originally developed).

- 2.2.2. With respect to the detached six-bay, four-storey corn store / mill building (since converted to a three-storey configuration), until such time as a sustainable use can be identified for this structure, it is proposed to preserve its fabric by ensuring that the building is made secure and weather-tight through the introduction of reversible installations. These will include the infilling of the full extent of the ground floor window / door openings on the western and eastern elevations of the structure with brickwork / concrete blockwork and the fitting of temporary plywood panelling within higher-level openings.
- 2.2.3. The former Spicer's Bakery two-storey office building is to be restored, adapted and extended in line with best conservation practice in order to accommodate its reuse as a café opening onto a new public realm space. The incremental extensions abutting this structure are to be removed and replaced with a new single storey glazed extension (floor area: 65m²) that will wrap around the northern and western elevations of the original building. This new extension has been designed to allow for minimum intervention, reversibility, and the maximum retention of existing fabric. A bin store will be positioned alongside the eastern elevation of the new café and this will be screened from view by metal railings.
- 2.2.4. The Ramparts Car Park will be extended and reconfigured to provide for additional car parking (totalling 64 No. spaces) with new access and egress points, bicycle parking, and footpaths. The remainder of the site area between the former corn store / mill building to the west, the canal basin to the north, and the eastern site boundary will be redeveloped as a public realm / amenity space incorporating a new plaza adjacent to the proposed café, a bandstand, landscaping, tree planting, and new footpaths maintaining a pedestrian link through to the Ramparts Trails.
- 2.2.5. The proposed development also provides for the redesign & redevelopment of Andy Brennan Park. This will include for the demolition of a terrace of 4 No. derelict dwellings fronting onto Athlumney Road to provide for a public plaza with stepped integrated seating areas at the entrance to Andy Brennan Park. The park itself will be redeveloped as an 'active urban park' that will incorporate a variety of potential uses including an active play area, basketball hoop, skate area, cycling pump track, parkour area and a 'canal boat' play area or similar such uses. An existing inaccessible viewing / fishing platform onto the River Boyne is to be replaced / refurbished with a larger and more accessible viewing platform.

- 2.2.6. The existing underpass of the Athlumney Road / Somerville Bridge (RPS No. 90878), which provides for access between Andy Brennan Park and the Ramparts Trails, is to be upgraded as part of the proposed works. In addition, the existing narrow stairwell of steps (in the ownership of An Taisce) that link to the Ramparts off Athlumney Road will be replaced and a new pedestrian crossing provided at road level to ensure safer access between the steps and the new plaza within Andy Brennan Park.
- 2.2.7. Associated site development works include landscaping, services, pedestrian linkages, including 2 No. pedestrian crossings, and site drainage works.

3.0 Relevant Planning History

3.1. On Adjacent Lands:

- 3.1.1. ABP Ref. No. JP17.300875. Was determined on 26th November, 2018 granting Meath County Council approval under section 177AE of the Planning and Development Act, 2000, as amended, for the construction of 7 No. boat slipways with access to these slipways from adjacent roads on the River Boyne at Manorlands (1st Division) and Bective, Trim and at Athlumney, Ferganstown and Ballymacon, Balreask Old and Ardmulchan, Navan and on the River Blackwater at Abbeyland, Navan, Co. Meath (Further information received on 31st August 2018 indicated that it was no longer proposed to proceed with the development of a Boat Slipway at Bective).

4.0 Legislative Requirements

4.1. The EU Habitats Directive 92/43/EEC:

- 4.1.1. The principle aim of the Habitats Directive is to maintain and, where necessary, restore the favourable conservation status of natural habitats and species across Europe thereby contributing to sustainable development and promoting the maintenance of Europe's biodiversity. Most notably, it establishes the Natura 2000 network which provides an ecological infrastructure for the protection of sites that are of particular importance for rare, endangered or vulnerable habitats and species

within the EU. Accordingly, in the context of the subject proposal, Articles 6(3) and 6(4) of the Directive (as set out below) are of particular relevance:

4.1.2. Article 6(3):

‘Any plan or project not directly connected with or necessary for 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 its conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having gained the opinion of the general public’.

4.1.3. Article 6(4):

‘If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the member State shall take all compensatory measures necessary to ensure that the overall coherence of the Natura 2000 site is protected. It shall inform the commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest’.

4.2. **European Communities (Birds and Natural Habitats) Regulations, 2011:**

- 4.2.1. 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.

4.3. National Nature Conservation Designations:

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

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

- The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299)
- The River Boyne and River Blackwater Special Protection Area (Site Code: 004232)

4.4. The Planning and Development Act, 2000, as amended:

4.4.1. Section 177AE(1) of the Planning and Development Act, 2000, as amended, states that where an Appropriate Assessment is required in respect of a development by a local authority that is within the local authority's functional area, the local authority shall prepare, or cause to be prepared, a Natura Impact Statement.

4.4.2. In accordance with subsection (3), where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the Appropriate Assessment.

4.4.3. Section 177AE(6) states that before making a decision in respect of the proposed development, the Board shall consider the NIS submitted by the local authority, any submission or observations made in accordance with subsections (4) or (5), and any other information furnished in accordance with subsection (5) relating to -

- i. The likely effects on the environment of the proposed development.

- ii. The likely consequences for proper planning and sustainable development in the area in which it is proposed to situate the said development of such development, and
- iii. The likely significant effects of the proposed development on a European site.

5.0 Policy Context

5.1. National and Regional Policy:

5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. Chapter 6: *‘People, Homes and Communities’* outlines how location, place and accessibility influence the quality of life that people enjoy.

5.1.2. Section 28 Ministerial Guidelines:

The following Section 28 Ministerial Guidelines are of particular relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate:

- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009)
- Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)
- Architectural Heritage Protection, Guidelines for Planning Authorities (2004) as amended.

5.1.3. **The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region:**

Navan is identified as a 'Key Town' in the Core Region. Such 'Key Towns' are large towns which are economically active towns that provide employment for their surrounding areas. They have high-quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.

The following Regional Policy Objectives are of note with respect to the subject proposal:

- RPO 4.43: Support the implementation of the Public Realm Plan 'Navan 2030' to make the town a more attractive place to live, shop, visit, and do business.
- RPO 4.45: Support the extension of the Boyne Greenway to include Navan to promote sustainable transport choices and as a recreation asset for the town, subject to the outcome of the planning process and environmental assessments.
- RPO 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.
- RPO 9.15: Local authorities shall support the vision and objectives of the National Sports Policy, including working with local sports partnerships, clubs, communities and partnerships within and beyond sport, to increase sport and physical activity participation levels locally.

5.2. **Local Planning Policy:**

5.2.1. **Meath County Development Plan, 2021-2027:**

Land Use Zoning:

The following land use zonings apply to the proposed development site:

- The former Spicer's Bakery complex:
C1: Mixed Use: To provide for and facilitate mixed residential and employment generating uses.

- The Ramparts car park:

H1: High Amenity: To protect and improve areas of high amenity.

- The terrace of dwellings:

A1: Existing Residential: To protect and enhance the amenity and character of existing residential communities.

- Andy Brennan Park:

Although the park is primarily zoned as '*H1: High Amenity*', its northeastern extent is zoned as '*A1: Existing Residential*'.

Other Relevant Sections / Policies:

Vol. 1: Written Statement:

Chapter 2: Core Strategy

Chapter 3: Settlement and Housing Strategy

Chapter 4: Economy and Employment Strategy:

Section 4.11.1: *Rural Enterprise*

ED POL 25: To support sustainable game and coarse angling throughout the Boyne Valley in County Meath in line with normal planning considerations so as to enhance and support angling tourism in addition to protecting and raising awareness of aquatic based species and habitat improvement.

Chapter 7: Community Building Strategy

Section 7.7.6: *Existing Sport and Leisure Infrastructure:*

SOC POL 34: To cater for the sporting and recreational needs of all sectors and ages of the community and promote the integration of those with special needs into the sporting and recreational environment.

SOC POL 35: To require the provision of alternative open space, leisure and sporting facilities provision where such existing facilities are being discontinued as part of development proposals.

SOC POL 36: To ensure that new leisure facilities, where possible, are located in proximity to public transportation routes and where they can

best meet the needs of the community that the facilities are intended to serve.

SOC POL 37: To facilitate the development of children's play areas and playgrounds in proximity to existing and proposed neighbourhoods, where feasible.

Section 7.7.7: Open Space:

SOC POL 38: To promote the development of a wide variety of high quality accessible open space areas, for both active and passive use, and formal and informal activities in accordance with the Core Strategy and Settlement Strategy and the standards set out in Chapter 11 Development Management Standards and Land Use Zoning Objective taking into account any environmental sensitivities including likely significant effects on European Sites (SACs and SPAs).

SOC POL 39: To protect the integrity of Natura 2000 sites during the identification of suitable sites for recreation, in particular in terms of their design and use.

SOC POL 40: To resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location.

SOC OBJ 14: To examine existing public open spaces and carry out improvements where necessary to increase their usefulness as recreational spaces.

SOC OBJ 15: To ensure public open space is accessible, and designed so that passive surveillance is provided.

SOC OBJ 16: To provide multifunctional open spaces at locations deemed appropriate providing for both passive and active uses.

SOC OBJ 17: To ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents.

Chapter 8: Cultural and Natural Heritage Strategy:

Section 8.6: Archaeological Heritage

Section 8.7: Architectural Heritage

HER POL 14: To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.

HER POL 15: To encourage the conservation of Protected Structures, and where appropriate, the adaptive re-use of existing buildings and sites in a manner compatible with their character and significance. In certain cases, land use zoning restrictions may be relaxed in order to secure the conservation of the protected structure.

HER POL 16: To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate.

Section 8.8: Natural Heritage

Section 8.9: Biodiversity

Section 8.10: Invasive Species

Section 8.17: Landscape

Chapter 11: Development Management Standards and Land Use Zoning Objectives

Vol. 2: Written Statement and Maps for Settlement: Navan:

Section 4.0: Opportunities:

As part of the strategy of securing more compact growth there is an opportunity to promote the development of vacant and under-utilised lands in the urban core. The progression of the Flowerhill Regeneration Project and Land Activation Scheme, both of which were funded under the Urban Regeneration and Development Fund, will support the delivery of more consolidated growth in parts of the town that have experienced under-investment and decline.

The implementation of the Public Realm Strategy 'Navan 2030' will provide greater connectivity between streets and urban spaces, improve the pedestrian network in the town thus creating a stronger pedestrian environment, which will improve social interaction and make the town centre a more attractive place to visit.

Section 5.1.2: Urban Regeneration and Active Land Management:

Through the implementation of the Active Land Management Strategy and the progression of projects funded by the Urban Regeneration and Development Fund the Council is taking a proactive approach to urban regeneration. Part of this Active Land Management Strategy is to regularly monitor vacant sites and support the regeneration of areas in the town that have experienced decline and a lack of investment.

Section 5.4: Cultural, Natural and Built Heritage

Section 5.5: Green Infrastructure:

There is a significant opportunity to create a network of green spaces in the town which would provide a means of linking communities with amenity facilities, it is an objective of this plan to prepare a green strategy for Navan.

It is also an objective of this Plan to support the management and enhancement of green infrastructure assets and corridors.

Section 5.6: Social Infrastructure

Section 5.7: Urban Design and Public Realm:

'Navan 2030', which is an integrated public realm and movement plan for the town seeks to make a positive improvement to the public realm of the town. One of the objectives of the strategy is to improve the connections between the historic and more modern streets and create an environment where people can enjoy the urban core.

In addition to supporting improvements to the public realm a strong emphasis is also being placed on creating an attractive urban environment where there is a strong sense of place. New buildings and spaces should make a positive contribution to the character and identity of Navan.

Section 7.0: *Town Development Policies and Objectives:*

NAV OBJ 4: To support the progression and delivery of projects funded by the Urban Regeneration and Development Fund, including:

- The Flowerhill Regeneration Project
- The Land Activation Scheme
- The County Hall Regeneration Project including the restoration of St. Patrick's Classical School.

NAV OBJ 38: To implement the 'Navan 2030' Public Realm Strategy and support the progression and delivery of projects funded by the Urban Regeneration and Development Fund, including:

- The Flowerhill Regeneration Project
- The Land Activation Scheme
- The County Hall Regeneration Project including the restoration of St. Patrick's Classical School.

Appendix 6: Record of Protected Structures:

Ref. No. 90881: Spicer's Bakery: Detached six-bay four-storey former corn store built c. 1860 with exposed rubble facade. Now in use as bakery.

