



An
Bord
Pleanála

Inspector's Report

ABP-317830-23

Development

Proposed development of the
Oldcastle Public Realm (Part 8:
P8/23004) at Oldcastle Town Centre,
Oldcastle, Co. Meath

Location

Oldcastle Town Centre, Oldcastle, Co.
Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

Applicant(s)

Derek McCabe

Type of Application

Appropriate Assessment Screening
Determination

Date of Site Inspection

26th April 2024

Inspector

Donal Donnelly

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1.0 Introduction

- 1.1 This is a third-party application to the Board for a Natura Impact Statement (NIS) Direction in relation to the proposed Oldcastle Main Square Public Realm Enhancement Scheme. The application is made under the provisions of Article 250(3) of the Planning and Development Regulations, 2001 (as amended) seeking a determination from the Board as to whether the proposed development would be likely to have a significant effect on a European Site. Oldcastle Main Square Public Realm Enhancement Scheme is a local authority project under Part 8 of the Planning and Development Regulations 2001, as amended (P8/23004). It is not a direct application to the Board.
- 1.2 Meath County Council is of the opinion that the proposed development will not affect the integrity of any European Site and AA is not therefore required. This opinion is supported by an Appropriate Assessment Screening Report (14th July 2023). The applicant, on the other hand, contends the proposed development would likely have significant effects on a European Site.

2.0 Site Location and Description

- 2.1 The site of the proposed scheme comprises the central area of Oldcastle town in Co. Meath. Oldcastle is situated in the north-western part of the county approximately 34km and 19km north-west of Navan and Kells respectively. The county boundary with Cavan is approximately 2.4km north of the town. The population of Oldcastle stood at 1,409 in the 2022 Census.
- 2.2 The town is structured around Market Square where the R154 and R195 intersect. Market Square forms a triangular shape and the former market and courthouse building is orientated north-west to south-east in the centre. The streetscape extends along the four roads radiating from Market Square, with the southern road being the most prominent approach. The streets contain a traditional mix of independent shops and services and the non-linear layout allows for a compact centre.
- 2.3 Car parking is aligned at an angle to the road at the western side of The Square, along the southern approach road and within the enclosed parking

pocket to the east of the square. Perpendicular parking is located elsewhere within the town centre. There is an existing total of 78 parking bays, including five disabled spaces. Road carriageways are wide and there is an overall dominance of cars, both parked and moving. Traffic is two-way apart from the lane to the west of the market building (north-western direction) and the access to the parking pocket (south-western direction).

- 2.4 There are footpaths besides all building frontages around the square. There are narrow pinch points in places and pedestrian circulation is not straightforward due to extensive areas of asphalt. There is an existing pedestrian crossings to the southern end of the square.

3.0 Proposed Development

- 3.1 The Oldcastle Main Square Public Realm Enhancement Scheme comprises the following:

- Redesign of roadways and junctions,
- Creation of new open spaces,
- Improved and wider footpaths,
- New materials palette consisting of modular paving units,
- Improved visibility for traffic,
- Safer crossing points for pedestrians,
- The implementation of traffic calming devices and improvements to traffic flow,
- The implementation and review of time restricted parking within the town centre,
- Improved links to all parts of the town including the playground and Railway Yard car park,
- Improved street lighting within the project area,
- The installation of CCTV at the Railway Yard car park for improved security,
- The installation of street furniture,

- Provision for the installation of public artwork / sculptures within the town centre,
- The undergrounding of existing overhead cables,
- Enhancements to landscaping to include additional trees and vegetation,
- The installation of new signage and line marking,
- The construction of new asphalt road surfacing on the regional roads,
- The construction of a new drop off and pick up area at Gilson National School with new steps and crossing point.

