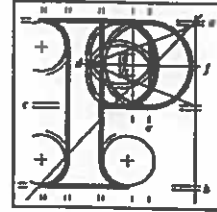


Our Case Number: ABP-307652-20



**An
Bord
Pleanála**

Date: 26th May 2022

**Re: Construction of the Boyne Greenway, pedestrian and cycleway linking Drogheda Town in Co. Louth to Mornington Village in Co. Meath
Townlands at Ship Street in Drogheda, Co. Louth to Mornington Village in Co. Meath**

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

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

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: 01-8737250**

AA02

Tel	Tel	(01) 858 8100
Glaic Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maolbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage



Your Ref: ABP-307652-20
Our Ref: 177AE Boyne Greenway
(Please quote in all related correspondence)

20 May, 2022

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Via email: sids@pleanala.ie

Re: 177AE application for the construction of the Boyne Greenway Drogheda to Mornington – pedestrian and cycleway linking the Drogheda Town in County Louth to Mornington Village in County Meath

A chara

The Department Housing, Local Government and Heritage ("the Department") refers to the further information (FI) correspondence received on the 26th April, 2022 with respect to the above referenced development application.

Outlined below are heritage-related observations/recommendations co-ordinated by the Development Applications Unit under the stated headings.

Nature Conservation

This Department notes that the revised Natura Impact Statement (NIS) included in the FI concludes following Appropriate Assessment that adverse effects on the integrity of the Boyne Coast and Estuary Special Area of Conservation (SAC) and the Boyne Estuary Special Protection Area may arise as a result of the development of the proposed greenway from Drogheda to Mornington, but that such adverse effects on the integrity of these European sites can be avoided provided the embedded and additional mitigation measures outlined in the NIS are adhered to. The Department does not, however, consider that the data and analysis set out in the NIS and other documentation included in the FI, or in the documentation submitted with the Council's original 2020 application, can support this conclusion.

With regards to the Boyne Coast and Estuary SAC, assessment of the impacts of the proposed greenway on Qualifying Interest (QI) habitats for this SAC as set out in Section 6.4 of the NIS reached the conclusion that "Adverse Effects on the integrity of the European site can reasonably be excluded with the exception of the potential operational impacts on dunes



at the Greenway terminus." In reaching this conclusion, any adverse effects on Estuaries, Mudflats and sandflats not covered by water at low tide, *Salicornia* and other annuals colonising mud and sand, and Atlantic salt meadows (*Glauco-Puccinellietalia*), either during the construction or operation of the greenway, were ruled out. The boardwalk will be constructed for a length of approximately 610 m within the intertidal zone, approximately 1.5m above the present day highest astronomical tide, and will be up to 4m wide. According to Figures 1.4, 3.9 and 3.10 in the Ecological Impact Assessment this raised boardwalk will run directly adjacent to the road. The NIS states "Whilst the footprint of the proposed Greenway route does overlap with these habitats, the route has been designed to avoid Annex I Quality Saltmarsh for which the site is designated"

This is inconsistent with records held by NPWS dating to habitat surveys carried out in 2019 during monitoring surveys of salt marsh habitats for reporting under Article 17 of the Habitats Directive. A linear element of Atlantic Salt Meadow was recorded in 2019 alongside the road at the edge of the Boyne Estuary in the area covered by Figure 3.10 in the EclA, and this appears to directly overlap the proposed route of the boardwalk, although the resolution of the habitat mapping in the application documentation does not permit an accurate identification of the extent of the impact. A habitat map clearly showing the distribution of intertidal habitats which are qualifying interests within the Boyne Coast and Estuary SAC is available in the Conservation Objectives supporting document - marine habitats¹ Given the proposed design of the raised boardwalk (up to 4 meters wide and 1.5m above the height of the highest astronomical tide) and the absence of a detailed description of the vegetation and benthic invertebrate communities in this area, the risk of a negative impact or loss of the saltmarsh and associated invertebrate communities in this location, and potential for fragmentation of protected habitats in the SAC, cannot be ruled out.

