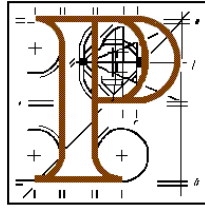


## An Bord Pleanála



## Inspector's Report

**17.JP0045**

<b>Proposal:</b>	Construction of coastal protection works
<b>Location:</b>	Laytown/Bettystown, County Meath
<b>Local Authority:</b>	Meath County Council
<b>Re:</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2010.
<b>Prescribed Bodies:</b>	DAHRR&GA GSI
<b>Observers:</b>	None
<b>Date of Site Inspection:</b>	28 <sup>th</sup> July 2017
<b>Inspector:</b>	Karla Mc Bride

## 1.0 INTRODUCTION

### 1.1 Background

Meath County Council is seeking approval from An Bord Pleanála to undertake coastal protection works along a c.75m long section of coastline located within the River Nanny Estuary and Shore SPA which is a designated European site. There are several other designated European sites (SPAs and SACs) located within a 15km radius of the proposed works. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

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

Meath County Council is therefore seeking:

- A determination by the Board as to whether or not the proposed development would affect the integrity of a European site.
- Approval from the Board, with or without modifications, for the proposed development which requires the Board to assess:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 1.2 Site and location

The subject site is located in the seaside village of Laytown, County Meath and the surrounding area is characterised by a mix of residential, commercial and recreational uses. The urbanised coastline extends for c.3km from Laytown to Bettystown along the R150 Strand Road which runs parallel to the shoreline, which is in turn separated from the built-up area by existing gabion cage revetments. The shoreline extends from the River Nanny Estuary to the S of the subject site to Bettystown to the N and it comprises sandy beaches and intertidal habitats.

The subject site comprises a c.75m long section of coastline which is bound to the W by a car park, to the E by the shoreline, to the N by a protected section of coastline and to the S by an unprotected section which contains the main recreational beach for the village. The site contains a grassed linear park, sand dunes, an existing section of damaged gabion cage revetments, the beach and foreshore, along with three stepped pedestrian accesses from the car park to the beach. The car park and linear park are separated from the beach by a fence which is partly subsiding in several locations.

The subject site is protected by an existing sea defence system which was damaged by a storm in January 2014. The existing system comprises a c.75m long, double-triple tier gabion cage revetment which is between c.3.75m and c.6.0m higher than the level of the beach. This system holds back the lands occupied by the adjacent linear park and car park. The existing gabion cage revetments were constructed in the early 2000s to the fore of a low concrete revetment which dates from the 1930s which in turn replaced an earlier timber revetment. The site is vulnerable to the effects of coastal erosion.

The subject site is located within the River Nanny Estuary and Shore (Site code: 004158) which forms part of the Natura 2000 network, and there are several other European sites located in the wider area. This SPA comprises the estuary, marshlands and the shoreline to the N and S of the estuary which is c. 3km long and c.500m wide to the low tide mark.

The shoreline comprises beach and intertidal habitats, it is a well-exposed shore with coarse sand sediments and the beaches provide high tide roosts for birds. The SPA supports five species of wintering water birds and one species of gull in numbers of national importance, and two species listed on Annex I of the E.U. Birds Directive (Golden Plover and Bar-tailed Godwit) use the site on a regular basis.

### 1.3 Proposed Development

The proposed development would comprise:

- Remove the existing c.75m long stacked gabion cages & embankment
- Construct a new c.75m long rock armour revetment system which would be c.5m high and c.6.5m wide (c.4.5m wide above the beach)
- Construct a new c.75m long stone faced retaining wall
- Close 1 & upgrade 2 of the pedestrian stepped beach accesses
- Level off the existing linear grassed area & provide c.1m high railings

The proposed works would comprise:

- Insert temporary pile/trench sheets into the ground to support the soil
- Excavate and grade the existing beach to 1:1.5 using quarry rockfill
- A geotextile layer laid over the graded area
- An underlayer of 250mm stone
- Two layers of rock armour over the geotextile and stone layers:
  - The secondary layer would be built up of 300kg rock
  - The primary layer would be built up of 3.0T rock
- The crest of the revetment would be c.5.15m ODM, and the toe would be buried c.1.0m into the beach at a point just above c.1.0m ODM

The rock armour structure would be designed in accordance with BS6349 Code of Practice for Maritime Structures. Works would be undertaken in 20m sections. The placing of rocks would commence at the lower seaward side

and proceed inwards and upwards towards the crest of the revetment. Temporary stockpiling of removed gabion rock would take place on the grassed area to the E. Temporary stockpiling of imported rock would take place on the foreshore for a maximum of 2 weeks per 20m long section.