4.0 Planning History

Meath County Council Part 8 P8/23003

- 4.1.1 Meath County Council has applied to redevelop the Fairgreen Railway Yard, Oldcastle to provide for a 4,980 sq.m. play park to include a multi-use games court, informal sports courts, skate / pump track, exercise equipment, play areas for age groups 0 -12 years, open green spaces, picnic seating, hard and soft landscaping, hard surface paths throughout, new public lighting and CCTV, retain and make good existing 1.5m – 4m high natural stone walls and all associated works including netting behind sports areas, surface water drainage, ducting, piping etc.

5.0 Policy Context

5.1 Meath County Development Plan, 2021-2027

- 5.1.1 Oldcastle is classified as a small town in the settlement hierarchy. The importance of Oldcastle as a centre of employment in its wider catchment is recognised in the Development Plan by the fact that it has a jobs ratio of 1.322, this being the only settlement in the County where there is a net in-flow of workers.
- 5.1.2 Most land around Market Square is zoned B1 – Commercial Town or Village Centre where the objective is *“to protect, provide for and/or improve town and*

village centre facilities and uses.” The church to the north-west of the square is zoned GI – Community Infrastructure.

5.1.3 Oldcastle is designated as an Architectural Conservation Area.

5.1.4 It is an objective (DM OBJ 3) *“to implement the following Public Realm Strategies: Navan 2030, Ashbourne, Athboy, Laytown/Bettystown, Oldcastle, Flowerhill and County Hall/St Pat’s Classic School (Navan), when complete.”*

5.2 Oldcastle Public Realm Plan, July 2021

5.2.1 This vision statement for this Plan is to *“improve the public realm in Oldcastle through reorganising the heart of the town with the addition of new public spaces, pedestrian crossings and reorganised parking. Links to open amenity areas, heritage and tourism opportunities should be enhanced and celebrated.”*

5.2.2 Chapter 4 of the Plan explores an intervention to achieve rejuvenation of Oldcastle Town Square. The key principles of the proposal are a pedestrian friendly environment (widen pavements, safe crossing points and creation of defined pedestrian areas); rationalisation of vehicular movement (tightening of junctions where possible, reorganisation and rationalisation of car parking, raised tables to the central portion of the carriageway); and a green and sustainable square (introduction of rain gardens and tree planting).

5.3 Natural Heritage Designations

5.3.1 There are no designated sites within 5km of the centre of Oldcastle. The following designated sites are located within 10km of the town centre.

Site Name	Site Code	Distance (to Oldcastle)
Lough Ramor pNHA	000008	5.6km north-east
Hill of Mael and The Rock of Curry pNHA	000681	9.9km south-west
Lough Glore pNHA	000686	9.6km south-west
Lough Sheelin pNHA	000987	8.3km west
White Lough, Ben Loughs and Lough Doo pNHA	001810	7.4km south-west

Lough Naneagh pNHA	001814	5.4km south-west
Lough Sheelin SPA	004065	8.5km west
River Boyne and River Blackwater SPA	004232	8km east
River Boyne and River Blackwater SAC	002299	8km east
White Lough, Ben Loughs and Lough Doo SAC	001810	7.4km south-west
Moneybeg and Clareisland Bogs SAC	002340	9.4km west
Lough Bane and Lough Glass SAC	002120	8.4km south

6.0 Request for Direction

- 6.1 A third-party application is submitted by Mr. Derek McCabe, The Corner Shop, The Square, Oldcastle seeking a determination from the Board as to whether the proposed Oldcastle Main Square Public Realm Enhancement Scheme would be likely to have a significant effect on a European Site.
- 6.2 It is submitted that the Appropriate Assessment Screening carried out on behalf of applicant is flawed for the following reasons:
- Site boundary minimised to bring development below sub-threshold levels for mandatory AA – development area should be the municipal town boundary.
 - Works should not be considered standalone as there is a separate Part 8 process is running concurrently (Part 8 P8/23003 – Play Park at the Fair Green).
 - List of works as part of the screening differs from the works listed in the Part 8 Notice, most notably the “creation of new open spaces” – such works will give rise to the removal of vegetation/ trees, soil, subsoil and the installation of new paved areas complete with drainage.
 - Screening Report asserts that there is no hydrological link to European sites within 15km, which is contrary to the Flood Risk Assessment confirming that a tributary of the River Inny is within 450m to the north-west. Upper River

Inny is 850m south of the subject site and municipal sewage works discharge to the Upper River Inny 500m south-west of the subject site.