5.2.2. Navan 2050 Vision Plan:

This document sets out a strategic long-term plan for the sustainable growth and development of Navan town with the stated vision *'To build an economically vibrant and environmentally sustainable town, with a distinctive and attractive public realm, and high quality of services for all'*. It includes a series of key guiding principles that form a statement of purpose to define how the Local Authority will shape the sustainable growth and development of the town such as *'Improvements to streets and urban spaces in the town by upgrading the pedestrian network and developing safe and high-quality areas for social interaction to be delivered as part of the Navan 2030 Public Realm Strategy and subsequent Public Realm Strategies thereafter'*.

5.2.3. **Navan 2030: ‘A Smart Future’ (Navan Town Centre Public Realm Strategy), 2017:**

This Public Realm Strategy sets out the strengths and opportunities of Navan and a range of integrated and centralised interventions that will support and enhance the future of Navan as a vibrant and attractive County Town.

6.0 EIA Screening

- 6.1. The proposed development includes for (1) The preservation and conservation of the former Spicer’s Bakery (a protected structure) along with the demolition of later 20th Century outbuildings and sheds; (2) The renovation and extension of the former Spicer’s Bakery 2-storey office building as a café with an associated public realm area inclusive of bandstand; (3) The reconfiguration of the Ramparts Car Park with new access and egress points, cycle parking, public realm area and footpaths; (4) The demolition of 4 No. terraced derelict properties along the Athlumney Road and replacement with a stepped public plaza area at the entrance to Andy Brennan Park; (5) The redevelopment of the Andy Brennan Park for active recreational use including the refurbishment of the existing fishing platform; and (6) Associated landscaping, associated pedestrian linkages including 2 No. pedestrian crossings, site drainage works, and all associated site development works; all in the townland of Athlumney, Navan, Co. Meath.
- 6.2. By reference to Class 10(b)(iv) of the Planning and Development Regulations, 2001, as amended, *“urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”* necessitates mandatory Environmental Impact Assessment EIA). In the subject instance, the proposed development involves an area of c. 1.7 hectares located along Athlumney Road in Navan, Co. Meath, approximately 200m east of the town centre and beyond the limit of the ‘Commercial Town or Village Centre’ land use zoning as identified on Sheet No. 28(a): ‘Land Use Zoning’ of the Meath County Development Plan, 2021-2027. Accordingly, the proposed development site could reasonably be categorised as falling within a built-up area located outside of the business district of Navan town.

6.3. Given that the current proposal is sub-threshold for the purposes of EIA, it is necessary to carry out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations as follows:

1. *Nature of the Development:*

Is the nature of the proposed development exceptional in the context of the existing environment?

The proposed development includes for the redevelopment of the former Spicer's Bakery as a public amenity (incorporating the conservation and preservation of a protected structure and the reuse of a former office building as a café), the rejuvenation of Andy Brennan Park, the extension and reconfiguration of the Ramparts car park, and wider improvements to the public realm including improved accessibility between Athlumney Road, Andy Brennan Park and the Ramparts walking trails. It forms part of a wider masterplan for the redevelopment of the Local Authority's lands in the area that will include investment in the public realm and sustainable transport measures for the surrounding area.

The development will be located in an existing built-up area alongside the River Boyne and the Boyne Navigation Canal where the surrounding lands are characterised by a variety of uses. I do not consider that the nature of the proposed development is exceptional in the context of the existing environment.

Will the development result in the production of any significant waste, emissions or pollutants?

The works will give rise to some construction and demolition waste (such as that attributable to the demolition of the later 20th Century outbuildings and sheds within the former bakery complex and derelict terraced housing along the Athlumney Road) as referenced in the accompanying Outline Construction Management Plan and the Outline Construction & Demolition Waste Management Plan. This can be managed in accordance with normal construction practices and through adherence to an agreed Construction

Environmental Management Plan (CEMP). It is not considered that the operation of the proposed development will give rise to any significant emissions or waste.

Construction works could temporarily affect noise, odour, and air quality within the surrounding area, however, these issues are capable of being satisfactorily mitigated.

2. Size of the Development:

Is the size of the proposed development exceptional in the context of the existing environment?

The proposed development site extends to a site area of c. 1.7 hectares and is located in a well-developed and built-up area of Navan town. The project will connect to existing mains services. The size and extent of the development itself is not considered to be exceptional given the context of the existing environment.

Are there significant cumulative considerations having regard to other existing and/or permitted projects?

It is not considered that the development will give rise to any significant cumulative impacts having regard to other existing or permitted projects.

3. Location of the Development:

Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?

The site adjoins the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and an NIS has been prepared to assess the potential impacts of the proposed development on these sites. The NIS has concluded that, subject to best construction practices and the implementation of mitigation measures, the proposed development would not give rise to any significant adverse effects on designated European Sites, alone or in combination with other plans or projects.

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?

The works include for the redevelopment of the former 'Spicer's Bakery' which has been designated as a protected structure (with the 'detached six-bay four-storey former corn store' identified in the National Inventory of Architectural Heritage (Reg. No. 14010089) as being of regional importance due to its architectural quality). While the development site lies outside of the Historic Town of Navan and does not include any known archaeological site or monument, the archaeological potential of the area has been acknowledged. These matters have been considered in the accompanying 'Desk-Based Review and Assessment of the Record of Monuments and Places, the Record of Protected Structures, and Architectural Conservation Areas', the Conservation Report / Management Plan, and the 'Report on Proposed Interventions to Existing Structures'. It is considered that, subject to appropriate mitigation, the proposed development will not negatively impact on archaeological or built heritage considerations.

The development will connect to public services. The proposal also satisfies the requirements of the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*' and is unlikely to have any adverse impact on the existing flood regime of the area.

Accordingly, having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment, therefore, is not required.

7.0 The Natura Impact Statement

- 7.1. The subject application has been accompanied by a Natura Impact Statement (NIS) prepared in support of a conceptual masterplan for the development of lands at Spicer's Mill, Navan. This document includes a screening exercise which concluded that following an examination, analysis and evaluation of the relevant information, and by applying the precautionary principle, it was not possible to exclude (on the

basis of objective information and in the absence of specific prescribed precautionary / mitigation measures) that the proposed masterplan, either alone or in-combination with other plans or projects, would not impact on the Qualifying Interests, and the attainment of specific Conservation Objectives, of the Natura 2000 sites identified therein i.e. The River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), with the result that Stage 2 Appropriate Assessment and the preparation of an NIS were required.

7.2. The NIS (as informed by the screening exercise) sets out the potential impacts of the proposed development (alone or in combination with other projects and plans) that are likely to give rise to significant effects on the European sites before detailing the mitigation measures that are to be introduced to avoid, reduce or remedy any such adverse effects on the integrity of the European sites.

7.3. Both the NIS and the application have been informed by accompanying documentation including:

- An Ecological Impact Assessment (EcIA) – Identification of Ecological Constraints (April, 2022)
- Ecological Surveys of the Area of the Spicer's Mill Masterplan (September, 2022)
- Invasive Alien Plant Species Management & Control Plan (September, 2022)

7.4. The assessment of impacts presented in the NIS found that there is the potential for significant (indirect) effects on a number of qualifying interest habitats and species which could result in adverse effects upon the integrity of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA arising from impacts on water quality, the spread of alien invasive plant species, and increased disturbance (during construction). However, with the full implementation of the specified mitigation measures, it has been submitted that no adverse effects on the integrity of the European sites will occur in light of the conservation objectives of those sites.

8.0 Prescribed Bodies and Other Submissions

8.1. In accordance with the provisions of Section 177AE(4)(b), the following prescribed bodies were notified of the proposal and copies of the application and the accompanying Natura Impact Statement were circulated to same:

- Department of Housing, Local Government and Heritage: Built Heritage / Architectural Heritage
- Department of Housing, Local Government and Heritage: Built Heritage / Architectural Heritage: Development Applications Unit
- Department of Housing, Local Government and Heritage: Archaeology
- Department of Housing, Local Government and Heritage: Parks and Wildlife / Natural Heritage
- Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media: Development Applications Unit
- The Minister of Tourism, Culture, Arts, Gaeltacht, Sports and Media
- Department of Culture, Heritage & the Gaeltacht: National Monuments Service: Archaeological Licensing Unit: Development Applications Unit
- National Parks & Wildlife Services: Development Applications Unit
- Electricity Supply Board
- The Heritage Council
- Inland Fisheries Ireland
- National Transport Authority
- Irish Water
- An Taisce
- Transport Infrastructure Ireland
- Waterways Ireland

8.2. Prescribed Bodies: Submissions Received

- 8.2.1. *Transport Infrastructure Ireland*: States that the Authority will rely on the Board to abide by official policy in relation to development on / affecting national roads as outlined in the DoECLG's '*Spatial Planning and National Roads, Guidelines for Planning Authorities, 2012*'.
- 8.2.2. *Inland Fisheries Ireland*: In specific reference to the plans to redevelop Andy Brennan Park for active recreational use, while the riverbank between the park and the River Boyne is currently overgrown and rough underfoot, its proximity to both the river and town centre presents an excellent opportunity for developing angling access along a stretch of the river which is currently not utilised for angling; the platform currently *in situ* is a viewing platform, and is not designed nor suitable for angling. With appropriate works and installation of suitable angling structures, it is submitted that this stretch of the river alongside Andy Brennan Park could be made readily accessible for all anglers, including children learning how to fish for salmon and trout. Furthermore, there is the potential for the development of angling structures suitable for wheelchair users and people with limited mobility.
- 8.2.3. *Department of Housing, Local Government and Heritage*: Based on the information contained in the Archaeological Assessment Report and the description of the likely archaeological mitigation strategy, it is recommended that the following condition be included in any decision to grant permission:

'Pre-Development Assessment, Pre-Development Recording and Testing shall consist of the following:

1. The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts, 1930-2004) to finalise and co-ordinate a full programme of archaeological mitigation at the development site. The archaeological mitigation strategy will include the recording of buildings to be demolished, pre-development testing at the site and assessment of all areas of the development as recommended in Section 6.3 of the Archaeological Assessment Report (page 63). No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. The finalised Archaeological Mitigation Strategy will be forwarded to the Planning Authority and to the National

Monuments Service of the Department of Housing, Local Government and Heritage for written agreement in advance of commencement of any development works.

2. The archaeologist is required to notify the National Monuments Service of the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the works.
3. The Archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
4. Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage for consideration.
5. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and / or monitoring may be required and the National Monuments Service of the Department of Housing, Local Government and Heritage will advise the Applicant / Developer with regard to these matters.
6. No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the National Monuments Service of the Department of Housing, Local Government and Heritage.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest'.

8.3. Observations

8.3.1. Navan & District Anglers Association:

- Welcomes the principle of the redevelopment of the subject lands and recognises that the area has suffered in recent years due to neglect, dereliction, urban decay, a lack of community spirit and anti-social behaviour.
- The Navan & District Anglers Association enjoys exclusive fishing rights to c. 25km of river in the environs of Navan – including that stretch of the River Boyne bounding Andy Brennan Park. The River Boyne alongside Andy Brennan Park was once renowned as a prolific salmon and trout fishery, however, arterial drainage works in the latter half of the 20th Century and the development of the relief road on the western bank of the river severely disrupted the habitats and devastated angling in the town centre.
- The failure of Andy Brennan Park as a public space has resulted in a portion of the Association's fishery becoming almost totally restricted, inaccessible and unfished. The riverside along the park is now severely overgrown and neglected with instances of anti-social behaviour.
- The Association aims to promote angling in Co. Meath and engaged with the Development Plan process culminating in the inclusion of Policy ED POL 25 as follows:

'To support sustainable game and coarse angling throughout the Boyne Valley in County Meath in line with normal planning considerations so as to enhance and support angling tourism in addition to protecting and raising awareness of aquatic based species and habitat improvement'.

Therefore, the Association is disappointed that the subject application makes no reference to the foregoing policy. It is further contended that there are clear shortcomings in the development and that the Council has failed in its obligation to adhere to the policies of its own Development Plan.

- The contribution of angling to the social heritage of the town has been overlooked in the preparation of the application with the development missing an opportunity to recognise Navan's fishing history.