***Accompanying documents:***

- Natura Impact Statement
- Winter Bird Survey
- Built Heritage & Archaeological Report
- Method Statement

## **2.0 LEGISLATIVE AND POLICY CONTEXT**

### **2.1 The EU Habitats Directive (92/43/EEC)**

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

### **2.2 European Communities (Birds and Natural Habitats) Regulations, 2011**

These regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

### **2.3 National nature conservation designations**

The Department of the Environment, Heritage and Local Government is responsible for the designation of conservation sites throughout the country.

The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Area (SPAs) and latter two form part of the European Natura 2000 Network.

European sites located within a 15km radius of the subject site:

- Clogher Head SAC (Site code: 001459)
- Boyne Coast & Estuary SAC (Site code: 001957)
- River Boyne & River Blackwater SAC (Site code: 002299)
- Rockabill to Dalkey Island SAC (Site code: 003000)
- River Nanny Estuary & Shore SPA (Site code: 004158)
- Boyne Estuary SPA (Site code: 004080)
- River Boyne & River Blackwater SPA (Site code: 004232)
- Skerries Islands SPA (Site code: 004122)
- Rockabill Island SPA (Site Code: 004014)

#### **2.4 Planning and Development Acts 2000-2010.**

XAB of the Planning and Development Acts 2000-2010 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.

- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to

the Board for approval and the provisions of Part XAB shall apply in the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## **2.5 Irish Coastal Protection Strategy Study - OPW 2003-2013:**

This national study provides a strategic assessment of the extent of erosion and coastal flooding along the Irish coast. It estimates the future likely position of the coastline in the years 2030 and 2050 in areas considered to be vulnerable to erosion. Appendix 8 contains an Erosion Assessment and Maps for the North East (Dalkey Island to Omeath) which identify nine primary areas of potential coastal erosion risk, including Bettystown to Laytown.

## **2.6 County Meath Development Plan 2013 to 2019**

The subject site is located within an area covered by the following provisions:

**Landscape character:** Coastal Plains, Moderate Value & High Sensitivity

**Built Heritage:** Recorded Monuments & Protected Structures in vicinity

**NH POL 22** seeks to have regard to the character, visual, recreational, environmental and amenity value of the coast and provisions for public access in assessing proposals for development.

**NH POL 24** seeks to ensure that the County's natural coastal defences, such as beaches, sand dunes, coastal wetlands and estuaries are not compromised by inappropriate works or development.

**NH POL 26** seeks to require that development proposals, on both designated and undesignated sites, enhance and appropriately integrate with the natural environment, respecting and complementing the habitats, biodiversity, landscape and natural heritage of the area.

**NH OBJ 9** seeks to maintain the beaches along the coast to a high standard and develop their recreational potential as a seaside amenity in co-operation with the relevant agencies, in order to bring them to a Blue Flag standard.

### **3.0 THE NATURA IMPACT STATEMENT**

Meath County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

The NIS was accompanied by Winter Bird Surveys which were undertaken between 25/10/16 and 01/03/17 at Low and High Tides within a c.70m buffer of the proposed works.

**The stated aim of the NIS report is to:**

Assess the potential impact of the proposed works to repair coastal defences along a c.75m length of coastline at Laytown on nearby European sites.



## **The NIS report contains the following Sections:**

**Section 1:** sets the legislative and procedural context for Appropriate Assessment (AA) and stated that the NPWS was consulted.

**Section 2:** concluded that a Stage 2 AA is required as the proposed works would be carried out within/adjacent to an SPA (River Nanny Shore & Estuary SPA) and within 15km of four SACs and five SPAs.