The boardwalk sections of the greenway will be supported by upright beams that will each occupy 10 cm by 10 cm placed in the intertidal habitat. The number of beams and the total area of intertidal habitat that will be replaced with the recycled plastic mini-piles is not provided, so the magnitude and significance of the actual area loss of intertidal habitat cannot be assessed. There is no evaluation in the NIS of the impacts of the construction of these supports, particularly in terms of the impacts of movements of individual types of machinery, and the volumes, nature and destination of the sediment removed from the intertidal habitats to permit the construction of the supports. The NIS also states that during the construction of the greenway, dilution factors and assimilation capacities will result in the avoidance of sediment effects or effects from the use of fuels or cement based compounds in close proximity to these habitats. However, this statement is given without supporting evidence and as such, the impacts of such materials on the benthic communities in the vicinity of the greenway have not been assessed, nor was any sampling carried out to characterise the composition of these communities.

1

https://www.npws.ie/sites/default/files/publications/pdf/001957_Boyne%20Coast%20and%20Estuary%20SAC%20Marine%20Supporting%20Doc_V1.pdf



Whilst there is reference made to the conservation objectives for the European sites that may be subject to likely significant effects of the proposed development, there is no systematic description of how the proposed development may impact the European sites in terms of the attributes and targets associated with the site-specific conservation objectives. This makes it very difficult to understand how the overall conclusion in the Natura Impact Statement has been reached.

The operational impacts on dunes the NIS refers to are predicted to arise because the eastern end of the proposed greenway terminates at an entrance route to the sand dune system within the SAC at Momington. Cyclists and walkers on the greenway will be able to move freely into the sand dunes at this point. There is no estimate of the likely number of people using the greenway (or a comparison with current levels) and nor is there a description of facilities for bicycle storage or toilets etc. to cater for the greenway users. It is therefore difficult to assess the potential impacts on the following QI habitats for the SAC.

Fixed dunes with herbaceous vegetation (a priority interest), Marram dunes and Embryonic dunes occur here. The NIS proposes signposting in this area to warn users of the greenway of the detrimental effects of cycling/ walking in certain parts of the dunes, and also proposes monitoring over the three-year period following the completion of the greenway in order to identify any adverse effects on the dune habitats. If such adverse effects are recorded during such monitoring, the application includes proposals for fencing or the planting of hedges to exclude access to the damaged areas. The planting of hedges in dune habitats would certainly not be acceptable. Reliance on post-consent operational monitoring to record adverse effects so as to provide mitigation or additional mitigation is not consistent with Article 6(3) of the Habitats Directive. Consent for the proposal can only be given after it has been determined that no adverse effects on the integrity of the European site will occur.

With regards to the Boyne Estuary SPA, based on the analysis of the winter bird surveys carried out in 2021, and their comparison with IWEBS and other data on the populations of bird species which are Special Conservation Interests for this SPA, and taking account of mitigation measures such as screening embedded in the design of the greenway, the NIS concludes that adverse effects on the integrity of this site resulting from disturbance by people and dogs during the operation of the greenway cannot be excluded. As additional mitigation, the installation of full length screening (1400 mm) on the boardwalk sections of the greenway is therefore proposed with tree planting and half-length screening (600mm) elsewhere on the greenway where required. Whilst landscape planting has been proposed to provide screening of visual disturbance, there is no detail as to the types or height of planting that would be provided and no indication as to how long it would take to provide the screening effect.

Monitoring for three years after the installation of the boardwalk is also proposed and if continued disturbance impacts are identified through such monitoring more screening will be installed. Once again this reliance on post-consent operational monitoring to record adverse effects on a European site so as to provide mitigation after the completion of development is not consistent with Article 6(3) the Habitats Directive and would suggest that there is uncertainty as to the efficacy of the proposed mitigations measures.



You are requested to send any further communications to the Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:

The Manager, Development Applications Unit (DAU)
Department of Housing, Local Government & Heritage
Government Offices, Newtown Road, Wexford Y35 AP90

Is mise le meas,

Michael Murphy,
Administration
Development Applications Unit