- The redevelopment of Andy Brennan Park is poorly designed and will not enhance riverside amenity or enable the river to be utilised for angling and other water-based activities. The scheme should be redesigned to sensitively incorporate public utilisation of the riverside.
- Contrary to the proposed '*refurbishment of the existing fishing platform*', the Association is unaware of the presence of any such platform. While there is an existing storm / foul pipe outflowing into the river which has a metal railing, this is not a fishing platform and any reference to its use as such is a significant error. Accordingly, the proposal should instead be assessed as providing for '*The redevelopment of the Andy Brennan Park for active recreational use including the ~~refurbishment~~ provision of ~~the existing~~ a fishing platform*'.
~~refurbishment~~
- Revised drawings should be submitted to include for the provision of an accessible and purpose-built fishing platform in Andy Brennan Park in line with Policy ED POL 25 of the Development Plan. Such a platform could form a centrepiece of the park and would maximise river enjoyment, promote fishing and fulfil the potential of the area.
- Any development along the River Boyne should have regard to the Association's ongoing conservation goals and projects.
- The Association developed a detailed plan for its club waters on the Boyne in 2014. That plan included for the placement of spawning gravel in the main channel of the river along with the placement of boulders and rock deflectors to aid fish passage and promote effective spawning. It was anticipated that these works would be carried out by the Office of Public Works in conjunction with Inland Fisheries Ireland and facilitated by Meath County Council. In 2018, when the pedestrian bridge was being developed alongside 'New Bridge', funding was secured from the IFI to cover the cost of c. 400 tonnes of spawning gravel at that location, however, an apparent project management conflict resulted in the window for the rehabilitation works closing and the funding being diverted from the club. The redevelopment of Andy Brennan Park provides an opportunity to revisit this project and to incorporate the instream enhancement works.

- The proposed works present an opportunity to deliver an attractive riverside development in line with the IFI's guidance titled '*Planning for Watercourses in the Urban Environment, 2020*' which outlines an integrated watercourse protection strategy for rivers, lakes and streams in built-up areas. This guidance strongly advocates the incorporation of amenity uses such as walks and angling in watercourse protection planning.
- It is regrettable that the terrace of dwellings proposed for demolition was allowed to fall into dereliction and that the Local Authority did not intervene sooner to prevent its decay. This eyesore that has become of this terrace and the associated anti-social behaviour is simply attributable to neglect and should not form a reason for its removal. In this regard, it is submitted that the demolition of the terrace has not been justified while its replacement with a stepped plaza to the park demonstrates short-sightedness.

An opportunity exists for the terrace to be retained and repurposed as public facilities (noting the potential for the future development of a greenway along the former Boyne Navigation between Navan and Drogheda).

Given that the Council has not proffered a clear immediate use for the Spicer's bakery building as part of the subject application, a similar case can be made for the retention and redevelopment of the terrace.

The Board is therefore requested to omit the proposal for the demolition of the terrace and to incorporate its retention and reuse into the wider redevelopment.

- Appropriate provision should be made to ensure that the Association's rights of access, fishing rights, and right to protect and enhance the fishery are not only protected but incorporated into a revised design of Andy Brennan Park.
- Due consideration should be given to the potential for angling infrastructure to be developed in Andy Brennan Park in a considered manner that would assist in the promotion of angling and the conservation and enhancement of the River Boyne as a habitat.

9.0 Planning Assessment

9.1. Under the provisions of Section 177AE(6) the Board is required to consider the following in respect of this type of application:

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

I propose to assess the subject proposal under these three broad headings as follows.

9.2. The Likely Effects on the Environment:

9.2.1. The most significant potential for impacts arises in relation to water quality and Natura 2000 sites and these are discussed in the appropriate assessment below. Aside from these, I consider that the main environmental impacts of the proposal can be summarised under the following headings:

- Impact on built heritage
- Archaeological implications
- Landscape and visual impact
- Flood impact assessment
- Traffic implications
- Human beings
- Angling / fishing considerations
- Impact on flora and fauna

9.2.2. Impact on Built Heritage:

9.2.3. The proposed development provides for the redevelopment of the former 'Spicer's Bakery' as part of a wider plan-led approach towards the rejuvenation of the surrounding area and the improvement of the public realm. In this regard, it is of relevance to note that the former 'Spicer's Bakery' has been designated as a protected structure by reason of its inclusion in the Record of Protected Structures

set out in Appendix 6 of the Meath County Development Plan, 2021-2027 (RPS No. 90881) wherein it is described as follows:

“Spicer’s Bakery: Detached six-bay four-storey former corn store built c. 1860 with exposed rubble facade. Now in use as bakery”.

- 9.2.4. This structure is further identified in the National Inventory of Architectural Heritage (Reg. No. 14010089) as being of regional importance due to its architectural quality (with the description referencing the double-pitched hipped roof, natural slates, coursed rubble & whitewashed walls, sash and casement windows, flush brick surrounds to openings, and the segmental arches to reveals internally).
- 9.2.5. However, the totality of the former Spicer’s Bakery is made up of a wider complex of structures which includes an assortment of sheds, warehousing, open yards and other outbuildings. In this respect, it is of relevance to note that while the majority of these structures are typically of a later 20th Century construction and of negligible built heritage interest, both the former corn store (i.e. the protected structure) and the two-storey building fronting onto Athlumney Road which previously housed the offices of the former bakery are worthy of preservation.
- 9.2.6. At this point, I would refer the Board to the ‘*Conservation Report / Management Plan*’ submitted with the application (as supplemented by the ‘*Desk Based Review and Assessment*’ prepared by Niall Roycroft) which details the historical development of the former bakery and its relationship with the canal which previously ran directly alongside the rear of the mill building. By way of summation, the Spicer’s Mill complex can be seen to have developed incrementally with the original corn store / mill building having been added to and altered over time. For example, the detached six-bay, four-storey corn store / mill building has since been converted to a three-storey configuration while the bakery complex was extended to the east with the addition of large-scale industrial units. The culmination of these changes is that while the original mill / corn store (the protected structure) remains legible from the public road and is complemented by the remaining ensemble of buildings along Athlumney Road (as well as the canalside walling) which contains elements of stonework that relate to the mill / corn store thereby linking to the industrial heritage of the site, the incremental infilling of yard spaces and the addition of more contemporary industrial

buildings has served to detract from the overall character and setting of the original construction.

9.2.7. The conservation strategy adopted for the subject proposal aims to provide for the preservation and adaptive reuse (in part) of those structures to be retained within the former bakery complex in tandem with the opening up of the site as a public amenity. Firstly, it includes for the preservation and conservation of the former mill / corn store building (the protected structure) along with the demolition of the later 20th Century outbuildings and sheds thereby allowing the original stone buildings to be read in a form similar as to when they were first constructed. Until such time as a sustainable use can be identified for the protected structure, it is proposed to preserve its fabric by ensuring that the building is made structurally safe, secure and weather-tight through the introduction of reversible installations. This will include the infilling of the full extent of the ground floor window / door openings on the western and eastern elevations of the structure with brickwork / concrete blockwork and the fitting of temporary plywood panelling within the higher-level openings. Further works include making good the party wall between the Navan Silver Band and the derelict two-storey townhouse on site while the steel frame and external block wall that forms the boundary between the two properties will be temporarily retained (with structural bracing, the removal of the roof, and the installation of concrete coping to provide for the dispersal of rainwater) so as to form part of later discussions as regards the future use of the bakery (corn store) building. The remaining bakery machinery / industrial equipment within the existing building will also be retained to allow for its incorporation into any heritage experience that may form part of future development plans. The culmination of this aspect of the conservation works will be the securing and readying of the protected structure for future development while allowing for the redevelopment of the remainder of the former bakery complex to proceed.

9.2.8. The former Spicer's Bakery two-storey office building (located further east alongside Athlumney Road) is to be restored, adapted and extended in line with best conservation practice in order to accommodate its reuse as a café (with offices overhead). The incremental extensions abutting this structure will be removed and replaced with a new contemporary extension that will wrap around the northern and western elevations of the original building. This single storey extension has been designed to allow for minimum intervention, reversibility, and the maximum retention

of existing fabric. A bin store will also be provided adjacent to the eastern elevation of the new café although this will be sited within a screened area.

- 9.2.9. The space between the protected mill building and new café will be developed into a stepped public plaza incorporating outdoor seating areas and a bandstand for musical performances. The remainder of the bakery lands will also provide for a new amenity space that will integrate with an extended 'Ramparts' car park thereby allowing for improved linkages with the Ramparts walking trails and an overall enhancement of the public realm.
- 9.2.10. Other ancillary works proposed within that part of the site occupied by the former Spicer's Bakery and the Ramparts Car Park include the lowering of the walling alongside the canal and the insertion of brick infill into any existing openings within same.
- 9.2.11. With respect to the proposed redevelopment of Andy Brennan Park, this element of the proposal includes for the demolition of a terrace of 4 No. derelict dwelling houses that front onto Athlumney Road in order to provide a new public plaza with stepped seating at the entrance to the park. While concerns have been raised by a third party that the demolition works have not been justified, it should be noted that none of the properties have been designated as protected structures nor are they within an Architectural Conservation Area. In my opinion, the terrace is of limited significance from an architectural and built heritage perspective while its poor state of repair serves to detract from the wider streetscape. I am also cognisant that the removal of this terrace as part of the wider public realm works will serve to open up views of Andy Brennan Park from Athlumney Road thus creating a more pleasant vista and improved passive surveillance which should in turn reduce the potential for anti-social behaviour and entice more welcome active usage of the parkland.
- 9.2.12. The works also include for the upgrading of the underpass of the Athlumney Road at Somerville Bridge (RPS No. 90878), which provides for access between Andy Brennan Park and the Ramparts Trails, in addition to the replacement of the narrow series of steps which link this space with the main road. Although Somerville Bridge has been designated as a protected structure, it has already been widened and lowered since it was first built in 1792 while the parapets and associated stepped access date from the 1930s. The intention is not to alter the bridge itself but to lower

the ground level beneath in order to increase the available headroom while also providing for restoration works and improved lighting. The existing stairwell is of little built heritage value and its replacement will provide for improved access to the Ramparts off Athlumney Road.

9.2.13. Having reviewed the available information, it is my opinion that the overall design and layout of the proposed development has taken due cognisance of the sensitivities of the site location and will serve to preserve the historical and built heritage value of the former Spicer's Bakery and its immediate surrounds while making a positive contribution to the wider public realm.

9.2.14. **Archaeological Implications:**

The proposed development site lies outside of the Historic Town of Navan and does not include any known archaeological site or monument, however, the archaeological assessment entitled '*Desk Based Review and Assessment*' and prepared by Niall Roycroft (which reviews the site from an archaeological and heritage perspective providing further detail to the '*Conservation Report / Management Plan*') includes an acknowledgement that the general area in the vicinity of Navan and the confluence of the Rivers Boyne and Blackwater has a fairly high potential for lost archaeological objects that were once in the river channels. While this potential is tempered by the extensive dredging of the channel which has occurred at this location, it is further noted that such dredging is typically mounded onto the river banks and thus archaeological objects may still survive in the area (albeit in a different location).

9.2.15. The assessment proceeds to detail the historical development of the wider site and includes an annotated photographic record of its structures. It subsequently recommends that a full record of all buildings, walls and components be undertaken before any demolition works and that the site is thoroughly trial trenched with any archaeological or historical features uncovered then assessed for preservation in situ or by record. In support of the foregoing, the assessment notes that while the former gravel quarry to the east of the original Spicer's Bakery site and the Ramparts Car Park will have removed much of the archaeological potential, the pit may have been filled with items from Navan town that may include material of interest. In addition, there may be dredging material present on site. It has also been suggested that

while the former Metges Lock and mill races etc. were removed from that area currently occupied by Andy Brennan Park as part of the Boyne Drainage Scheme, the level of preservation is unknown and thus some elements of this fabric may remain.

9.2.16. Notwithstanding that the proposed development site does not include any known archaeological site or monument and does not fall within any Zone of Archaeological Potential, given its proximity to the Historic Town of Navan and the potential for archaeological or historical features to be uncovered during the works (as set out in the submitted archaeological assessment), it has been recommended by the Department of Housing, Local Government and Heritage that any grant of approval should include a condition requiring further pre-development assessment, testing and recording as per the archaeological mitigation strategy set out in Section 6.3 of the Archaeological Assessment Report. In this regard, it should be noted that several of the policies and objectives in the County Development Plan seek to secure the protection and conservation of items of archaeological heritage interest and it is my opinion that the proposed development would satisfactorily comply with these provisions, subject to the inclusion of a condition in keeping with the Department's recommendation.

9.2.17. Landscape and Visual Impact:

The proposed development site is located within the '*Boyne Valley*' Landscape Character Area as shown on Map 3: '*Landscape Sensitivity*' of the Landscape Character Assessment included at Appendix A.05 of the Meath County Development Plan, 2021-2027. However, while this particular landscape character area is considered to be '*highly sensitive*' and of '*exceptional landscape value*', it must be acknowledged that the subject site is located within the built-up confines of Navan town and that the proposal itself involves the redevelopment of an underutilised 'brownfield' site in tandem with the rejuvenation of an existing amenity area with a view to improving the wider public realm. In this regard, I am satisfied that the proposed development adheres to the general policy provisions set out in the landscape character assessment, including Policy 22 which aims '*to encourage the restoration of, and sustainable and suitable uses for, historic buildings as part of the essential character of all settlements in County Meath*' as well as Policy 23 which seeks '*to encourage the development of compact urban forms by consolidating*

existing development boundaries and utilising brownfield sites in preference to expanding urban areas into the countryside and adjoining settlements’.