**Section 3:** dealt with the Stage 2 AA exercise which: -

- Described the project, the site location, the existing and proposed coastal protection arrangements, and existing conditions at the site.
- Identified the European sites within a 15km radius (and their conservation objectives, conservation interests and qualifying interests)
- Identified and evaluated likely significant effects on the River Nanny Estuary & Shore SPA as the proposed works have a direct source-pathway-receptor linkage with this site.
- Identified and evaluated likely significant effects on several other European sites which would be linked to the proposed works via the Irish Sea, including the Boyne Valley SPA and the Boyne Coast & Estuary SAC, which are located in close proximity to the works.
- Concluded that the Zone of Influence regarding the indirect physical S-P-R linkage (the Irish Sea) is limited to the immediate area of the works and therefore to the River Nanny Shore & Estuary SPA.
- Identified potential direct, indirect and secondary impacts (noise disturbance and loss of feeding & roosting areas for birds; compaction of sediments; changes to coastal processes; and introduction of alien species) and assessed the significance of impacts.
- Concluded that following the implementation of best practice management and suitable mitigation/preventative measures, any risk of impact on, or change at, any European site within a 15km radius of the works will be reduced to negligible (non-significant) levels.
- Concluded that there is no significant potential for cumulative impact associated with other identified plans and projects in the area.

**Section 4:** contained mitigation measures (timing & duration of works; limited stockpiling on the shore, demarcation of vehicle routes & use of wide tyres; ongoing winter bird surveys; regular vehicular washing; and minimal maintenance post construction).

**Section 5:** concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would have minimal significant impact on the Natura 2000 network.

## **4.0 CONSULTATIONS**

### **4.1 Prescribed Bodies:**

The application was circulated to the following bodies:

- Department of Communications, Climate Change & Natural Resources
- Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs
- Department of Housing, Planning, Community & Local Government
- Department of Transport, Tourism & Sport
- Sea Fisheries Protection Authority
- Inland Fisheries Ireland
- National Parks and Wildlife Service
- Geological Survey Ireland
- Waterways Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce

### **Department of Arts, Heritage Regional, Rural and Gaeltacht Affairs:**

- Notes and welcomes the mitigation measures in the NIS to avoid impacts on wintering birds in the River Nanny Estuary & Shore SPA, particularly by carrying out works outside the wintering bird season.
- NIS page 44 refers to a generic CO for the Boyne Coast & Estuary SAC, this site does not have generic COs but has site specific COs as detailed in the NIS tables. This should be clarified or amended in the NIS.

### **Geological Survey of Ireland**

- The site lies within the “Laytown to Gormanstown sandur” site which is a flat to gently undulating glacial outwash plain; these areas are normally bumpy however this plain is very flat, which makes it quite unusual and it was recommended as a County Geological Site; the site is unlikely to be impacted by the proposed works as the area was previously engineered.

### **Public submissions:**

None received.

## **5.0 ASSESSMENT**

The Board is required to consider the following matters:

1. The likely effects on the environment.
2. The likely consequences for the proper planning and sustainable development of the area.
3. The likely significant effects on a European site.

### **5.1 The likely effects on the environment.**

The proposed development is a relatively small coastal protection project which falls below the threshold for mandatory environmental impact assessment (Schedule 5, Planning and Development Regulations, 2000 (as amended) and it is located within a moderately populated coastal area.

During the construction phase there is likely to be a short term increase in traffic, noise and dust arising from the proposed works. These affects are unlikely to be significant due to the scale of the proposed development and character of the receiving environment. Impacts on flora, fauna and water are dealt with below in the appropriate assessment and subject to the strict implementation of mitigation measures, are not considered to be significant. Impacts on residential amenity, archaeology and heritage, and traffic are dealt with section 5.2 below, and are not considered to be significant. The construction works will have a minor and short term impact on the local landscape and in the long term the proposed rock armour revetment and seawall should not detract from the low lying coastal area. The proposed coastal protection works will serve to protect an existing car park although they will have no impact on travel patterns when completed.

Having regard to the pattern of coastal erosion along the NE coastline and in particular the section located between Laytown and Bettystown and the need to protect existing infrastructure in the vicinity, the scale of the proposed development and its location in a seaside village and subject to the implementation of all mitigation measures in full, the proposed development is unlikely to give rise to significant environmental effects.

