



An
Coimisiún
Pleanála

Inspector's Report ABP-319247-24

Development	Renovation, extension and change of use of existing structure to create a single dwelling and all associated site works. An Ecological Impact Statement, Natura Impact Statement and Screening for Appropriate Assessment form part of the planning application.
Location	Former Yacht Club, Crook Road, Mornington, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	237
Applicant(s)	Kevin and Rosemary Nolan
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party v. Grant
Appellant(s)	Drogheda Port Company Colin and Lorraine Reynolds
Observer(s)	None

Date of Site Inspection

25 June 2025

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The subject site is located on Crook Road (L56394), Mornington, Co. Meath, approx. 5km east of Drogheda. The site is located at the northern extent of Mornington. Crook Road is a cul-de-sac road, terminating approx. 400m to north, and on site visit was noted to be very lightly trafficked.
- 1.2. The area is characterised by clusters of detached houses primarily on the western side of Crook Road, with further established residential areas on cul-de-sac roads accessed from Crook Road. Save for a number of dwelling houses located generally opposite the subject site, there are no further dwellings between the subject site and the cul-de-sac to the north. There is a mobile home park approx. 120m south east of the site, accessed from the eastern side of Crook Road. There is very limited other development on the eastern side of Crook Road.
- 1.3. A short distance east of the site the area is inter-tidal, further east of which is the navigational channel of the River Boyne. On site visit a substantial amount of the inter-tidal area was visible. The Boyne Estuary, estimated to be approx. 40m to east of the site as viewed on www.epa.ie, flows in a roughly north/south direction at this location. The Boyne Estuary also flows in a south/north direction to west of the established residential area west of Crook Road, approx. 220m to west of the subject site. There is one existing building on site comprising a former yacht club in a dilapidated condition located near the southern site boundary. This building is elevated above the estuary. The existing building is stated to be a Derelict Site, as outlined in an email dated 2019 from the planning authority on file.
- 1.4. The actual navigational channel of the River Boyne is further east of the subject site. Based on Tailte Éireann mapping (www.tailte.ie), I estimate that the western side of the navigational channel, with reference to posts/markers, is approx. 130m east of the subject site.
- 1.5. This 0.965ha site is roughly rectangular. The former yacht club is accessed from its south elevation, and its west elevation is approx. 7m from the roadside boundary. An access route between this building and the southern site boundary provides access from Crook Road to the River Boyne. Lands to east of the site fall towards the estuary. The yacht club building is positioned at a higher level than the mobiles further to the south. The site is slightly elevated above the level of Crook Road.

2.0 Proposed Development

2.1. Permission is sought for

- renovation, extension and change of use of existing structure, a former yacht club
- demolition of south and eastern walls, north and west walls to be retained
- creation of a two-storey, 4-bedroom residential dwelling
- new vehicular access from Crook Road and 2no. parking spaces on site
- private open space provision, landscaping, boundary treatments and ancillary works

2.2. Gross floor space of the various existing and proposed works is outlined as follows -

	Gross floor space
Existing building	103.22sqm
Proposed works	191.85sqm
Area work to be retained	93.95sqm
Demolition	12.85sqm

2.3. The existing building is 2-storey, and much of the increase in the floor area of the building is created by the addition of a new first floor level, and the reduction of the existing finished floor levels at ground level. The extent of extent of the increase in the footprint of the proposed development is very minimal, and primarily comprises of an extended footprint to the east. The proposed development includes the demolition of a porch projection on the south elevation.

2.4. Access to the site is proposed from a new vehicular entrance off Crook Road. Water supply is from an existing connection. Wastewater treatment is to existing public sewer. Surface water disposal is by soakaway, proposed to be located in the north eastern corner of the site.

2.5. Documentation submitted with the application includes

- Stage 2: Appropriate Assessment – Natura Impact Statement
- Ecological Impact Assessment
- Design & Planning Report

Documentation submitted with the FI response includes -

- Ecological Impact Assessment (November 2023)
- Stage 2: Appropriate Assessment – Natura Impact Assessment (November 2023)

2.6. The Further Information (FI) landscape plan shows a large area at the northern part of the site is proposed to comprise beach pebble for the driveway and parking areas.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following a request for Further Information, the planning authority granted permission subject to 6no. conditions, summarised as follows:

Condition 1: Development shall be carried out in accordance with plans and particulars lodged on 09 January 2023, 01 December 2023 and 24 January 2024.

Condition 2: (a) Provide unobstructed 50m sightlines from 2.4m setback

(f) Remove entire roadside boundary and set it back at least 3m from road edge

Condition 3: Implement mitigation measures in Stage 2 AA NIS Report (01 Dec2023)

Condition 4: Implement mitigation measures in Ecological Impact Assessment Report (01 Dec. 2023)

Condition 5: Existing right of way on landscape plan (538-PD-01) received 01 December 2023 shall be maintained in perpetuity

Condition 6: Complete BRE 365 tests for proposed soakaways on site, to include 20% for an increase in rainfall due to climate change.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

Basis for planning authority decision

First **Executive Planner's** report (23 February 2023), endorsed by Senior Executive

Planner (SEP) -

- Notes sensitive re-use of existing structures permitted in H1 High Amenity zoning
- Site is adjacent to Flood Zone A. No report received from flooding department
- Concludes that appropriate mitigation measures can be implemented to mitigate against any potential impact to Natura 2000 sites.
- Proposal is not a development type listed in Part 1 of Schedule 5 of Planning and Development Regulations 2001 and is significantly sub-threshold under Part 2 (500 houses). The need for EIA can be excluded at preliminary examination and screening determination is not required.

Recommendation for FI on 2no. items reflects Planner's Report.

Second **Executive Planner's** report (19 February 2024), endorsed by SEP –

- Considers FI response on (1) right of way and (2) glint and glare to be acceptable.
- Concludes that appropriate mitigation measures can be implemented to mitigate against any potential impact to Natura 2000 sites, and notes DAU response

Recommends grant of permission subject to 6no. conditions.

3.2.2. Other Technical Reports

Transportation Department (23 February 2023): No objection subject to conditions, including remove entire roadside boundary and set it back at least 3m.

Water Services Planning Report (02 February 2023) states should permission be granted, a BRE 365 result for the soakaway to be submitted prior to commencement.

Architectural Conservation Officer (Email dated 28 February 2023, approved by SEP on 01 March 2023) states no architectural conservation objections.

Internal email correspondence: Email dated 01 March 2023 notes permission is sought for change of use which is classified as highly vulnerable development. With reference to Council's Mapinfo flood mapping and OPW CFRAMS and NIFM flood mapping, the site is in Flood Zone C for fluvial flooding. Probability of flooding is less

than 0.1% and at low risk of flooding. No objections from a flood risk perspective.

3.3. Prescribed Bodies

DAU, Department of Housing, Local Government and Heritage A letter from DAU dated **27 February 2023** received by the PA raises 4no. issues relating to description of the project and Stage 1 Screening, which include -

- Item 2: Bird survey data is mostly 4 years old. Chartered Institute of Ecology and Environmental Management (CIEEM) advice is where surveys are more than 3 years old, report is unlikely to be valid and most surveys likely need to be updated, subject to assessment by professional ecologist. FI required.
- Item 3: There is potential for indirect or ex-situ disturbance effects on River Boyne and River Blackwater SAC (002299) due to location of proposed development in close proximity to site boundary (3.3km at closest point), particularly in relation to mobile species such as otter.
- Item 4 considers the proposed Boyne Greenway project (ABP-307652-20), which ends at Mornington, should have been included in the analysis of in-combination effects, and requires Further Information.

It raises 2no. issues regarding Stage 2 –

- Item 1: Site species conservation objectives, available for sites to be considered at Stage 2, have not been used.
- Item 2: NIS must consider disturbance effects to Special Conservation Interest (SCI) bird species at operational stage. Disturbance in the form of ‘walking, including dog walking’ has been assigned a high disturbance score in sector OVL04 of Boyne Estuary SPA.

Regarding Ecological Assessment Report (EclA), the Department notes the Landscape Plan stated to be in Appendix B could not be located

Following Further Information, DAU letter dated **15 February 2024** notes the revised EclA and revised NIS are partially based on additional survey work undertaken on 15 and 23 November 2023. It is satisfied that the development should result in no significant adverse effects on Boyne Estuary SPA or Boyne Coast and Estuary SAC provided measures in the revised EclA and NIS are implemented in full.

It recommends a condition that measures to avoid impacts on plants, animals and habitats arising from the construction as detailed in the FI EclA and NIS should be implemented in their entirety, including erection of silt fences, careful planning of concrete pours and provision of spill kits and drip trays to contain hydrocarbon leakages from vehicles and machinery.

Uisce Eireann letter (04 February 2023) states no objection subject to 3no. conditions

- Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water (IW), a connection agreement must be signed prior to commencement and standards and conditions in the agreement must be adhered to
- IW infrastructure capacity requirements and proposed connections to water and wastewater infrastructure will be subject to constraints of IW Capital Investment Programme
- Development shall be carried out in compliance with IW standards codes and practices

3.4. **Observations to the Planning Authority**

2no. submissions were received on the application originally lodged, from Drogheda Port Company and from an elected member and can be summarised as follows -

Drogheda Port Company (DPC) – concerns regarding daylight glint and night time lighting on shipping traffic, impacts on right of way, and application is not a sensitive re-use of existing structure and claims of anti-social behaviour are over-stated.

Elected Member – concerns regarding development close to shipping channel being potentially dangerous to safe navigation of ships into/out of Drogheda Port, proposed design is not keeping with scale of buildings in area, impacts on privacy and extinguishment of public right of way intended without due process and prevents use of leisure craft by local residents.

Following Significant Further Information, 3no. submissions were received from

DPC, the elected member and residents of Crook Road. Issues raised in the submission from DPC are similar to those raised in their initial submission and in their grounds of appeal. Issues raised in the elected member's submission are the same as in initial submission. Issues raised by nearby residents relate to loss of privacy, overshadowing and overbearing impacts, proposal being out of character, blocks right of way and site was never designated residential.

4.0 Planning History

Subject site

P.A. Ref.: LB/190972: Permission refused on a larger site at this location for renovation, extension and change of use of existing structure on grounds that the proposed development is not permissible nor open for consideration on H1 High Amenity zoning in East Meath Local Area Plan (LAP) 2014-2020 and would materially contravene an objective in LAP. NIS lodged with application.

P.A. Ref. 88/000348: Permission granted on a larger site at this location for change of use of former yacht club to workshop to manufacture aluminium windows.

Sites in vicinity:

PL-500317-MH-25: Permission is currently sought for change of use of part of existing driving range to wildlife rehabilitation and teaching hospital. An NIS was submitted. This site is approx. 500m west of the subject site.

ABP-307652-20: The Board refused to approve in 2023 the Boyne Greenway, pedestrian and cycleway linking Drogheda (Co. Louth) to Mornington Village (Co. Meath) on grounds that it was not satisfied that proposed development would not adversely affect integrity of European sites in view of the sites' conservation objectives. Most easterly part of the greenway is approx. 500m south of subject site.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027

Vol. 1 Written Statement

Chapter 11 – Development Management Standards and Land Use Zoning

Objectives

The site is zoned H1 – High Amenity in Meath County Development Plan 2021-2027, which is ‘to protect and improve areas of high amenity’.

Permitted Uses: Cycleways / Greenways / Trail Development, Land & Water Based Recreational Activities, Open Space, Cultural Activities.

Open for Consideration Uses: Kiosk, Restaurant, Tea Room, Sensitive re-use of existing structures

Section 11.14.4 outlines that an ‘open for consideration use’ is one which may be permitted where the Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

Most of the lands on the western side of this stretch of Crook Road are zoned A1 Existing Residential.

Lands further west of the established residential area on Crook Road are zoned F1 Open Space, and this zoning includes an estuarine waterbody.

Chapter 2 – Core Strategy

Bettystown -Laytown-Mornington East is a Self-Sustaining Town in the Core Strategy.

Objective CS OBJ 9 - Prepare new LAPs within lifetime of Plan for settlements including Bettystown-Laytown-Mornington East-Donacarney

CS OBJ 6 - Strengthen social and economic structure of rural towns and villages by supporting re-use of existing buildings and regeneration of under-utilised buildings and lands.

Chapter 4 – Economy and Employment Strategy

Objective ED OBJ 22 – Maximise tourism potential of Boyne Valley, including Boyne River and East Meath coastal area from Mornington to Gormonston while ensuring environmental protection of sensitive and protected coastal habitats and landscape

Chapter 6 – Infrastructure Strategy

Section 6.10.2.4: Irish Coastal Protection Strategy Study (ICPSS) commissioned by OPW study identifies locations along the north-east coast at risk of coastal flooding and coastal erosion.

INF POL 25 - To have regard to the recommendations of the Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) and the Eastern Catchment Flood Risk Assessment and Management Study (CFRAMS).

Vol. 2 Written Statement and Maps for Settlements

East Meath: Mornington East is the most northern section of East Meath. It outlines Donacarney, Mornington, Bettystown, and Laytown

- are supplied by East Meath Water Supply Scheme. Capacity is available but there are network constraints.
- are serviced by East Coast Sewerage Scheme with wastewater pumped to Drogheda Wastewater treatment plant. Capacity exists but there are network constraints

Objective BLMD OBJ 2: Support re-use/regeneration of any vacant properties and lands through active land management

Objective BLMD OBJ 14: Support Irish Water to provide adequate water services to meet development needs of areas including Mornington East within Plan period.

Objective BLMD OBJ 15: To manage flood risk and development in East Meath area in accordance with policies and objectives set out in section 6.10 of Vol.1 of County Development Plan “Surface Water and Flood Risk Management’.

Development Plan mapping

- The site is located within the Bettystown/Laytown/Mornington East /Donacarney/ Mornington development boundary.
- ‘Trees to be protected’ is shown on lands to south west, on the opposite side of Crook Road. TPO 93/1 is shown at this approx. location on Map 9.3.
- There are no protected structures on or in the vicinity of the subject site, nor are there any architectural conservation areas (ACAs) in the vicinity.

- There are no protected views on Crook Road. Nearest protected views are No.s 65 (Laytown Strand) and 75 (Boyne Estuary view from coast road between Mornington and Drogheda), as per Map 8.6 and Appendix 10.
- There is no public right of way shown at this location on Map 8.5. Other public rights of way are shown along the coast further south of the site.
- The site is located within Landscape Character Type: Coastal Landscape (Map 1), is of Moderate Value (Map 2) and of High Sensitivity (Map 3)

Note: The planning authority's website (www.meath.ie) states that the East Meath Local Area Plan (2014-2020) has been superseded by a Written Statement and Land Use Zoning Map contained in Vol. 2 of Meath County Development Plan 2021-2027.

5.2. National Planning Framework (NPF)

5.2.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). Relevant National Policy Objectives (NPOs) include:

- NPO 4 Ensure creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 33 Prioritise provision of new homes at locations that can support sustainable development at an appropriate scale of provision relative to location

5.2.2. The NPF First Revision (April 2025) outlines at Section 2.6 (Securing Compact and Sustainable Growth that previously developed, brownfield and infill sites, and vacant and derelict buildings vary by their nature, scale and location depending on the settlement size within which they are located. On the basis of their existing land use in an urban area, these lands may be underutilised. As a result, there is potential for such sites to contribute to meeting the development needs of the area, in particular in terms of housing delivery, as a result of their location and access to existing services and communities.

5.3. Regional Spatial and Economic Strategy (RSES)

5.3.1. The Eastern and Midland Regional Assembly's Regional Spatial and Economic

Strategy (RSES) 2019-2031 supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.

- 5.3.2. It contains 16no. Regional Strategic Outcomes (RSOs). RSO 2 Compact Growth and Urban Regeneration is to promote regeneration of cities, towns and villages by making better use of under-used land and buildings within existing built-up urban footprint and to drive delivery of quality housing and employment choice.

5.4. Development Management Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government, 2007.

These Section 28 Guidelines are intended to promote best practice at every stage in the development management process. The Guidelines outline (at Section 5.13) that an applicant who is not the legal owner of the land or structure in question must submit a letter of consent from the owner in order to make the planning application and where such a letter is not submitted, the application must be invalidated. It states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. It refers to Section 34(13) of the Planning Act, stating a person is not entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.

5.5. The Planning System and Flood Risk Management – Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government and Office of Public Works, 2009.

These Section 28 Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process.

5.6. Natural Heritage Designations

- Most of the appeal site is located within Boyne Estuary SPA (004080). The former yacht club building on site is not within the SPA.

- Boyne Coast and Estuary SAC (001957) is within the site's immediate vicinity
- River Boyne and River Blackwater SAC (002299) is contiguous to Boyne Coast and Estuary SAC (001957) approx. 3.3km to east.
- North West Irish Sea SPA (004236) is approx. 1.3km to east.

There are no NHAs in the vicinity or wider environs.

Boyne Coast and Estuary pNHA (001957) is within the site's immediate vicinity.

5.7. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

2no. third party appeals have been received from Drogheda Port Company (DPC) and Colin and Lorraine Reynolds.

6.1.1. Grounds of appeal from Drogheda Port Company may be summarised as follows:

Right of way

- A historical right of way has been used at this location by DPC and formerly Drogheda Harbour Commissioners (DHC) and Drogheda Pilotage Authority to access its lower river pilotage boat moorings where it has its pilot vessels (2no.) and access launch.
- This location is statutorily defined in DPC Pilotage Byelaws; section 41.