9.2.18. The development itself will serve to improve the overall appearance and aesthetics of both the application site and the surrounding area by redeveloping the dilapidated former Spicer’s Bakery site into a public amenity while also removing an unsightly terrace of derelict properties from alongside Athlumney Road as part of a redesign of Andy Brennan Park. Any new constructional elements (such as the single-storey contemporary extension proposed to the former Spicer’s Bakery office building and the expanded Ramparts Car Park) are comparatively minor in terms of their scale and visual impact with the broader scheme making a positive contribution to the wider public realm.

9.2.19. **Flood Impact Assessment:**

From a review of the available information, particular consideration needs to be given to the potential flooding implications of the proposed development due to the site location relative to the River Boyne and the former Boyne navigation canal as well as the proximity of lands that are known to be at risk of flooding. In this respect, I would advise the Board that on examination of the most up-to-date flood mapping for the area prepared by the Office of Public Works as part of its CFRAM programme (which is available on www.floodinfo.ie and has informed the development of Flood Risk Management Plans for specific areas), it can be confirmed that while there is no historical record of past flood events on site (although there are reported instances of flooding in its vicinity relating to the Rivers Boyne and Blackwater), the mapping showing the ‘*CFRAM River Flood Extents – Present Day*’ indicates that sections of the site fall within the modelled extent of those lands that might be inundated by fluvial floodwaters in the ‘low’ (0.1% AEP), ‘medium’ (1% AEP) and ‘high’ (10% AEP) probability scenarios. Furthermore, when account is taken of climate change, the extent of the site area likely to be inundated by fluvial flooding is shown to be considerably greater in the CFRAM ‘River Flood Extent’ mapping of the ‘Mid-Range’ and ‘High-End’ future scenarios.

9.2.20. In addition to the foregoing, the Strategic Flood Risk Assessment (SFRA) prepared as part of the Meath County Development Plan, 2021-2027 shows that almost all the site area to the south of Athlumney Road (encompassing Andy Brennan Park and

those lands occupied by the terrace of derelict housing) lies within the identified extent of Flood Zone A (where the probability is greater than 1% or 1 in 100 for river flooding as defined by the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'). To the north of the roadway, that part of the development site which links Andy Brennan Park to the Ramparts walking route via the existing underpass, along with some elements of the former Spicer's Bakery complex, is similarly shown to be within the modelled extent of Flood Zone A. The SFRA also details that a considerable extent of the former Spicer's Bakery complex, including the original corn store / mill building (the protected structure) and the former office building, falls within Flood Zone B (where the probability of flooding from rivers is between 0.1% or 1 in 1,000 and 1% or 1 in 100).

- 9.2.21. At this point, I would draw the Board's attention to the Site-Specific Flood Risk Assessment (SSFRA) prepared for the application with a view to identifying and quantifying the risk of flooding associated with the proposed development. Section 4.8 of that report references the various flood modelling and asserts that 'Catchment 1' (Car Parking) and 'Catchment 2' (Andy Brennan Park) are protected by a line of hard flood defences (walls) against a 1% AEP flood event before noting that the finished floor levels of the proposed café and the Spicer's bakery will also be higher than the 1% AEP CFRAM node level marked for the River Boyne.
- 9.2.22. Upon review of the aforementioned details, I would have reservations as regards the veracity of the claims made with respect to the extant flood defences. It is my understanding that the flood walling referenced (as shown on the OPW mapping set out in Appendix E of the SSFRA) only provides protection to Andy Brennan Park against a 10% AEP flood event (not a 1% AEP event) and this would seem to be confirmed by the extent shown for the 1% fluvial flood event. Secondly, while Section 4.8 of the SSFRA states that the finished floor levels of the proposed café and the former Spicer's bakery building (the protected structure) will be above the 1% AEP CFRAM node level and the 0.1% AEP level, it should be noted that the mapping for both the Strategic Flood Risk Assessment (prepared as part of the Meath County Development Plan) and the OPW's CFRAM shows both buildings as lying within Flood Zone B i.e. where the probability of flooding from rivers is between 0.1% or 1 in 1,000 and 1% or 1 in 100.

- 9.2.23. With respect to the appropriateness of the various aspects of the proposed development from a flood risk management perspective, I would refer the Board to Table 3.1 of the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*' which sets out the classification of various land uses / development types which are either highly vulnerable, less vulnerable, or water-compatible. In effect, the appropriateness of a particular development type within a given 'Flood Zone' depends on its vulnerability rating (as per the matrix set out in Table 3.2 of the Guidelines) and may also be reliant on satisfying all the criteria of the 'Justification Test' contained in Box 5.1 of the Guidelines.
- 9.2.24. In relation to the former corn store / mill building (the protected structure), the proposal aims to preserve its fabric by ensuring that the building is made secure and weather-tight (through the introduction of reversible installations such as the infilling of window and door opes) until such time as a sustainable use can be identified for its reuse. In this regard, it is my opinion that as this element of the proposed development does not include for any change of use and as the nature of the works involved is comparatively minor, it will not impact on flooding considerations.
- 9.2.25. The broader element of the works on that part of the site occupied by the former Spicer's bakery complex involves the removal of various structures (thereby considerably reducing the building footprint on site) and the provision of a new public space including an extension of the Ramparts Car Park (the degree of flood defence offered by the existing walling defining the northern boundary of the former Spicer's bakery will be retained in situ). Within Section 5.2 of the SSFRA, it has been submitted that this aspect of the proposal can be categorised as 'amenity open space' which amounts to 'water-compatible development' and, therefore, it is an 'appropriate' development type within Flood Zone B by reference to Table 3.2 of the Guidelines. I would concur with this assessment.
- 9.2.26. With regard to the extension and reuse of the former Spicer's Bakery office building as a café, both the existing construction and much of the proposed development will occur on lands within Flood Zone B (with a lesser part of the works located beyond the modelled extent of those lands that might be inundated by a 1 in 1,000 flood event as per the mapping showing the 'CFRAM River Flood Extents – Present Day' i.e. within Flood Zone C). Accordingly, the case has been put forward in the SSFRA that commercial development such as a café is 'appropriate' in Flood Zone B by

reference to Tables 3.1 & 3.2 of the Guidelines as it amounts to a 'less vulnerable' class of development. On balance, I am in agreement with this position and while some concerns may arise as regards the potential for that part of the new extension works within Flood Zone B to displace floodwaters elsewhere, I would suggest that the scale of the works involved is so minor as to have a negligible impact on flood levels while any such effect is likely to be compensated in large part by the loss of existing building fabric within the floodplain as part of the wider redevelopment proposal.

9.2.27. In reference to the redevelopment of Andy Brennan Park, while these works will take place within Flood Zone A, the provision of 'amenity open space' is an 'appropriate' development type at this location and accords with the Guidelines.

9.2.28. Therefore, on the basis of the foregoing, it can be confirmed that all elements of the proposed development are 'appropriate' within their respective fluvial flood zones by reference to Table 3.2 of the Guidelines thereby negating any requirement to undertake a 'Justification Test'.

9.2.29. In terms of the potential for pluvial flooding, Section 4.6 of the SSFRA refers to the Navan Pluvial Study (derived from the OPW's Preliminary Flood Risk Assessment) which includes predictive flood maps showing those areas expected to be inundated during a theoretical or 'design' flood event with an estimated probability of occurrence. Figure 4-5 of the SSFRA (as extracted from the PFRA) subsequently indicates that no part of the development site lies within the predicted 1% AEP pluvial flood extent (this would seem to be confirmed by the most up-to-date CFRAM mapping). The report further notes that there is no evidence of any surface water treatment or attenuation facilities on site and that runoff from the lands would not appear to discharge to any stormwater drain or combined sewer network (with public records indicating that there is no existing surface sewer water network serving the development site). In order to properly manage surface water runoff on site and to mitigate against any potential risk of pluvial flooding, the proposed development includes for the construction of a new surface water drainage system which has been designed to incorporate SuDS measures with an allowance also being made for climate change as per the Greater Dublin Strategic Drainage Study.

9.2.30. Section 5.3 of the SSFRA also outlines how access and egress will remain possible to the development in the event of an emergency during an extreme flood event given that the entrance arrangements onto the R153 Athlumney Road and the surrounding road network are both located outside of Flood Zones A and B. Further mitigation is to be provided by the setting of the finished floor levels and the gate levels of the proposed buildings higher than the 1% AEP flood level while the drainage infrastructure will be designed and constructed in accordance with the relevant standards.

9.2.31. Having considered the foregoing, it is my opinion, that the submitted proposal includes for an adequate assessment of the risk of flooding and satisfies the requirements of the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'. The proposal is unlikely to have any adverse impact on the existing flood regime of the area.

9.2.32. Traffic Implications:

The Traffic Impact Assessment submitted with the application establishes the baseline traffic conditions in the vicinity of the proposed development by reference to a series of junction surveys undertaken at several locations in the study area. Beyond these junctions it is anticipated that any traffic generated by the proposed development will dissipate considerably and thus will have a negligible impact on the operation of the wider road network. The TIA proceeds to estimate the trip generation attributable to the proposed development primarily by comparing the number of car parking spaces proposed (64 No.) to that already present within the Ramparts Car Park (53 No.). In effect, it has been submitted that the proposed development could potentially generate a maximum of 11 No. additional vehicular trips on the local road network during peak hours (with this calculation considered to be very conservative given the utilisation percentages observed for the existing parking regime on site). Section 6 of the TIA subsequently analyses the potential operational traffic impact of the proposed development and concludes that in a worst-case scenario the percentage impact on the junctions surveyed will be below the thresholds set out in both the Traffic and Transport Assessment Guidelines, 2014 issued by Transport Infrastructure Ireland and the Meath County Development Plan, 2021 (Section 11.2.1) for detailed junction analysis. By extension, it has been

asserted that the impact of the proposed development on the local road network will be negligible with no need for any remedial or mitigation measures.

- 9.2.33. While I would acknowledge the findings of the TIA, I would have some reservations that it has chosen to base its assessment primarily on the number of additional parking spaces to be provided along with the amenity use of the lands in the absence of any express assessment of the potential trip generation attributable to the proposed café use. However, notwithstanding the aforementioned omission, in my opinion, it would be reasonable to take cognisance of the likely traffic volumes associated with the historical use of that part of the site previously occupied by the former Spicer's bakery complex. In this regard, I am inclined to suggest that any traffic impact consequent on the proposed café would be unlikely to exceed that associated with the previous bakery operation.
- 9.2.34. With respect to the potential impact of construction traffic, I am inclined to suggest that such matters, including the management and parking of construction vehicles, can be satisfactorily mitigated by way of condition. In this regard, I note that the applicant has indicated that the hours of construction and the timing of deliveries will avoid peak times etc. in order to minimise the potential for congestion and conflicting traffic movements. In addition, the Outline Construction Management Plan commits to the development of a final Construction Management Plan for agreement with the Local Authority in advance of the commencement of works. Although a degree of disturbance and disruption is to be expected given the nature of the works proposed, including the relocation and installation of pedestrian crossings on Athlumney Road and the likelihood that temporary traffic controls may be put in place, I would suggest that the short-term impacts arising are of limited significance.
- 9.2.35. Therefore, on balance, I am satisfied that the surrounding road network has sufficient capacity to accommodate the traffic volumes consequent on the proposed development without detriment to public safety.

9.2.36. **Human Beings:**

During the course of the construction works there is an inherent potential for the generation of increased levels of noise and dust etc., however, considering that such works will be temporary in nature, I am satisfied that the short-term impacts arising will not give rise to any undue loss of amenity to surrounding properties.

9.2.37. **Angling / Fishing Considerations:**

The principal concern raised in the submission received from the Navan & District Angler's Association (which enjoys exclusive fishing rights to approximately 25km of river in the environs of Navan – including that stretch of the River Boyne bounding Andy Brennan Park) is that the design of the proposed development does not provide for improved access to the River Boyne for angling purposes contrary to Policy ED POL 25 of the County Development Plan which aims *'to support sustainable game and coarse angling throughout the Boyne Valley in Co. Meath in line with normal planning considerations so as to enhance and support angling tourism in addition to protecting and raising awareness of aquatic based species and habitat improvement'*. The observer has also taken exception to the description of the proposed works as providing for the refurbishment of an existing fishing platform given its assertion that no such platform presently exists. Moreover, it has been submitted that the development as proposed represents a lost opportunity to further enhance riverside amenity and to undertake previously planned in-stream rehabilitation works (intended to aid fish passage and to promote effective spawning) as part of an integrated watercourse protection strategy.