## **5.2 The likely consequences for the proper planning and sustainable development of the area.**

The main planning issues are addressed in the following sections.

### **5.2.1 Principle of development**

The proposed development would be compatible with planning policy for the area as set out in the current County Development Plan.

### **5.2.2 Residential and visual amenity**

The proposed development would be located within a coastal seaside village with a low housing density, it would be located on the seaward side of the Strand Road (R150) and existing car park and it would not be visible from any of the dwelling houses in the area. Although there could be some level of noise and dust disturbance during the construction phase I am satisfied that the proposed development would not have an adverse impact on residential amenities.

### **5.2.3 Ecology and heritage**

The proposed development would be located within an area that is covered by a European site designation, the River Nanny Estuary & Shore SPA and within 15km of several other European sites. This issue is addressed in more detail in section 5.3 below.

The site is also located within a coastal location that is frequented by several species of migratory and overwintering birds. The proposed development should be carried out in accordance with the mitigation measures contained in the NIS and not during the winter season when the overwintering birds are present. I am satisfied that strict compliance with these restrictions will ensure that the section of coastline within which the proposal is located, would not be adversely affected to by the works to any significant extent.

In relation to the possible introduction and spread of invasive species and pathogens to the area, it is noted that the saline environment would probably act as a deterrent to any such species. However, any threats could be controlled by a planning condition which requires that all plant and machinery be thoroughly cleaned and washed before delivery to the site.

The proposed works would not be located in close proximity to any Recorded Monuments or Protected Structures. However, the County Council's Built Heritage and Archaeological Report stated that significant archaeological deposits have been found in Laytown at a nearby housing estate and further N along the coast at a beach near Bettystown. This concern could be addressed by way of a condition which requires archaeological monitoring and record keeping during the proposed excavation and construction works.

#### **5.2.4 Traffic and access**

The proposed development would be located along a section of the R150 that runs parallel to the shoreline and there is a public car park located parallel to the site. All delivery and construction vehicles should arrive and leave the area outside of the morning and evening peak and they should utilise the adjacent car park as far as possible. Vehicles should only be permitted on the site in strict accordance with the NIS mitigation measures. I am satisfied that strict compliance with these restrictions and best practice in relation to construction vehicles will ensure that the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

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

The areas addressed in this section are as follows:

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

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

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

#### **5.3.2 The Natura Impact Statement**

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

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

- A desk top study.
- An examination of aerial photography and maps.
- A Winter Bird survey of the site of the proposal site and a 70m buffer which included several High and Low Tide winter bird counts.
- Consultations with the National Parks and Wildlife Service.

The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would have minimal significant impact on the Natura 2000 network.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses sound scientific information and knowledge. Details of mitigation measures are also provided and they are summarised in Section 4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

### **5.3.3 Appropriate Assessment**

The NIS examined the potential impacts on 9 European sites within a 15km radius of the proposed development. The exercise concluded that significant effects were not anticipated for most of these sites. However, it also concluded that the possibility of significant effects could not be ruled out for the River Nanny Estuary & Shore SPA and that there is potential for indirect effects on the Boyne Coast & Estuary SAC and the Boyne Estuary SPA because of the narrow separation distance between the proposed works and the European sites.

European sites located within a 15km radius of the subject site comprise:



European site (SAC)	Qualifying Interests	Distance
<b>Boyne Coast &amp; Estuary SAC (001957)</b>	Estuaries, Mudflats & Sandflats, Salicornia Mud, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, White dunes & Grey dunes (Priority Habitat)	1.5km N
<b>River Boyne &amp; River Blackwater SAC (002299)</b>	Alkaline fens, Alluvial forests, River Lamprey, Salmon & Otter	6km NW
<b>Rockabill to Dalkey Island SAC (003000)</b>	Reefs & Harbour porpoise	14km SE
<b>Clogher Head SAC (001459)</b>	Vegetated sea & European dry heaths	12km N
<b>River Nanny Estuary &amp; Shore SPA (004158)</b>	Oystercatcher, Ringed plover, Golden plover, Knot, Sanderling, Herring gull & Wetlands	0.0km
<b>Boyne Estuary SPA (004080)</b>	Shelduck, Oystercatcher, Golden plover, Grey Plover, Lapwing, Knot, Sanderling, Black-tailed godwit, Redshank, Turnstone, Little tern and Wetlands	3.5km N
<b>River Boyne &amp; River Blackwater SPA (004232)</b>	Kingfisher	6km NW
<b>Rockabill Island SPA (004014)</b>	Purple sandpiper, Roseate tern, Common tern & Artic tern	14km SE
<b>Skerries Islands SPA (004122)</b>	Cormorant, Shag, Light-bellied Brent Goose, Purple Sandpiper,	15km SE

