



An  
Bord  
Pleanála

## Inspector's Report ABP-317527-23

<b>Development</b>	Town Park comprising formal and informal play spaces, new and upgraded pathways and associated site works.
<b>Location</b>	Ninch, Laytown, Co. Meath.
<b>Local Authority</b>	Meath County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Dept of Housing, Local Government and Heritage (DAU).
<b>Observer(s)</b>	Christopher O'Rourke and Hugh and Lydia Larkin.
<b>Date of Site Inspection</b>	20 <sup>th</sup> November 2023
<b>Inspector</b>	Barry O'Donnell

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## **1.0 Introduction**

- 1.1. Meath County Council is seeking approval from An Bord Pleanála to undertake works for the provision of a town park at Ninch, Laytown, which includes formal and informal play spaces, new and upgraded pathways, open space for flexible-use, and all associated and ancillary site works. The River Nanny Estuary and Shore SPA (Site Code 004158) encroaches onto the southern portion of the site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the County Council on the basis of the proposed development's likely significant effect on a European site.
- 1.2. Section 177AE of the Planning and Development Act, 2000, as amended, (the Act) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Act requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

## **2.0 Site and Location**

- 2.1. The subject site has a stated area of 2.5ha and is located in the townland of Ninch, Laytown, Co. Meath. It is located to the south of Laytown, on the south side of the R150 Station Road and comprises a mix of previously developed and greenfield surfaces.
- 2.2. The northern part of the site, closest to Station Road, contains the River Nanny Car Park and Laytown Playground (inc. car park), whilst the remaining part of the site is undeveloped and comprises primarily of grassland and dune habitat.

## **3.0 Proposed Development**

- 3.1. Meath County Council proposes to construct a town park at Ninch, Laytown, comprising formal and informal play spaces, new and upgraded pathways including

a new pedestrian road crossing and a boardwalk over the dunes, creation of an open space for flexible-use and all associated and ancillary site works.

3.2. The application is accompanied by the following documents: -

- Planning Report,
- Project Architect's Design Summary Report,
- Natura Impact Statement,
- Natura Impact Statement Addendum,
- Ecological Impact Assessment,
- Environmental Impact Assessment Screening Report,
- Flood Risk Assessment, and
- Heritage Desk Based Assessment.

## 4.0 Planning History

4.1. I am not aware of any previous planning records pertaining to the site.

## 5.0 Legislative and Policy Context

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

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

its own code of legislation is required to take account of the appropriate assessment of the first authority and of any information, including a Natura Impact Statement that was prepared for consideration by the first authority or another second authority in relation to the plan or project.

- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two designations form part of the European Natura 2000 Network.
- 5.4. There are a number of European sites located within a 15km search zone of the site, as follows: -

<b>River Nanny Estuary and Shore SPA</b> (Site Code 004158)
<b>Clogherhead SAC</b> (Site Code 001459)
<b>Boyne Estuary SPA</b> (Site Code 004080)
<b>Boyne Coast and Estuary SAC</b> (Site Code 001957)
<b>River Boyne and River Blackwater SAC</b> (Site Code 002299)
<b>Rockabill to Dalkey Island SAC</b> (Site Code 003000)
<b>Rockabill SPA</b> (Site Code 004014)
<b>Skerries Islands SPA</b> (Site Code 004122)
<b>River Boyne and River Blackwater SPA</b> (Site Code 004232)
<b>North-West Irish Sea SPA</b> (designated in the period since submission of the application) (Site Code 004236)

- 5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Act sets out the requirements for the appropriate assessment of development which could have an effect on a European site or its conservation objectives.
- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.

- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it, with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.
- Section 177AE (8) states that the Board may, in respect of an application for approval under this section of proposed development
  - (i) approve the proposed development,
  - (ii) make such modifications to the proposed development as it specifies in the approval and approve the proposed development as so modified,
  - (iii) approve, in part only, the proposed development (with or without specified modifications of it of the foregoing kind), or
  - (iv) refuse to approve the proposed development, and may attach to an approval under subparagraph (i), (ii) or (iii) such conditions as it considers appropriate.

## 5.6. National and Regional Planning Policy

### National Planning Framework

- 5.6.1. The NPF sets out a high-level strategic plan for shaping future growth and development of Ireland for the period up to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered local economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society.

#### **Midlands and Eastern Regional Spatial and Economic Strategy**

- 5.6.2. The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands area (adopted June 2019) provides a framework for development at regional level.

#### **Climate Action Plan 2024**

- 5.6.3. The Climate Action Plan 2024 was published on 20<sup>th</sup> December 2023 and comprises the third annual update to Ireland's Climate Action Plan. It seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions by 2050.
- 5.6.4. It identifies that Ireland has first-hand experience of climate change consequences, with reference to increased seasonal temperatures, a shortened frost season and reduced number of frost days and rising sea levels. It further states that climate changes will cause extensive direct and indirect harm to Ireland and its people, with predicted impacts including increased likelihood of groundwater, river, and coastal flooding; increased coastal erosion; increased pressure on water supply and water quality; and changes in wind speeds and storm tracks.

#### **The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)**

- 5.6.5. The Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

#### **5.7. Local Planning Policy**

- 5.7.1. The site lies within the urban area of Laytown and is subject to the provisions of the Meath County Development Plan 2021 – 2027. The Planning Authority has also published a public realm strategy for Laytown and Bettystown in July 2021, entitled the *Laytown and Bettystown Public Realm Plan*.

#### **Meath County Development Plan 2021 – 2027**

5.7.2. The development plan contains a number of policies and objectives for the protection and enhancement of the environment, biodiversity (incl. SPAs, SACs & pNHAs), water quality, cultural heritage (incl. archaeology, protected structures & NIAH listings), tourism, recreation, and amenity.