9.2.38. With respect to the observer's request that the redevelopment plans should be amended to incorporate greater provision for angling facilities, I am not in a position to comment on the level of engagement between the parties concerned or to speculate on the rationale which informed the decision of the Local Authority to progress the proposal as submitted. While it is regrettable that the proposed development does not appear to satisfy the observer's angling ambitions, the inclusion of an upgraded and accessible viewing / fishing platform would appear to have been made as part of a proactive effort to open up the amenity value of the riverside. In this regard, while the observer is of the opinion that the platform proposed would be unsuitable for angling / fishing purposes, I would suggest that the improvements to riverside access offered by the proposed development would lend themselves to some form of angling activities albeit on a less formal or more casual basis. To require the provision of angling facilities on a greater scale to those proposed is likely beyond the scope of this application and I would suggest that it is not for the Board to impose such an obligation. Similarly, any in-stream rehabilitation works sought by the observer are beyond the confines of the subject proposal. In my

opinion, the Local Authority is perhaps best positioned to consider the specific needs of the observer and to assess the feasibility of incorporating same into its wider plans for the area.

9.2.39. **Impact on Flora and Fauna:**

The proposed development has been informed in part by the ecological sensitivities associated with the application site and the surrounding area. In this regard, I would refer the Board in the first instance to the '*Ecological Impact Assessment – Identification of Ecological Constraints*' (EclA) prepared by Forest, Environmental Research and Services (FERS) and dated April, 2022 which was commissioned to provide an overview of the habitats present and to identify the potential ecological constraints of any development. In addition to noting those designated sites in the vicinity of the survey area, including the River Boyne and River Blackwater Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area, and the extensive list of species of conservation concern in the area in question through reference to the National Biodiversity Data Centre database, the EclA provides a summation of the habitats within the receiving environment which include '*Built Land and Artificial Surfaces*', the River Boyne and Boyne Navigation Canal, '*Mixed Broadleaved Woodland*', and parkland. It also notes that a large variety of non-volant mammals such as Badgers, Fox, Pygmy Shrew and Brown Rat, would be expected to utilise the available habitats present while Otter are known to occur in the immediate vicinity (this species also being a qualifying interest of the River Boyne and River Blackwater SAC). In addition, it is accepted that the habitats occurring are almost certain to support a diversity of both breeding and wintering bird species (with Kingfisher being a qualifying interest of the River Boyne and River Blackwater SPA).

9.2.40. Perhaps most significantly (excluding the Natura 2000 sites which will be considered elsewhere in this report), the EclA states that the habitats occurring within the study area are optimal for a number of bat species with the site itself falling within the second highest suitability index for bats. Against this backdrop, it is recommended that a comprehensive year-long survey be undertaken in order to assess the use of the habitats present by bats.

9.2.41. It is of further significance that the EclA raises concerns as regards the presence of invasive alien plant species (as listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended), many of which are broadly associated within riparian systems, occurring within watercourses or proliferating along riverbanks, with Japanese Knotweed known to be present on site and a high likelihood of Himalayan Balsam also occurring.

9.2.42. The EclA concludes that given the ecological sensitivity of the site location and the international ecological importance of the lands in question and associated ecological corridors and habitats, the proposed development has the potential to impact on the ecological / biodiversity resource present. Moreover, it is recommended that a detailed suite of ecological surveys be undertaken in order to identify the ecological constraints as regards any significant development of the site. This survey work should include habitat surveys, the mapping of any alien invasive plant spaces, and a bat survey.

9.2.43. The applicant subsequently commissioned FERS to document the results of ecological surveys carried out in response to the recommendations of the EclA which culminated in the *'Ecological Surveys of the area of the Spicer's Mill Masterplan'* dated September, 2022. Chapter 2 of this document outlines the survey methodologies applied while the results are set out in Chapter 3 and can be summarised as follows:

- There are no terrestrial or aquatic Flora Protection Order plant species or Red Data List species present within the Masterplan area;
- There are significant populations of two plant species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended.
 - There are well-established populations of Japanese Knotweed in the vicinity of the buildings associated with Spicer's Mill. In March, 2022 it was observed that the population to the rear of the mill buildings had been extensively disturbed with a further survey on 9th September indicating that the population had spread significantly along virtually the entire length of the buildings. However, the disturbance did not occur

adjacent to flowing water and thus the spread has been limited by the static nature of the water in the canal. Another smaller population of Japanese Knotweed was recorded within an area of concrete and wall along the main road to the fore of Spicer's Mill.

- Himalayan Balsam was observed in an area proximate to Andy Brennan Park (generally alongside the wall on the boundary of the park) and propagules of this species are almost certainly present along the riverbank at the Ramparts and any disturbance would likely result in a proliferation of the species.
- The woodland habitats and riparian corridor are important to the local avifauna resource;
- The habitats present, in particular the River Boyne and Boyne Navigation Canal, Woodland habitats and old / derelict buildings, are likely to support populations of commuting / foraging / roosting bats of several species (all of which are listed on Annex IV of the EU Habitats Directive).
- Both the River Boyne and the Boyne Navigation Canal are utilised by Kingfisher which has been observed utilising both habitats;
- Virtually no signs of non-volant mammals were observed (including trail camera footage) – likely owing to the high levels of human use and the high levels of dog & domestic cat activity; and
- Although no otter were observed during target surveys, otter are certain to utilise both the river habitats and Boyne Navigation Canal habitat and the terrestrial habitats adjacent, although activity is curtailed by human and dog presence.

9.2.44. The broader findings of the survey work are that a large proportion of the study area comprises habitat of a high ecological value – primarily the River Boyne and its associated riparian habitats, the Boyne Navigation Canal and the woodland habitat – while the majority of the '*Built Land and Artificial Surfaces*' and the '*Amenity Grassland*' are of limited ecological significance, although the structures present almost certainly support assemblages of bat species. The primary constraints (bats notwithstanding) are considered to comprise the potential impacts on water quality,

the spread of invasive alien plant species (Japanese Knotweed and / or Himalayan Balsam), and the disturbance of fauna – in particular Otter and Kingfisher. Therefore, it is recommended that the primary conservation priorities for the biodiversity resource identified should be:

- To maintain and enhance the water quality of the River Boyne;
- To maintain / enhance the ecological integrity of the Boyne River ecological corridor;
- To prevent any negative impacts on the Conservation Objectives of the Qualifying Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA;
- To prevent the introduction of species of alien invasive plant to the masterplan area, prevent the spread of such species already present; and
- To eradicate (Japanese Knotweed) or control (Himalayan Balsam) such species already present.

9.2.45. Section 4.5 of the 'Ecological Surveys' report proceeds to make the following recommendations as regards future habitat management at the site:

- 1) A biodiversity and habitat management plan be prepared and implemented so as to maximise the benefits to local ecology.
- 2) The preparation and implementation of an Alien Invasive Plant Control and Management Plan in order to eradicate (Japanese Knotweed) or control (Himalayan Balsam) such species at the site.
- 3) The preparation and implementation of a Bat Conservation Management Plan in order to ensure that any development within the study area is conducive to the continued use of the habitats by bats.

9.2.46. The report further recommends that annual monitoring (to include a baseline assessment prior to development) of bat usage be undertaken in order to assess any potential impacts on the local bat population and to mitigate against any such impacts.

9.2.47. Following on from these recommendations (and the Natura Impact Statement), the Local Authority has prepared an '*Invasive Alien Plant Species Management and*

Control Plan’ (September, 2022) and has also undertaken a detailed ‘*Bat Assessment*’ (2022) to inform the assessment of the subject proposal.

9.2.48. The ‘*Invasive Alien Plant Species Management and Control Plan*’ notes that several species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended, have been recorded within the 10km square in which the Spicer’s Mill masterplan is located. These include Three-Cornered Garlic, Japanese Knotweed and Himalayan Balsam while Giant Hogweed is known to occur c. 20km downstream with Giant Rhubarb recorded several kilometres upstream. On this basis, it is accepted that there is a significant risk that any disturbance on site could result in the spread and / or introduction of these species at / to the site. Field surveys have further confirmed the presence of Japanese Knotweed and Himalayan Balsam on site while it is possible that there are propagules of other invasive species, such a Giant Hogweed, buried in sediment within the River Boyne or the Boyne Navigation Canal that would germinate under suitable conditions. Therefore, the aims of the Plan are:

- To eradicate Japanese Knotweed from the masterplan area prior to any works being undertaken to prevent its spread / dispersal.
- To eradicate the current population of Himalayan Balsam from the site prior to any works being undertaken (noting that complete eradication of the species is not possible owing to a continuous ‘seed-rain’ from populations upstream) with a management protocol established to control this species to prevent its further spread within the masterplan area.
- To prevent the import / export of propagules of any invasive alien plant species to / from the masterplan area.

9.2.49. Section 3.3 of the Plan sets out the measures to be employed for the effective control of Japanese Knotweed and recommends from an ecological point of view that herbicide application be through injection when the plants occur within 5m of the Boyne Navigation Canal as the canal itself lies within the River Boyne and River Blackwater SAC & SPA. It also states that a derogation licence may be required as Qualifying Interests, including Lamprey and Kingfisher, are almost certain to occur in the vicinity of the main Knotweed population.

- 9.2.50. Within Section 3.4 it is recommended that the small population of Himalayan Balsam at the site be controlled by a management program entailing the bi-annual monitoring of the masterplan area and the hand-pulling of plants before their seed-heads present. It is envisaged that such actions could potentially rid the general area of Himalayan Balsam within 2-3 No. years, although they would have to be maintained as a management measure.
- 9.2.51. Strict biosecurity measures are to be employed to prevent the spread of Japanese Knotweed within and from the site (through its eradication from infected areas which are to be surveyed and declared free from infestation prior to any works in the vicinity). Similar measures are to be put in place as regards preventing the spread of Himalayan Balsam, however, where it is necessary to work in contaminated areas, every effort is to be made to not use tracked machines with all equipment and vehicles that have been used in potentially contaminated areas to be pressure-washed in a designated wash-down area each time they leave the works site and once work in that area has been completed (these precautions will also apply to footwear, PPE, tools and other light equipment as well as vehicles leaving the area). Furthermore, only biosecure vehicles will be permitted to transport any potentially contaminated soil while strict wash-down procedures will be required before exiting any infected area. The importation of the propagules of any other Third Schedule species is to be prevented by requiring written guarantees that any imported materials or machinery etc. are free from contamination.
- 9.2.52. The Plan also recommends that a comprehensive monitoring program be put in place post-development with bi-annual monitoring to be undertaken for three years post construction to ensure the eradication measures have been successful (copies of this monitoring are to be provided to the Local Authority and the National Parks and Wildlife Service in order to illustrate compliance with the Plan).
- 9.2.53. Accordingly, it has been submitted that provided all the measures outlined in the Alien Invasive Species Management and Control Plan are implemented, the risks regarding the spread or dispersal of alien invasive species consequent on the proposed development will be reduced to negligible levels.
- 9.2.54. In response to the likely presence of bats on site and the recommendations of the *'Ecological Surveys of the area of the Spicer's Mill Masterplan'*, the application has

been accompanied by a '*Bat Assessment: Spicer's Bakery, Ramparts Car Park & Andy Brennan Park Project, Navan, Co. Meath*' (2022) prepared by Dr. Tina Aughney, Bat Eco Services. This report includes details on the legislative protection afforded to bats in Ireland, the potential impacts arising as a result of development, the rationale for the survey methodologies employed by reference to applicable guidance, and the possible use of bat mitigation measures (including their suitability or effectiveness for certain bat species).

9.2.55. Chapter 2 of the Assessment details how the bat survey methodology entailed the carrying out of various daytime and night-time surveys with a view to establishing the nature and extent of bat activity within the study area. These included inspections of buildings and structures on site, Tree Potential BAT Roost (PBRs) inspections, bat habitat & commuting routes mapping, dusk and dawn surveys, walking transects, and passive static bat detector surveys. The results of this survey work are set out in Chapter 3 with an evaluation of same provided in Chapter 4 of the Assessment.