	Turnstone & Herring Gull	
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Based on my examination of the NIS report and supporting information (including the Winter Bird Surveys), the NPWS website, aerial and satellite imagery, the scale of the proposed development relative to the separation distance between the proposed works and the European sites, taken in conjunction with my assessment of the subject site and the surrounding area, I would concur with the conclusions reached in the applicant's NIS that a Stage 2 Appropriate Assessment is required for 3 of the 9 European sites.

The remaining 6 sites can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying Interests & Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European sites.

**Relevant European sites:**

The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out below.

Site Name	Qualifying Interests	Distance
<b>River Nanny Estuary &amp; Shore SPA (004158)</b>	Oystercatcher, Ringed plover, Golden plover, Knot, Sanderling, Herring gull & Wetlands	0km
<b>Boyne Estuary SPA (004080)</b>	Shelduck, Oystercatcher, Golden plover, Grey Plover, Lapwing, Knot, Sanderling, Black-tailed godwit, Redshank, Turnstone, Little tern & Wetlands	3.5km N
<b>Boyne Coast &amp;</b>	Estuaries, Mudflats & Sandflats,	1.5km N

<b>Estuary SAC (001957)</b>	Salicornia Mud, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, White dunes & Grey dunes (Priority Habitat)	
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## 1. River Nanny Estuary & Shore:

This site comprises the estuary of the River Nanny and sections of the shoreline to the N and S of the estuary which comprises beach and intertidal habitats. It is a well-exposed shore, with coarse sand sediments. The well-developed beaches, which are backed in places by clay cliffs, provide high tide roosts for the birds. The site supports five species of wintering waterbirds and one gull species in numbers of national importance and it is regularly frequented by two Annex 1 species (Golden Plover & Bar-tailed Godwit).

The County Council's Winter Bird Survey was undertaken over 10 days in 2016 and 2017. The report concluded that most feeding activity within the 70m buffer zone around the subject site involved scavenging species (Rook, Crows & Gulls) with very few sightings of SPA Qualifying Interest species. Some small flocks of Oystercatcher (2 days) and Golden Plover (1 day) were occasionally observed within the 70m buffer, however they were not feeding and were regularly disturbed by human activity close by or by dogs.

### Conservation Objectives

1. To maintain the favourable conservation condition of the 6 species of bird that are listed as Qualifying Interests for the River Nanny Estuary and Shore SPA, which are defined by 2 attributes and targets related to population trend and distribution. Long term population trend should be stable or increasing, and there should be no significant decrease in the range, timing or intensity of use of areas by the designated bird species other than that occurring from natural patterns of variation.

2. To maintain the favourable conservation condition of the wetland habitat in River Nanny Estuary and Shore SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by one attribute and target related to site area. The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 230ha, other than that occurring from natural patterns of variation.

**Relevance of project to the management of this SPA:** Not related.

**Potential direct effects:**

- The footprint would give rise to minute loss of shore area.
- Damage to shoreline during excavation and construction.
- Pollution of water during excavation and construction works and from fuel spills and leakages.
- Compaction of shoreline sediments by vehicles and machinery during construction works.
- Localised temporary loss of bird feeding grounds.
- Disturbance to birds during excavation and construction.

**Potential indirect effects:**

- Minute effect on sediment budgets within shore area.
- Localised release of sediments into water column during excavation and construction works.

**Potential in-combination effects:**

- No other plans and projects proposed for the site or surrounding area.
- Existing coastal protection works on the site and to the N and S of the site have been in place for decades.

- Existing ongoing disturbance from commercial, tourist, recreational and residential activities, and from traffic.