Vehicular and pedestrian access is used by boat crews, coxswains, licenced pilots, Harbourmaster and Port Authority staff, and service personnel

- DPC use right of way as Sea Pollution Authority to access the river with plant and machinery. Right of way is used by leisure vessels and by some statutory agencies, i.e., Inland Fisheries, EPA, Customs and Department of Defence
- Historically DHC pilot boats were moored at former Mornington Yacht Club and slip way used to access boats. Slipway is identified on Admiralty Charts for Boyne Navigational Channel; Appendix 1 – Admiralty Chart 1431-1
- From 1960, DHC provided mooring rights during sailing season to Boyne Yacht Club. In 1965 it assisted club in facilitating cruisers. Access to moorings used by DHC, the Club's members, local enthusiasts and visiting cruisers has always been via right of way adjacent to former Yacht Club building
- DPC and previously DHC have exercised many rights of way and rights of access, not all registered. Access to sites such as former Yacht Club have been constant, part of DPC's normal duties and transparent
- DPC corresponded with Council regarding an attempt to extinguish right of way in 2016. Blocks remained in place until 2019. Concerns that further attempts to block or reduce this access may occur
- There is confusion in Condition 5 which refers to right of way identified on landscape plan 528-PD-01. This plan references 'public access'.

Glint and Glare, proximity to navigational channel

- Initial application took no account of established shipping traffic, and no glint assessment or navigational light impacts considered.
- Port is continuing to expand. Shipping levels are increasing. DPC is 4th largest in the state in terms of commercial volumes. Essential that incoming/outgoing vessels in channel are not impacted by the proposed development.
- Admiralty Chart 1431-1 indicates parameters of River Boyne navigational channel
- Applicant's screenshot does not identify or refer to navigational channel. Line referenced by applicant refers to Louth/Meath boundary and not navigational

channel. Proposed dwelling within approx. 100m to navigational channel.

- Applicant's FI states DPC through its pilotage by-laws was attempting a 'unilateral claim to lands in third party ownership'.
- Jurisdiction of DPC is set out in Harbours Act 1996, and jurisdiction of DHC dates to 1796.

SFI public notices

- SFI site notice erected and newspaper notice published on 20 January 2024, 6 weeks after request issued and 2 weeks outside period specified in letter.

6.1.2. Grounds of appeal from Colin and Lorraine Reynolds may be summarised as follows:

Validity of Application

- Application was invalid in 3 respects
 - Drawings did not identify a right of way in yellow as required by Regulation 22(2)(b)(iii) (of Planning and Development Regulations 2000). Design and Planning Report refers to documents from LB190972 which it said were included in appendices. These are not on file in breach of Regulation 22(4).
 - Application form is irregular.
 - Section 14 states application is not for residential development.
 - Section 17 incorrectly states development does not involve demolition of any structure
 - Application form is dated 19 December 2022 yet states site notice was erected on 9 January 2023
 - Site notice was erected on same day as submission of application. Regulations 17(1)(b) and 19(1)(a) require site notice to be erected within 2 weeks before making an application. Site notice cannot be erected simultaneously or after application has been submitted.
 - Applicant was invited to submit drawing showing right of way following Drogheda Port Company's observations. There is no provision under

planning code for invalid application to be validated through FI request

- Under Regulation 26(2) planning authority may only validate an application which complies with requirements of *inter alia* Regulations 19(1)(a) and 22. Application was incorrectly validated and Board must refuse permission.

Validity of significant further information notice

- Public notice of significant FI was not in form prescribed under Regulation 35. It failed to comply with Regulation 35(1)(a)(v)

Validity of planning authority decision

- Site notice for FI indicated a 5 week period for further public submissions starting from date of receipt of the notice to P.A. It was received by P.A. on 24 January 2024. Last day for submissions was 27 February 2024. P.A. made its decision on 19 February 2024. Decision was ultra vires and void. Board cannot rectify this error and must refuse permission.
- Decision is invalid as P.A. did not make lawful screening determination. Project is subthreshold development within scope of paragraph 10(b) of Annex II to EIA Directive and paragraph 10(b)(i) of Part 2 of Schedule 5 of Planning and Development Regulations
- P.A. incorrectly applied Directive 85/337/EEC as amended. Directive was repealed on 16 February 2012. P.A. only had regard to proposal size and disregarded its nature and location, partially within SPA and potential to significantly interfere with marine activity. P.A. did not have information specified in Article 4(4) of EIA Directive and/or Schedule 7. EIA screening was done before FI was submitted. Absence of lawful EIA screening renders the P.A. unlawful and void and requires Board to refuse permission.

Screening for EIA – legal requirements

- EIA screening is a two-stage process. Competent authority must examine the project having regard to selection criteria in Annex III to Directive 2011/92 (Schedule 7 of Planning and Development Regulations 2001).
- There is no specific provision in EIA Directive for 'preliminary examination' of sub-threshold projects. It must be done according to EIA screening procedure

which requires developer to submit Schedule 7A information.

- Developer is required to take into account where relevant available results of other assessments of effects on the environment carried out by pursuant to Union legislation other than the EIA Directive. SEA and AA for development plans, LAPs and Section 28 guidelines will always be relevant and developer is required to provide the indicated information.
- There are a number of obligations for developer and competent authority in relation to Water Framework Directive (WFD)
- EIAR is required to contain data to assess the effects of a project on the status of bodies of water concerned in light of requirements in *inter alia* Article 4(1) of WFD Case C-535/18IL). It must show whether the project is liable to result in deterioration of a body of water
- References Article 4(1)(a)(i), (ii) and (iii) of WFD
- SuDS measures to control pollution are not 100% effective and depend on maintenance. Research shows petrol interceptors are only around 70% effective in removing suspended solids and don't cope well with particles less than 25µm³
- Assessments under EIA, Habitats and SEA Directives are not substitutable for one another although they may be coordinated/draw on the same data

EIAR required

- Project has screened in for AA and therefore must be screened in for EIA.
- DPC identified likelihood of significant effects on shipping and marine traffic. This involves a likely significant effect on material assets requiring an EIAR.

Habitats Directive

- Winter bird survey was carried out on 1 day in November 2023. BTO wetland bird survey methodology calls for monthly surveys, particularly from Sept. to March. A scientifically appropriate survey methodology was not used.
- An abundance of wetland bird species was identified within the area even within limited survey.
- There is no analysis of how close the identified species are to the site.
- Considers submission from Minister for Housing, Local Government and

Heritage is incorrect in reaching conclusion based on 'no significant adverse effects.....on European Sites.' Standard in unknown to Habitats Directive.

Material contravention of zoning

- Proposal materially contravenes zoning of the site
- Site is zoned H1 – High Amenity in Development Plan. Applicants say addition of 'sensitive re-use of existing structures' to uses which are open for consideration removes previous ground of refusal.
- Applicant and planning authority have misinterpreted the Development Plan
- Cites uses permitted and open for consideration in H1. Residential is neither permitted nor open for consideration on H1. 'Sensitive re-use' does not create new use type or expand range of uses permitted on H1 land and must be within scope of uses defined in Development Plan. Addition of 'sensitive' makes no difference. 'Sensitive re-use' cannot reasonably be interpreted as allowing all uses to be open for consideration
- Proposal is not re-use, but re-development. 'Sensitive re-use' implies change in existing structure, not redevelopment or expansion of existing structure
- Chief Executive's report has no bearing on interpretation of Development Plan
- Anti-social behaviour is stated to be due to derelict nature of building. Applicants have general duty under section 9 of Derelict Sites Act 1990 to take all reasonable steps to ensure site does not become or continue to be derelict. An applicant cannot point to circumstances caused by its own breach of duty as a reason justifying a grant. If there is anti-social behaviour due to dereliction the owners in first instance and local authority are required to act.

Conclusion

- The appeal should be allowed and permission refused.

6.2. Applicant Response

The applicant's response to both third party appeals may be summarised as follows:

Background and re-use of existing building

- Planning application P.A. Ref. 1909702 was refused. P.A. Ref. 237 was lodged following adoption of County Development Plan 2021-2027. Building design remains the same but site area is reduced. Change in Development Plan is 'sensitive re-use of existing structures' in Open for Consideration Uses
- Design Strategy Report and Planning Report on P.A. Ref. 1909702 are still relevant and are included at Appendix 2 and Appendix 3 respectively.
- Cites Chief Executive's report on applicant's submission to current Development Plan at draft stage, which refers to P.A. Ref. LB/190972 having been refused permission due to 'residential' not being permitted on H1 zoning, and this addition (relating to sensitive re-use of existing structures) would prevent existing structures from becoming derelict.
- Planner's report has no direct comment on design or remodelling works. This can only be interpreted as confirming acceptability of both

Environmental Comments

- 3no. assessments carried out since 2019. Second assessment followed a specific FI request item, addressed all issues and agreed with NPWS.
- Cites DAU response recommending condition of any permission that measures in amended FI EclA and NIS should be implemented in entirety
- Cites environmental firm's advice that survey methodology was developed in consultation with NPWS, is considered proportionate for site size and nature of development, and includes survey information completed in 2019. Survey identified wetland bird species foraging along nearby beaches and River Boyne. These species were taken forward for further assessment and appropriate mitigation measures will be implemented at construction phase. It concluded that there would be no significant adverse effects on wetland birds as there will be no discernible change to baseline environment.
- Appeal (by Colin and Lorraine Reynolds) refers to water contamination from hydrocarbon spillage. Principal source would be construction delivery trucks and machinery. DAU is satisfied there are adequate provisions for dealing with this.

- There is much greater risk of hydrocarbon pollution from vehicular traffic, as advised by both appellants, which cross public access to south to river's edge.
- Application site totals 960sqm, approx. 0.1% of local High Amenity area

Comments on Drogheda Port Company appeal

- Applicants are not attempting to block public access from Crook Rd. to Boyne River. Nothing proposed within or on public access. DCP have at least 4 other access points to this section River Boyne and one at north end of Crook Road
- In FI response, reference to this access as a right of way was dropped as it is not a registered right of way. Refers to extract from Land Registry map.
- Other issues raised not covered by planning law should not be considered
- DPC's Admiralty Chart copy has been scale adjusted and detail transposed onto OSI map at 1:5000. Photo 1 is visual overview of channel. It anticipated DPC submissions would be accurate. This does not seem to be the case.
- States following commentary is based on writer's experience as inshore and offshore sailor and principal designer for Malahide Marina
- Existing building is 1400m from mouth of channel entrance, c.850 clear of entrance defined by 'bull walls' on OSI map/Admiralty Chart and opposite a straight section of channel c. N 35° W. Photos 1 & 2 illustrate separation of the building from channel and navigation lights
- Plane of proposed dwelling's windows have a N 19° W orientation and facing almost 90° to direction of travel and the channel.
- On OSI map and Admiralty Chart the measured distance of the channel's port side is at least 145m from existing building with centre of channel approx. 170m. DPC assertion that channel is within approx. 100m does not withstand scrutiny. Meath/Louth boundary approximates closely to centre of channel.
- Attaches commentary on Boyne Channel from eOcenic, a forum for yachts and small boats typical of those not accompanied by DPC pilot. From Maiden Tower on in, River Boyne channel is marked with frequent pairs of lateral light beacons. These stand outside the dredged channel on each side of river with conspicuous stone beacons, near the margin of low water.

- It is difficult to comprehend DPC comment regarding navigational beacons opposite building. Critical point is always at entrance with tidal inlets where river and sea meet
- Applicant agrees that navigational points on river are vital in times of poor visibility and adverse weather. In Boyne channel navigation beacons are in pairs almost directly opposite each other. Diagram A sets out mapping context
- Navigator when passing upstream will have continuous focus to north east searching for next pair of beacons, especially starboard one. Proposed dwelling will not be in navigator's line of sight or cone of vision and at best will be noticed peripherally if internal lights are on.
- This part of the channel is one of the safer stretches.
- Ground and first floor windows will appear as a single light. Light will be low intensity reflected white or soft white light reflected downwards, is not comparable with onshore light pollution necessary to impact navigation, is not directly behind navigation lights and does not have sufficient lateral width to create such impact
- Approx. 27no. mobile homes are closer to the channel almost directly opposite its entrance. There is no suggestion that vehicles' lights or mobile homes' internal lights cause any impact on navigation beacons
- External lights for dwelling should be low level and focused downwards. Applicant will accept any condition the Board may choose in this regard

Response to Reynolds' appeal

- It is not proposed to respond individually to procedural, legal, environmental and other assertions as most are covered elsewhere in submission.

Responses to paragraphs 5 -10 -

(5) Public access from Crook Rd. to river is on drawings. It is not coloured yellow as it is not right of way registered on Land Registry/Land Direct mapping

(6) Application form is correct. It does not involve demolition of existing building. Existing area 102.22sqm/retained area 93.95sqm. 19 December 2022 is day declaration on application form was signed. Application complies with Regulation

22(1). Council validated application on 17 January 2023.

(7) Assertion is speculative. Notice erected prior to submission of application

(8) FI request did not require public access/right of way to be coloured yellow

(9) Notice was similar to Council sample, complied with Regulations 19 & 22

(10) SFI notice complied with Regulation 35(1)(a)(v)

- Grounds of appeal materially differ from observations to planning authority

6.3. **Planning Authority Response**

- The planning authority's response to the Drogheda Port Company's appeal notes the issues raised include risk to right of way and to vessels navigating the channel, FI published outside the time parameters, and that development does not qualify as a sensitive re-use. The planning authority has examined the appeal and is satisfied that all matters outlined above in the submissions were considered as detailed in the Planning Officer's Report. The planning authority requests the Board to uphold the decision to grant permission.

6.4. **Observations**

None

6.5. **Further Responses**

A further response was received from the third party Colin and Lorraine Reynolds. It states they support Drogheda Port Company's appeal submission. It notes DPC is a public body with particular expertise in the operation of Drogheda Port over a long period of time.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file,

including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- **Validation of planning application**
- **Principle of Development – Development Plan Land Use Zoning**
- **Right of Way and Planning Authority’s Condition 5.**
- **Navigational Channel and Glint and Glare Impacts**
- **EIA Screening – Grounds of Appeal**
- **Flood Risk – New Issue**

7.2. Matters relating to Appropriate Assessment and Water Framework Directive are set out at Sections 8.0 and 9.0 of this report respectively and associated appendices.

7.3. **Validation of the planning application**

Application as originally lodged:

- 7.3.1. The grounds of appeal from Colin and Lorraine Reynolds contend that the application is invalid on a number of grounds, including that the site notice cannot be erected on the same day as the submission of the application.
- 7.3.2. The planning authority did not raise any issues at application stage nor in its appeal submission to the Board relating to validation, save for noting in its submission on the appeal that issues raised by Drogheda Port Company include that the FI was published outside the time parameters, and that it is satisfied that all matters outlined were considered as detailed in the Planning Officer’s report.
- 7.3.3. I note that Article 17 of the Planning and Development Regulations 2001 (as amended) hereafter referred to as ‘the Regulations’ states (1) an applicant shall within the period of 2 weeks before the making of a planning application (b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 19. The Regulations do not expressly state that a site notice cannot be erected on the same date as the lodgement date of the planning application. No evidence has been provided that the site notice was not in place on

the stated date of erection of site notice, namely 9 January 2023, or that the public were excluded or not adequately notified of the proposed development.

- 7.3.4. I note the timeframes provided for in legislation relating to public notices and lodgement of a planning application, as set out in Article 17(2) of the Regulations and the calculation of appropriate timeframes and other time limits set out in Section 251 of the Planning and Development Act 2000 (as amended), hereafter referred to as 'the Act'.
- 7.3.5. On the basis of the information on file, I am satisfied that the application was lodged within the appropriate period, and that the date of the erection of the site notice has had no material impact on public participation.
- 7.3.6. Accordingly, I do not consider that grounds for invalidating the application on the basis of the site notice date have been met.
- 7.3.7. With regard to concerns raised in the grounds of appeal relating to the absence of appendices in the submitted Design and Planning Report, I note that this Report outlines that the design strategy included on P.A. Ref. LB190972 is stated to be in the appendices. No appendices are attached to the Design and Planning Report. However, the submission of such information is not a requirement of Article 22 of the Regulations. Accordingly, I do not consider that the absence of the cited information is grounds to warrant the invalidation of this case.
- 7.3.8. The matter of a right of way not being shown on the lodged application is discussed at Section 7.5 of this report.

Validity of SFI response – dates of public notices/SFI lodgement dates

- 7.3.9. The grounds of appeal –
- from Drogheda Port Company include that the SFI site notice was erected and newspaper notice published on 20 January 2024, 6 weeks after the request was issued and 2 weeks outside the period specified in letter.
 - from Colin and Lorraine Reynolds contend the SFI failed to comply with Regulation 35(1)(a)(v) and public notice was not in the form prescribed

SFI notices – timeframe for receipt of SFI notices by planning authority

- 7.3.10. Article 35(1) of the Regulations states that where a planning authority receives FI

and considers it contains significant additional data, it shall (a) require the applicant, within a specified period, to publish notice in an approved newspaper and (b) within the period specified in (a) to erect a site notice in the form substantially set out in Form 4 (Schedule 3).