- River Inny is evaluated as being of county importance with regards to its fisheries value and presence of White Clawed Crayfish and European Eel, which is critically endangered. One of the main threats to White Clawed Crayfish is drainage, pollution and introduction of predators, competitors, or diseases.
- No bat survey has been carried out – town centre works are significant and involve the removal of trees. Bat survey was carried out for adjacent Part 8 and concludes the existence of significant bat populations, including the less common Leisler species.
- Lighting report lacks reference to the effects of proposed lighting on migratory birds, wildlife and the confirmed bat populations.
- Threshold for screening for Appropriate Assessment is set out in Kelly v An Bord Pleanála [2014] IEHC 400 (25 July 2014) – there is no need to establish such an effect, merely necessary to determine that there may be such an effect and it is not appropriate at screening stage to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.
- Threshold explained in Paragraph 44 of CJEU Case 258/11: *“So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.”* This is a strict standard and planning authorities do not have legal jurisdiction to give permission if it is not met.
- The development must be assessed for compliance with the WFD.

7.0 Applicant's Response

7.1 Meath County Council responded to the seven numbered observations contained in the requester's submission as follows:

Threshold:

- Site boundary for the proposed development, as presented in public display as part of the Part 8 planning process, clearly encompasses all of the development the subject of the Part 8 application – there are no thresholds for Appropriate Assessment set out in legislation.

Concurrent Projects:

- Fairgreen area is located adjacent to Oldcastle town centre but is outside the scope of the Public Realm Plan.

Conflicting Descriptions of Proposed Works:

- No conflict in the description of the proposed development, between the Appropriate Assessment Screening Report and the Part 8 Planning Notice – any differences in wording are considered minor in nature and do not affect the conclusions of the Appropriate Assessment Screening Report.

Omissions in Screening Report:

- There is no hydrological link between the proposed development site and the Natura 2000 network – there is a buffer of 400m to the closest stream, which continues to the River Inny and Lough Sheelin SPA is 7km downstream from this point. As there is no hydrological link, the conclusion that there is no potential for effects on the designated site is robust.

Fisheries Value:

- No comment.

Presence of Bats and Bat Surveying:

- No specific requirement to carry out a bat survey as part of this proposal – bat survey will be carried out prior to construction in line with best practice.

Lighting:

- New street lighting has been designed to use LEDs with no UV component, a warm colour temperature and peak wavelengths greater than 550nm (<2700K) – this will have less impact on bats than the currently installed low pressure sodium lamps. Fittings are selected to have no upward light component and columns will be positioned to minimise light spill. Measures are in line with ILP Guidance Note 08/18 Bats and the Built Environment.

Local Authority Legal Duties:

- Part 8 Planning Report is prepared by Planning Department for consideration by Elected Members in respect of all Part 8 applications – planning merits of the proposal assessed in this report.

Environmental Impacts / EIAR:

- EIAR Screening Report accompanying Part 8 application.

Habitats Directive:

- AA Screening Report and Determination accompanies Part 8 application.

Water Framework Directive:

- No hydrological link between development site and Natura 2000 network and therefore no requirement to undertake a WFD Impact Assessment for the proposed development.

8.0 Legislation

- 8.1 Article 250 (1) of the Planning and Development Regulations, 2001 (as amended) states that a local authority shall carry out a screening of a proposed development it proposes to carry out to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.
- 8.2 Under the provisions of article 250(3)(b) of the Planning and Development Regulations 2001, as amended, where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board

for a determination as to whether the development would be likely to have such significant effect.