5.7.3. Zoning Map 5.4 Laytown identifies that the northern part of the site is subject to the *Community Infrastructure* zoning, with an objective '*To provide for necessary community, social, and educational facilities*', while the remaining areas of the site are subject to the *High Amenity* zoning, with an objective '*To protect and improve areas of high amenity.*'

5.7.4. Relevant policies and objectives include: -

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

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

#### **Laytown and Bettystown Public Realm Plan**

5.7.5. The public realm plan sets out the future approach to the streets and spaces of both Laytown and Bettystown. For Laytown the vision statement is: -

*Improve the public realm through the reintroduction of a beach front park (subject to future environmental studies) and the relocation and control of commuter parking. Links to improved amenities and regeneration opportunities will help enhance the character of the town.*



## 6.0 The Natura Impact Statement

- 6.1. The application is accompanied by a Natural Impact Statement (NIS), prepared by Forest, Environmental Research and Services (FERS) Ltd, which scientifically examines the proposed development and the European sites. It is stated to have been prepared in accordance with relevant guidance and legislation, including *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DoEHLG, 2010) and the European Communities (Birds and Natural Habitats) Regulations 2011.
- 6.2. The NIS identifies all European sites falling within a 15km search zone and characterises the possible implications of the proposed development on the River Nanny Estuary and Shore SPA and Boyne Estuary SPA, in view of the sites' conservation objectives, and provides information to enable the Board to carry out an appropriate assessment of the proposed works.
- 6.3. The NIS identifies that the Boyne Estuary is one of the most important sites for wintering waterfowl on the east coast and that it contains 10 species with populations of national importance. The estuary is identified as providing both feeding and roosting areas for birds.

## 7.0 Consultations

### 7.1. Prescribed Bodies: -

#### 7.1.1. The application was circulated to the following bodies:

- Department of Housing, Planning and Local Government,
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media,
- Inland Fisheries Ireland,
- The Heritage Council, and
- An Taisce.

#### 7.1.2. A response was received from the Department of Housing, Planning and Local Government (DAU), the contents of which are summarised below: -

- The site location is adjacent to and partly within a location likely to impact on the River Nanny Estuary SPA.
  - The development has the potential to disturb the feeding/roosting habitat of SCI of the SPA.
  - The development has the potential to destroy/damage habitat within the SPA, arising from loss of habitat and disturbance associated with activity during the construction and operational phases.
  - Conditions are recommended to mitigate the identified potential impacts.
    - The development should not encroach into the SPA site.
    - The development should be screened off from the SPA, to minimise disturbance on SCI and to ensure that walkers/dogs cannot access the SPA.
    - No infilling of the estuary shall occur.
    - An Ecological Clerk of Works should be employed for the construction phase.
- A condition should be attached requiring pre-development archaeological testing of the site.

## **7.2. Public Submissions:**

- 7.2.1. Submissions was received from Christopher O'Rourke, with a stated address of The Mews, Bettystown, Co. Meath, and Hugh and Lydia Larkin, identified as the proprietors of The Coast Tavern, Laytown, Co. Meath. The issues raised within these submissions are summarised separately below: -

### Submission by Christopher O'Rourke, The Mews, Bettystown, Co. Meath

- The proposed development of a park is welcomed but additional family games, for example crazy golf, are recommended.
- Parking spaces are limited and are occupied by commuters, people using the pitch and putt facility and Seafield Sports. Reference is made to an identified demand for over 1000 parking spaces at Bettystown beach in warm weather and it is requested that 500 parking spaces should be provided as part of the proposal.

- The park location is shown to be below the modelled flood level in 2030. Boardwalks/walkways should not be installed until full flood protection is in place.

Submission by Hugh and Lydia Larkin The Coast Tavern, Laytown, Co. Meath

- The provision of additional recreational amenities at Laytown is supported but protection of the amenities of nearby residents and businesses should be achieved.
- As an adjoining business owner, with adequate interest in the subject site, pre-application consultation was inadequate. The Board is requested to convene a meeting between the observers and the Planning Authority regarding day-to-day issues being experienced.
- It is misleading of the application and also the Laytown and Bettystown Public Realm Strategy 2021 to indicate that the park could be extended further to the east, onto lands owned by the observers. Consent to this has not been provided for this.
- A definitive boundary line/treatment is required between the playground and third-party lands, which are actively trespassed as part of the most direct walking route to the beach.
- The application drawings identify 4 No. walkways to the beach that cross the observers' boundary line. This would not be acceptable under a normal planning application and should not be acceptable to the Board.
- Anti-social behaviour issues also arise from unauthorised usage of the observers' land. This should be addressed by the provision of a clear boundary, installation of CCTV and provision of way-finding signage.
- Beach usage generates significant parking demand, which has necessitated the use of a professional car park management company for the observers' property. The removal of existing public parking as part of the proposal will have the effect of pushing cars back to the street and into the observers' private car park. Active parking control measures are requested, including designated parking bays, double yellow lines, etc.
- Existing public toilets are inadequate and have led to usage of the observers' facilities. Proposed toilets should be universally accessible and compliant with

Part M of the Building Regulations. Additional facilities such as showers/changing rooms could also be provided.

- It is surprising that an EIA is not required as part of the proposed development, which would have allowed for consideration and assessment of multiple environmental factors.
- The impact of year-round usage of the site, with reference to lightspill, air quality has not been assessed.