- 7.3.11. The planning authority's letter dated 6 December 2023 to the applicant refers to receipt of FI, and requires the applicant to re-advertise within 4 weeks of this date.
- 7.3.12. The revised public notices, dated 20 January 2024, were received by the planning authority on 24 January 2024. As outlined above, I note the calculation of appropriate timeframes and other time limits set out in Section 251 of the Act. Taking account also of Section 251 of the Act, the 4-week timeframe from 6 December 2023 expired prior to 20 January 2024, i.e., the revised notices were not published/erected within the 4-week period specified in the planning authority's letter dated 6 December 2023. It therefore appears that Article 35(1)(a) has not been complied with regarding the submission of the revised notices within the 'specified period'.
- 7.3.13. I consider there is an error regarding timeframes for receipt of the SFI public notices outside of the 'specified period'. I note this matter was considered acceptable by the planning authority. While noting this error regarding timeframes at planning application stage, I note that 3no. submissions/observations were received on the SFI response, and no evidence has been presented that any parties were prejudiced in terms of participation.

SFI notices - 5-week timeframe cited

- 7.3.14. With regard to the timeframes for receipt of submissions, the SFI notice submitted on 24 January 2024 states 'A submission or observation in relation to the further information or revised plans may be made in writing to the Planning Authority in the case of a planning application accompanied by ...a Natura Impact Statement (NIS), within 5 weeks of receipt of such notices by the Planning Authority ...'
- 7.3.15. I note that Section 34(8)(c) of the Act outlines *inter alia* that where a planning application is accompanied by a Natura impact statement, and a planning authority serves a notice referred to in paragraph (b) i.e., requiring FI, the authority shall make its decision, where it considers that it contains significant additional data which requires publication of a notice by the applicant in accordance with the permission

regulations, and gives notice to the applicant, within 8 weeks beginning on the day on which notice of that publication is given by the applicant to the planning authority.

- 7.3.16. Article 35(1)(a)(v) of the Regulations requires the notice (of further information or revised plans) to state *inter alia* that a submission/observation in relation to the FI may be made not later than 2 weeks after the receipt of the notices by the planning authority, or in the case of an application accompanied by an EIAR, 5 weeks. This article does not include any reference to a Natura Impact Statement (NIS).
- 7.3.17. The planning authority made the decision to grant on 19 February 2024, i.e., ‘day 27’, and before the expiration of a 5-week timeframe for receipt of submissions/observations as cited in the SFI public notices. I consider that reference to the 5-week period in the revised public notices is not in accordance with Article 35(1)(v) of the Regulations. However, I note also that 3no. submissions/observations were received by the planning authority on the SFI. No evidence has been presented that any parties were prejudiced in terms of participation.
- 7.3.18. For completeness, I draw to the Commission’s attention that on receipt of the revised notices on 24 January 2024, the planning authority did not require any further notices pursuant to Article 35(2) of the Regulations, i.e., where the planning authority considers that the (SFI) notices do not adequately inform the public, the planning authority may require the applicant to give such further notices in such a manner and in such terms as the authority may specify.

Validation – Conclusion

- 7.3.19. I draw to the Commission’s attention that the grounds of appeal from Colin and Lorraine Reynolds conclude the appeal should be allowed and permission refused.
- 7.3.20. On the basis of all information on file, in terms of procedural matters and alleged irregularities in terms of validation and the nature and timing of the SFI notices, I note that these matters were acceptable to the planning authority. I am satisfied that this did not prevent the concerned parties from making representations. It is recommended that invalidation of the appeal would not be warranted in this case.

7.4. Principle of the Proposed Development – Compliance with County Development Plan Land Use Zoning

Land Use Zoning

- 7.4.1. As outlined at Section 5.0 Policy Context, the site is zoned H1 High Amenity in the current Meath County Development Plan 2021-2027, whereby it is an objective to protect and improve areas of high amenity. 'Sensitive re-use of existing structures' is open for consideration.
- 7.4.2. I note that the Development Plan outlines (at Section 11.14.4) that an 'open for consideration use' is one which may be permitted where the Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.
- 7.4.3. 'Residential' use is not listed as being either permissible or open for consideration.
- 7.4.4. In terms of ascertaining whether the proposed development would come within the scope of 'sensitive re-use of existing structures', I consider it relevant to compare the existing structure on site with the proposed development, particularly the extent of demolition and works to the existing built fabric.
- 7.4.5. The existing building is single-storey, with a pitched roof over, save for the most westerly part of the building which has a flat roof. A flag pole is approx. 4m from the eastern elevation.
- 7.4.6. With regard to the nature and scale of the proposed works to the existing former yacht club building on site, I note that the description of development as per the public notices proposes demolition of south and east walls, and states north and west walls will be retained.
- 7.4.7. Proposed Building Plan (Drawing No. (P)16) lodged with the application shows the ground floor plan, and indicates the entire south elevation to be demolished, most of the east elevation and a very limited part of the west elevation, at its southern end. The area of building to be extended at the eastern end is in the range of approx. 1.5m to 3.3m. It would be extended to a very limited extent on the southern elevation, as shown on this drawing.
- 7.4.8. This drawing does not indicate proposed removal of the existing roof. However, based on the plans and particulars on file, it would appear that the existing roof would be removed in order to facilitate the ground floor having a reduced finished

floor level (FFL) and the insertion of a new first floor level in the enlarged structure. The existing 12.45 ridge level would be replaced by a sloping ridge of 14.21 at its eastern gable, reducing to 12.72 at its western (Crook Road) gable, as shown on Existing Elevations – Sheet 2 (Drawing No. (P)05) lodged with the application. On the basis of this and other drawings on file, I consider that the proposed development includes removal of the existing roof.

- 7.4.9. In terms of detail, the new entrance to the modified structure would be from the north elevation. This entrance and associated removal of existing built fabric to facilitate same is not shown on the Proposed Building Plan (Drawing No. (P)16), which instead includes this new entrance as ‘existing walls to be retained’. However, while the extent of removal of built fabric has not been expressly identified on plan or elevation, I note also that the removal of same to facilitate provision of the new entrance would comprise a limited proportion only of the northern elevation. As such, I consider that much of this elevation would be retained in the proposed development.
- 7.4.10. I have noted in this assessment the content of the Design and Planning Report lodged with the application. It outlines that the proposed design has been assessed from a structural and construction point of view, and that the additional structure only extends through the existing foundations in small pockets principally the three on the northern elevation, allowing redevelopment to proceed as proposed with minimal interference with the existing structure (primarily walls and floor shown green) as retained.
- 7.4.11. Having regard to the plans and particulars on file, I note in particular that the proposed development does not comprise the demolition of the entire structure. However, on the basis of the information on file, I consider that while taking account of the northern and most of the eastern elevation being retained in the proposed development, that the removal of the southern and eastern elevations and the roof would result in the greater proportion of the existing built fabric being removed, in contrast to the lesser amount of built fabric being retained. Given that much of the existing structure is removed in the proposed development, I do not consider that the proposed development can be considered to comprise ‘sensitive re-use of existing structures’ and would thereby materially contravene H1 High Amenity land use zoning. Refusal of permission on this basis is recommended.

- 7.4.12. For completeness, I have noted in this assessment Development Plan Objective CS OBJ 6 which seeks to strengthen social and economic structure of rural towns and villages by supporting re-use of existing buildings and regeneration of under-utilised buildings and lands.
- 7.4.13. Given that the existing building on site is unoccupied, and which I also note from the planning authority's email correspondence (in 2019) is stated to be a Derelict Site, and is located within the Bettystown-Laytown-Mornington East-Donacarne settlement boundary, I note that a re-use of this building would, in principle, be in compliance with Objective CS OBJ 6. However, as outlined above, given that the site is zoned H1, whereby residential use is neither permissible nor open for consideration, and given in particular the substantial extent of built fabric proposed to be removed from the existing building, I do not consider that the proposed development would come within the meaning of 're-use of existing buildings' (emphasis added). Accordingly, I do not consider that the proposed development would be in compliance with Objective CS OBJ 6.

Visual impact vis-à-vis 'Sensitive re-use of existing structures'

- 7.4.14. With regard to the 'sensitive' re-use of existing structures, in terms of the design and scale of the proposed development, I note in particular the existing structure's proximity to the River Boyne to the east and to Crook Road to the west. The overall design of the proposed development is contemporary. The principal external finish is timber cladding, which is also shown on the proposed pitch roof.
- 7.4.15. As outlined at Section 5.0 (Policy Context) I note that the site is located within Landscape Character Type: Coastal Landscape (Map 1), is of Moderate Value (Map 2) and of High Sensitivity (Map 3).
- 7.4.16. The proposed development due to its taller building height above the existing structure, its position extended by up to approx. 3.3m further to the east, and its site context located at a high level above the estuary, would be more visually prominent than the existing building on site.
- 7.4.17. In terms of design, I consider that while the proposed development would be visually prominent, that it would not would adversely impact on the visual amenities of the area, located within a Coastal Landscape of High Sensitivity.

7.4.18. However, as outlined above, I consider that the principal issue regarding 'sensitive re-use of existing structures' is that the overall proportion of demolition proposed is excessive in this instance, and accordingly, notwithstanding that the visual impact of the design is considered acceptable, it is considered that the proposed development would not come within the meaning of the 'sensitive re-use of existing buildings' use.

7.5. Right of Way and Planning Authority's Condition 5

7.5.1. The grounds of appeal by the third party Drogheda Port Company (DPC) include concerns regarding a right of way. I note the concerns outlined, including that a historical right of way has been used at this location by DPC and formerly Drogheda Harbour Commissioners (DHC) and Drogheda Pilotage Authority to access its lower river pilotage boat moorings where it has its pilot vessels (2no.) and access launch. I note also the DPC's concerns regarding Condition 5 which refers to right of way identified on landscape plan 528-PD-01, referenced as 'public access'.

7.5.2. The grounds of appeal from third party Colin and Lorraine Reynolds state that following Drogheda Port Company's observations, the applicant was invited to submit a drawing showing right of way, and that there is no provision under planning code for an invalid application to be validated through FI request.

7.5.3. While no details relating to a wayleave were submitted with the lodged application, I note that under Article 33(1)(a) of the Regulations the planning authority may require an applicant to submit any further information, including any information as to any estate or interest in or right over land, which the authority considers necessary to enable it to deal with the application.

7.5.4. I am satisfied that the information sought under FI Item 1 is not inconsistent with Article 33(1)(a) of the Regulations. Accordingly, I do not consider that there are grounds to invalidate this case based on a FI request relating to a right of way.

7.5.5. I note that the FI drawing titled Site Plan with Right of Way (Drawing No. (P)20) shows a right of way demarcated in yellow. The separate FI Landscape Plan (Drawing No. A528-PD-01) annotates a 1m high picket fence to delineate between the garden and existing public access.

7.5.6. With regard to the planning authority's Condition 5, I do not consider it appropriate that a requirement for an existing right of way to be maintained in perpetuity should

be addressed by way of planning condition. I consider that this matter is more appropriately addressed separate to the planning code. In particular the Development Management Guidelines state that the planning system is not designed as a mechanism for resolving disputes about rights over land, that these are ultimately matters for resolution in the Courts. I note also that Section 34(13) of the Planning and Development Act 2000, as amended, states that a person shall not be entitled solely by reason of a permission under this section to carry out any development.

- 7.5.7. Should the Commission be minded to grant permission for the proposed development, it is recommended that Condition 5 is not attached.

7.6. Navigational Channel and Glint and Glare Impacts

- 7.6.1. The grounds of appeal from Drogheda Port Company includes that the slipway is identified on Admiralty Charts for Boyne Navigational Channel, and refers to Appendix 1 – Admiralty Chart 1431-1. It is also stated that the proposed dwelling is within 100m of the navigational channel. Appendix 3 includes Appendix 1 – Admiralty Chart 1431-1; ‘Identifying navigational channel’. Both of the maps/charts at Appendices 1 and 3 show a 1:7500 scale. However, I note that no annotated dimensions are shown on these maps/charts, and as such approximate distances are not estimated from same.
- 7.6.2. The applicant’s response to the grounds of appeal states that on the OSI map and Admiralty Chart the measured distance of the port side to the channel is at least 145m with the centre of the channel being approx. 170m. It further outlines that the DPC assertion that the channel is within approx. 100m does not withstand scrutiny.
- 7.6.3. As outlined at Section 1.0 of this report, I estimate that the subject site is approx. 130m from the western side of the navigation channel, based on www.tailte.ie mapping. Based on the information viewed on www.tailte.ie and the applicant’s response to the grounds of appeal, I am satisfied that the subject site is at least 130m from the western side of the navigation channel.
- 7.6.4. The FI response outlines (at Appendix B) that a full glint and glare assessment is not required. It states that notable reflectance will only occur at very acute angles because of the transparency of the glass otherwise allows sunlight to pass through it

rather than glint off it. The proposed design places the windows well back (1.6m at first floor level and 0.8m at ground floor) from a fully enclosing and continuous cheek wall/roofline of the building which will serve to shroud the windows from acute angle sunlight thereby lessening the potential for acute angle glare to emanate from them towards the navigation channel. It outlines that windows in the proposed dwelling are oriented to north east, the only potential for direct low angle sunlight to strike the windows is at dawn in the middle of summer, and the vast amount of light will pass through them.

- 7.6.5. The FI Item 2 response (in agent's cover letter) states the proposal involves standard domestic windows with polished glass which is transparent rather than being reflective. It states that beacons adjacent to the proposal are 160m and 220m distant from the windows with the channel being c.190m from the windows. A scaled cross-section through windows and channel is included.
- 7.6.6. However, as previously outlined, I estimate that the western part of the navigation channel is approx. 130m from the nearest part of the subject site, and while the distance of the windows to the channel would be slightly further distant, I do not consider that it has been adequately demonstrated that the cited c.190m separation distance can be achieved.
- 7.6.7. Notwithstanding these differing separating distances, I consider that subject to the use of non-reflective glass, the matter of glint and glare would be adequately addressed, and that this matter could be addressed by condition. Should the Commission be minded to grant permission, it may wish to consider the attachment of a condition requiring the use of non-reflective glass.
- 7.6.8. With regard to the use of artificial light within the proposed dwelling house at night, the applicant's response to the grounds of appeal states that the navigator when passing upstream will have continuous focus to north east searching for next pair of beacons, dwelling will not be in navigator's line of sight or cone of vision and at best be noticed peripherally if internal lights are on. While it might be visible from boat, it is not comparable with type of onshore light pollution necessary to impact navigation and is not directly behind navigation lights.
- 7.6.9. I note the concerns raised by DPC with regard to lighting impacts of the proposed development on the navigation channel. Having regard to all information on file, and

while noting the elevated position of the existing building relative to the navigation channel, I am satisfied that internal lighting would not adversely impact on the use of the navigation channel.

- 7.6.10. With regard to impacts from lights from cars, the FI response states headlights will illuminate c.150m with their beams' effectiveness diminishing thereafter. It is proposed to provide a 1m high screen around the car parking area and turning area as indicated on landscape Drawing No. 528-PD-01 Rev. A (005). I note this drawing shows an informal 1m high double row hedge. I do not consider that a 1m high hedgerow would be of sufficient height to address vehicle lights' beams. However, I consider a hedgerow or other alternative screening of increased height would adequately address this matter, and that this could be addressed by condition. Should the Commission be minded to grant, it may wish to consider the attachment of a condition to address this.
- 7.6.11. With regard to external lighting to the dwelling, the FI response outlines the applicant is prepared to accept a condition requiring any external lighting to be low level and directed downwards. I consider that the attachment of a condition requiring a detailed lighting design to be submitted and agreed prior to commencement of development would be appropriate in this case. Should the Commission be minded to grant permission, it may wish to consider the attachment of such a condition to address this matter.
- 7.6.12. Accordingly, having regard to the matters outlined above, I consider that subject to conditions, the proposed works to the existing building and the use of the overall site to including a car parking area would not adversely impact on the navigation channel of the River Boyne due to glint and glare or lighting impacts.

7.7. EIA Screening - Grounds of Appeal

- 7.7.1. The matter of EIA screening is discussed at Section 5.7 of this report, and which also references Form 1 and Form 2 in Appendices.
- 7.7.2. The grounds of appeal (from Colin and Lorraine Reynolds) include that the decision is invalid as the planning authority did not make lawful screening determination under EIA Directive and transposing legislation. Project is subthreshold development within scope of paragraph 10(b) of Annex II to EIAR Directive and paragraph 10(b)(i)

of Part 2 of Schedule 5 of Planning and Development Regulations.

7.7.3. I note that 10(b)(i) of Part 2 of Schedule 5 (Development for the Purposes of Part 10) of Planning and Development Regulations 2001 as amended relates to construction of more than 500 dwelling units.

7.7.4. As per the description of development, I note the proposed development includes -

- renovation, extension and change of use of the existing structure, demolition of existing south and east walls, north and west walls to be retained
- creation of a 2-storey, 4-bedroom dwelling
- vehicular entrance, parking, landscaping, boundary treatment and ancillary works

7.7.5. The proposed development is substantially below the 500no. dwelling threshold set out at 10(b)(i) of Part 2 of Schedule 5 (Development for the Purposes of Part 10) of Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA arises. The proposed development has been subject to preliminary examination for environmental impact assessment, (refer to Form 1 and Form 2 in Appendices of this report).

7.7.6. Accordingly, I am satisfied that the submission of a sub-threshold EIAR is not required in this instance.

7.8. Flood Risk – New Issue

7.8.1. The issue of flood risk has not been raised in the ground of appeal.

7.8.2. Having regard to the site's location approx. 40m west of Boyne Estuary, I consider that flood risk is an issue relevant to the assessment of this appeal, and as such this is discussed as outlined below as a **new issue**.