**Mitigation measures:**

- Works between April to August to avoid winter bird season.
- Phasing of works & restricted time for stockpiling on the foreshore (maximum of 2 weeks per section).
- Demarcation of vehicle routes on the shore and use of wide tyres to spread load.
- No refuelling of equipment, machinery or plant on the foreshore.
- No storage of machinery or plant on the foreshore.
- Certified materials and regular vehicle washing to avoid introduction of alien invasive species.
- Ongoing winter bird surveys between October & February.
- Adherence to best construction practice.
- Minimal maintenance required post construction.

**Residual effects:**

- None anticipated after mitigation.
- No impacts predicted for the two attributes and targets for the species of bird for this SPA as the scale of the works relative to the size of the overall area will ensure that there is no significant impact on long term population trends with no significant decrease in the range, timing or intensity of use of areas by the designated bird species.
- No impacts predicted for the attribute and target for the Wetland habitat as the scale of the works relative to the

size of the overall habitat will ensure that there is no significant impact on the habitat area or stability, with no significance reduction in habitat area anticipated.

**NIS Omissions:** None noted.

**Suggested conditions:** No works during spring high tide/storm surge conditions.

## **2. Boyne Estuary SPA:**

This site comprises most of the estuary of the Boyne River along with linear stretches of intertidal flats to the N and S of the river mouth which are mainly composed of sand. It is the second most important estuary for wintering birds on the Louth-Meath coastline and it is of considerable importance for wintering waterfowl. Black-tailed Godwit occurs in internationally important numbers and nine other species have populations of national importance. The site is regularly frequented by three Annex 1 bird species (Golden Plover, Bar-tailed Godwit and Little Tern) and part of the site is a Wildfowl Sanctuary.

### **Conservation Objectives:**

1. To maintain the favourable conservation condition of the 10 of the 11 species of bird that are listed as Qualifying Interests for the Boyne Estuary SPA, which is defined by 2 attributes and targets related to population trend and distribution. Long term population trend should be stable or increasing, and there should be no significant decrease in the range, timing or intensity of use of areas by the designated bird species other than that occurring from natural patterns of variation.
2. To maintain the favourable conservation condition of Little Tern in the Boyne Estuary SPA, which is defined by 6 attributes and targets related to

population, productivity, distribution and prey availability (no significant decline); barriers to connectivity (no significant increase); and disturbance at breeding sites (human activities should not cause a disturbance).

3. To maintain the favourable conservation condition of the wetland habitat in the Boyne Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by one attribute and target related to site area. The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 594ha, other than that occurring from natural patterns of variation.

## **Discussion**

This S boundary of this European site is located c.3.5km and c.4m to the N of the boundaries of the River Nanny Estuary & Shore SPA and the subject site. It is therefore likely that the species of bird for which the SPAs are designated migrate between the two sites and along the intervening shoreline. Having regard to the small scale of the proposed development, which would replace an existing coastal defence system, the concerns raised and assessed in the preceding section (1. River Nanny Estuary & Shore SPA), I am satisfied that the proposed development would not have any significant adverse effects on the Conservation Objectives or Qualifying Interests for this SPA, subject to the implementation of mitigation measures outlined above.

### **3. Boyne Coast & Estuary SAC:**

This site includes most of the tidal sections of the River Boyne, intertidal sand- and mudflats, saltmarshes, marginal grassland, and the stretch of coast from Bettystown to Termonfeckin that includes sand dune systems. Intertidal flats occur on the sides of the river and the linear stretches of intertidal flats to the N and S of the river mouth are mainly composed of sand. The Boyne is the second most important estuary for wintering birds on the Louth-Meath coastline. The site is of considerable conservation interest as a coastal

complex that supports good examples of eight Annex 1 habitats (including one with priority status) and for the important bird populations that it supports.

### **Conservation Objectives:**

1. To maintain the favourable conservation condition of the 7 of the 8 habitats in Boyne Coast and Estuary SAC, which are defined by a number of attributes and targets related to habitat area, community distribution, physical structures, vegetation structures and composition. Habitat areas should be stable or increasing (all 7 habitats) subject to natural processes; community types should be conserved in a natural condition (Estuaries & Mudflats); the natural regime of physical & vegetation structures should be maintained (Salicornia mud, Atlantic salt meadows & the 3 dune systems).
2. The status of the remaining habitat (Mediterranean salt meadows) as a qualifying Annex I habitat for SAC is currently under review by the NPWS and the outcome of this review will determine whether a site-specific conservation objective is set for this habitat.