9.2.56. By way of summation, five species of bat were recorded within the survey area: Leisler's Bat, brown long-eared bat, Daubenton's bat, soprano pipistrelle and common pipistrelle. More notably, roosts were recorded for two species as follows:

- Within the terrace of housing proposed for demolition alongside Andy Brennan Park - Soprano Pipistrelle: Likely to be a small maternity roost or a large satellite roost.
- The mill building (the protected structure) within the former Spicer's Bakery complex - Individuals of Soprano Pipistrelle and Brown Long-Eared Bats: Likely to be satellite or day roosts.
- Within the internal walls of the derelict townhouse (adjacent to the Navan Silver Band building) - Individuals of Soprano Pipistrelle: Likely to be a satellite roost.

9.2.57. The bat activity recorded during the bat detector surveys and the static surveillance is deemed indicative of roosting, commuting and foraging individuals. Soprano Pipistrelle and Common Pipistrelle were the most frequently recorded with Leisler's bat being the third most frequently recorded species. All remaining bat species recorded had a low level of activity. In excess of 20 No. soprano pipistrelles were recorded emerging from a collapsed section of the roof within the middle of the

terraced houses adjacent to Andy Brennan Park (suggesting they are roosting within the attic space of those properties) with individuals commuting to The Ramparts by traveling along the existing path under and over the road bridge towards the River Boyne. Brown long-eared bats were recorded foraging and commuting in the wooded area of the Ramparts between Spicer's Bakery and the River Boyne while Daubenton's bats were primarily recorded foraging over the River Boyne, their preferred feeding habitat.

- 9.2.58. Overall, the survey results demonstrate that the survey area is an important location for bat populations as it likely provides roosting, foraging and commuting habitats for all of the bat species recorded. This is considered to be of particular note given the location of the survey area in a largely expanding urban setting and as the Ramparts and its associated habitats offer the opportunity for it to be managed as a biodiversity area with bats as a keystone species group.
- 9.2.59. Having established the level of bat activity in the area, it is necessary to assess the potential impact of the proposed development having regard to Chapter 5: '*Impact Assessment & Mitigation*' of the Bat Assessment. In this respect, it is of particular note that the proposed development includes for the demolition of the terrace of derelict dwellings adjacent to Andy Brennan Park thereby resulting in the permanent loss of a soprano pipistrelle maternity / satellite roost which is described as likely to have a slight to moderate impact on the bat population. In order for this aspect of the works to proceed it has been submitted that it will be necessary to obtain a Derogation Licence from the National Parks and Wildlife Service and to provide for appropriate mitigation. Alternative bat roosting will be required in advance of any licence application and it is recommended that this be provided in the upper levels of the former corn store / mill building (the protected structure) with plans drawn up to meet the roosting requirements of both soprano pipistrelle and brown long eared bat. Once access to the second-floor level of the mill is possible, it is proposed to undertake further survey work to investigate potential roosting and to determine a suitable location for a new bat loft as part of the mitigation proposed.
- 9.2.60. With regard to the proposed conservation and preservation works for the mill building itself, having referenced the Conservation Management Plan provided with the application, it has been noted that the removal of the later 20th Century additions to the structure will require further investigation so as to determine the potential impact

on any bat populations that may be resident in same. Concerns have also been raised that although the works are intended to preserve the building fabric by ensuring that it is made secure and weather-tight, due to the presence of roosting bats, it will be important to ensure that access remains to the rear of the structure via an existing open window. Further issues arise as regards the need to ensure that repair works etc. such as those to be carried out to the gable walls of the derelict townhouse abutting the Navan Silver Band property do not result in the entombing of bats and / or the loss of roosting sites. Similar concerns arise as regards the proposal to remove the majority of the historic stone walls and the possible loss of crevices that may afford roosting opportunities. The potential loss of any roosting sites from within wall crevices and the gable wall of the derelict townhouse has been described as having a permanent but not significant negative impact on bat species.

9.2.61. The removal of the 3 No. existing trees within the Ramparts Car Park that have been categorised as 'Potential Bat Roost' specimens is similarly considered to have a permanent but not significant negative impact on bats in the area.

9.2.62. With regard to the planned demolition of the later warehouses and industrial sheds etc. that make up the remainder of the bakery complex, while bats were recorded in these areas, no individuals were observed to be roosting. However, it is stated that careful demolition will be required to ensure that no bats are harmed during the course of the works.

9.2.63. From an operational standpoint, concerns arise as regards the potential for increased light spillage towards the Boyne Canal and the habitats within The Ramparts due to the lowering of the northern boundary wall and the use of these areas for commuting and foraging purposes. More broadly, it has also been acknowledged that the increase in human activity (outdoor noise & light etc.) consequent on the completed development will be likely to impact on local bat populations, particularly given the high level of bat biodiversity involved. Any such increase in lighting is anticipated to have a permanent and slight to moderate negative impact on bats in the area. Therefore, an appropriate lighting plan which has considered the potential impact on commuting and foraging bats will be an important element of the proposed development. This should include for a buffer zone from the River Boyne that incorporates measures such as a prohibition on the installation of lighting outside the site boundary, a requirement that lighting accord

with the Bat Conservation Trust (2018) Guidelines, and the provision of landscaping to buffer any potential light spillage.

9.2.64. Section 5.2 of the Bat Assessment proceeds to set out a series of measures designed to mitigate the aforementioned impacts as follows:

9.2.65. *The Demolition of the Terraced Houses:*

- A requirement for a Derogation Licence from the NPWS for the demolition works.
- The provision of alternative bat roosting in advance of any derogation licence application comprising a bat box scheme for soprano pipistrelles.
- Additional bat roosting designed as bat lofts in the upper floor of the mill building and in the attic space of the former office building. Bat lofts are to be used in this area as it is closer to the prime foraging area in The Ramparts. Individuals of the bat roost were recorded commuting to The Ramparts and, therefore, the location of alternative roosts closer to this habitat will ensure a greater success of new roosting spaces.
- A detailed demolition plan to be formulated in conjunction with the contractor and a bat specialist to ensure that the roofs of the buildings are stripped by hand under the supervision of a bat specialist. These works will be required to be undertaken outside the summer months of May to August and further bat surveys may be required to assist in the Derogation Licence application.

9.2.66. *The Preservation & Conservation Works to the Mill Building (Protected Structure):*

- Works to be undertaken in consultation with the conservation architect to ensure that existing roosting sites are retained and protected with access points preserved.
- Further survey work to be carried out once the second floor is accessible to allow for the design of a new bat loft to mitigate for the loss of the soprano pipistrelle roost from within the terraced houses.

9.2.67. *Alternative Bat Roosts:*

- The bat loft to be constructed in the mill building will provide an alternative roosting site for both soprano pipistrelle and brown long-eared bats.

- Access to the attic space of the former office building (the proposed café) should be provided for local bats. This will require the installation of bat access ridge tiles, the flooring of the attic space, the covering of any water tanks, and the use of a non-breathable felt within the attic (or at a minimum within the bat loft section of the space).
- The implementation of a bat box scheme by a bat specialist with 25 No. bat boxes (an array of designs is recommended) to be erected on trees and buildings within the development area (please refer to Section 5.2.3 of the Bat Assessment for further details and design parameters).

9.2.68. *The Historic Stone Walls:*

- The existing walls should be retained to a greater height and length along the site boundary, where possible, in order to achieve the following:
 - The retention of potential roosting sites.
 - A buffer to light and noise pollution into The Ramparts.
- Those sections of walling that are to be removed or repointed are to be re-surveyed to ensure that no bats are present in any crevices. In addition, a selection of crevices is to be retained to provide for bat roosting sites post-development.

9.2.69. *The Loss of 'Potential Bat Roost' Trees:*

- Tree felling will only be permitted in the months of September, October, November & February during mild weather conditions.
- Further surveying to be carried out prior to any tree felling.
- Bat boxes to be erected in advance of any tree felling.

9.2.70. *The Demolition of the Warehouses etc. within the Spicer's Bakery Complex:*

- Careful demolition is required to ensure that no bats are harmed during the planned works. Consultation will be required in relation to a demolition plan.

9.2.71. *Lighting Plan:*

- The implementation of an appropriately designed lighting regime (during both the construction and operational phases) which is compliant with the most recent Bat Conservation Trust lighting guidelines.
- The provision of a 50m wide dark zone from the riverbank and along the length of the river in the vicinity of the proposed development with no light spillage into this zone. The boundary of the development on its riverside should be at 0 LUX level.
- Any security lighting should be on a timer and designed to ensure that no lighting is spilled into the Ramparts.
- The location of lighting should not be in the vicinity of bat roost exit points or at bat box schemes.

9.2.72. Landscaping:

- A programme of landscaping to be undertaken to improve the conservation value of The Ramparts for local bat populations.
- New planting will also act as a buffer to possible light spillage.

9.2.73. Bat Conservation Measures:

- Consideration to be given to a Bat Management Plan to ensure the long-term conservation of bat biodiversity in the wider area.

9.2.74. Monitoring:

- Post-construction monitoring to include the following elements:
 - Monitoring of the bat lofts for a minimum of 3 No. years.
 - Inspection of the bat boxes within one year of erection (for a minimum of 3 No. years) with the scheme to be registered with Bat Conservation Ireland.
 - Monitoring of all other bat mitigation measures with a full summer bat survey recommended post-works.
 - Monitoring of the proposed lighting scheme to determine that the level of 0 LUX is being achieved along the boundaries of the proposed dark zones.

9.2.75. By way of summation, the Bat Assessment concludes by stating that the survey area is an important location for bat populations as it likely provides roosting, foraging and commuting habitats for the bat species recorded. It is further accepted that the proposed works will impact on local bat populations through the demolition of the terraced houses alongside Andy Brennan Park, the stabilisation of the gable walls of the derelict townhouse adjacent to the Navan Silver Band property, the repointing of historic walls, and the removal of trees from within the existing Ramparts Car Park. There is also the potential for negative impacts arising from the conservation and restoration works to the mill buildings. However, while a Derogation Licence will be required from the NPWS, it is anticipated that with the strict implementation of the bat mitigation measures proposed, the potential negative impacts on local bat populations will be reduced to an acceptable level.

9.2.76. Having reviewed the available information, it is apparent that the wider study area includes a number of habitats that are considered to be of high ecological value - primarily the River Boyne, the Boyne Navigation Canal, the Ramparts, and the associated riparian corridor and woodland habitats – which support a variety of biodiversity. Furthermore, designated sites in the vicinity include the River Boyne and River Blackwater Special Area of Conservation and the River Boyne and River Blackwater Special Protection Area. However, the development site itself is of a comparatively low ecological value given that it is predominantly composed of Built Land and Artificial Surfaces (BL3) and Amenity Grassland (GA2) although there are structures present which support assemblages of bat species (given the location of the lands, optimal habitat and the presence of the River Boyne ecological corridor, structures such as Spicer's Mill are likely to be of high importance as regards bat populations). At this point, I would reiterate that the primary constraints to development comprise the potential impact on water quality, the spread of invasive alien plant species (Japanese Knotweed and / or Himalayan Balsam), and the disturbance of fauna, including bats.

9.2.77. While there will be some loss of vegetation consequent on the proposed development and a broader loss of predominantly lower value habitat with an associated potential for the disturbance / displacement of wildlife both on site and within adjacent lands (with particular reference to the loss of a bat roost within the terrace of housing proposed for demolition), it is my opinion that the impacts

identified can be satisfactorily mitigated by adherence to the measures set out in the supporting documentation provided with the application including the Outline Construction Management Plan, the Natura Impact Statement, the Invasive Alien Species Management and Control Plan, and the Bat Assessment.

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

- 9.3.1. The subject proposal represents the first phase of a wider masterplan for the comprehensive redevelopment of the Council's lands at this location with later works expected to include for the reuse of the former Spicer's Bakery (the protected structure) and the restoration of the Boyne Navigation / Canal Basin to the rear of the site as well as pathway upgrades (subject to landowner agreement and the availability of funding) within The Ramparts etc. Key elements of the project include the redevelopment of the former Spicer's Bakery as a public amenity (incorporating the conservation and preservation of a protected structure and the reuse of a former office building as a café), the rejuvenation of Andy Brennan Park, the extension and reconfiguration of the Ramparts car park, and wider improvements to the public realm including improved accessibility between Athlumney Road, Andy Brennan Park and the Ramparts walking trails. In this respect, I am satisfied that the proposed development accords with the wider policies and objectives of the Meath County Development Plan, 2021-2027 and will complement the significant programme of investment in public realm and sustainable transport measures planned for the surrounding area, including the long-term vision for the sustainable growth and development of Navan town set out in Navan 2050 Vision Plan, the implementation of the Navan 2030 Project: 'A Smart Future' (Navan Town Centre Public Realm Strategy) 2017, and the Boyne Greenway and Navigation Restoration Project. The proposed works will make a significant and positive contribution to the wider public realm and will also ensure the conservation and preservation of a protected structure until such time as a sustainable use can be identified for the redevelopment of that building. It is my opinion that, subject to suitable conditions, the proposed development will not give rise to any adverse impacts and is in accordance with the proper planning and sustainable development of the area.