Site Context

7.8.3. I note elsewhere in this assessment (at Appendix 2 Appropriate Assessment) that mapping shown on Boyne Estuary SPA (Site Code 4080) – Conservation Objectives Supporting Document (Version 1; NPWS, 2012) (viewed on www.npws.ie) shows that subject site is within the 'supratidal' broad habitat type¹, i.e., separate to the

¹ Appendix 7; Boyne Estuary

'terrestrial', 'subtidal' and 'intertidal' habitat types shown. It outlines (at Section 3.1) that the 'Supratidal' category refers to areas that are not frequently inundated by the tide (i.e., occurring above the mean high watermark) but contain shoreline and coastal habitats and can be regarded as an integral part of the shoreline.

Internal Correspondence – Planning Authority

- 7.8.4. There is internal planning authority email correspondence on file which states that with reference to Council's Mapinfo flood mapping and OPW CFRAMS and NIFM flood mapping, the site is in Flood Zone C for fluvial flooding, the probability of flooding is less than 0.1% and at low risk of flooding, and there are no objections from a flood risk perspective. I note however that this internal correspondence does not specifically discuss coastal flooding.

Development Plan, including SFRA

- 7.8.5. The Development Plan policy INF POL 25 is to have regard to recommendations of Fingal East Meath Flood Risk Assessment and Management Study (FEMFRAMS) and Eastern Catchment Flood Risk Assessment and Management Study (CFRAMS).
- 7.8.6. Drawing titled Flood Risk Plan (Drawing No. (P)17) lodged with the application shows 'flood risk line' to east. I estimate that this flood risk line is approx. 6m from the eastern site boundary at its nearest point, as measured from plan. Ground levels which show that lands directly east of the subject fall towards the estuary are shown on this drawing.
- 7.8.7. However, based on Development Plan mapping (SFRA), I estimate that Flood Zone A is less than 15m to east of the subject site.
- 7.8.8. The subject site is located within (at Section 5.7) the Bettystown/Laytown/Mornington East/Donnycarney/Mornington area for the purposes of SFRA. It includes that the outflanking of the Mornington East defences has prompted a review of the FEMFRAMS mapping and an additional scheme has approved funding, the Justification Test still applies for all lands in Zone A/B and it is not generally appropriate to construct large amounts of new housing in defended areas, and extensions, re-builds and infill development is at the discretion of MCC and must be subject to adequately detailed FRA. It outlines that there is a significant potential impact from climate change (sea level rise) as a result of the location, and the flood

relief scheme should have been developed to be adaptable to these impacts. CFRAM Recommendations (at Section 4.3) state it is proposed to progress the development of a further Flood Relief Scheme for Mornington to augment the existing Scheme. The hard defences would protect to the 1% AEP fluvial flood event and to the 0.5% AEP coastal flood event, with an average height of 1.04m and a total length of approximately 530m.

7.8.9. I note that the subject site is not within a defended area, although areas further west off Crook Road are. The hard defences shown for Mornington are relatively distant from the subject site, being located on the R151 (road to Drogheda) and further to south, within the built-up area of Mornington. In this regard therefore I note that the subject site would remain in very close proximity to the area shown as 'residual risk' to east of the site.

7.8.10. The SFRA outlines (at Section 4.7) that where a site is within Flood Zone C but adjoining or in close proximity to Flood Zone A or B there could be a risk of flooding associated with factors such as future scenarios (climate change). Flood risk assessment (FRA) should be undertaken which will screen out possible indirect sources of flood risk. Likely mitigation measures will involve setting finished floor levels to a height that is above the 1 in 100 year fluvial or 1 in 200 year tidal flood level, with an allowance for climate change and freeboard. Climate change impacts should be considered for all proposed developments. A development which is currently in Flood Zone C may be shown to be at risk when 0.5m is added to the extreme (1 in 200 year) tide.

The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009

7.8.11. These Section 28 Guidelines, (hereafter referred to as 'Flood Risk Management Guidelines', include that

- estuarial flooding may occur due to a combination of tidal and fluvial flows
- coastal erosion of both the foreshore and shoreline is linked with coastal flooding. Loss of natural coastal defences such as sand dunes, due to erosion, can increase risk of flooding in coastal areas.

Assessment of potential flooding impacts

- 7.8.12. The existing premises, a former yacht club, can be categorised as a Less Vulnerable Development within Flood Zone C, as per categories outlined in Flood Risk Management Guidelines. The proposed change of use would introduce 'residential' at this location, thereby changing the use to a Highly Vulnerable Development, also within Flood Zone C.
- 7.8.13. In terms of detail, existing finished floor levels (FFL) are shown to be reduced slightly in the proposed development, to provide for the 2-storey levels at the subject building.
- 7.8.14. I note that while the subject site is in very close proximity to Boyne Estuary, it is also elevated above the adjoining lands/inter-tidal area to the east.
- 7.8.15. However, notwithstanding the higher position of the existing building relative to the estuarine environment, and its location within Flood Zone C, I consider that having regard to the site's proximity to Flood Zones A and B, that the preparation of a site specific FRA would be required in this instance, to comply with Section 4.7 of the Development Plan SFRA.
- 7.8.16. For completeness, I have noted in this assessment the subject site's context to the east is Boyne Estuary, as distinct from the Boyne Estuary Plume Zone, a coastal waterbody, as viewed on www.catchments.ie. Accordingly, while noting the site's location within Flood Zone C, I am not satisfied on the basis of the information on file that the proposed development would not be at risk from estuarial flooding, particularly in the context of the proposed introduction of a Highly Vulnerable Development, i.e., proposed residential use, on this site. Refusal of permission is recommended on this basis.
- 7.8.17. This is a new issue and the Commission may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal, it may not be considered necessary to pursue this matter.

8.0 **Appropriate Assessment**

8.1. **Appropriate Assessment Screening**

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236).

8.2. **Appropriate Assessment**

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the Further Information NIS and all associated material submitted, and also the information relating to North West Irish Sea SPA (004236) viewed on www.npws.ie, I consider that adverse effects on site integrity of Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- Effectiveness of mitigation measures proposed in Further Information Stage 2: Appropriate Assessment – Natura Impact Statement, and appointment of an Environmental Clerk of Works
- Application of planning conditions to ensure application of these measures
- The proposed development will not affect the attainment of conservation objectives for the Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236).

8.3. Habitats Directive – Grounds of Appeal Raised

- 8.3.1. The grounds of appeal from Colin and Lorraine Reynolds include concerns regarding the methodology of the winter bird survey, that an abundance of wetland bird species was identified and there is no analysis of how close identified species are to the site.
- 8.3.2. At planning application stage, the DAU (DHLGH) sought FI relating to *inter alia* bird survey data. While the information sought was not included in the FI request, the DAU noted the revised EclA and revised NIS submitted as FI was partially based on additional survey work undertaken on 15 and 23 November 2023, and was satisfied that the development should result in no significant adverse effects on Boyne Estuary SPA or Boyne Coast and Estuary SAC are implemented in full.
- 8.3.3. I note that the revised FI Stage 2: Appropriate Assessment – Natura Impact Statement (FI Stage 2: AA – NIS) refers to an overwintering bird survey undertaken on 15 November 2023. There does not appear to be separate bird survey information on file relating to 23 November 2023.
- 8.3.4. Given however that the FI Stage 2: AA – NIS states that the bird survey was undertaken on 15 November 2023, there would appear to be an error at Table 2-1, which states the bird survey date as 22 November 2023.
- 8.3.5. With regard to the single additional date of a bird survey undertaken in November 2023, I consider that this timeframe is relatively limited, although I note also the small-scale nature of the proposed works.
- 8.3.6. It is outlined at Section 5.2.2.2 that no designated species were located within the site boundary. The 17no. wetland bird species recorded within the wider area are stated to have been identified foraging along nearby beaches and the River Boyne. In this regard I note that various distances to the beaches and River Boyne are not specified in the submitted documentation. However, I note that the navigational channel of the River Boyne is approx. 130m to the east.
- 8.3.7. Accordingly, while noting details which have not been quantified in the submitted FI Stage: AA – NIS, and having regard to the assessment at Appendix 2, I consider that the information provided is adequate to allow for Appropriate Assessment.

9.0 Water Framework Directive

- 9.1.1. Water Framework Directive (WFD) screening is set out at Appendix 3 of this report.
- 9.1.2. Further to the provisions of Appendix 3 I conclude that on the basis of objective information that the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.
- 9.1.3. In addition, I note the grounds of appeal from Colin and Lorraine Reynolds include that it is only if the competent authority is satisfied as a matter of scientific certainty with Article 4 (of Water Framework Directive) compliance will it have jurisdiction to grant permission, and it is otherwise required to refuse permission. I have noted the appellant's grounds of appeal relating to WFD. I am satisfied that there is sufficient information on file, and as viewed on www.catchments.ie, to conclude that the proposed development will not result in a risk of deterioration of any water body.

10.0 Conclusion

- 10.1.1. Having regard to the location of the existing structure on site, and the distance of the proposed extension and other works from nearby residential properties on the opposite (western) side of Crook Road, I do not consider that the proposed development would adversely impact on the residential amenities of the area. In addition, I do not consider that the contemporary design of the modified structure would adversely impact on the visual amenities of the area. However, having regard to the nature and scale of the existing building on site, the extent of built fabric proposed to be removed in the proposed development, and the H1 land use zoning which pertains to the subject site, it is considered that the proposed development does not comprise 'sensitive re-use of existing buildings' and would therefore not be in compliance with the land use zoning, and it is recommended that permission be refused on this basis.
- 10.1.2. As outlined previously, the recommended refusal reason relating to flood risk is a new issue.

11.0 Recommendation

11.1.1. Refusal of permission is recommended.

12.0 Reasons and Considerations

1. The proposed development is located on lands zoned H1 High Amenity in the Meath County Development Plan 2021-2027, under which zoning residential use is neither permissible nor open for consideration, and sensitive re-use of existing buildings is open for consideration. Having regard to the nature and scale of the proposed development, which comprises in particular substantial removal of the existing built fabric of the existing building on site to facilitate a proposed residential use in the modified structure, the proposed development would not come within the meaning of sensitive re-use of existing buildings. Accordingly, the proposed development would materially contravene the H1 High Amenity land use zoning of the current County Development Plan. The proposed development would, therefore, be contrary to the provisions of the current County Development Plan and to the proper planning and sustainable development of the area.
2. The site is located within Flood Zone C, and in very close proximity to Flood Zones A and B, as shown in the Meath County Development Plan 2021-2027 Strategic Flood Risk Assessment (SFRA), and is located in very close proximity to Boyne Estuary to the east. The proposed development includes a new residential use, which is classed as a Highly Vulnerable Development in the Planning System and Flood Risk Management Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government and Office of Public Works, 2009). Notwithstanding the site's location within Flood Zone C, having regard to its close proximity to Flood Zones A and B, in the absence of a site specific flood risk assessment, the proposed development would not be in compliance with Section 4.7 of the Development Plan's Strategic Flood Risk Assessment. Based on the information on file, the Commission is not satisfied that the proposed development would not at risk of

estuarial flooding. The proposed development, would, therefore be contrary to the current Development Plan and to the proper planning and sustainable development of the area.

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.

Cáit Ryan
Senior Planning Inspector

28 January 2026

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-319247-24
Proposed Development Summary	<p>The proposed development comprises</p> <ul style="list-style-type: none"> • renovation, extension and change of use of existing former yacht club building, demolition of south and eastern walls, north and west walls to be retained to create a dwelling house • new vehicular access from Crook Road and 2no. parking spaces on site • private open space, landscaping, boundary treatments and ancillary works
Development Address	Former Yacht Club, Crook Road, Mornington, Co. Meath.
In all cases check box /or leave blank	
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)</p>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<p>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed</p>	

road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>10(b)(i) of Part 2 of Schedule 5 (Development for the Purposes of Part 10) of Planning and Development Regulations 2001 as amended relates to construction of more than 500 dwelling units.</p> <p>Proposal is for change of use from yacht club building to dwelling house, partial demolition and extension, and vehicular entrance.</p> <p>Proposal is significantly below 500 unit threshold.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319247-24
Proposed Development Summary	<p>The proposed development comprises</p> <ul style="list-style-type: none"> • renovation, extension and change of use of existing former yacht club building, demolition of south and eastern walls, north and west walls to be retained to create a dwelling house • new vehicular access from Crook Road and 2no. parking spaces on site • private open space, landscaping, boundary treatments and ancillary works <p>12.2.</p>
Development Address	Former Yacht Club, Crook Road, Mornington, Co. Meath.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposal is for extension, partial demolition and change of use of existing former yacht club building to dwelling house.</p> <p>The proposed overall floor area is 191.85sqm. The site is located near the northern extent of Mornington East, and is within the Bettystown/Laytown/Mornington East /Donacarney/ Mornington development boundary. The proposed development would be serviced by connection to public sewer. Water supply is by public watermain.</p> <p>The proposed works do not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The proposed development, by reason of its type, does not pose a risk of major accident/disaster.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites,</p>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The site is located within the Bettystown/Laytown/Mornington East /Donacarney/ Mornington development boundary. There are no existing buildings to the north or south of the subject site, and the nearest being the established low-density resident area to the west of Crook Road.</p> <p>Much of the site is located within Boyne Estuary SPA (004080), it is almost contiguous to Boyne Coast and Estuary SAC (001957) and 2no. other</p>

<p>densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>European sites in the vicinity are River Boyne and River Blackwater SAC (002299) and North West Irish Sea SPA (004236). It is concluded (at Appendix 2) that subject to implementation of mitigation measures outlined in the submitted FI Stage 2: AA – NIS that adverse effects on site integrity of these 4no. European sites can be excluded in view of the conservation objectives of these sites.</p> <p>There are no protected structures on site. The site is not within an architectural conservation area. There are no areas of archaeological significance in the vicinity. The site is located within Development Plan Landscape Character Type: Coastal Landscape (Map 1), is of Moderate Value (Map 2) and of High Sensitivity (Map 3). It is outlined in the main report that the proposed development would be visually prominent in this landscape of high sensitivity, and that the impact would not be an adverse visual impact.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the small scale nature of the proposed works, its location within the Bettystown/Laytown/Mornington East /Donacarney/ Mornington development boundary, mitigation measures proposed in the FI Stage 2 AA – NIS, likely magnitude and spatial extent of effects and the absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Planning and Development Act 2000, as amended.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	

There is a real likelihood of significant effects on the environment.	
--	--

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2: Appropriate Assessment

Stage 1 Screening Determination

Screening for Appropriate Assessment

Step 1: Description of the project and local site characteristics

<p>Brief description of project</p>	<p>Section 2.0 of the main report sets out a description of the proposed development.</p> <p>In brief the proposed development comprises</p> <ul style="list-style-type: none"> • renovation, extension and change of use of existing former yacht club building, demolition of south and eastern walls, north and west walls to be retained to create a dwelling house • new vehicular access from Crook Road and 2no. parking spaces on site • private open space, landscaping, boundary treatments, soakaway and ancillary works
<p>Brief description of development site characteristics and potential impact mechanisms</p>	<p><u>Site location and description</u></p> <p>The site location and description are set out in Section 1.0 of the main report. In brief, the site is accessed from Crook Road, a cul-de-sac road at the northern extent of Mornington East.</p> <p><u>Lodged plans and particulars and NPWS data</u></p> <p>Stage 2: Appropriate Assessment – Natura Impact Statement lodged with application includes AA screening.</p> <p>A revised document of the same title was submitted as Further Information.</p> <p>The northern and eastern parts of the subject site are located within <u>Boyne Estuary SPA (004080)</u>, i.e. the areas directly to rear (north) and side (east) of the existing building. The proposed new build at the eastern end of the existing building extends in the range of approx. 1.5m to 3.3m, and as such the proposed development would extend, albeit marginally, into this SPA. The proposed soakaway in the north eastern corner of the project site is also located within the SPA.</p> <p>The site is in the immediate vicinity of <u>Boyne Coast and Estuary SAC (001957)</u>, based on Map 2320b contained within Statutory Instrument Plan for this SAC, viewed at www.npws.ie. I estimate that the project site is almost contiguous to the SAC site to its north and south, and the site’s eastern boundary is approx. 20m from the SAC.</p> <p>Applicant’s FI Stage 2 AA – NIS document outlines (at Table 4-1) that the project site is ‘within’ this SAC. However, I do not consider this to be correct, based on available mapping outlined above.</p>

Table 4-1 identifies 7no. European sites within the Zone of Influence (Zol) of the proposed development. The applicant's other 5no. European sites are set out at **Step 2** below.

The AA screening report lodged with application concludes:

- 5no. designated sites were screened out given separation distances and lack of impact pathways:
 - River Boyne and Blackwater SAC
 - Clogher Head SAC
 - River Nanny Estuary and Shore SPA
 - River Boyne and Blackwater SPA
 - Dundalk Bay SPA
- The site is within River Boyne Coast and Estuary SAC and Boyne Estuary SPA. Listed habitats and species have been brought forward for further consideration. Progression to Stage 2 AA is required.

NIS concludes -

- Proposed development, alone or in combination with other projects, will not significantly impact the integrity and conservation status of any of the QIs of Boyne Coast and Estuary SAC, Boyne Estuary SPA or any other Natura 2000 sites.

Further Information Response

FI relating to AA was not requested by the P.A. The first Planner's Report (23 February 2023) raised no concerns with regard to AA. The P.A.'s FI request is dated 2 March 2023.

DAU (DHLGH)'s submission (27 February 2023) sought FI relating to AA. Applicant's FI response states it received a copy of DAU submission and submits revised EclA and revised AA – Stage 2 NIS

FI Stage 2: AA - NIS document

The revised FI AA Screening concludes (at Section 6.4) that 4no. European sites were screened out, and 3no. were brought forward for further detailed consideration at Stage 2 - AA.