### **Discussion:**

This S boundary of this SAC site is located within c.1.0m and c.1.5km respectively of the N boundaries of the River Nanny Estuary & Shore SPA and the subject site. According to the Maps contained in the NPWS Conservation Objectives document for this SAC, some of the Qualifying Interest habitats are located along the Boyne estuary (Estuaries, Atlantic salt meadows & Salicornia Mud), to the immediate N and S of the river (Embryonic shifting dunes, White dunes & Grey dunes), whilst the remaining habitat extends along the shoreline to the N and S of the river (Mudflats & Sandflats – Fine sand dominated by bivalves community complex). The proposed works have the potential to cause some temporary localized compaction of sediments during the construction phase which would not affect any of the SAC Qualifying Interest habitats which are located outside the work



area. It is possible that the proposed works would have a minor effect on coastal processes (erosion and deposition) during the construction and post construction phases. However, having regard to the modest scale of the proposed works it is highly likely that any potential effects on the Qualifying Interest habitats would be minuscule in extent.

Having regard to the small scale of the proposed development, which would replace an existing coastal defence system, the concerns raised and assessed in the preceding section (1. River Nanny Estuary & Shore SPA), and the location of all but one of the Qualifying Interest Habitats at a substantial distance from the proposed works, I am satisfied that the proposed development would not have any significant adverse effects on the Conservation Objectives or Qualifying Interests for this SAC, subject to the implementation of mitigation measures outlined above.

### **Conclusions:**

I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site no.004158 or site no. 004080 or site no. 001957, or any other European site, in view of the site's Conservation Objectives.

It is noted that section 4 of the NIS refers to a detailed report regarding coastal processes and sediment movement by RPS which concluded that the proposed development would have no impact on any of the three European sites, however this report was not included in the application documentation. However, having regard to all of the foregoing, including the nature and scale of the proposed development which would replace an existing coastal defense system of a similar size and scale, I am satisfied that the proposed works would not have any significant impacts on coastal processes or patterns of erosion and deposition in the area.

A Construction Environmental Management Plan which incorporates all mitigation measures indicated in the NIS should be agreed between the County Council and the relevant statutory authorities.

## **6.0 RECOMMENDATION**

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

## **7.0 REASONS AND CONSIDERATIONS**

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the River Nanny Estuary and Shore SPA (site code: 004158), the Boyne Estuary SPA (site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957),
- (e) the policies and objectives of the Meath County Development Plan, 2013-2019,
- (f) the nature and extent of the proposed coastal defence works as set out in the application for approval,

- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the likely effects on the environment, and on the likely significant effects of the proposed development on a European Sites, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

**Appropriate Assessment:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Nanny Estuary and Shore SPA (site code: 004158), the Boyne Estuary SPA (site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957), are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the River Nanny Estuary and Shore SPA (site code: 004158), the Boyne Estuary SPA (site code: 004080) and the Boyne Coast and Estuary SAC (site code: 001957), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

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

#### **Proper Planning and Sustainable Development:**

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

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.  
**Reason:** In the interest of clarity.
  
2. The County Council and any agent acting on its behalf shall comply with the mitigation measures contained in the Natura Impact Statement which was submitted with the application.  
**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the European sites.
  
3. Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies a Construction Environmental Management Plan, incorporating all mitigation measures indicated in the Natura Impact Statement.  
**Reason:** To ensure the protection of European sites.
  
4. No excavation of construction works should take place during spring high tide or during storm surge conditions.  
**Reason:** In the interest of nature conservation and to ensure the protection of the European sites.
  
5. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.  
**Reason:** In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.
  
6. A suitably qualified ecologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and

the ecologist shall be present on site during construction works. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

**Reason:** In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats and Annex 11 species and their Qualifying Interests for which the sites were designated.

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

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

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Karla McBride  
Senior Planning Inspector  
10<sup>th</sup> August 2017