9.4. The Likely Impact on any European Sites:

9.4.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Apocopate Assessment - Screening
- Appropriate Assessment – Stage 2

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

Article 6(3) of the EU Habitats Directive 92/43/EEC requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.4.3. The Natura Impact Statement:

The subject application has been accompanied by a Natura Impact Statement (NIS) prepared in support of a conceptual masterplan for the redevelopment of lands at Spicer's Mill. In this regard, I would advise the Board that the masterplan includes the application site and provides a description of the proposed development, the project site and the surrounding area. The NIS contains a Stage 1 screening exercise which concludes that Stage 2 Appropriate Assessment is required as the possibility of significant impacts on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA cannot be excluded (on the basis of objective information and in the absence of specific prescribed precautionary / mitigation measures).

9.4.4. Both the screening assessment and the NIS have been informed various information sources, including the following:

- A desk-top study
- An Ecological Impact Assessment (EcIA) – Identification of Ecological Constraints (April, 2022)

- Ecological Surveys of the area of the Spicer's Mill Masterplan (September, 2022)
- An Invasive Alien Plant Species Management & Control Plan (September, 2022)
- A Bat Assessment
- Consultations with the National Parks and Wildlife Service

9.4.5. The NIS has determined that any potential impacts on the identified Natura 2000 sites consequent on the proposed development will be related to a degradation of water quality / hydrology within the River Boyne during the construction / operation phases; a loss of water quality attributable to the spread / introduction of Alien Invasive Plant Species during construction and / or the operational activities, and impacts associated with the disturbance of qualifying interests during the construction / operation phases. It has also examined potential impacts in-combination with other plans and projects and listed a series of mitigation measures.

9.4.6. The NIS has concluded as follows:

'Following an examination, analysis, and evaluation of the relevant information, and applying the precautionary principle, it is the professional opinion of the author of this report that there will be no adverse impact on the integrity of any of [the] relevant Natura 2000 sites, assuming the implementation of all mitigation / preventative measures as outlined.

Consequently, there will be no risk of adverse effects on Qualifying Interest habitats or species, nor the attainment of specific conservation objectives, either alone or in-combination with other plans or projects, for the relevant Natura 2000 sites. The ecological integrity of the Natura 2000 sites concerned (connected with qualifying interests for which the sites have been designated) will not be significantly impacted'.

9.4.7. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and

knowledge. Details of mitigation measures are provided. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.4.8. Appropriate Assessment - Screening:

Section 177AE sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE)(3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

9.4.9. The Natura Impact Statement submitted with the subject application includes a screening exercise undertaken on behalf of the Local Authority.

9.4.10. The proposed development, which involves the redevelopment of the former Spicer's Bakery complex, Andy Brennan Park and the Ramparts Car Park, is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

9.4.11. Having regard to the information available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source-pathway-receptor principle, and the sensitivities of the ecological receptors, the applicant considered the following 2 No. European Sites relevant to include for the purposes of initial screening for appropriate assessment on the basis of likely significant effects.

European Site	Qualifying Interest / Special Conservation Interest	Distance from the proposed development	Connections (source-pathway-receptor)
River Boyne and River Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	Adjoins the site to the west.	<p>Hydrological - surface runoff / discharge</p> <p>Spread / introduction of alien invasive plant species.</p> <p>Disturbance of qualifying interests.</p>
River Boyne and River Blackwater SPA (004232)	Kingfisher (<i>Alcedo atthis</i>) [A229]	Adjoins the site to the west.	<p>Hydrological - surface runoff / discharge</p> <p>Spread / introduction of alien invasive plant species.</p> <p>Disturbance of qualifying interests.</p>

9.9.1. Based on my examination of the applicant's screening exercise, the NIS report and supporting information (incl. the Ecological Impact Assessment and the ecological / field surveys), the NPWS website, aerial and satellite imagery, the scale of the proposed development and nature of the likely effects, the separation distance and functional relationship between the proposed works and the European sites and their conservation objectives, the site specific characteristics, and the species specific characteristics and requirements, taken in conjunction with my own assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the two European sites referred to above which I

consider to be within the 15km Zone of Influence. In this regard, I concur with the findings of the screening exercise carried out by FERS on behalf of Meath County Council in concluding that AA is required in relation to the River Boyne and River Blackwater SAC & SPA arising from its proximity and the potential for construction and operational impacts to arise.

9.9.2. **Appropriate Assessment – Stage 2:**

The following is an objective scientific assessment of the implications of the proposal on the relevant conservation objectives of the European sites using the best scientific knowledge (provided in the NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

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

9.9.3. ***Description of the River Boyne and River Blackwater SAC (002299):***

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct at Drogheda, the River Blackwater as far as Lough Ramor, and the Boyne tributaries, including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells, Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones.

- 9.9.4. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive:

- Alkaline Fens
- Alluvial Forests
- River Lamprey
- Atlantic Salmon
- Otter

- 9.9.5. The exact extent and distribution of Alkaline Fen has not been mapped in detail for the SAC, however, the main areas of the qualifying habitat have been documented to occur in the vicinity of Lough Shesk, Freekan Lough, Newtown Lough in the upper reaches of the Stonyford River. At Lough Shesk, the habitat is particularly well-represented and there is a good example of succession from open water to fen-type habitat.
- 9.9.6. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) are present within the SAC with the sub-sites of Grove Island (NSNW site code 688) and Yellow Island (752) having been surveyed as part of the National Survey of Native Woodlands (NSNW). The minimum area of alluvial forest is known to occur approximately 27km downstream of the development site although it is important to note that further surveyed areas may be present elsewhere within the SAC.
- 9.9.7. The Boyne and its tributaries form one of Ireland's premier game fisheries and the area offers a wide range of angling, from fishing for spring salmon and grilse to seatrout fishing and extensive brown trout fishing. Atlantic Salmon (*Salmo salar*) use the tributaries and headwaters as spawning grounds. The Boyne is most important as it represents an eastern river which holds large three-sea-winter fish from 20-30 lb. The River Boyne is a designated Salmonid Water under the EU Freshwater Fish Directive.
- 9.9.8. The SAC is also important for the populations of two other species listed on Annex II of the EU Habitats Directive which it supports, namely River Lamprey (*Lampetra fluviatilis*), which is present in the lower reaches of the Boyne River, and Otter (*Lutra lutra*), which can be found throughout the site. In addition, the site also supports many more of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. Common Frog,

another Red Data Book species, also occurs within the site. All of these animals, with the addition of the Stoat and Red Squirrel, which also occur within the site, are protected under the Wildlife Act, 1976.

9.9.9. *Conservation Objectives for the River Boyne and River Blackwater SAC:*

The Conservation Objectives for the River Boyne and River Blackwater SAC note that the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at the site. The NPWS has prepared specific attributes and targets for the qualifying interests and the protection of habitats and species associated with the River Boyne and River Blackwater SAC.

9.9.10. *Description of the River Boyne and River Blackwater SPA (004232):*

The River Boyne and River Blackwater SPA is a long linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Counties Cavan, Louth and Westmeath. It includes the following river sections: the River Boyne from the M1 motorway bridge, west of Drogheda, to the junction with the Royal Canal, west of Longwood, Co. Meath; the River Blackwater from its junction with the River Boyne in Navan to the junction with Lough Ramor in Co. Cavan; the Tremblestown River/Athboy River from the junction with the River Boyne at Kilnagross Bridge west of Trim to the bridge in Athboy, Co. Meath; the Stoneyford River from its junction with the River Boyne to Stonestown Bridge in Co. Westmeath; the River Deel from its junction with the River Boyne to Cummer Bridge, Co. Westmeath. The site includes the river channel and marginal vegetation.

9.9.11. The site is a Special Protection Area (SPA) under the EU Birds Directive of special conservation interest for the following species:

- Kingfisher (*Alcedo atthis*).

9.9.12. The SPA is further considered to be of high ornithological importance as it supports a nationally important population of Kingfisher.

9.9.13. Conservation Objectives for the River Boyne and River Blackwater SPA:

The Conservation Objective for the SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA (i.e. Kingfisher).

9.9.14. Evaluation of Likely Effects:

The proposed development in the absence of appropriate mitigation and management could give rise to the following effects on the identified SAC & SPA.

9.9.15. Potential for Direct Impacts:

Given the site location outside of any SAC or SPA, the proposed development will not directly impact on any Natura 2000 site through the loss or fragmentation of habitats listed as qualifying interests.

9.9.16. While the River Boyne & River Blackwater Special Area of Conservation and Special Protection Area are situated to the immediate west of Andy Brennan Park and a short distance to the north of the former Spicer's Bakery complex and the Ramparts Car Park, given the absence of any evidence that the existing site discharges runoff to either a storm water network or a combined sewer, there would appear to be no direct hydrological connection between the site and the river (or the designated sites). However, the Engineering Services Report has noted that runoff is believed to pond in the natural depression before being allowed to infiltrate naturally to ground or to find its way into the River Boyne possibly by overland flow.

9.9.17. Since there is no existing surface water drainage network in the vicinity to receive runoff generated by the site, the proposed development includes for a new surface water management strategy whereby runoff will be disposed of both by local infiltration and through discharge to the River Boyne at a controlled rate. This new sustainable drainage system is to be integrated with the development's landscaping features and will typically comprise intensive landscaping, extensive pervious paving, filter drains, trapped road gullies, flow control devices and attenuation storage. All runoff will thus be attenuated and treated within the site boundary before ultimately discharging to the River Boyne at a restricted rate (3.7 l/s/ha) equivalent to the greenfield runoff for design rainfall events up to, and including, the 1% AEP, in accordance with the Meath County Development Plan and the Greater Dublin Strategic Drainage Study. By extension, it has been submitted that the quality of

surface water discharging from the site will be improved through the installation (and maintenance) of provisions including pervious paving in all car parking areas; intensive landscaping, where practical; trapped road gullies on the road carriageway; and the provision of a silt trap on the manhole immediately upstream of the attenuation system as a further preventative measure to trap silt and other gross pollutants.

9.9.18. Potential for Indirect & Secondary Impacts:

9.9.19. Impacts to water quality arising from surface water discharge that contains suspended solids and/or pollutants at the construction stage:

9.9.20. While groundwater movement in the locality of the development site is expected to mirror the topography of the area and to generally flow towards the River Boyne, only clean stormwater will be discharged to ground as part of the proposed development. Therefore, it is considered unlikely that any contamination of water quality within the SAC and / or SPA will occur via a subsurface pathway. However, given the proximity of the development site to the River Boyne, a series of mitigation measures (please see below and the Outline Construction Environmental Management Plan) are proposed to prevent accidental contamination of the SAC & SPA so as to ensure that the chemical and physio-chemical conditions of the river do not deteriorate thereby avoiding any degradation of qualifying species (River Lamprey, Atlantic Salmon, Otter & Kingfisher) or prey species. Similarly, a series of precautionary mitigation measures relating to the control of sediment / silt runoff are proposed which will ensure that sedimentation of the river will not occur nor will turbidity levels increase (thereby avoiding a reduction in water clarity and an indirect impact on Kingfisher feeding ability).

9.9.21. Impacts to water quality arising from discharges at the operational stage:

The proposed surface water management strategy will ensure that all runoff from the development is attenuated and treated within the site boundary before being discharged to the River Boyne at a rate equivalent to the greenfield runoff for design rainfall events up to, and including, the 1% AEP, in accordance with the Meath County Development Plan and the Greater Dublin Strategic Drainage Study. The quality of surface water discharging from the proposed site will almost certainly represent an improvement over the existing situation given that the new surface

water drainage arrangements will incorporate measures including intensive landscaping, extensive pervious paving, filter drains, trapped road gullies, flow control devices, oil interceptors and attenuation storage.

9.9.22. Impacts associated with the spread / introduction of alien invasive plant species during construction and / or operation activities:

There are significant populations of two plant species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended, present on site. Firstly, a significant population of Japanese Knotweed is located to the rear of the Spicer's Mill buildings which has spread along virtually the entire length of the buildings. Another smaller population of Japanese Knotweed was recorded within an area of concrete and wall along the main road to the fore of Spicer's Mill. Secondly, Himalayan Balsam was observed proximate to Andy Brennan Park (generally along the boundary wall of the park) and propagules of this species are almost certainly present along the riverbank at the Ramparts with the result that any disturbance would likely result in a proliferation of the species.