- 8.3 Article 250(3)(d) states that *“where the Board makes a determination that a development would be likely to have a significant effect on a European site, it shall require the local authority to prepare, or cause to be prepared, a Natura Impact Statement.”*

9.0 Appropriate Assessment Screening

- 9.1 The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Appropriate Assessment Screening Report and Associated Documents
- Step 1: Description of Project
- Step 2: Potential Impact Mechanisms from the Project
- Step 3: European Sites at Risk
- Step 4: Likely Significant Effects on European Site(s) ‘Alone’
- Step 5: In-combination
- Identification of Likely Effects
- Reasoned Conclusions

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

- 9.3 The proposed development comprises the development of a public realm enhancement scheme for Oldcastle Main Square comprising surface works to

include redesign of roadways and junctions; new open spaces and improved pedestrian facilities; new paving and resurfacing; traffic calming; parking restrictions; street lighting, furniture, CCTV and signage; undergrounding of cables; landscaping; and construction of a new drop off and pick up area at Gilson National School with new steps and crossing point. The proposal is not directly connected with or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

9.4 Appropriate Assessment Screening Report and Associated Documents

- 9.4.1 The Part 8 planning application for the proposed public realm enhancement scheme is accompanied by an Appropriate Assessment Screening Report dated 14th July 2023. This report sets out the methodology for Appropriate Assessment screening based on relevant guidance and is informed by the description of the proposed development, an overview of the receiving environment, a desktop data review, and an assessment of the effects on European Sites. Other documents that accompany the Part 8 planning application include a Preliminary Design Report, EIA Screening Report, a Flood Risk Assessment, an Arboricultural Assessment Impact and Tree Protection Report and an Outdoor Lighting Report.
- 9.4.2 The AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies any European Sites within a possible zone of influence of the development. It is concluded within the AA Screening Report, following an examination, analysis and evaluation of best available information, and applying the precautionary principle, that there is no potential for significant direct, indirect and cumulative impacts on the qualifying interests of the Natura 2000 sites arising from the proposed public realm enhancement scheme at Oldcastle, Co. Meath. In reaching this conclusion, the authors of the AA Screening Report have fully considered the nature of the project and its potential relationship with all European Sites within the zone of influence, and their conservation objectives.

- 9.4.3 Having reviewed the documents and submissions on the application, I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.
- 9.4.4 The AA Screening Report was informed by the following studies, surveys and consultations:
- DoEHLG, (2010). 'Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities'
 - Office of the Planning Regulator, (2021). 'Appropriate Assessment Screening for Development Management.'
 - European Commission, (2001). 'Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.'
 - European Commission, (2007). 'Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission.'
 - European Commission, (2018). 'Managing Natura 2000 Sites. The Provisions of Article 6 of the Habitats Directive 92/43/EEC.'
 - Consultation with the NPWS, National Biodiversity Data Centre, EPA and Loughs Agency via publicly available resources.
 - Desk top study to identify the extent and scope of the potentially affected designated European Sites within the current study area in relation to the development site.

9.5 **Step 1: Description of the Project**

- 9.5.1 The subject site comprises the surface area of Oldcastle town centre, together with approach roads. A separate 'L' shaped area to the east of the town centre is also included in a separate site boundary.

- 9.5.2 There is little in the way of habitat within the site boundary apart from a grassed strip in the eastern part of the site. There are also a number of street trees around the town centre. Most of the site comprises roadways and footpaths.
- 9.5.3 Levels generally fall from north to south/ south-west in the area of the town centre. The nearest watercourse is a first order stream located 430m from the subject site, which flows south-west to the third order River Inny. The River Inny flows west and enters Lough Sheelin approximately 9km west Oldcastle. The town centre site covers an area of approximately 0.9 hectares.
- 9.5.4 The proposed development includes resurfacing works, the undergrounding of cables and landscaping. Tree planting and the inclusion of rain gardens form part of the SuDS proposals that will help to improve biodiversity and drainage. I have provided a description of the proposed development in Section 3 and detailed specifications of the proposal are contained within the Appropriate Assessment Screening Report and other planning documents provided by the applicant.