NIS concludes the proposed development alone or in combination with other plans or projects will not significantly impact the integrity and conservation status of any of the QIs of Boyne Coast and Estuary SAC, Boyne Estuary SPA or any other European site.

It outlines:

Habitat survey was undertaken on 2 September 2022 and 15 November 2023. Overwintering bird survey and otter survey were undertaken on 15 November 2023.

Site is bordered to east by salt marsh habitat which separates the site from Boyne Estuary. There are mature trees to south. The

disused building is surrounded by grassland to north, with scrub located c.10m north of site boundary. Crook Road is to west, a caravan park is to south east and boats are moored in the estuary opposite the site.

Site is subject to regular anthropogenic disturbances. Access track is used by walkers, dog walkers and as slipway to launch boats, and is subject to anti-social behaviour and dumping of garden waste.

Field Based Results:

Habitat survey:

Dry Meadows and Grassy Verges (GS2) habitat surrounds the building.

Scattered Trees (WD5): 2no. sycamore trees affected by fungus were adjacent to building.

Spoil and bare ground (ED2) were identified at southern section of site. This area of disturbed ground supported limited botanical species only, primarily grasses and is location of access track.

Refuse and other waste (ED5) were identified along access track and building's eastern wall, comprising construction materials and rubbish.

Buildings and Artificial Surfaces (BL1): Roof of disused sailing club building was in disrepair.

Fauna:

Breeding birds: No designated species were recorded using or breeding on site, nor active or remnant nests observed, during 2022 survey.

Wetland winter bird survey: No designated species recorded within site boundary. 17no. species were recorded utilising the wider Boyne Estuary, foraging along nearby beaches and River Boyne. Surveyor noted walkers caused minimal disturbances to bird species, but dogs caused birds to be flushed from wetland areas.

Otter surveys: no evidence of otters on site or in surveyed areas. There was no suitable habitat for otter holt construction on site.

Invasive species: No high impact invasive species were noted on site. However, bamboo and sea buckthorn were in wider landholding.

Watercourses within vicinity of the site

Site is within Boyne WFD catchment (Catchment_ID: 07) and Boyne_130 subcatchment (Subcatchment_ID:07_17) [23].

There are no onsite water features. River Boyne is c. 179m to east, flows in southeasterly direction and drains to Irish Sea c.1.1km downstream. River Boyne forms part of Boyne Coast and Estuary SAC, River Boyne and River Blackwater SAC, Boyne Estuary SPA and River Boyne and River Blackwater SPA.

WFD 2013-2018, water quality in River Boyne is 'at risk' and status is 'moderate'.

	<p>Un-named watercourse (Segment Code: 07_1892) is c. 219m to west,</p> <ul style="list-style-type: none"> - flows in north westerly direction - drains to River Boyne c. 887m downstream - forms part of Boyne Coast and Estuary SAC and Boyne Estuary SPA. - Water quality is 'at risk' and status is 'moderate' <p><u>Construction and operational phase details:</u> Construction Phase: CEMP will be submitted to P.A. by contractor in advance of works. Guidance to be followed during construction is cited. Aim is for 8-month completion. Working hours will be 08:00-18:00hours Monday to Friday and 08:00-13:00hours Saturday, with no works on Sundays, public holidays and night time except where safety concerns or if agreed in advance. Environmental Clerk of Works (ECoW) will</p> <ul style="list-style-type: none"> - inspect site in advance of works and undertake inspections during works to ensure they are in line with mitigation measures in NIS and CEMP. - Deliver or provide resident engineer with sufficient environmental information to deliver induction to personnel <p><u>Operation Phase:</u> Surface water drainage Storm water from roof will be attenuated and dispersed on site via soakaway design in accordance with BRE 365, comprising 3m x 2m x 1m deep soakaway. Percolation test in accordance with BRE 365 will be undertaken at commencement and finalised design based on these results.</p> <p>Foul drainage and watermain - Proposed connection to public foul and watermain network on Crook Rd.</p>
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	<p>Development Applications Unit (DAU) of Department of Housing, Local Government and Heritage (DHLGH): Letter dated 27 February 2023 received by PA raises 4no. issues relating to project description and Stage 1 Screening, which include</p> <ul style="list-style-type: none"> • Item 2: Bird survey data is mostly 4 years old. FI required. • Item 3: There is potential for indirect or ex-situ disturbance effects on River Boyne and River Blackwater SAC (002299) due to location of proposal in close proximity to site boundary (3.3km), particularly in relation to mobile species such as otter. • Item 4 considers proposed Boyne Greenway project (ABP-307652-20), should have been included in analysis of in-combination effects, and requires FI. <p>It raises 2no. issues regarding Stage 2 –</p> <ul style="list-style-type: none"> • Item 1: Site species conservation objectives, available for sites

to be considered at Stage 2, have not been used.

- Item 2: NIS must consider disturbance effects to Special Conservation Interest (SCI) bird species at operational stage. Disturbance in the form of 'walking, including dog walking' has been assigned a high disturbance score in sector OVL04 of Boyne Estuary SPA.

Regarding Ecological Assessment Report (EclA), the Dept. notes the Landscape Plan stated to be in Appendix B could not be located

Following FI response, DAU letter dated **15 February 2024** notes the revised EclA and revised NIS are partially based on additional survey work undertaken on 15 and 23 November 2023. It is satisfied that the development should result in no significant adverse effects on Boyne Estuary SPA or Boyne Coast and Estuary SAC provided measures in the revised EclA and NIS are implemented in full. It recommends a condition that measures to avoid impacts on plants, animals and habitats arising from the construction as detailed in the FI EclA and NIS should be implemented in their entirety, including erection of silt fences, careful planning of concrete pours and provision of spill kits and drip trays to contain hydrocarbon leakages from vehicles and machinery.

Uisce Éireann (UÉ): Letter (04 February 2023) states no objection subject to 3no. conditions -

- Where applicant proposes to connect to a public water/wastewater network operated by Irish Water (IW), connection agreement must be signed prior to commencement and standards and conditions in the agreement must be adhered to
- IW infrastructure capacity requirements and proposed connections to water and wastewater infrastructure will be subject to constraints of IW Capital Investment Programme
- Development shall be carried out in compliance with IW standards codes and practices

Third party appeal from Colin and Lorraine Reynolds, with regard to Habitats Directive states -

- Winter bird survey was carried out on 1 day in November 2023. BTO wetland bird survey methodology calls for monthly surveys, particularly from Sept. to March. A scientifically appropriate survey methodology was not used.
- An abundance of wetland bird species was identified within the area even within limited survey.
- No analysis of how close the identified species are to the site.
- Considers submission from Minister for Housing, Local Government and Heritage is incorrect in reaching conclusion based on 'no significant adverse effects.....on European Sites.' Standard in unknown to Habitats Directive.

	<p>Applicant's response to third parties' grounds of appeal states the following with regard to Habitats Directive -</p> <ul style="list-style-type: none"> • 3no. assessments carried out since 2019. 2nd assessment followed a specific FI request item, addressed all issues and agreed with NPWS. • DAU response recommends condition that measures in amended FI EclA and NIS should be implemented in entirety • Cites environmental firm's advice that survey methodology was developed in consultation with NPWS, is considered proportionate for site size and nature of development, and includes survey information completed in 2019. Survey identified wetland bird species foraging along nearby beaches and River Boyne. These species were taken forward for further assessment and appropriate mitigation measures will be implemented at construction phase. It concluded that there would be no significant adverse effects on wetland birds as there will be no discernible change to baseline environment. • Appeal (Colin and Lorraine Reynolds) refers to water contamination from hydrocarbon spillage. Principal source would be construction delivery trucks and machinery. DAU response is satisfied that there are adequate provisions for dealing with this. • There is much greater risk of hydrocarbon pollution from vehicular traffic, as advised by both appellants, which cross public access to south to river's edge.
<p>Other</p>	<p><u>Landscape Plan</u> A Landscape Plan was submitted as FI; Drawing No. 528-PD-01; Rev. A refers.</p> <p><u>Construction Environmental Management Plan (CEMP)</u> It is proposed (at Section 3.5 Monitoring Works) that an Environmental Clerk of Works (ECoW) will inspect the site in advance of works and undertake site inspections during works as required to ensure mitigation measures outlined in the NIS and the CEMP are completed. However, no CEMP has been submitted with the application.</p> <p><u>Other developments in vicinity of the site</u></p> <ul style="list-style-type: none"> • As outlined above, the DAU's FI request (Item 4) considered that the proposed Boyne Greenway project (ABP-307652-20), should have been included in analysis of in-combination effects. For completeness, as outlined at Section 4.0 of the main report , the Board refused to approve in 2023 the Boyne Greenway, pedestrian and cycleway linking Drogheda (Co. Louth) to Mornington Village (Co. Meath) on grounds that it was not satisfied that proposed development would not adversely affect integrity of European sites in view of the sites' conservation objectives; ABP-307652-20 refers. The

	<p>most easterly part of the greenway is approx. 500m south of subject site.</p> <ul style="list-style-type: none"> • Permission is currently sought for change of use of part of the existing driving range to a wildlife rehabilitation and teaching hospital and all site works. An NIS was submitted. This site is approx. 500m west of the subject site; P.A. Ref. 25/60928 and (ACP) 500317 refers.
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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (approx.)	Ecological connections	Consider further in screening Y/N
Boyne Coast and Estuary SAC (001957)	Site specific cons obj (31 October 2012) S.I.No. 433 of 2021 pdf	Within site, as stated by applicant. However, I estimate the project site almost adjoins SAC.	Potential pathway: loss of habitat, airborne disturbance (dust) during construction and surface water run off during construction and or operational phases.	Y
River Boyne and Blackwater SAC (002299)	CO002299.pdf (03 December 2021) S.I. No. 451 of 2024 pdf MAP002299.pdf	3.3km to south west	Potential for indirect or ex-situ effects (as per DAU submission dated 27 Feb. 2023) Hydrological connection.	Y
Clogher Head SAC (001459)	ConservationObjectives.rdl S.I. No. 610/2019	7km to north east	Due to distance and lack of impact pathways, this site can be screened out.	N
Boyne Estuary SPA (004080)	ConservationObjectives.rdl S.I. No. 626 of 2011	Much of the project site is located within SPA site.	Potential disturbance effects on designated species, and water and air quality.	Y
River Nanny Estuary and Shore SPA (004158)	Site specific cons obj S.I. No. 140 of 2012	4.4km to south east	Due to distance and lack of impact pathways, this site can be screened out.	N
River Boyne and Blackwater SPA (004232)	CO004232.pdf (02 July 2024) S.I. No. 462 of 2012	9.3km to west	Due to distance and lack of impact pathways, this site can be screened out.	N
Dundalk Bay SPA	Site specific cons obj (19 July 2011)	14.9km to north	Due to distance and lack of impact pathways, this site	N

(004026)	Link relates to both Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026. S.I. No. 310 of 2012		can be screened out.	
North West Irish Sea SPA (004236)	CO004236.pdf (19 September 2023) North West Irish Sea SPA is contiguous to Boyne Estuary SPA (004080)	1.3km to east	Potential hydrological connection via Boyne Estuary. Potential disturbance impacts, resulting in ex-situ effects. <u>Note:</u> The NPWS Conservation Objectives Series for this SPA is dated 19 Sept. 2023, i.e., subsequent to P.A.'s FI request, although prior to FI response on 01 December 2023. This site is not listed in the FI Stage 2: AA NIS. Having regard to its location contiguous to Boyne Estuary SPA, I have decided, taking a precautionary approach, to include it.	Y

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site		
Site 1 Boyne Coast and Estuary SAC (001957)		Impacts	Effects	
Boyne Coast and Estuary SAC (001957)	Conservation Objectives	Direct pathway to SAC. This SAC is located within the immediate vicinity of the subject site. <u>Construction phase</u> Applicant's FI: AA screening (Stage 1) includes that 1130 Estuaries, and some of these other habitats, are located c.10m to east.	Given proximity of the project site to the SAC, there is potential for run-off from soil and machinery to the SAC unless remedial measures are put in place. Environmental risks associated with presence of potential pollutants relating to construction, plant and machinery (hydrocarbon,	
1130 Estuaries	Maintain			
1140 Mudflats and sandflats not covered by seawater at low tide	Maintain			
1210 Annual	Not listed as QI			

vegetation of drift lines	in Conservation Objectives Series document (31 October 2012)	<p>Should potential pollutants run-off from the site reach this habitat, this could adversely affect the conservation status of this habitat. Water quality mitigation measures will therefore be implemented.</p> <p>I consider main potential impacts</p> <ul style="list-style-type: none"> - Physical disturbance of soil within the site. Removal of existing vegetation, permanent loss of habitat on site. - Potential for pollution-laden leaks/surface water run-off to enter SAC. - emissions of dust. <p><u>Operational phase:</u> Existing connection to public foul sewer and watermain connection on Crook Road would be retained in the proposed development. Surface water is proposed to new soakaway located in north eastern corner of site.</p>	<p>solvents, cementitious materials).</p> <p>Potential damage to habitats associated with inadvertent spillages and or other chemicals during construction phase. 3 of the conservation objectives of this SAC are in very close proximity to the project site:</p> <p>Boyne Coast and Estuary SAC – Conservation Objectives supporting document – Marine habitats (2012) on www.npws.ie shows</p> <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide (Fig. 1) a very short distance to north east and east of the project site • 1130 Estuaries (Fig. 2) a very short distance to north east and east of the project site. <p>Boyne Coast and Estuary SAC 001957 coastal support document (2012) on www.npws.ie shows</p> <ul style="list-style-type: none"> • 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) a very short distance north east of the project site, and also a short distance to east and south east.
1310 Salicornia and other annuals colonising mud and sand	Restore		
1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	Maintain		
2110 Embryonic shifting dunes	Restore		
2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	Restore		
2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*	Restore		
*Indicates priority habitat as defined in Directive.			
		Likelihood of significant effects from proposed development (alone): Yes	
		If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Site 2 River Boyne and River Blackwater SAC (002299)	Impacts	Effects

Site 2 River Boyne and River Blackwater SAC (002299)	Conservation Objective:		
7230 Alkaline fens	Maintain	<p>Conservation objective states, in terms of habitat area, that the exact total current area of this habitat in the SAC is currently unknown.</p> <p>The Site Synopsis on www.npws.ie states</p> <ul style="list-style-type: none"> Main areas of alkaline fen are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough. 	<p>Lough Shesk, Freehan Lough and Newtown Lough are a short distance south west of Clonmellon, Co. Westmeath, min. 50km west as the crow flies. Due to this substantial distance, I consider the proposal would not give rise to likely significant effects on alkaline fens.</p> <p>FI AA screening report states this habitat is not located within or in vicinity of the site, significant direct or indirect effects are highly unlikely at construction or operational phases due to habitat's c.11km distance upstream, and conservation objectives show this habitat is c.11km upstream.</p> <p>While I do not consider this cited location has been clearly shown, I note that in any event this habitat is not within the wider environs of the site, and the proposed development would not result in likely significant adverse impacts on this habitat at either construction or operational phase. Effects on this habitat can be screened out.</p>
91E0 Alluvial forests with	Restore	This habitat is shown	As this location is min. 9km west of the subject site, I

<p>Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)* *Indicates a priority habitat as defined in Directive.</p>		<p>located west of Drogheda, and largely west of the M1, as viewed in River Boyne and River Blackwater SAC – Conservation Objectives Series (Map 3 relating to Woodland Habitats refers) on www.npws.ie.</p>	<p>consider that due to this separation distance, the proposed development would not result in likely significant effects on this woodland habitat. Effects on this habitat can be screened out.</p>
<p>1099 Lampetra fluviatilis River Lamprey</p>	<p>Restore</p>	<p>Impacts on water quality during construction and operational phases due to potential pollution from the project site entering the watercourse.</p>	<p>Potential damage to this QI dependent on water quality.</p>
<p>1106 Salmo salar Salmon</p>	<p>Restore</p>	<p>As above for River Lamprey.</p>	<p>As above for River Lamprey.</p>
<p>1355 Lutra lutra Otter</p>	<p>Maintain</p>	<p>FI AA Stage 1 states NDBC holds records for otter within 2km of the site. No evidence of otter was recorded and no suitable habitat identified on site</p> <p>I note that a search on the NBDC website (accessed on 08 January 2026) does not record otter within the relevant 2km square at the project site.</p> <p>The project site is approx. 3.3km (as the crow flies) to the eastern extent of River Blackwater and River Boyne SAC (002299). Increased human disturbance and impacts on water quality due to potential pollution from the project site entering the watercourse during construction and operational phases.</p>	<p>FI AA Stage 1 screening states the site and surrounding areas currently experience regular anthropogenic disturbances (walkers, dog walkers, boating) and any otters in the area would be habituated to these levels of human activity. Taking a precautionary principle, this QI is screened in.</p> <p>Potential significant effects are disturbance risks to otter associated with increased human activity at construction and operational phases.</p>

Note:

I draw to the Commission's attention the DAU reports received on this application, particularly relating to its request, regarding this SAC, for the potential for indirect or ex-situ disturbance effects to be considered, as outlined previously in this report.

FI AA Screening report states NDBC holds no known records of river lamprey or salmon within 2km of site.

