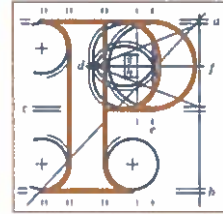
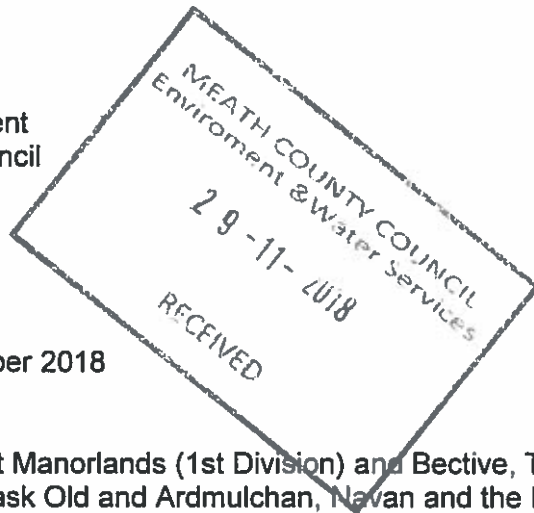


Our Ref: ABP-300875-18



An
Bord
Pleanála

Planning Department
Meath County Council
Buvinda House
Dublin Road
Navan
Co. Meath



D Keyes | C. Corrigan
ENV.

Date: 27th November 2018

Re: Boat Slipways

The River Boyne at Manorlands (1st Division) and Bective, Trim and at Athlumney, Ferganstown and Ballymacon, Balreask Old and Ardmulchan, Navan and the River Blackwater at Abbeyland, Navan, Co. Meath

Dear Sir / Madam

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.



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64 Marlborough Street
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D01 V902

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,



Kieran Somers
Executive Officer
Direct Line: 01-873 7107

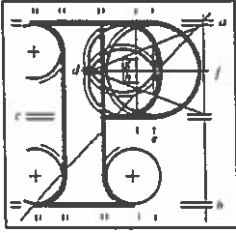
Encls. AA14

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended/substituted by sections 32 and 33 of the Planning and Development (amendment) Act 2010) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed. Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



An
Bord
Pleanála

Board Order ABP-300875-18

Planning and Development Acts, 2000 to 2018

Planning Authority: Meath County Council

Application by Meath County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including Natura Impact Statements, lodged with An Bord Pleanála on the 7th day of February, 2018.

Proposed Development:

Construction of seven number boat slipways and for the construction of access to these slipways from adjacent roads on the River Boyne at Manorlands (1st Division) and Bective, Trim and at Athlumney, Ferganstown and Ballymacon, Balreask Old and Ardmulchan, Navan and on the River Blackwater at Abbeyland, Navan, County Meath, as amended by the further information response received by An Bord Pleanála on the 31st August, 2018.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 Communities (Birds and Natural Habitats) Regulations 2011,
- (c) the EU Water Framework Directive 2000 (2000/60/EC),
- (d) the document entitled *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities* issued by the Department of the Environment, Heritage and Local Government (amended 2010),
- (e) the Meath County Development Plan 2013-2019,
- (f) 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 European Sites,
- (g) the submissions and observations received in relation to the likely effects on the environment, and

(h) the report and recommendation of the reporting Inspector.

Appropriate Assessment:

The Board completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites.

The Board considered,

- the nature, scale and location of the proposed development,
- the Natura Impact Statements submitted with the application, and
- the submissions on file and the report of the Inspector.

Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (site code: 002299) and the River Boyne and River Blackwater Special Protection Area (site code: 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Stage 2:

The Board considered the Natura Impact Statements and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely the River Boyne and River Blackwater Special Area of Conservation (site code: 002299) and the River Boyne and River Blackwater Special Protection Area (site code: 004232) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

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

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

Conclusion:

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

Effects on the Environment:

Having regard to the nature and scale of the proposed development and, subject to the implementation in full of all mitigation measures outlined in the application and supporting documentation and the conditions set out below, the Board is satisfied that the proposed development would not give rise to unacceptable negative environmental effects.

Proper Planning and Sustainable Development:

It is considered that, given the various locations and the nature, scale and extent of the proposed development, and subject to compliance with the conditions set out below, the proposed development would not adversely affect the environment and would not seriously injure the recreational or other amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the Ecological Impact Assessments and Natura Impact Statements and other associated documentation, lodged with An Bord Pleanála, including the further information response received on the 31st day of August 2018, except as may otherwise be required in order to comply with the conditions set out below. Where any mitigation measures set out in the Ecological Impact Assessments and Natura Impact Statements or any conditions of this approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and associated monitoring outlined in the plans and particulars submitted with the application, including the Ecological Impact Assessments and Natura Impact Statements, shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to commencement of development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the local authority.

Reason: In the interest of clarity and the protection of the environment and in the interest of public health.

3. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), generally in accordance with the outline Construction Environmental Management Plan submitted with the application, that adheres to best practice environmental management. The CEMP shall include specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the CEMP.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

4. Prior to commencement of development, details of measures to protect fisheries and the water quality of the river systems shall be outlined and placed on file by the local authority, generally in accordance with the Inland Fisheries Ireland's published updated guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protection of receiving water quality, fisheries and aquatic habitats.

5. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development in accordance with the mitigation measures set out in the Natura Impact Statements. Upon completion of the construction stage, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be maintained on record.

Reason: To ensure the protection of the designated European Sites during construction.

6. During construction stage, all topsoil stripping associated with the proposed development at the Trim Castle and Navan Old Bridge sites shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made available for the resolution of any archaeological features or deposits that may be identified.

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.


Liam Radergan

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *26th* day of *November* 2018