9.9.23. In addition to the foregoing, several prescribed species have been recorded within the 10km square in which the Spicer's Mill masterplan is located. These include Three-Cornered Garlic, Japanese Knotweed and Himalayan Balsam while Giant Hogweed is known to occur c. 20km downstream with Giant Rhubarb recorded several kilometres upstream.

9.9.24. Given the nature of the proposed development, which includes demolition and excavation works, there is a significant risk that disturbance during the construction phase could result in the spread and / or introduction of these species at / to the site. Field surveys have confirmed the presence of Japanese Knotweed and Himalayan Balsam on site while it is possible that there are propagules of other invasive species, such a Giant Hogweed, buried in sediment within the River Boyne or the Boyne Navigation Canal that would germinate under suitable conditions. It will also be necessary to prevent the import / export of propagules of any invasive alien plant species to / from the masterplan area.

9.9.25. Concerns also arise as regards the potential for the further spread of Himalayan Balsam on site owing to a continuous 'seed-rain' from populations upstream.

9.9.26. The spread / introduction of alien invasive plant species consequent on the proposed development has the potential to impact on water quality with the SAC & SPA and their qualifying species. Consideration must also be given to the potential impact on water quality arising from any treatment / eradication programme employed for the effective control of Japanese Knotweed given the proximity of the main Knotweed population to the Boyne Navigation Canal which lies within the River Boyne and River Blackwater SAC & SPA.

9.9.27. *Impacts associated with the disturbance of species of qualifying interest (i.e. Kingfisher and Otter) during the construction and / or operation phases:*

Given the proximity of the development site to the Natura 2000 sites, the potential for the disturbance of species of qualifying interest (i.e. Kingfisher and Otter) due to the increased levels of noise and activity during the construction phase could not be discounted at screening stage.

9.9.28. The River Boyne & River Blackwater SPA is of high ornithological importance as it supports a nationally important population of Kingfisher. The Kingfisher is a very sedentary species that nests and breeds in tunnels dug into soft vertical banks along slow-flowing watercourses. Its diet principally comprises of small fish species such as Stickleback and Minnow and aquatic invertebrates. Given the absence of a food source or suitable nesting / breeding habitat within the confines of the proposed development site (i.e. soft riverine banks), the subject site is unsuited to Kingfisher. However, the potential for the disturbance of the species beyond the site boundaries remains.

9.9.29. Kingfisher surveys were carried out on 13th June, 2022 and 20th July, 2022 under optimal conditions which concentrated on those areas known to have previously been utilised by the species. A male Kingfisher was observed on the 13th June, 2022 hunting in the vicinity of Ruxton's Lock using a metal post as a perch while a Kingfisher was observed flying downstream immediately adjacent to the development site on 20th July, 2022. The habitat occurring is considered to be optimal for foraging Kingfisher whereas optimal breeding sites are not present.

9.9.30. Otter holts are typically found along riverbanks, with numerous entrances, some of which generally open directly into the water channel. While there were no indications of otter recorded during surveys conducted on 20th July, 3rd August & 20th

September, 2022, otter have previously been observed in the immediate vicinity within the river and are known to utilise the habitat immediately adjacent. The lack of otter activity on the southern bank of the river (proximate to the development site) is almost certainly attributable to higher levels of human activity and dogs in that location whereas otter are very likely to use the northern bank for hauling out etc.

9.9.31. Given the built-up nature of the surrounding area, which includes domestic properties along the River Boyne as well as road infrastructure / public pathways, it is possible that qualifying species (namely, Otter and Kingfisher) present in the area will have become habituated to a certain level of disturbance. Nevertheless, the potential arises for some displacement of qualifying species as a result of disturbance during the construction stage.

9.9.32. ***Proposed Mitigation Measures:***

Section 3.4 of the NIS states that the following mitigation measures will be implemented in order to ensure that the identified potential impacts on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA (as well as local ecology) are abated:

a) Impacts on water quality during construction activities:

- All works to be carried out in accordance with the 'Engineering Services Report' (Project No. P340, 20th December, 2022) prepared by O'Connor Sutton Cronin, Consulting Engineers, in order to prevent any impact on water quality during construction activities (this will include the implementation of a new surface water drainage design strategy incorporating Sustainable Drainage Systems and provision for surface water attenuation).
- All works to be undertaken in such a manner as to avoid any degradation of water quality either by pollution, contamination, or by causing increased turbidity, including:
 - o Special precautions to be put in place as regards the protection of watercourses. Temporary environmental screens to be erected to prevent construction debris (paint chips / rust etc.), abrasive materials, oils, chemicals or other construction materials from entering any watercourse / drain for the duration of the works. The method

statement should make specific reference to measures for the protection of river quality.

- All plant, equipment etc. to be free of any mechanical defects and well maintained so as to prevent soil or fuel leaks into the river.
- All plant, equipment etc. arriving on site to be free of propagules of any plant species listed on Part 1 of the Third Schedule of the European Communities (Birds and Natural) Habitats Regulations, 2011, as amended.
- Arrangements to be put in place so that the cleaning out of concrete delivery trucks and equipment does not cause runoff to enter any watercourse / drain etc.
- A method statement to be prepared which is to include specific reference to measures for the protection of river water quality, to include measures to ensure no spillage of fuel or cement / lime-based material or any other leakages occur to any drain / watercourse for the duration of the works.
- All works to be undertaken in accordance with the following best practice guidelines:
 - CIRIA Control of Water Pollution from Construction Sites – Guidance for Consultants and Contractors (2001)
 - Eastern Regional Fisheries Board Guidance Notes: Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites (Eastern Regional Fisheries Board, 2005)
 - NRA Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes (2006).
- Protective / preventative elements to be put in place associated with any buildings, car parking areas etc, such that any contamination during operation (leaking hydrocarbons from cars / water associated with fire extinguishment etc.) does not enter the proximate watercourses.

b) Impacts on water quality during operation:

- All works to be carried out in accordance with the 'Engineering Services Report' (Project No. P340, 20th December, 2022) prepared by O'Connor Sutton Cronin, Consulting Engineers, in order to prevent any impact on water quality (the proposed water management system will represent a marked improvement on the existing water management system (or lack thereof) and will almost certainly result in an improvement in the water quality of the River Boyne).
- The Authority is to be satisfied that the existing infrastructure (incl. foul water) can accommodate any increased loading. The proposed masterplan area is located within the Navan Agglomeration and will be serviced by mains sewerage etc.

c) Impacts associated with the spread of alien invasive plant species during construction and / or operation activities:

- Full implementation of the Alien Invasive Species Management and Control Plan in order to prevent any spread and / or introduction of propagules of any species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended.

d) Impacts associated with the disturbance of qualifying interests during construction and / or operation activities:

- The maintenance of a 10m buffer from the River Boyne and the Boyne Navigation Canal so as to ensure that any disturbance during construction activity is likely to be negligible.
- In the event that works are to be carried out within the 10m buffer zone, the activities should be timed to avoid breeding periods so as to minimise any short-term impacts on foraging (there is no suitable breeding habitat within the masterplan area).

9.9.33. In the interests of completeness, regard should also be had to those further measures set out in the supporting documentation submitted with the application, with particular reference to the Outline Construction Management Plan, the Alien Invasive Plant Species Management and Control Plan, and the Bat Assessment.

9.9.34. Therefore, it has been submitted that with adherence to the mitigation measures set out above, adverse residual impacts would be expected to be negligible and thus not result in any significant effects on the important ecological features / receptors within the Zone of Influence of the project or the wider Natura 2000 network.

9.9.35. On balance, I would accept that the implementation of best practice and adherence to the mitigation measures set out in the NIS will serve to avoid any impacts on water quality as well as the disturbance of species of qualifying interest thereby ensuring that there are no significant adverse effects on protected sites or species.

9.9.36. *In-Combination Effects:*

Section 2.6.3 of the NIS considers the potential for in-combination / cumulative impacts with other plans or projects. In this regard, having considered the plans and projects identified in Table 17 of the NIS, I am satisfied that the proposed development, subject to suitable mitigation, would not be likely to give rise to any in-combination / cumulative impacts with other plans or projects which would adversely affect the integrity of any Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

9.9.37. *Secondary and / or Residual Effects:*

In the event of significant impacts on water quality in the River Boyne due to an absence of mitigation, concerns arise as regards the potential for secondary impacts in the form of the bioaccumulation of contaminants. However, having considered the design of the proposed development, its scale, location and use, as well as the detailed mitigation measures that will be provided in the event of the proposed development being implemented to ensure significant adverse impacts on the SAC & SPA do not arise, I am satisfied that there will be no significant residual impacts arising.

9.9.38. **NIS Omissions:**

The NIS did not in itself list all the detailed mitigation measures instead referring to the content of other application documentation e.g. the Engineering Services Report and the Invasive Alien Plant Species Management and Control Plan. These omissions are not considered to be fundamental flaws to the assessment as the intent of the mitigation measures are clear and, therefore, I am satisfied that the

relevant mitigation can be ensured by condition in the event of favourable consideration.

9.9.39. *Integrity Test:*

Following the Appropriate Assessment and the consideration of mitigation measures, I can ascertain with confidence that the project would not adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code: 002299) or the River Boyne and River Blackwater SPA (Site Code: 004232) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

9.9.40. *Appropriate Assessment Conclusions:*

The proposed redevelopment of the former Spicer's Bakery complex, the Ramparts Car Park and Andy Brennan Park has been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act, 2000, as amended.

9.9.41. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on two European Sites, the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the European sites in light of their conservation objectives.

9.9.42. Following an examination and evaluation of the material submitted as part of the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA.

9.9.43. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Boyne and River Blackwater SAC nor the River Boyne and River Blackwater SPA, or any other European site, in view of the sites' Conservation Objectives.

9.9.44. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SPA.

10.0 Recommendation

10.1. Approve, subject to conditions, the proposed development based on the reasons and considerations set out below:

11.0 Reasons and Considerations

11.1.1. 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, as amended;
- (c) the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region;
- (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 policies and objectives of the Meath County Development Plan, 2021-2027;

- (f) the conservation objectives and qualifying interests for the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232);
- (g) the nature and extent of the proposed works as set out in the application for approval;
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Ecological Impact Assessment and the Natura Impact Statement;
- (i) the submissions and observations received in relation to the proposed development; and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) 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 and the River Boyne and River Blackwater SPA, in view of the sites' conservation objectives.

The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the 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 sites' 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 sites' conservation objectives.

Proper Planning and Sustainable Development and Likely Effects on the Environment:

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

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 or any condition 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, including those set out in Section 3.4 of the Natura Impact Statement and Section 5.2 of the Bat Assessment, or as may be required in order to comply with the following conditions, shall be implemented. 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 and European Sites.

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, the Outline Construction Management Plan, and the Bat Assessment, and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- a) All mitigation measures indicated in the Natura Impact Statement and the Bat Assessment.
- b) All environmental management measures set out in the Outline Construction Management Plan submitted with the application proposals.
- c) Hours of construction.
- d) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the European Sites and biodiversity.

4. The following nature conservation requirements shall be complied with:
 - a) The works shall be carried out in compliance with the 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).

- b) No vegetation removal shall take place during the period 1st March to 31st August (inclusive).
- c) The full implementation and monitoring of the 'Invasive Alien Plant Species Management and Control Plan (species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (as amended), as regards proposed Spicer's Mill Masterplan, Athlumney, Navan, Co. Meath, September, 2022'.
- d) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

Reason: In the interest of biodiversity and nature conservation.

- 5. 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. The ecologist shall be present during the 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 biodiversity.

- 6. The local authority 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. All lighting within the site shall be cowled to prevent overspill outside the site and shall be designed to minimise impacts on bats in accordance with the application documentation received.

Reason: In the interest of clarity, the protection of bats, and visual amenity.

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) The local authority and any agent acting on its behalf is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts, 1930-2004) to finalise and co-ordinate a full programme of archaeological mitigation at the development site. The archaeological mitigation strategy will include the recording of buildings to be demolished, pre-development testing at the site and assessment of all areas of the development as recommended in the Archaeological Assessment Report. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. The finalised Archaeological Mitigation Strategy will be forwarded to the local authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of commencement of any development works, and placed on file and retained as part of the public record.
 - b) The archaeologist is required to notify the National Monuments Service of the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the works.
 - c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
 - d) Having completed the work, the archaeologist shall submit a written report to the local authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage.
 - e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and / or monitoring may be required and the National Monuments Service of

the Department of Housing, Local Government and Heritage should be consulted with regard to these matters.

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.

- a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c) All existing original features within the protected structure, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

Robert Speer
Planning Inspector

29th November, 2023