9.6 Step 2: Potential Impact Mechanisms for the Project

- 9.6.1 The proposed public realm enhancement works will not result in any direct effects such as habitat loss on any European Site.
- 9.6.2 The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the proposed development.
- 9.6.3 Source of impact may include:
- Direct or indirect loss of habitats.
 - Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.
 - Physical structures - barrier effect, avoidance for mobile species.
 - Increased human disturbance at the site, particularly during construction causing disturbance to mobile species.

- 9.6.4 Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access.

9.7 Step 3: European Sites at Risk

- 9.7.1 With reference to the potential impact mechanisms from the proposal, the following European sites and qualifying features are potentially at risk. Site specific conservation objectives and relevant and supporting documents are examined in determining the following:

Table 1 European Sites potentially at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	Stream c. 500m from subject site, which is a tributary of the River Inny. The River Inny flows into Lough Sheelin approximately 9.9km downstream from the confluence of stream and river.	Lough Sheelin SPA	<ul style="list-style-type: none"> - Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] - Pochard (<i>Aythya ferina</i>) [A059] - Tufted Duck (<i>Aythya fuligula</i>) [A061] - Goldeneye (<i>Bucephala clangula</i>) [A067] - Wetland and Waterbirds [A999]
Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	As above. Moneybeg and Clareisland Bogs SAC adjoins Lough Sheelin SPA	Moneybeg and Clareisland Bogs SAC	<ul style="list-style-type: none"> - Active raised bogs [7110] - Degraded raised bogs still capable of natural regeneration [7120] - Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]
Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as	No hydrological pathway	White Lough, Ben Loughs and Lough Doo SAC	<ul style="list-style-type: none"> - Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. [3140] - <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]

water quality/ habitat degradation.			
Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	No hydrological pathway	Lough Bane and Lough Glass SAC	- Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140] - Austropotamobius pallipes (White-clawed Crayfish) [1092]
A. Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	No hydrological pathway	River Boyne and River Blackwater SAC	- Alkaline fens [7230] - Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] - Lampetra fluviatilis (River Lamprey) [1099] - Salmo salar (Salmon) [1106] - Lutra lutra (Otter) [1355]
B. Disturbance/ displacement	No hydrological pathway for otter		
Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation.	No hydrological pathway	River Boyne and River Blackwater SPA	- Kingfisher (Alcedo atthis) [A229]

9.7.2 It should be emphasised that there are no European Sites within 7km of the subject site. Of the European sites identified as potentially being risk in Table 1 above, there may only be hydrological impact pathways to two downstream designated sites, i.e. Lough Sheelin SPA and Moneybeg and Clareisland Bogs SAC. There is no hydrological link to any of the other European Site listed in Table 1, as these sites are in different drainage catchments and are at a significant distance from the subject site. In the case of the River Boyne and River Blackwater SAC, the subject site is located approximately 7.8km from this

European Site. However, there is no river connectivity to the subject site that may create a connection pathway for otter.

9.7.3 The Appropriate Assessment Screening Report assesses all sites within a 15km radius of the subject site. However, there is no hydrological or other connectivity from the subject site to most of these European Sites. I have therefore only included those sites with any possible ecological connection or impact pathway in the screening determination.

9.8 Step 4: Likely Significant Effects on the European Sites ‘alone’

Table 2: Could the project undermine the conservation objectives ‘alone’					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Surface water pollution	Direct/ indirect habitat loss	Disturbance/ Displacement	Loss of ex-situ habitat
Lough Sheelin SPA	CO004065.pdf (npws.ie)				
- Great Crested Grebe - Pochard - Tufted Duck - Goldeneye - Wetland and Waterbirds	Maintain or restore FCC	N	N	N	N
Moneybeg and Clareisland Bogs SAC	ConservationObjectives.rdl (npws.ie)				
- Active raised bogs [7110] - Degraded raised bogs still capable of natural regeneration [7120] - Depressions on peat substrates of the Rhynchosporion [7150]	- This SAC overlaps with Lough Sheelin SPA (004065). The conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate. - Restore FCC - Inherently linked to active raised bogs	N	N	N	N

9.8.1 There will be no direct impacts on any European Site from the proposed development due to geographical separation; the nearest European Site is the River Boyne and River Blackwater SAC, which is 7.8km from the subject and there is no hydrological connection to this site.