### **7.3. County Council Response to Submissions**

7.3.1. No response received.

### **7.4. Further Information Request and Response**

7.4.1. On 22<sup>nd</sup> November 2022 the County Council was requested to submit the following further information, in accordance with Section 177AE(5) of the Act: -

- Additional elevation/section drawings of the proposed elevated timber decking walkway and a construction method statement that outlines the proposed construction methodology, having regard to the location of this element of the development within the River Nanny Estuary and Shore Special Protection Area (Site Code 004158).
- An updated Natura Impact Statement that addresses potential direct and indirect impacts on the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) arising from construction of the proposed elevated timber decking walkway.

7.4.2. The applicant responded to this request in a submission dated 11<sup>th</sup> December 2023, which contained: -

- Additional drawings of the proposed timber decking walkway (which includes a construction methodology statement), and
- An addendum to the Natura Impact Statement.

## **8.0 Assessment**

8.1. **The likely consequences for the proper planning and sustainable development of the area:**

- 8.1.1. The proposed development would comply with National, Regional and Local planning policy in respect of climate change, amenity, biodiversity, natural heritage and recreation, in particular NPO4, NPO6, NPO27, NPO58 and NPO60 of the National Planning Framework (NPF) and the provisions of Section 7.7.7 of the development plan including policies SOC POL 38 and SOC POL39 and objectives SOC OBJ 14 and SOC OBJ16.
- 8.1.2. The County Council states that East Meath has experienced considerable population growth in recent years and that commensurate social and community infrastructure has failed to keep pace with this rapid population growth. It further identifies that a Public Realm Plan has been prepared for Laytown and Bettystown, Objective 1 of which seeks the reintroduction of a beach-front town park. In the accompanying Planning Report, the County Council outlines that the development is “*plan-led, strongly supported by the Public Realm Plan for Laytown/Bettystown which was the subject to extensive public consultation...will provide a much-needed amenity for the people of East Meath.*”
- 8.1.3. Submissions were received from two member of the public, Christopher O'Rourke and Hugh and Lydia Larkin, and one submission was received from a prescribed body, the Department of Housing, Planning and Local Government (DAU).

### **Design and Layout**

- 8.1.4. The proposed development and site context are described in Sections 2 and 3 of this report. The development comprises a town park, on a site of 2.5ha, that contains formal and informal play spaces, new and upgraded pathways including a new pedestrian road crossing and a boardwalk over the dunes, creation of an open space for flexible-use and associated site works.
- 8.1.5. The development occupies and extends the area of the existing Laytown Playground and includes a number of built elements, for example footpaths, play elements and car parking, but does not include the construction of buildings. Having considered the proposed site layout drawing, I consider it to be generally acceptable.
- 8.1.6. Two observations were received from members of the public, which, whilst supportive of a proposed town park, raised specific issues regarding the proposal. The submission by Christopher O'Rourke requested a greater range of play facilities/options and the incorporation of flood proofing measures. The submission

by Hugh and Lydia Larkin requested that a clearly defined site/park boundary should be provided.

- 8.1.7. Regarding the extent of facilities provided within the proposed town park, I note that there is an extensive range of play items contained in the centre of the site, with the remaining areas identified as being retained as amenity grass/lawn. I am satisfied that the range of facilities provided is appropriate to the intended use and serves the proper planning and sustainable development of the area. The Board will also note that the County Council has exempted development powers under Section 4(1)(aa) of the Act, which I consider are sufficient to allow it consider/reconsider additional elements within the park. In this context I do not consider it is warranted or appropriate to prescribe additional facilities to be provided, as part of the Board's determination.
- 8.1.8. The observers Hugh and Lydia Larkin have expressed a number of concerns regarding the proposed layout, in particular requesting that a definitive boundary is required between the town park and their private lands and that consent has not been given for walkways that encroach onto and through their private lands. I further note that the observers submit that unauthorised usage of their land has led to anti-social behaviour issues.
- 8.1.9. I observed when on the site that there is an open boundary between the application site and the lands identified by the observers as being in their ownership to the rear of the Coast Tavern. I also noted that there are a number of informal walking routes to the beach that traverse the observers' lands, which include routes from the River Nanny Car Park and Playground Car Park.
- 8.1.10. The Planning Report states that only those lands that are in the County Council's ownership are included within the application site boundary but, notwithstanding this, it appears to me that that route termination point at the south-east corner of the site may connect to an informal route to the beach that passes through the observers' lands. The observers say that consent has not been provided for usage of their land as a means of accessing the beach and, in this context, I consider it reasonable that walkers should be directed away from this informal route. However, in view of the exposed coastal location and the open nature of the dune habitat, I do not consider it appropriate that a physical boundary such as a fence or railing should be installed.

Rather, I consider adequate way-finding and advisory signage would be adequate to address the issue and this can be controlled by condition.

### **Residential Amenity**

- 8.1.11. The subject site is situated on the south side of the R150 Strand Road. Housing is primarily located on the north side of the road and further north, toward Laytown village centre, but there are a pair of detached cottages adjacent to the eastern boundary of the park.
- 8.1.12. The proposed development reconsiders the layout/appearance of the site in closest proximity to the shared boundary with these cottages but the level of separation to the central play space within the park is retained. Human activity within the park will inevitably lead to some noise, but I do not consider the level of noise arising from the proposal would be such that it would have a greater noise impact on residential occupiers.