I note that the conservation objective of 2no. of the QIs 'screened in' of this SAC is 'to restore'. The Site Synopsis on www.npws.ie states

- River Lamprey is present in lower reaches of Boyne River
- Atlantic Salmon run the Boyne almost every month of the year
- Blackwater is recovering from effects of 1970s arterial drainage scheme. Salmon stocks have not recovered to numbers that existed pre-drainage.

	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Site 3: Boyne Estuary SPA (004080)	Impacts	Effects
<p>A048 Shelduck Tadorna tadorna A130 Oystercatcher Haematopus ostralegus A140 Golden Plover Pluvialis apricaria A141 Grey Plover Pluvialis squatarola A142 Lapwing Vanellus vanellus A143 Knot Calidris canutus A144 Sanderling Calidris alba A156 Black-tailed Godwit Limosa limosa A162 Redshank Tringa totanus A169 Turnstone Arenaria interpres A195 Little Tern Sterna albifrons</p> <p>Wetland and Waterbirds Member States are required under Art. 4 of Directive to pay attention to protection of wetlands. Wetland habitat within this SPA and waterbirds that utilise this resource</p>	<p>Conservation Objective: Maintain (all)</p> <p>Direct impact. Much of project site is located within SPA.</p> <p>FI Stage 2: AA – NIS states (at Section 4.1) no designated habitats are located within site boundary.</p> <p><u>Construction phase:</u> As above for Boyne Coast and Estuary SAC (001957).</p> <p>In addition, increased human disturbance and noise emissions.</p>	<p><u>Construction phase:</u> Given that part of project site is within SPA, there is potential for run-off to the SPA unless remedial measures are put in place. Environmental risks associated with presence of potential pollutants relating to construction, plant and machinery (hydrocarbon,</p>

<p>are listed as a special conservation interest for this site.</p>	<p><u>Operational phase:</u> As above for Boyne Coast and Estuary SAC (001957). In addition,</p> <ul style="list-style-type: none"> • potential impacts from disturbance due to walkers and dog walkers • use of part of project site (northern part of site, to rear of existing building), i.e., area within SPA, as car parking and garden area associated with proposed residential use. 	<p>solvents, cementitious materials). Potential damage to habitats associated with inadvertent spillages and or other chemicals.</p> <p><u>Operational phase:</u> Disturbance could effect QIs use of the area.</p>	
	<p>Likelihood of significant effects from proposed development (alone): Yes</p>		
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>		
<p>Site Name Qualifying Interests</p>	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>		
<p>Site 4: North West Irish Sea SPA (004236)</p>	<p>Impacts:</p>	<p>Effects:</p>	
<p>North West Irish Sea SPA (004236)</p>	<p>Conservation Objective: As outlined below:</p>	<p>Indirect</p>	
<p>A001 Red-throated Diver (Gavia stellata)</p>	<p>Maintain</p>	<p>As above for Boyne Estuary SPA.</p>	
<p>A003 Great Northern Diver (Gavia immer)</p>	<p>Maintain</p>	<p><u>Note:</u> This SPA includes the conservation objective to <u>restore</u> the favourable conservation condition of 6no. QIs.</p>	
<p>A009 Fulmar (Fulmarus glacialis)</p>	<p>Restore</p>		
<p>A013 Manx Shearwater (Puffinus puffinus)</p>	<p>Maintain</p>		
<p>A017 Cormorant</p>	<p>Restore</p>		<p><u>Construction phase:</u> As the North West Irish Sea SPA is approx. 1.3km from the project site, any polluted run off from the project site relating to construction, plant and machinery (hydrocarbon, solvents, cementitious materials) is unlikely to have any significant effects on the SPA due to distance and to the dilution and dispersal effects within the Irish Sea.</p> <p>However, Little Tern (Sterna albifrons) is the single QI</p>

(Phalacrocorax carbo)		<p>which is listed for both North West Irish Sea SPA and Boyne Estuary SPA. The Conservation Objective Series for the North West Irish Sea SPA outlines that the foraging range of breeding little tern from the colony at Baltray, Co. Louth is relatively small and therefore it is likely that all feeding resources for this colony during the breeding season are included within the Boyne Estuary SPA and North-west Irish Sea SPA.</p> <p>Taking a precautionary approach, I have included the North-west Irish Sea SPA as a site to be screened in.</p> <p><u>Operational phase:</u> Disturbance could effect QIs use of the area.</p>
A018 Shag (Phalacrocorax aristotelis)	Restore	
A065 Common Scoter (Melanitta nigra)	Maintain	
A179 Black-headed Gull (Chroicocephalus ridibundus)	Maintain	
A182 Common Gull (Larus canus)	Maintain	
A183 Lesser Black-backed Gull (Larus fuscus)	Maintain	
A184 Herring Gull (Larus argentatus)	Restore	
A187 Great Black-backed Gull (Larus marinus)	Maintain	
A188 Kittiwake (Rissa tridactyla)	Restore	
A192 Roseate Tern (Sterna dougallii)	Maintain	
A193 Common Tern (Sterna Hirundo)	Maintain	
A194 Arctic Tern (Sterna paradisaea)	Maintain	
A195 Little Tern (Sterna albifrons)	Maintain	
A199 Guillemot (Uria aalge)	Maintain	
A200 Razorbill (Alca torda)	Maintain	
A204 Puffin (Fratercula arctica)	Restore	
A862 Little Gull (Hydrocoloeus minutus)	Maintain	

Likelihood of significant effects from proposed development (alone): Yes

If No, is there likelihood of significant effects occurring in combination with other plans or projects?

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Commentary:

Distance to Boyne river/estuary

As outlined at Section 1.0 of the main report,

- I estimate that the Boyne Estuary is approx. 40m to east of the site as viewed on www.epa.ie, and flows in a roughly north/south direction at this location. The Boyne Estuary also flows in a south/north direction to west of the established residential area west of Crook Road, approx. 220m to west of the subject site.
- The actual navigational channel of the River Boyne is further east of the subject site. I estimate, based on Tailte Éireann mapping (www.tailte.ie), that the western side of the navigational channel, with reference to posts/markers, is approx. 130m east of the subject site.

The applicant's FI Stage 2: AA – NIS document states that the River Boyne is c.179m to the east. However, this distance does not appear to be annotated in this document, or on the plans and particulars on file, and I do not consider that it is been adequately demonstrated that the applicant's stated c.179m distance to River Boyne is correct.

Construction and Environmental Management Plan (CEMP)

As outlined previously, while it is proposed (at Section 3.5 Monitoring Works) that an ECoW will inspect the site in advance of works and undertake site inspections during works as required to ensure mitigation measures outlined in the NIS and the CEMP are completed, no CEMP has been submitted with the application.

Conclusion

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236)

Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080)

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of these 2no. SACs and the Boyne Estuary SPA when considered on their own in relation to pollution related pressures and disturbance on relevant qualifying interest habitats and species.

North West Irish Sea SPA (004236)

I note that it is set out (at Section 4.1) that although the site is located within the Boyne Coast and Estuary SAC and Boyne Estuary SPA boundaries, the onsite habitats are comprised primarily of grassland, ornamental plants and the disused building. As no designated habitats are located within the project site, it is anticipated that there will be no direct impacts associated with designated habitat loss/degradation. It continues to state that given that the site is within close proximity to

designated habitats within the SAC and SPA, potential indirect impacts need to be further considered.

I note that the North West Irish Sea SPA was not included in the applicant's FI documentation. The DAU's report received (14 February 2024) on the FI response recommends conditions to be attached to a grant of permission, and does not comment on the North West Irish Sea SPA or the absence thereof in the revised Stage 2: Appropriate Assessment – Natura Impact Statement document.

Based on the North West Irish Sea SPA's location approx. 1.3km east of the project site and contiguous to Boyne Estuary SPA, and in taking a precautionary approach, and in noting that the **A195 Little Tern** (*Sterna albifrons*) is a QI common to both the North West Irish Sea SPA and the Boyne Estuary SPA, I consider that potential significant effects on this SPA, namely ex-situ impacts on QIs of the North West Irish Sea SPA, cannot be ruled out. Accordingly, I consider that this SPA should be screened in.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236).

It is therefore determined that Appropriate Assessment (Stage 2) of the proposed development is required.

Appropriate Assessment: Stage 2

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising renovation, extension and change of use of existing structure, demolition of south and eastern walls, north and west walls to be retained, creation of two-storey residential dwelling and new vehicular access from Crook Road, in view of the relevant conservation objectives of Boyne Coast and Estuary SAC (001957), River Boyne and River Blackwater SAC (002299) and Boyne Estuary SPA (004080) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation, of the North West Irish Sea SPA (004236).

The information relied upon includes the following:

- Stage 2: Appropriate Assessment - Natura Impact Statement prepared by Malone O'Regan Environmental, submitted as Further Information
- Plans and particulars lodged with the application
- Information available on www.npws.ie relating to the 4no. European sites

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

However, I have noted the following with the regard to the information submitted relating to Appropriate Assessment:

River Boyne and River Blackwater SAC (002299)

- The FI Stage 2: AA – NIS outlines (at Section 7) that the various stated effects with potential to adversely affect the conservation objectives of the Boyne Coast and Estuary SAC and the Boyne Estuary SPA were identified and considered. There is no reference to River Boyne and River Blackwater SAC.
- It is outlined (at Section 7.1) that there will be no potential for adverse effects from the project on the designated habitats of Boyne Coast and Estuary SAC and Boyne Estuary SPA '...or any other European sites'. (emphasis added)
Similarly, it is outlined (at Section 8) that the proposed development will not significantly impact the integrity, and conservation status of any of the qualifying interests of the Boyne Coast and Estuary SAC, Boyne Estuary SPA '.....or any other European Designated sites'.
- 2no. references to River Boyne and River Blackwater SAC at Stage 2 are -
 - Proposed development is unlikely to have any significant in-combination contribution to possible significant effects on River Boyne and Coast Estuary SAC, River Boyne and (River) Blackwater SAC and Boyne Estuary SPA (at Section 7.5)
 - There is a hydrological connection to River Boyne and (River) Blackwater SAC (at Section 8: NIS Conclusions and Statement)

I note that 3no. conservation objectives (of a total of 5no.) of River Boyne and River Blackwater SAC are 'screened in' at Stage 1, namely River Lamprey, Salmon and Otter.

Given the absence of specific references to River Boyne and River Blackwater SAC at Stage 2, and which it would appear may be inferred to be '...or any other European sites,' I consider that the Stage 2: AA – NIS is not comprehensive in this regard.

However, I consider that there is sufficient information on file to examine the potential impacts of the proposed developments on these 3no. conservation objectives of this SAC, as outlined further at 'Site 2' of this Appropriate Assessment.

North West Irish Sea SPA (004236)

- As previously noted at Stage 1, no information has been provided in respect of North West Irish Sea SPA (004236), which is approx. 1.3km east of the project site and contiguous to Boyne Estuary SPA (004080). Given that the conservation objective series relating to North West Irish Sea SPA is dated 19 September 2023 and site synopsis is dated 17 July 2023, as viewed on www.npws.ie, I note that this SPA was not referred to in the revised Stage 2: AA – NIS contained in the Further Information submission lodged on 01 December 2023 (and on which revised public notices were subsequently submitted to the planning authority). While noting that FI relating to AA had not been sought by the planning authority, taking a precautionary approach, I consider that potential significant effects arising from the proposed development on the North West Irish Sea SPA are required to be addressed in this instance.

All other aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions

The relevant submissions have been outlined previously at Stage 1, and are reiterated here for completeness.

Development Applications Unit (DAU) of Department of Housing, Local Government and Heritage (DHLGH):

Letter dated **27 February 2023** received by PA raises 4no. issues relating to project description and Stage 1 Screening, which include -

- Item 2: Bird survey data is mostly 4 years old. FI required.
- Item 3: There is potential for indirect or ex-situ disturbance effects on River Boyne and River Blackwater SAC (002299) due to location of proposal in close proximity to site boundary (3.3km), particularly in relation to mobile species such as otter.
- Item 4 considers proposed Boyne Greenway project (ABP-307652-20), should have been included in analysis of in-combination effects, and requires FI.

It raises 2no. issues regarding Stage 2 –

- Item 1: Site species conservation objectives, available for sites to be considered at Stage 2, have not been used.
- Item 2: NIS must consider disturbance effects to Special Conservation Interest (SCI) bird species at operational stage. Disturbance in the form of 'walking, including dog walking'

has been assigned a high disturbance score in sector OVL04 of Boyne Estuary SPA. Regarding Ecological Assessment Report (EclA), the Dept. notes the Landscape Plan stated to be in Appendix B could not be located.

Following FI response, DAU letter dated **15 February 2024** notes the revised EclA and revised NIS are partially based on additional survey work undertaken on 15 and 23 November 2023. It is satisfied that the development should result in no significant adverse effects on Boyne Estuary SPA or Boyne Coast and Estuary SAC provided measures in the revised EclA and NIS are implemented in full.

It recommends a condition that measures to avoid impacts on plants, animals and habitats arising from the construction as detailed in the FI EclA and NIS should be implemented in their entirety, including erection of silt fences, careful planning of concrete pours and provision of spill kits and drip trays to contain hydrocarbon leakages from vehicles and machinery.

Uisce Éireann (UÉ): Letter (04 February 2023) states no objection subject to 3no. conditions -

- Where applicant proposes to connect to a public water/wastewater network operated by Irish Water (IW), connection agreement must be signed prior to commencement and standards and conditions in the agreement must be adhered to
- IW infrastructure capacity requirements and proposed connections to water and wastewater infrastructure will be subject to constraints of IW Capital Investment Programme
- Development shall be carried out in compliance with IW standards codes and practices

Third party appeal from Colin and Lorraine Reynolds, with regard to Habitats Directive states

- Winter bird survey was carried out on 1 day in November 2023. BTO wetland bird survey methodology calls for monthly surveys, particularly from Sept. to March. A scientifically appropriate survey methodology was not used.
- An abundance of wetland bird species was identified within the area even within limited survey.
- No analysis of how close the identified species are to the site.
- Considers submission from Minister for Housing, Local Government and Heritage is incorrect in reaching conclusion based on 'no significant adverse effects.....on European Sites.' Standard in unknown to Habitats Directive.

Applicant's response to third parties' grounds of appeal states the following with regard to Habitats Directive -

- 3no. assessments carried out since 2019. 2nd assessment followed a specific FI request item, addressed all issues and agreed with NPWS.
- DAU response recommends condition that measures in amended FI EclA and NIS should be implemented in entirety
- Cites environmental firm's advice that survey methodology was developed in consultation with NPWS, is considered proportionate for site size and nature of development, and includes survey information completed in 2019. Survey identified wetland bird species foraging along nearby beaches and River Boyne. These species were taken forward for further assessment and appropriate mitigation measures will be implemented at construction phase. It concluded that there would be no significant adverse effects on wetland birds as there will be no discernible change to baseline environment.

- Appeal (Colin and Lorraine Reynolds) refers to water contamination from hydrocarbon spillage. Principal source would be construction delivery trucks and machinery. DAU response is satisfied that there are adequate provisions for dealing with this.
- There is much greater risk of hydrocarbon pollution from vehicular traffic, as advised by both appellants, which cross public access to south to river's edge.

Conclusion of applicant's FI Stage 2: Appropriate Assessment – Natura Impact Statement:

FI Stage 2: AA – NIS concludes that the proposed development alone or in combination with other plans or projects will not significantly impact the integrity and conservation status of any of the QIs of Boyne Coast and Estuary SAC, Boyne Estuary SPA or any other European site.

Boyne Coast and Estuary SAC (001957)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Physical disturbance of soil within the site during construction, potential for pollution-laden leaks/surface water runoff to enter SAC.
- (ii) Permanent loss of habitat on site
- (iii) Dust emissions.

See Table 6-1 (screening assessment) and Sections 7.1, 7.2, 7.3 and 7.4 (Stage 2: NIS).

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary – inserted)	Potential adverse effects	Mitigation measures (summary) NIS
1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide *1210 Annual vegetation of drift lines	Maintain Maintain Not listed as QI in Conservation Objectives Series (31 October 2012)	No direct loss of or disturbance to Annex I habitats during demolition/construction, (at Section 7.1 FI Stage 2: AA - NIS). Run-off of potential pollutants (including suspended solids and or hydrocarbon leaks or spills) from construction area reaching surface or groundwater and flow into River Boyne, this could adversely affect water	<u>At construction:</u> Water quality mitigation measures (at Section 7.4) include: Compliance with CEMP, silt fences on eastern boundary, no surface water discharge to public roads/foul sewers/ adjacent property, concrete pouring only in dry weather, immediate clean-up of cementitious

1310 Salicornia and other annuals colonising mud and sand	Restore	quality within the river and affect protected habitats.	materials spillages, implement waste management measures, appoint ECoW, and measures to address escapement of oil. Dust mitigation measures (at Section 7.3) include: ECoW will regularly inspect nearby ecological receptors, erect solid screens around dust activities, avoid site runoff of water and mud, water suppression methods during demolition.
1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	Maintain		
2110 Embryonic shifting dunes	Restore		
2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	Restore	Map 7 on NPWS Conservation Objectives Series (see below for further details) shows <i>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</i> a very short distance east of the project site.	
2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)**	Restore	<i>2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes')</i> is shown on Map 7 contiguous to '2120' (above) to south east.	<u>Operation:</u> Foul will connect to existing network on Crook Road and storm water will be attenuated and dispersed onsite via soakaway design in accordance with BRE 365.
** indicates a priority habitat type as defined in the Directive.			

Note:

*1210 Annual vegetation of drift lines is listed in S.I. No. 433 of 2021.