- 9.8.2 The main potential for indirect effects on the conservation objectives of European sites are surface water pollution, indirect habitat loss, disturbance/ displacement and loss of ex-situ habitat on site for SCI birds. However, there will be no habitat loss nor ex-situ habitat on site suitable for SCI birds. Disturbance/ displacement effects are not possible as QIs do not use the site. Lough Sheelin SPA is designated for several bird species and wetland and waterbirds habitat but these qualifying interest species/ habitat are a substantial distance from the subject site and there is no interaction with the SPA. Moneybeg and Clareisland Bogs SAC is designated for terrestrial habitat and again these QIs are geographically isolated from the subject site by approximately 9.7km.
- 9.8.3 The closest watercourse to the proposed scheme is approximately 430m to the north-west and this stream flows into the River Inny which in turn flows into the Lough Sheelin SPA. The closest point of the stream to the subject site is approximately 1.66km upstream of the point where this stream flows into the River Inny. This confluence is 9.9km upstream of the point where the Inny meets the SPA. The Lough Sheelin SPA is also hydrologically connected to the Moneybeg and Clareisland Bogs SAC. All connections are over a substantial distance and the nearest watercourse is separated from the subject site by agricultural land and urban development. Having regard to the scale of the proposed development and the nature of the works, together with the separation distances involved, there is no potential for impacts on any European Site to occur from water quality impacts.
- 9.8.4 Issues were raised by the requester relating to the extent of the site boundary, cumulative impacts with a concurrent Part 8 application, description of works, hydrological connections, and the fisheries value of the River Inny. As noted above, there are no hydrological link between the subject site and European sites given the separation distances involved. All works as advertised will take place within the site and I consider that there is no deliberate attempt to minimise the extent of the works. I note the differences in wording between the Screening Report and Part 8 notice. I agree with Meath County Council's consideration that any differences are minor in nature and do not affect the conclusions of the Appropriate Assessment Screening Report. For the reasons

outlined above relating to separation distances, there will be no impact from the proposed development on the fisheries value of the River Inny.

- 9.8.5 Having regard to the above, I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of Lough Sheelin SPA and the Moneybeg and Clareisland Bogs SAC. Further AA screening in-combination with other plans and projects is set out below.

9.9 Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

- 9.9.1 It is stated in the Appropriate Assessment Screening Report that any nearby proposals are small scale and also located a large distance from any European sites. Reference is made to the Fairgreen proposal by the requester, which is located outside the scope of the public realm plan. Similarly, this proposal is a significant distance from any European site and the stream to the north-west of the town, which is separated by urban and agricultural lands.
- 9.9.2 No plans or projects exist that could have the potential to act in-combination with the proposed development and there are no residual effects. I conclude that the proposed development would therefore have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

9.10 Screening Determination

- 9.10.1 I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) is not required.
- 9.10.2 This conclusion is based on:
- Objective information presented in the Screening Report,
 - The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development,

- Unsuitability of habitats at the application site for supporting mobile species associated with any European Site.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same,
- Distance from European Sites,
- The absence of meaningful pathway to any European site,
- Impacts predicted would not affect the conservation objectives.

9.10.3 No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.0 Recommendation

I recommend that Meath County Council be advised that the preparation of a Natura Impact Statement in respect of the proposed Oldcastle public realm enhancement scheme is not required for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to the following:

- The nature and scale of the proposed development,
- The location of the proposed development and the separation distances from European Sites,
- The lack of meaningful hydrological connections between the site and the European sites,
- The submissions made by the local authority, including the AA Screening Report prepared on behalf of the local authority,
- The Meath County Development Plan 2021-2027,
- The submission made by the applicant requesting a determination,

- The report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the identified European sites, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

Professional Declaration

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

Donal Donnelly
Senior Planning Inspector

24th May 2024