### **Movement and Access**

- 8.1.13. Parking in the area is currently provided at the River Nanny Car Park, to the west of the playground, and at the Playground Car Park, to the east. There are additional on-street parking spaces on the north side of the R150 Strand Road. These car parks are unaffected by the proposal and the County Council's Planning Report expresses the view that there is sufficient car parking available to cater for the development.
- 8.1.14. The observers, Hugh and Lydia Larkin, express concern that there is a parking capacity issue in this part of Laytown, which has resulted in unauthorised usage of their private car park at the Coast Tavern. They raise particular concern that the removal of parking bays as part of the proposal will have the effect of pushing cars back to the street and into their private car park and request active parking control measures, including designated parking bays, double yellow lines, etc.
- 8.1.15. I accept that the area is likely to experience demand for parking from a number of users, including commuters, beach users and playground users and, indeed, I observed on my visit to the site that informal parking takes place in the wider vicinity of the beach and playground. Whilst I understand the observers' concern regarding the potential for overspill parking, this does not in my view justify a requirement by the Board to seek a material increase the level of parking provided in the area. The site is located in a sustainable, urban location and is accessible via means other

than the private car. Users are therefore not dependent on parking and do not give rise to an automatic increase in the demand for parking. Further, there are controls available to the Planning Authority under separate codes to address illegal parking and to control parking demands.

- 8.1.16. In conclusion, I am satisfied that in this urban location there is adequate provision made for car parking and that there are controls available under separate codes to address illegal parking and to control the demand for parking.

### **Biodiversity**

- 8.1.17. The site is partly developed, as surface car parking areas and a playground, and partly greenfield and contains a mix of impermeable and permeable/greenfield surfaces. The site lies partly within the River Nanny Estuary and Shore SPA, which follows the coastline in this area and encroaches onto the south and eastern-most parts of the site. The SPA is designated for the following SCI: Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and Wetland and Waterbirds.
- 8.1.18. The application is accompanied by an Ecological Impact Assessment, Environmental Impact Assessment Screening Report and Natura Impact Statement, each of which describes the receiving environment and assesses potential impacts arising from the proposed development. Both the Ecological Impact Assessment and NIS included the completion of field surveys, including habitat/botanical mammal and bird and breeding bird surveys.
- 8.1.19. The Ecological Impact Assessment describes the site as primarily consisting of built land/artificial surfaces, grassland habitat and dune habitat, with over 80 different plant species recorded within the survey area. The report states that no species listed on Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations of 2011 (as amended) were recorded during field surveys.
- 8.1.20. Regarding birds, the Ecological Impact Assessment states that Species of Conservation Interest (SCI) of the SPA were observed on numerous occasions using the habitats within and adjacent to the subject site. The report acknowledges the potential for disturbance, if construction works are undertaken in the October-March over-wintering period. It also advises that the habitat composition of the site will not be significantly altered by the development and there will be no significant impacts



for the SCI. For breeding birds, the assessment states that low species numbers were observed within the survey area. The assessment states that the proposal will not negatively impact these species and that cessation of the use of desire lines to the beach will have a positive impact for the species using this habitat.

- 8.1.21. The Ecological Impact Assessment states that the surveys encountered limited indication of any regular use of the survey area by non-volant mammals, which may be attributable to the heavy usage of the area by dog walkers. No suitable bat roosting habitat was encountered within the survey area and the proposal is stated to have no impact on bat foraging habitat.
- 8.1.22. Regarding the terrestrial habitats on and adjacent to the site, there is no requirement for significant removal of native species of trees, hedgerow or vegetation, with no significant impacts on biodiversity anticipated. Some short-term impacts can be expected during construction, related to disturbance of foraging and resting places. I would concur with the Ecological Impact Assessment, that the heavy usage of the area by dog walkers and the general level of human activity in the area, associated with usage of the playground and the access route to the beach, is likely to impede usage and the overall attractiveness of the area for terrestrial species.
- 8.1.23. I note the observed presence of SCI of the SPA within the site and would concur that the construction phase may give rise to localised disturbance. Noise disturbance is likely, but in view of the nature and scale of the project, this is likely to be over a short duration and there will be no requirement for significant noise generating construction activities. To mitigate the potential impact, I recommend that conditions be attached requiring as follows: -
- Construction works should be undertaken outside of the over-wintering season of October-March inclusive.
  - Hoarding shall be erected around the main construction site/compound, to minimise the noise and visual impact of the development on SCI within the SPA.
- 8.1.24. The DAU has also requested than an ecological clerk of works should be appointed for the construction phase, to ensure compliance with best ecological practices and to ensure there is no loss of designated habitat. This requirement can also be controlled by condition.

8.1.25. Regarding the SPA, as I have stated previously the site is partly located within the SPA designation and it is likely that surface waters drain into the SPA. The Natura Impact Statement addresses identified potential impacts on the SPA and outlines mitigation measures that would serve to protect the SPA from significant adverse effects.

### **Flood Risk**

8.1.26. As I have outlined, the County Council submitted a site-specific Flood Risk Assessment with the application, prepared by the project architect BDP Architects. The contents of this FRA are noted.

8.1.27. The Planning Authority's Strategic Flood Risk Mapping (Appendix 4 of the development plan and Office of Public Works mapping<sup>1</sup> identify that the site is located in Flood Zone A. The FRA also notes that there is recurring flooding at the site due to high tide conditions.

8.1.28. Table 3.1 of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* identifies that 'Amenity Open Space, outdoor sports and recreation' uses are water-compatible development and are thus appropriate in Flood Zone A locations.

8.1.29. The development will retain the site in a series of primarily permeable finishes, which will allow for continued percolation of flood waters to the subsoil. I am satisfied that the hydrological regime of the site will not be materially affected by the development and there is no increased risk of flooding of adjacent lands.