It is listed in Site Synopsis (Version 9.2.2016) on www.npws.ie. It states that the largest area of annual vegetation of drift lines within this SAC is located at Baltray, north of the estuary. The vegetation is highly representative of the habitat type, which is limited to a small number of highly specialised species that are capable of coping with harsh environmental conditions

For completeness, the earlier Conservation Objective Series Boyne Coast and Estuary SAC 001957 (31 October 2012) –

- Does not include 1210 Annual vegetation of drift lines as a QI

- Lists 1210 Annual vegetation of drift lines as Non-Qualifying Interest on Map 7: Boyne Coast and Estuary SAC – Conservation Objectives – Sand dune habitats.

I note in particular that this Map 7 on NPWS Conservation Objectives Series shows

- 2120 *Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)* a very short distance east of the project site.
- 2130 **Fixed coastal dunes with herbaceous vegetation ('grey dunes')* is shown on Map 7 contiguous to '2120' (outlined above) to the south east.

Other conservation objectives which are in close proximity to the project site are:

- 1130 Estuaries
- 1140 Mudflats and sandflats not covered by seawater at low tide
- Intertidal estuarine mud and fine sand with *Hediste diversicolor* and *Corophium volutator* community
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) Water quality degradation

It is stated that the construction works will not involve any major site clearance or earthworks. Given the site's proximity to Boyne Estuary, should potential pollutants (suspended solids, silt and hydrocarbon leaks or spills) enter the Estuary, this could adversely affect the water quality within the watercourse and European sites. Sediment and silt have the potential to clog fish gills, degrade spawning habitats and cover/smother aquatic vegetation. Hydrocarbons have the potential to change the chemical balance of a waterbody which can prove toxic to wildlife. Impairment of water quality could significantly affect the habitats and species for which they are designated by inducing a bottom-up trophic cascade wherein the abundance and distribution of prey species is altered, resulting in a negative impact upon fauna at higher trophic levels and upon the functioning of ecosystem processes.

The proposed development would be served by a connection to the foul sewer. With regard to surface water, a soakaway in compliance with BRE 365 is proposed.

Mitigation measures:

It is outlined that during construction all works will comply with relevant legislation and guidance, and will be undertaken in accordance with an approved CEMP.

In addition to those outlined in the table above, mitigation measures include procedures to be communicated to staff, emergency response procedures to be put into place, and excavations will be left open for minimal periods. Measures to remove the risk from contamination in the event of an accidental release or spill of potentially contaminating substances include careful handling of fuels/lubricants/hydraulic fluids, and spill kit including absorbent booms and drip trays to be maintained on site.

Commentary:

As noted previously at Stage 1 (screening) of this Appendix 2, there is no CEMP on file.

However, I note that a number of the mitigation measures outlined at Stage 2 (NIS) are of a type similar to that in a CEMP, such as traffic management and dust management measures (at Section 7.3) and measures to prevent and manage any oil pollution.

In this regard, while a 'standalone' CEMP or preliminary CEMP has not been submitted on this application, I consider that there is sufficient information on file relating to proposed mitigation measures at construction phase, which include construction best practices and the appointment of an ECoW.

As outlined elsewhere in the main report, it is recommended that permission be refused. However, should the Commission be minded to grant permission, it may wish to consider it appropriate that a site-specific CEMP be submitted for written agreement of the planning authority prior to commencement. This matter could be addressed by way of condition.

At operational phase, no concerns arise with regard to wastewater treatment, given that the proposed development would connect to existing foul sewer network. Uisce Éireann report on file (04 February 2023) states no objection, subject to 3no. standard conditions.

With regard to surface water, the internal Water Services Planning Report states should permission be granted, a BRE 365 result should be submitted prior to commencement. Condition 6 requires BRE 365 tests for proposed soakaways on site, to include 20% for an increase in rainfall due to climate change. This condition does not require details to be submitted for planning authority's written agreement prior to commencement

The soakaway is proposed to be located at the north eastern corner of the project site. It would be approx. 10m from the 'flood risk line', as estimated from Flood Risk Plan (Drawing No. (P)17 lodged with the application. As outlined previously, the project site is located within Flood Zone C, and in close proximity to Flood Zones A and B to the east.

I note that the FI landscape plan (Drawing No. 528-PD-01) shows the new driveway and parking areas to comprise a large part of the plot in the northern part of the site and is indicated as 'Wexford Beach Pebble'.

I have noted elsewhere at Water Framework Directive (WFD) screening (Appendix 3) that information viewed on the Geological Survey of Ireland (GSI) website (www.gsi.ie) shows the following for the subject site:

- subsoil permeability: low
- groundwater vulnerability: low
- quaternary sediment type: windblown sands and dunes
- Rock unit name: Mornington Formation - Dark limestone & calcareous shale

Having regard to the absence of any designated habitats on the project site (as discussed at (ii) below) and subject to the details of the proposed soakaway in accordance with BRE 365 being submitted and agreed in writing prior to commencement, I consider that the provision of a soakaway would be acceptable.

(ii) Potential loss of habitats on site

It is outlined (at Section 7.1) that the proposed development will not result in any direct loss or disturbance to any of the Annex I habitats for which the Boyne Coast and Estuary SAC and Boyne Estuary SPA are designated, as no designated habitats are located within

the site and all works will be restricted to within the site boundary. As the proposed development is to refurbish an existing disused building there will be no changes in onsite habitats. It further outlines (at Section 7.2) that the onsite habitats are not considered suitable for waterbird species.

Should run-off of potential pollutants from the construction area reach the surface water or ground water and flow into the River Boyne, this could adversely affect water quality within the river and adversely affect protected habitats within the European sites. Mitigation measures will be implemented to protect water quality of European sites and the designated habitats within the sites, as set out at Section 7.4. A number of the mitigation measures at Section 7.4 are outlined above.

It concludes that following implementation of appropriate mitigation measures, there will be no potential for any adverse impacts from the project on designated habitats of Boyne Coast and Estuary SAC and Boyne Estuary SPA.

Commentary:

As above for (i) Water quality degradation.

Subject to the implementation of mitigation measures, including the proposed appointment of an ECoW, I consider that the proposed development would not result in likely significant effects on the conservation objectives of this SAC.

(iii) Dust emissions

With regard to potential impairment to air quality during demolition/construction, it is outlined (at Section 7.3) that although the potential risk from dust is considered low to medium given the small scale of the proposed development, mitigation measures will be implemented to ensure potential risks to ecological receptors is reduced to negligible.

Dust mitigation measures proposed include (in addition to those outlined in the table above) storage of sand/other aggregates in enclosed or bunded areas, removal of biological debris before dismantling during demolition, use of cutting/grinding/sawing equipment only with appropriate fixings and with suitable dust suppression techniques, avoidance of using diesel- or petrol-powered generators where possible, visual inspection for dirt/debris prior to leaving the site, and recording of haul routes

Commentary:

I note the range of dust mitigation measures proposed, including in particular the appointment of an ECoW to regularly inspect the nearby ecological receptors for dust deposition. I consider that having regard to the small scale nature of the proposed development, albeit works which include substantial removal of the built fabric of the former yacht club building, and the range of mitigation measures proposed, that the proposed development would not give rise to significant adverse effects on the conservation objectives of this SAC.

No potential pollution relating to dust/air quality at operational phase is outlined in the FI Stage 2: AA – NIS.

Having regard to the nature and scale of the proposed development, to all information on file and to the information viewed on www.npws.ie relating to Boyne Coast and Estuary

SAC, and while noting the proximity of this project site to this SAC, I consider that the proposed development would not result in likely significant effects as a result of dust emissions/air quality on the conservations objectives of this SAC at construction phase.

I note the format of the various mitigation measures under different section/subsection headings (at Section 7) of the FI Stage 2: AA – NIS.

While the recommendation as outlined in the main report is to refuse permission, should the Commission be minded to grant permission, it may wish to consider the attachment of condition whereby all mitigation measures are set out in a single schedule, for clarity.

In combination effects

It is outlined (at Section 7.5) that there are no current or previously permitted plans or projects identified in the immediate vicinity that are considered to have the potential to have any in-combination (effects) with the proposed development to result in significant impacts on the integrity of European sites.

Commentary:

I have viewed the information available on the planning authority's online planning search (www.meath.ie) and on the Commission's website (www.pleanala.ie)

I note that there are no recently permitted developments in the vicinity of the subject site. With regard to the current P.A. Ref. 25/60928 and (ACP) 500317 case (permission sought for change of use of part of existing driving range to wildlife rehabilitation and teaching hospital (NIS submitted) approx. 500 to west), I note that this is a 'proposed' development at time of writing.

Accordingly, I consider that there are no permitted developments in the vicinity of the project site which have the potential to result in any in combination effects.

With regard to plans, none are cited in the FI Stage 2: AA – NIS, nor is there any commentary on the lack thereof, to demonstrate the potential, or lack of potential, for any in combination effects.

The principal policies and objectives of Meath County Development Plan 2021-2027, including Development Plan mapping, as they relate to the subject site are outlined at Section 5.0 of the main report. Based on the information on file, and the Development Plan content, I am satisfied that the proposed development would not have the potential to result in any in combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other projects, will not adversely affect the integrity of this European site.

I have noted previously that the submitted FI Stage 2: AA – NIS does not include any 'plans', or comment on the lack thereof, to demonstrate the potential for any in combination effects.

However, having regard to the current Development Plan content, I consider that the proposed development would not result in any significant in combination effects.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site.

No direct impacts are predicted.

Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent impairment to the water quality and air quality of this European site, and to prevent loss of/disturbance to designated habitats.

I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site integrity

The proposed development will not affect the attainment of the Conservation objectives of the Boyne Coast and Estuary SAC (001957). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

River Boyne and River Blackwater SAC (002299)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Impacts on water quality during construction and operational phases due to potential pollution from the project site entering the watercourse, resulting in potential significant effects on River Lamprey and Salmon.
- (ii) impacts on water quality during construction and operational phase due to potential pollution from the project site entering the watercourse and increased human disturbance resulting in potential impacts on otter.

See Table 6-3 (screening assessment) and Section 7 (Stage 2: NIS)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary – inserted)	Potential adverse effects	Mitigation measures (summary) NIS

1099 Lampetra fluviatilis River Lamprey	Restore	No direct impacts.	As above for Boyne Coast and Estuary SAC.
1106 Salmo salar Salmon	Restore	Run-off of potential pollutants (including suspended solids and or hydrocarbon leaks or spills) from construction area reaching surface or groundwater and flow into River Boyne, this could adversely affect water quality within the river and affect protected species.	In addition (at Section 7.2): Site personnel to receive induction, activities/deliveries to occur only during permitted hours, low-noise rated plant where possible, plant to be powered off rather than idling, place hoarding around noise works/plant.
1355 Lutra lutra Otter	Restore	Potential impacts on any otter commuting and foraging within the wider area due to disturbance at construction phase.	

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation – Potential impacts on River Lamrey and Salmon

As above for Boyne Coast and Estuary SAC.

Commentary:

I note that the project site is approx. 3.3km (as the crow flies) west of the most easterly part of River Blackwater and River Boyne SAC (002299).

While River Lamprey and Salmon may ‘traverse’ the stretch of the Boyne river/estuary in the vicinity of the project site, as they move from this SAC site towards the coastal waters to the south east/east, I consider that having regard to the mitigation measures outlined at Stage 2: AA – NIS, specifically in relation to water quality (at Section 7.4) at construction phase, that the proposed development would not result in likely significant adverse effects on River Lamprey and Salmon.

(ii) Human disturbance, noise and water quality degradation – potential impacts on otter

As above with regard to water quality degradation for River Lamprey and Salmon.

With regard to otter, it is outlined (at Section 7.2) that although otter have been recorded within 2km of the site, no otter activity was recorded near the site and it was considered unsuitable for otter and prey species.

It is further stated that no works will be undertaken at night and measures will be implemented to protect this species. It is also set out in this section that construction works will be 08:00 – 18:00 hours Monday to Friday and between 08:00 – 13:00 hours on

Saturdays, thereby limiting noise effects on crepuscular species.

A number of mitigation measures are proposed at construction phase to ensure that there are no adverse effects to designated species due to noise emissions. It considers that the construction phase will not result in any adverse effects on or significant disturbance of designated species due to noise emissions.

Commentary:

As outlined previously at Stage 1 (AA screening), I have noted separately that a search on the NBDC website (accessed on 08 January 2026) does not record otter within the relevant 2km square at the project site.

The Stage 1 (AA Screening) outlines (at Table 6-3) that the otters are known to have large territories (over 20km), although no evidence of otter was recorded during the survey and no suitable habitat was identified on site. It also outlines that site and surrounding areas currently experience regular anthropogenic disturbances (walkers, dog walkers and boating).

Having regard to this information outlined (at Stage 1 AA screening) and at Stage 2: AA – NIS, and to the mitigation measures outlined relating to human disturbance, noise and water quality, and having regard to the nature and scale of the proposed development, to all information on file and to the information viewed on www.npws.ie relating to this SAC, and in noting the separation distance between the project site and this SAC, I consider that the proposed development would not result in likely significant effects as a result of human disturbance, noise and water quality degradation on otter at construction phase.

In-combination effects

As above for Boyne Estuary SAC.

Findings and conclusions

The applicant determined that following an examination, analysis and evaluation of the relevant information, and with implementation of the proposed mitigation measures, that the proposed development will not, either alone or in-combination with other plans or projects, adversely affect the integrity of Boyne Coast and Estuary SAC and Boyne Estuary SPA ‘.....or any other European site’ in light of the site’s conservation objectives and best scientific knowledge, and no reasonable doubt exists in relation to this conclusion.

As outlined previously, the Stage 2: AA – NIS does not comment specifically on River Boyne and River Blackwater SAC in a number of respects.

However, while noting the extensive territorial area that may apply to otters, and that species such as River Lamprey and Salmon may ‘traverse’ that part of the Boyne River/Estuary in the vicinity of the subject site, having regard to the distance of the project site to this SAC, the proposed mitigation measures to address potential impairment of water quality at construction stage, and the provision of a soakway to address surface water management at operational phase, I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. No significant in-combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. The proposed development will not affect the attainment of the conservation objectives of River Boyne and River Blackwater SAC (002299). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Site integrity

The proposed development will not affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC (002299). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Boyne Estuary SPA (004080)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation
- (ii) Potential damage/loss of habitats on site
- (iii) Human disturbance and noise impacts and dust emissions at construction phase, and human disturbance at operational phase

See Table 6-4 (screening assessment) and Section 7 (Stage 2: NIS)

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary – inserted)	Potential adverse effects	Mitigation measures (summary) NIS
A048 Shelduck Tadorna tadorna A130 Oystercatcher Haematopus ostralegus A140 Golden Plover Pluvialis apricaria A141 Grey Plover Pluvialis squatarola A142 Lapwing Vanellus vanellus A143 Knot Calidris	Conservation Objective: Maintain (all)	Direct impact. Much of the project site is located within SPA. Direct loss of or disturbance to habitats during demolition/construction, at Section 7.1 FI Stage 2: AA - NIS). However, it states (at Section 4.1) no designated habitats are located within site boundary.	As above for Boyne Coast and Estuary SAC and River Boyne and River Blackwater SAC.

canutus		Run-off of potential pollutants (including suspended solids and or hydrocarbon leaks or spills) from construction area reaching surface or groundwater and flow into River Boyne, this could adversely affect water quality within the river and affect protected habitats.	
A144 Sanderling Calidris alba			
A156 Black-tailed Godwit Limosa limosa			
A162 Redshank Tringa totanus			
A169 Turnstone Arenaria interpres			
A195 Little Tern Sterna albifrons			

Assessment of issues that could give rise to adverse effects in view of conservation objectives

- (i) **Water quality degradation**
- (ii) **Potential damage/loss of habitats on site**

As above for Boyne Coast and Estuary SAC.

In addition, it is outlined at screening stage with regard to 'wetland and waterbirds' that pollution of the watercourse could adversely impact food sources for these species.

It states (at Section 7.2) that the project site is located within this SPA. The NDBC holds records for 25no. waterbird species. 17no. waterbird species were recorded in the vicinity during the 2023 wintering bird survey, and were identified foraging along nearby beaches and River Boyne. No designated species were recorded utilising the site. The on-site habitats are not considered optimal for waterbird species.

Commentary:

The Site Synopsis (30 May 2015) for the Boyne Estuary SPA on www.npws.ie includes that the river channel, which is navigable and dredged, is defined by training walls, these being breached in places. Intertidal flats occur along the sides of the channelled river. Sediments vary from fine muds in the sheltered areas to sandy muds or sands towards the river mouth.

It further outlines that the E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Separately, mapping shown on Boyne Estuary SPA (Site Code 4080) – Conservation Objectives Supporting Document (Version 1; NPWS, 2012) (viewed on www.npws.ie) shows that subject site is within the 'supratidal' broad habitat type², i.e., separate to the

² Appendix 7; Boyne Estuary – waterbird distribution (dot-density diagrams recorded during low tide surveys (October 2011-February 2012) (data are presented for birds located in intertidal and subtidal habitats only)

‘terrestrial’, ‘subtidal’ and ‘intertidal’ habitat types. It outlines (at Section 3.1) that the ‘Supratidal’ category refers to areas that are not frequently inundated by the tide (i.e., occurring above the mean high watermark) but contain shoreline and coastal habitats and can be regarded as an integral part of the shoreline.