### **Cultural Heritage**

8.1.30. The application is accompanied by a Heritage Desk Based Assessment, prepared by Niall Roycroft. The assessment identifies that there are no recorded monuments in the immediate vicinity of the site and there are a number of protected structures, as follows: -

- RPS MH028-304 (NIAH 14319003), **house/shop**
- RPS MH028-305 (NIAH 14319004), **Alverno hotel**
- RPS MH028-303 (NIAH 14402801), **railway bridge over River Nanny**

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<sup>1</sup> <https://www.floodinfo.ie/map/floodmaps/>

- 8.1.31. An additional structure is identified as being on the National Inventory of Architectural Heritage (NIAH), NIAH 14319005, **The Coast Public House**.
- 8.1.32. There are no recorded monuments in the vicinity of the site, with the closest such record being c.100m south-west, a well on the opposite side of the railway bridge over the River Nanny. County Meath has a rich archaeological heritage and it is possible that as-yet undiscovered artefacts may be uncovered during the works. I note that the DAU submission requested that pre-construction archaeological testing should be undertaken. This can be controlled by condition.
- 8.1.33. Regarding protected structures, none immediately adjoins the site and I am satisfied that, in view of the nature and scale of the proposal, which primarily involves hard and soft landscaping and the provision of formalised play spaces and walking routes, and which does not involve the construction of buildings that would affect the character and/or setting of the protected structures, the development will have no material adverse impact on built heritage.

## **8.2. Other Issues**

- 8.2.1. I note the observers', Hugh and Lydia Larkin, concerns regarding the extent of public consultation undertaken in advance of submission of the application to the Board and the request that a meeting should be convened regarding day-to-day issues. However, it is not within the Board's power as part of consideration of this application to require that any such meeting should take place.

## **Conclusion**

- 8.2.2. In view of the above assessment, I am satisfied that the proposed development is acceptable in principle and that the park upgrade works proposed are justified.

## **8.3. Environmental Impact Assessment**

- 8.3.1. In relation to screening for Environmental Impact Assessment (EIA), I note that there is no specific provision under Section 177AE of the Act to require EIA or to carry out a formal EIA Screening Determination for a local authority project submitted under this section of the Act. Nonetheless, the Board, in making its decision, is required to consider the likely effects on the environment in respect of the proposed development.

- 8.3.2. The proposed development (a town park comprising of formal and informal play spaces, new and upgraded pathways and associated site works) is not a prescribed class for the purposes of EIA, as contained in Schedule 5 Parts 1 or 2 of the Planning and Development Regulations 2001-2023 (the Regulations).
- 8.3.3. Notwithstanding the above, I note that the applicant submitted an Environmental Impact Assessment Screening Report with the application, prepared by FERS Ltd. The Screening Report describes the characteristics of the proposed development, the receiving environment and the types and characteristics of potential impacts. It classifies the development as an upgrade of an existing park that requires small-scale construction activities, primarily related to upgrading of paths. The screening assessment examines the proposal in the context of criteria provided at Schedule 7 of the Regulations and concludes that EIA is not required, having regard to the locational context and the nature and scale of the proposed development.
- 8.3.4. I have given consideration to the contents of the Screening Report, in the context of the Schedule 7 criteria, and note the following: -

**Characteristics of proposed development:** The development comprises a town park comprising of formal and informal play spaces, new and upgraded pathways and associated site works. The development will require small-scale construction works, associated with the provision of new walkways and a revised playground layout.

**Location of proposed development:** The development is located within the urban footprint of Laytown and contains a mix of built land/artificial surfaces (surface car parking and playground), grassland habitat and dune habitat. It is partly located within the River Nanny Estuary and Shore SPA, which follows the coastline in this area and encroaches onto the south and eastern-most parts of the site.

**Types and characteristics of potential impacts:** The construction phase will involve construction works as part of the new park layout, playground and walking routes. Impacts are likely to be associated with construction noise the drainage of surface waters from the construction site.

- 8.3.5. Having regard to the nature and scale of the proposed development and the characteristics of the receiving environment, I am satisfied that the proposed development would not have any significant adverse effects on population and

human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, or pose a risk of major accident, and the need for environmental impact assessment can, therefore, be excluded.

#### **8.4. The likely significant effects on a European site**

8.4.1. The areas addressed in this section are as follows: -

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

#### **8.5. Compliance with Articles 6(3) of the EU Habitats Directive**

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

#### **8.6. The Natura Impact Statement**

8.6.1. The application is accompanied by an NIS, which describes and examines the proposed development, the project site and the receiving environment. The NIS is stated to have been prepared in compliance with *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DoEHLG, 2009, February 2010) and the *European Communities (Birds and Natural Habitats) Regulations 2011*.

8.6.2. Section 2 of the NIS contains a Screening assessment, which outlines that there are 4 No. Special Areas of Conservation and 5 No. Special Protection Areas within a 15km search zone of the site (Table 4 of the NIS refers). A reduced 500m Zone of Influence is applied, which is based on peer-reviewed light initiation distances, and the assessment thereafter considers potential impacts on the Boyne Estuary SPA and the River Nanny Estuary and Shore SPA. The Boyne Estuary SPA is stated to have been included for screening purposes on the basis of the degree of

interconnection between qualifying interests and habitat types within both it and the River Nanny Estuary and Shore SPA. Other European sites within the search zone were excluded from assessment, based on the separation distance.

8.6.3. The Screening assessment also considers potential in-combination effects (Table 9 refers) and identifies potential in-combination effects with the Eastern CFRAM; Bettystown and Laytown Public Realm Plan; Meath and Louth County Development Plans; quarrying activities, water abstraction, discharge, etc; and land spreading associated with farming activities.

8.6.4. Following assessment, the Screening determines that Stage 2 Appropriate Assessment is required, based on the following conclusion: -

*'Following an examination, analysis and evaluation of the relevant information and the potential for significant effects on the conservation objectives of Natura 2000 sites, and applying the Precautionary Principle, it is not possible to exclude (on the basis of objective information and in the absence of specific prescribed precautionary/mitigation measures) that the proposed plan individually or in combination with other plans and projects, has the potential to have significant negative impacts on the following Natura 2000 sites:*

- *Boyne Estuary SPA and*
- *River Nanny Estuary and Shore SPA.'*

8.6.5. The Stage 2 Appropriate Assessment is contained in Section 3 of the NIS. It describes the River Nanny Estuary and Shore SPA and the Boyne Estuary SPA, lists the qualifying interests for each site, identifies conservation objectives and identifies threats, pressures and activities with negative impacts for each site. It thereafter identifies potential impacts arising from the development, with such identified potential impacts related to disturbance, impacts on water quality and impacts on prey/foraging habitat. The NIS formally concludes that subject to recommended mitigation measures, there would be no potential for significant impacts on the European sites as a result of the proposed development by itself or in combination with other developments.

8.6.6. An addendum to the NIS was submitted as part of the Further Information Response, on 11<sup>th</sup> December 2023. The addendum addresses potential impacts arising from the

construction of the proposed elevated timber decking walkway in the south-west portion of the site. Following assessment, the addendum concludes that there will be no significant impacts on the Conservation Objectives of the Qualifying Interests of the Natura 2000 sites identified given the implementation of mitigation measures as outlined.

- 8.6.7. Having reviewed the NIS and the supporting documentation, including the NIS addendum, I am satisfied that they provide adequate information in respect of the baseline conditions, clearly identify the potential impacts, and use best scientific information and knowledge and 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).

#### **8.7. Appropriate Assessment Screening**

- 8.7.1. The proposed development is not directly connected with or necessary to the management of any European sites in the surrounding area.
- 8.7.2. As I have previously set out, the Screening assessment identifies that there are 9 No. European Sites within a 15km search zone. I would bring to the Board's attention that in the period since submission of the application, the North-West Irish Sea SPA (Site Code 004236) has been designated and the designation extends to within c.600m of the site. There are therefore 10 No. European sites within a 15km search zone.
- 8.7.3. In view of the small-scale nature of the development and the close proximity of the site to the coast, I am satisfied that there is no possibility of significant effects other than for European sites in close proximity to the subject site. Therefore, 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 sensitivities of the ecological receptors, the following 3 No. European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate.

#### **European sites considered for Stage 1 screening:**

European site (SAC/SPA)	Species of Conservation Interest	Distance
River Nanny Estuary and Shore SPA (Site Code 004158)	Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and Wetland and Waterbirds	Within & adjacent to
North-West Irish Sea SPA (Site Code 004236)	Red-throated Diver, Great Northern Diver, Fulmar, Manx Shearwater, Cormorant, Shag, Common Scoter, Little Gull, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Herring Gull, Great Black-backed Gull, Kittiwake, Roseate Tern, Common Tern, Arctic Tern, Little Tern, Guillemot, Razorbill and Puffin.	c.600m
Boyne Estuary SPA (Site Code 004080)	Shelduck, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Black-tailed Godwit, Redshank, Turnstone, Little Tern and Wetland and Waterbirds	c.5km

8.7.4. Based on my examination of the NIS, NIS addendum and other supporting information (including the results of field surveys contained within the Ecological Impact Assessment), in view of the nature and scale of the proposed development and its likely effects and given the proximity and functional relationship between the site and the European sites, I would conclude that a Stage 2 Appropriate Assessment is required for each of the 3 No. European sites referenced above.

#### 8.8. **Appropriate Assessment Screening Conclusion**



8.8.1. In conclusion, having regard to the nature and scale of the proposed development, to the proximity of the subject site to the European sites, to the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the supporting documentation regarding the degree of interconnection between qualifying interests and habitat types within the affected European sites, it is my opinion that the proposed development has the potential to affect 3 No. European sites having regard to their conservation objectives, and that progression to a Stage 2 Appropriate Assessment is required.

## 8.9. **Stage 2 Appropriate Assessment**

### *River Nanny Estuary and Shore SPA*

- 8.9.1. The site lies partly within the River Nanny Estuary and Shore SPA and is hydrologically connected to it via surface and groundwater drainage. The SPA comprises the estuary of the River Nanny, together with sections of the shoreline to its north and south, and it is designated for a variety of wetland and waterbirds, which have been outlined in the table above. There is a common conservation objective for each SCI, 'to maintain the favourable conservation condition' of the relevant species.
- 8.9.2. **Potential direct effects:** As I have stated, the subject site lies partly within the SPA and there are works proposed within the designated area, in the form of an elevated timber walkway that forms part of the proposed walking network around the site. A construction method statement and section drawing of the proposed walkway were provided as part of the Further Information response, from which I note that the walkway measures 65m long and will be elevated above dune level by a minimum of 300mm and will be secured to the ground by a series of spike anchors/drive-in fence posts.
- 8.9.3. **Potential indirect effects:** There is potential for indirect effects on the SPA during construction, arising from discharge of suspended solids and/or pollutants, which have the potential to affect water quality within the SPA, thereby potentially affecting the overarching hydrological regime of the SPA. Additionally, construction activity will generate noise and activity in proximity to the SPA, leading to potential disturbance of SCI. For the operational phase, uncontrolled or accidental release of suspended solids may also arise, in view of the proposed materials used as part of the

development and in view of the fact that the site experiences recurring flooding during high tide conditions.