As outlined previously, the habitat survey information provided in the applicant’s FI Stage 2: AA – NIS document shows (at Fig. 5-1) that most of the site comprises Dry Meadows and Grassy Verges (GS2), and it is stated (at Section 5.2.1) that there is a salt marsh habitat on the eastern boundary of the site, which separates the site from the estuary.

Having regard to the Dry Meadows and Grassy Verges habitat on most of the project site, particularly within the SPA part of same, and while noting the ‘supratidal’ category location described in the Boyne Estuary SPA (Site Code 4080) – Conservation Objectives Supporting Document, and the project site’s proximity to

- 1140 Mudflats and sandflats not covered by seawater at low tide, and
- Intertidal estuarine mud and fine sand with *Hediste diversicolor* and *Corophium volutator* community

as outlined above under Boyne Coast and Estuary SAC, I note that the habitat on the project site itself is not a ‘wetland’.

The applicant’s FI Stage 2: AA – NIS states that the on-site habitats are not considered optimal for waterbird species.

I note that much of the project site, within the SPA part of the site, is to form a new driveway and parking area to rear (north) of the existing building, and new decking is proposed to east of the existing building. The proposed driveway/parking area surface is indicated as Wexford beach pebble, on core/gravel stabilisation sheets.

While noting that the proposed development includes extending the building’s footprint at its eastern elevation, new site works in the form of landscaping to the east and north of this building and the provision of a soakaway in the north eastern corner of the site, all within the SPA, and also the removal of a substantial amount of built fabric of the existing building on site, I consider that having regard to the small scale nature of the proposed works which extend into the SPA part of the site, the absence of ‘wetland’ habitat on the subject site and of suitable habitat for waterbird species, and subject to the implementation of mitigation measures, as outlined above for Boyne Coast and Estuary SAC, including in particular the appointment of an ECoW, that the proposed development would not adversely impact on water quality, would not result in loss of/disturbance to designated habitats, and would not adversely affect QIs of the Boyne Estuary SPA.

(iii) Human disturbance and noise impacts and dust emissions at construction phase, and human disturbance at operational phase.

As above for Boyne Coast and Estuary SAC.

In addition, as outlined for River Boyne and River Blackwater SAC, construction noise sources have potential to result in temporary adverse effects on noise levels in the vicinity. It is outlined (at Section 7.2) that the NBDC holds records for 26no. species, 17no. waterbird species were recorded within vicinity during the 2023 wintering bird survey and these species were identified foraging along nearby beaches and River Boyne.

It states demolition and external works will be undertaken outside the winter bird season, October to March inclusive. In addition to the range of construction phase mitigation measures proposed, it outlines that given the availability of suitable habitats in the wider area, should designated species be temporarily disrupted, they will move to a suitable area elsewhere. It concludes that subject to compliance with the mitigation measures, the proposed development will not result in any adverse effects on or significant disturbance of designated species due to noise emissions.

It is also stated that as the surrounding area is subject to regular anthropogenic disturbances by the caravan park, residential housing, boat moorings and dog walkers, the addition of one single house to the area will cause no discernible change to the designated species.

Commentary:

While noting the much of the project site is located within the Boyne Estuary SPA, having regard to the existing habitats on site, the small scale nature of the proposed development, the timing of the proposed works and the mitigation measures proposed at construction stage, I consider that the proposed development would not result in significant adverse effects on the QIs of this SPA.

With regard to operational phase impacts, I note that there is a former yacht club building and an access route from Crook Road to Boyne River/Estuary on the project site.

While the proposed development would result in an increase in human disturbance over that currently existing at this location, given that the existing yacht club building is unoccupied and is stated to be a Derelict Site as out in in the main report (as noted in the planning authority's 2019 email correspondence on file), I note also that other extant development in the vicinity includes a mobile home park. Based on the information on file, I do not consider that the proposed development would result in significant human disturbance at operational phase such as to give rise to significant adverse effects on Boyne Estuary SPA.

In-combination effects

As above for Boyne Coast and Estuary SAC.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other projects, will not adversely affect the integrity of this European site.

I have noted previously that the submitted FI Stage 2: AA – NIS does not include any 'plans', or comment on the lack thereof, to demonstrate the potential for any in combination effects. However, having regard to the current Development Plan content, I consider that the proposed development would not result in any significant in combination effects.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site.

While much of the project site is located within this SPA, no direct impacts are predicted.

Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described to prevent impairment to the water quality and air quality of this

European site, and to prevent loss of/disturbance to designated habitats.

I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site integrity

The proposed development will not affect the attainment of the conservation objectives of the Boyne Estuary SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

North West Irish Sea SPA (004236)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Water quality degradation
- (ii) Potential damage/loss of habitats on site
- (iii) Human disturbance and noise impacts and dust emissions at construction phase, and human disturbance at operational phase

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary – inserted)	Potential adverse effects	Mitigation measures -
North West Irish Sea SPA (004236)	Conservation Objective: As outlined below:	As above for Boyne Estuary SPA.	This SPA is not included in the applicant’s FI Stage 2: AA – NIS. Mitigation measures are as above for Boyne Estuary SPA.
A001 Red-throated Diver (Gavia stellata)	Maintain		
A003 Great Northern Diver (Gavia immer)	Maintain		
A009 Fulmar (Fulmarus glacialis)	Restore		
A013 Manx Shearwater (Puffinus puffinus)	Maintain		
A017 Cormorant (Phalacrocorax carbo)	Restore		
A018 Shag (Phalacrocorax	Restore		

aristotelis)			
A065 Common Scoter (<i>Melanitta nigra</i>)	Maintain		
A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	Maintain		
A182 Common Gull (<i>Larus canus</i>)	Maintain		
A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)	Maintain		
A184 Herring Gull (<i>Larus argentatus</i>)	Restore		
A187 Great Black-backed Gull (<i>Larus marinus</i>)	Maintain		
A188 Kittiwake (<i>Rissa tridactyla</i>)	Restore		
A192 Roseate Tern (<i>Sterna dougallii</i>)	Maintain		
A193 Common Tern (<i>Sterna Hirundo</i>)	Maintain		
A194 Arctic Tern (<i>Sterna paradisaea</i>)	Maintain		
A195 Little Tern (<i>Sterna albifrons</i>)	Maintain		
A199 Guillemot (<i>Uria aalge</i>)	Maintain		
A200 Razorbill (<i>Alca torda</i>)	Maintain		
A204 Puffin (<i>Fratercula arctica</i>)	Restore		
A862 Little Gull (<i>Hydrocoloeus minutus</i>)	Maintain		

Assessment of issues that could give rise to adverse effects in view of conservation objectives

(i) **Water quality degradation**

(ii) **Potential damage/loss of habitats on site**

As above for Boyne Estuary SPA.

In addition, the Site Synopsis* (on www.npws.ie) outlines that this (candidate) SPA is an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. This SPA is ecologically connected to several existing SPAs. The breeding seabird species listed for those SPAs which abut the North-West Irish Sea SPA include Little Tern (Boyne Estuary SPA).

Commentary:

As outlined previously at screening stage, Little Tern (*Sterna albifrons*) is the single QI listed for both North West Irish Sea SPA and Boyne Estuary SPA. The Conservation Objective Series for the North West Irish Sea SPA outlines that the foraging range of breeding little tern from the colony at Baltray, Co. Louth is relatively small and therefore it is likely that all feeding resources for this colony during the breeding season are included within the Boyne Estuary SPA and North-west Irish Sea SPA.

Given that there are no suitable habitats for QIs of the Boyne Estuary SPA on the project site as outlined above, it is therefore considered that this would also apply to Little Tern which is common to both SPAs. Having regard to the existing habitats on site, the small scale nature of the proposed development and distance to North West Irish Sea SPA, it is considered that the proposed development would not result in ex-situ impacts for Little Tern or other QIs of this European site.

*Note: The Site Synopsis (dated 17 July 2023) refers to this European site as a cSPA. For clarity, this European site is not a 'candidate' SPA at time of writing.

(iii) Human disturbance and noise impacts and dust emissions at construction phase, and human disturbance at operational phase

As above for Boyne Estuary SPA.

In-combination effects

As above for Boyne Estuary SPA (and Boyne Coast and Estuary SAC).

Findings and conclusions

As outlined previously, the applicant's FI Stage 2: AA – NIS document does not include this European site.

I have noted in this assessment that following the implementation of mitigation measures as outlined for Boyne Coast and Estuary SAC and Boyne Estuary SPA that the construction and operation of the proposed development alone, or in combination with other projects, will not adversely affect the integrity of the North West Irish Sea SPA.

With regard to in-combination effects, I have noted previously that the submitted FI Stage 2: AA – NIS does not include any 'plans', or comment on the lack thereof, to demonstrate the potential for any in combination effects. However, having regard to the current Development Plan content, I consider that the proposed development would not result in any significant in combination effects.

Based on the information viewed on www.npws.ie relating to North West Irish Sea SPA, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for this European site.

As the project site is approx. 1.3km from this SPA, no direct impacts are predicted.

Indirect impacts would be temporary in nature at the construction stage and mitigation measures are described (as proposed for Boyne Coast and Estuary SAC and Boyne Estuary SPA) to prevent impairment to the water quality and air quality of this European site, and to prevent loss of/disturbance to designated habitats.

I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

No significant in combination effects are predicted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site integrity

The proposed development will not affect the attainment of the Conservation objectives of the North West Irish Sea SPA (004236). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the Further Information NIS and all associated material submitted, and also the information relating to North West Irish Sea SPA (004236) viewed on www.npws.ie, I consider that adverse effects on site integrity of Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- Effectiveness of mitigation measures proposed in Further Information Stage 2: Appropriate Assessment – Natura Impact Statement, and appointment of an Environmental Clerk of Works
- Application of planning conditions to ensure application of these measures
- The proposed development will not affect the attainment of conservation objectives for the Boyne Coast and Estuary SAC (001957), River Boyne and Blackwater SAC (002299), Boyne Estuary SPA (004080) and North West Irish Sea SPA (004236).

Appendix 2: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-319247-24	Townland, address	Former Yacht Club, Crook Road, Mornington, Co. Meath.
Description of project		<p>Section 2.0 sets out a description of the proposed development. In brief the proposed development comprises</p> <ul style="list-style-type: none"> • renovation, extension and change of use of existing former yacht club building, demolition of south and eastern walls, north and west walls to be retained to create a dwelling house • new soakaway near north eastern corner of site. • new vehicular access from Crook Road and 2no. parking spaces on site • private open space, landscaping, boundary treatments and ancillary works <p>NIS submitted with application.</p>	
Brief site description, relevant to WFD Screening,		<p>The site location and description are set out at Section 1.0 of the main report. The subject site is located on Crook Road (L56394), Mornington. Crook Road is a cul-de-sac road, terminating approx. 400m to north. This 0.965ha site is roughly rectangular, with a former yacht club in a dilapidated condition located near the southern boundary. This building is accessed from its south elevation, and its east elevation is approx. 7m from the roadside boundary. A right of way is shown to exist between this building and the southern site boundary, providing access from Crook Road to the River Boyne to the east. The Boyne Estuary (as viewed on www.epa.ie ; Transitional Waterbody EU_CD: IE_EA_010_0100 refers) flows in a north/south direction approx. 40m to east.</p>	

	<p>At time of site visit a substantial inter-tidal area was visible a short distance east of the site, towards the navigational channel of the River Boyne.</p> <p>The site is slightly elevated above the level of the adjoining public road.</p> <p>The plans and particulars on file do not indicate that there is any watercourse within the site.</p> <p>The Boyne Estuary watercourse IE_EA_010_0100 also flows in south/north direction to west of the established residential area west of Crook Road, approx. 220m to west of the site.</p>
Proposed surface water details	<p>Operation Phase: <u>Surface water drainage</u></p> <p>A soakaway is proposed in the north eastern corner of the site.</p> <p>Condition 6 requires applicant to complete BRE 365 tests for proposed soakaway, to include 20% for an increase in rainfall due to climate change. No compliance submission is required.</p> <p>FI landscape plan (Drawing No. 528-PD-01) shows the new driveway and parking areas to comprise a large part of the plot in the northern part of the site, and is indicated as 'Wexford Beach Pebble'.</p>
Proposed water supply source & available capacity	<p>Uisce Éireann mains water connection.</p> <p>Uisce Éireann report states no objection, subject to standard conditions.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Uisce Éireann wastewater connection.</p> <p>Uisce Éireann report states no objection, subject to standard conditions.</p>
Others	<p>Flooding:</p> <p>The site is located within Flood Zone C.</p> <p>Drawing titled Flood Risk Plan (Drawing No. (P)17) lodged with the application shows 'flood risk line' to east. I estimate that this flood risk line is approx. 6m from the eastern site boundary at its nearest point, as measured from plan.</p> <p>However, based on Development Plan mapping (SFRA), I estimate that Flood Zone A is less than 15m to east of the subject site.</p>

	<p>As noted in main report, there is internal (planning authority) email correspondence on file. Email dated 01 March 2023 notes permission is sought for change of use which is classified as highly vulnerable development. It states with reference to Council’s Mapinfo flood mapping and OPW CFRAMS and NIFM flood mapping, the site is in Flood Zone C for fluvial flooding. Probability of flooding is less than 0.1% and at low risk of flooding. No objections from a flood risk perspective.</p> <p>Geological Survey of Ireland (GSI) data: Information viewed on the GSI website (www.gsi.ie) for the subject site shows–</p> <ul style="list-style-type: none"> • subsoil permeability: low • groundwater vulnerability: low • quaternary sediment type: windblown sands and dunes • Rock unit name: Mornington Formation - Dark limestone & calcareous shale • Bedrock Aquifer Description: Locally Important Aquifer – Bedrock which is Generally Moderately Productive • Groundwater Body: Karstic
	<p>Protected Areas for WFD</p> <p>Distances from the subject site to the following Protected Areas for WFD are as follows:</p> <ul style="list-style-type: none"> • Natura Sites (approx.): <ul style="list-style-type: none"> - Most of the appeal site is located within Boyne Estuary SPA (004080). The former yacht club building on site is not within the SPA. - Boyne Coast and Estuary SAC (001957) is within the site’s immediate vicinity - River Boyne and River Blackwater SAC (002299) is approx. 3.3km to east and contiguous to Boyne Coast and Estuary SAC (001957). - North West Irish Sea SPA (004236) is approx. 1.3km to east. • Drinking Water (Protected Areas): Site is within Drinking Water – EU_CD: Groundwater IE_EA_G_025; Drogheda (as viewed on www.catchments.ie).

- No GSI Public Supply nor NFGWS Group Scheme Source Protection areas in the vicinity of the site.
 - The nearest GSI Public Supply Source Protection Area is at TERMONFECKIN_PWS; SO – Outer Protection Area. This is approx. 3km to north west of subject site.

- Shellfish Areas: Closest is Balbriggan/Skerries, approx. 3.5km to south east; WB_CD: IE_EA_020_0000.

- Nutrient Sensitive Areas:
 - Nutrient Sensitive Area: Lakes and Estuaries (Dec. 2018) shows Boyne Estuary is shown a short distance east of the site; IE_EA_010_0100 refers.
EU_PA_Type is Urban Wastewater Treatment Directive Sensitive Area

- Bathing Waters: Closest are
 - Laytown/Bettystown, approx. 2.5km south east of the site as the crow flies; IEEABWC020_0000_0700 refers.
 - Seapoint, approx. 3km north of the site as the crow flies; IENBBWC025_0000_0100 refers.

Streams/mapping in vicinity of site

No watercourses are shown to be located within the subject site.

I note the content of EPA mapping (viewed at www.catchments.ie)

- The site is within WFD SubCatchment Boyne_SC_130
- The site is within WFD River Sub Basin STAGRENNAN_010.
- The nearest waterbody to the subject site is Boyne Estuary, approx. 40m to east, and flows in a roughly north/south direction at this location; IE_EA_010_0100 refers.
This waterbody also flows in a south/north direction approx. 220m to west of the subject site, i.e., west of the established residential area west of Crook Road.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Transitional Waterbody	Approx. 40m to east	IE_EA_010_0100 Boyne Estuary	Poor (2019-2024)	At Risk (2019-2024)	Significant Pressures: UWW, Ag Significant Issues: Nutrients, Organic (As per Cycle 3 HA 07 Boyne Catchment Report, May 2024; EPA)	Yes - Hydrological connection to watercourse via surface water run off
Groundwater Waterbody	Underlying site	IE_EA_G_025 Drogheda	Good (Ground Waterbody WFD Status 2019-2024)	At Risk (2019-2024)	None listed	Yes – potential hydrological connection via groundwater Note: Groundwater Body on www.gis.ie is 'Karstic'.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_EA_010_01 00 Boyne Estuary	No existing watercourses within the site. Waterbody (as shown on www.catchments.ie) is approx. 40m to east. Potential pathway: surface water run-off.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP ECoW CEMP to be submitted prior to commencement, & ECoW appointed, as per FI NIS.	No	Screened out
2.	Ground	IE_EA_G_025 Drogheda	Pathway exists but low subsoil permeability.	Chemical or fuel spillages	As above	Appropriate design avoidance and mitigation measures. Standard construction measures, CEMP.	Screened out.

OPERATIONAL PHASE							
3.	Surface	IE_EA_010_01 00 Boyne Estuary	No watercourses within the site.	Hydrocarbon spillage	Appropriate design avoidance & mitigation measures, SUDs feature, Soakaway proposed, ECoW	No.	Screened out
4.	Ground	IE_EA_G_025 Drogheda	Pathway exists but low subsoil permeability.	Spillages	SUDS features	No.	Screened out
DECOMMISSIONING PHASE							
5.	N/A						