#### North-West Irish Sea SPA

8.9.4. The North-West Irish Sea SPA was designated in July 2023. It occupies an area of approx. 2,333km<sup>2</sup> adjacent to the eastern coast of Ireland and extends from Dublin Bay to the north of Clogherhead in Co. Louth and is identified as being ecologically connected to a number of existing SPA sites in this area. It is identified by NPWS as an important resource for marine birds, with SCI outlined in the table above. There is also a common conservation objective for Red-Throated Diver, Great Northern Diver, Manx Shearwater, Common Scoter, Black-Headed Gull, Common Gull, Lesser Black-backed Gull, Great Black-backed Gull, Roseate Tern, Common Tern, Arctic Tern, Little Tern, Guillemot, Razorbill and Little Gull, 'to maintain the favourable conservation condition' of the species, whilst for other SCI there is a common conservation objective 'to restore the favourable conservation condition' of the relevant species.

8.9.5. **Potential direct effects:** The SPA designation lies c.600m east of the subject site. There is no potential for direct effects arising from the proposed development.

8.9.6. **Potential indirect effects:** There is no potential for indirect effects on the SPA itself, but I note that NPWS records indicate that SCI of the SPA are present in the other European sites in close proximity to the subject site. In this context, there is potential for indirect effects on SCI arising from discharge of suspended solids and/or pollutants during both the construction and operational phases, which have the potential to affect the hydrological regime of the SPA. Noise and activity associated with construction works may also lead to disturbance of SCI.

#### Boyne Estuary SPA

8.9.7. The Boyne Estuary SPA lies c.5km north of the site and comprises most of the estuary of the Boyne River. It is identified as the second most important estuary for wintering birds on the Louth-Meath coastline and is designated for a variety of wetland and waterbirds, which have been outlined in the table above. Similar to the other European sites within the Zone of Influence, there is a common conservation objective for each SCI, 'to maintain the favourable conservation condition' of the relevant species.

- 8.9.8. **Potential direct effects:** The SPA designation lies c.5km north of the subject site. There is no potential for direct effects arising from the proposed development.
- 8.9.9. **Potential indirect effects:** There is no potential for indirect effects on the SPA itself. However, there is a high degree of interconnection between its SCI and SCI associated with River Nanny Estuary and Shore SPA. This interconnection is also referenced by the NIS. In view of this, there is potential for indirect effects on SCI arising from discharge of suspended solids and/or pollutants during both the construction and operational phases, which have the potential to affect the hydrological regime of the SPA. Noise and activity associated with construction works may also lead to disturbance of SCI.

#### Mitigation Measures

- 8.9.10. Section 3.5 of the NIS contains proposed mitigation measures, which are intended to protect the SPA sites and their SCI from adverse effects. The proposed mitigation can be summarised as follows: -

- Water quality
  - Adherence to best construction practice.
  - Erection of temporary environmental screens to prevent construction debris, abrasive materials, oils, chemicals or other construction materials from entering any watercourse or drain during construction.
  - The contractor's construction method statement will make specific reference to measures for the protection of river quality.
  - Construction plant will be defect-free and well maintained and will arrive on site free of propagules of plant species listed on Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations of 2011.
  - Concrete delivery trucks and equipment will be cleaned out in a manner that does not cause run-off to enter any watercourse/drain.
  - New parking areas will be provided with protective elements to prevent discharge contaminants such as hydrocarbons or fire water from being discharged from the site.

- Disturbance
  - No works shall be undertaken within the SPA and no major works within semi-natural habitats.
  - (The Board will note that this proposed mitigation is superseded by the NIS addendum, proposed mitigation from which is summarised below.)
  - Construction works should be limited to April-September in order to avoid disturbance of over-wintering birds.

8.9.11. The NIS addendum proposes the following additional mitigation: -

- Elevated walkway will itself assist in guarding against dune erosion, by directing the public away from desire line routes.
- Proposed walkway construction methodology will ensure minimal impact on water quality and habitat.

#### Assessment

8.9.12. As I have set out, the potential impacts on European sites arising from the proposed development relate to loss of habitat; impacts on water quality that affect the overarching hydrological regime; and disturbance during construction.

8.9.13. Regarding loss of habitat, the NIS addendum states that no habitat for which the River Nanny Estuary and Shore SPA is designated will be lost as a result of the proposed development. It, however, acknowledges that habitat used by SCI, within and adjacent to the SPA may be altered or lost. However, in justifying the proposed development the NIS addendum states that the construction methodology minimises potential impacts on water quality, by omitting the use of cement etc, and habitat, by using anchors rather than excavated foundations.

8.9.14. I acknowledge, as the NIS addendum states, that the elevated walkway will not result in the loss of any designated habitat. Further, by reason of its elevated nature, the proposed design requires a minimum land-take, which is limited to the area occupied by proposed anchors.

8.9.15. Birdwatch Ireland records state that Oystercatcher, Ringed Plover and Golden Plover feed on terrestrial habitat and, in this context, the provision of the elevated walkway may affect a small loss of suitable feeding habitat for these SCI. However,

the extent of habitat loss is, in my view, very small and I do not consider it would have a significant effect on the SPA, in view of the site's Conservation Objectives. I also note that the site is being effectively retained in varied open/grassed conditions and, further, in formalising the walking routes present within the site, the development will lead to reduced usage of desire line informal routes to the beach, improving the attractiveness of the wider dune habitat for use by affected SCI.

8.9.16. Thus, I am thus satisfied that the provision of a timber decking walkway will not have a significant effect on the River Nanny Estuary and Shore SPA in view of its conservation objectives.

8.9.17. Regarding water quality, given the close proximity and functional relationship between the subject site and the River Nanny Estuary and Shore SPA, there is a likelihood of suspended solids and/or pollutants being discharged from the site to the SPA during construction. The NIS proposes that temporary environmental screens be installed and retained for the construction phase, to prevent debris from being discharged to any watercourse or drain. I agree that such measures are required but, I do not consider the mitigation proposal, as worded, is sufficiently precise to affect the required level of control. I recommend a condition be attached requiring that silt fencing should be installed and retained along the west and east site boundaries and immediately south of the construction site prior to the commencement of construction and shall be retained in place for the duration of construction works. I further recommend that conditions be attached requiring that (a) cleaning of delivery trucks and other machinery should not take place on the site and should take place in a designated and bunded remote location and (b) potentially pollutant materials should be stored in a secure bunded location that has a storage capacity of 110% of the total volume of material stored within.

8.9.18. For the operational phase I also consider there is a risk of suspended solids being discharged from the site. The proposed walking routes are shown to incorporate unbound gravel/aggregate and the playground incorporates play sand areas, which I consider are inappropriate for the site in view of its Flood Zone A location and the acknowledged recurring nature of flooding on the site. I recommend a condition be attached requiring that all non-grassed surfaces within the park should comprise

bound material and/or paving slabs and that no loose gravel or other unbound materials shall be used.

8.9.19. Regarding disturbance, the NPWS conservation objectives document states that all qualifying interests of the River Nanny Estuary and Shore SPA are wintering birds and in this context I note that Section 3.3.3 of the Ecological Impact Assessment, which provides the results of bird surveys undertaken at the site, states that qualifying interests of adjacent SPAs were observed on numerous occasions utilising habitats within the subject site. In particular it documents the presence of Oystercatcher within the site on a number of occasions and provides contemporaneous notes that indicate the species is somewhat accustomed to being in proximity to human activity within the park. The NIS proposes that construction works should be limited to the period of April-September, i.e., outside of the wintering season, which I consider is a reasonable proposal to minimise disturbance to affected SCI.

8.9.20. I note that the North-West Irish Sea SPA Conservation Objectives document states that Herring Gull are present year-round, as are other SCI for that SPA. In view of the interconnected nature of the SPAs in the area, there is a likelihood of some year-round bird presence in the vicinity of the site. Bird species present in the area during summer months in particular are likely to be habituated and accustomed to disturbance associated with human activity and therefore are likely to be somewhat resistant to construction noise associated with the proposed development. Nevertheless, taking a precautionary approach, to minimise potential disturbance during the construction window, I consider the site should be enclosed by a 2.4m hoarding for the duration of construction works. This can be controlled by condition.

#### Potential In-Combination Effects

8.9.21. Potential in-combination effects relate to impacts on water quality within the River Nanny Estuary and Shore SAC, arising from discharge of suspended solids and/or pollutants. Having regard to the implementation of proposed mitigation measures and recommended conditions (see below), I am satisfied that there would be no adverse cumulative effects on the European sites or their QI habitats and species.

### **8.10. Appropriate Assessment Conclusion**

8.10.1. Having regard to the foregoing assessment, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site Nos. 004158, 004236 and 004080 or any other European site, in view of the site's Conservation Objectives.

## **9.0 Recommendation**

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

### **Reasons and Considerations**

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for River Nanny Estuary and Shore SPA (Site Code 004158), North-West Irish Sea SPA (Site Code 004236) and Boyne Estuary SPA (Site Code 004080),
- (e) the policies and objectives of the Meath County Development Plan, 2021-2027,
- (f) The provisions of the Laytown and Bettystown Public Realm Plan,
- (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 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 Nanny Estuary and Shore SPA (Site Code 004158), North-West Irish Sea SPA (Site Code 004236) and Boyne Estuary SPA (Site Code 004080) are the only European sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement, NIS Addendum 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 Nanny Estuary and Shore SPA (Site Code 004158), North-West Irish Sea SPA (Site Code 004236) and Boyne Estuary SPA (Site Code 004080), 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 included as part of the 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/Likely effects on the environment:**

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

**Conditions**

1. The 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.

**Reason:** In the interest of clarity

2. The eastern boundary of the site shall not be enclosed by a boundary fence or railing. The County Council shall incorporate adequate directional and advisory signage as part of the development, to direct pedestrians toward formal, publicly accessible walking routes.

**Reason:** In the interest of the proper planning and sustainable development of the area

3. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, 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.

4. The following additional mitigation measures shall be incorporated: -
  - Silt fencing shall be installed and retained along the west, south and east site boundaries of the construction site for the duration of construction works.
  - Cleaning of delivery trucks and other machinery shall not take place on the site and shall take place in a designated and bunded remote location.
  - Potentially pollutant materials shall be stored in a secure bunded location that has a storage capacity of 110% of the total volume of material stored within.
  - All non-grassed surfaces within the Town Park shall comprise bound material and/or paving slabs and no loose gravel or other unbound materials shall be used.

**Reason:** In the interest of protecting the environment and the adjacent European Site.

5. 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 and NIS Addendum and demonstration of proposals to adhere to best practice and protocols.

**Reason:** In the interest of protecting the environment/the landscape/European Sites/sensitive receptors/in the interest of public health.

6. No construction works shall take place during the over-wintering season of October-March inclusive. The construction site shall be enclosed by a construction hoarding of 2.4m in height for the duration of construction works.

**Reason:** In the interest of nature conservation and to ensure the protection of species of conservation interest within the adjacent European site.

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

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

8. 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 all proposed/required mitigation measures. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

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

9. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and

construction of the proposed development and the archaeologist shall be present on-site during construction works.

**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.

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

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Barry O'Donnell  
Planning Inspector

3<sup>rd</sup> January 2024.