



**Planning Ref: ABP-318573-23**

**Our Ref: SID-MH-2023-42**

**N2 Slane Bypass and Public Realm Enhancement Scheme**

*(Please quote in all related correspondence)*

12 February 2024

Secretary

An Bord Pleanála,

64 Marlborough Street,

Dublin 1

D01 V902

Via email: [laps@pleanala.ie](mailto:laps@pleanala.ie)

Re: Notification to the Minister for Housing, Local Government and Heritage under the Planning and Development Act, 2000, as amended.

**Proposed Development:** Meath County Council ("the road authority") has applied under section 51 of the Roads Acts 1993-2023 to An Bord Pleanála ("the Board") for approval in relation to a proposed road development comprising inter alia:

- Approximately 3.5 km of mainline N2 bypass Type 2 dual carriageway;
- Approximately 1.4 km of realigned N51 National Road;
- 1 major bridge crossing of the River Boyne and River Blackwater SAC, approximately 258 m long;
- 3 at-grade roundabouts at N2 South, N51 and N2 North;
- Reconfiguration of The Square junction in Slane, including removal of traffic light control;
- Public Realm improvement and traffic management measures in Slane Village Architectural Conservation Area (ACA), including the relocation of a cast-iron hydrant (Protected Structure 90662) and pavement works on Slane Bridge (Protected Structure 90684);
- Provision of a car park on the N51 east of The Square junction, to include new openings in rubble stone wall (Protected Structure 90697) for car park entrance and replacement field access;

**Aonad na nIarratas ar Fhorbairt**

*Development Applications Unit*

**Oifigí an Rialtais**

*Government Offices*

**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**

Newtown Road, Wexford, County Wexford, Y35 AP90



- Provision of pedestrian/ cyclist link to carpark, to include new opening in rubble stone wall (Protected Structure 90698) for access from existing N2 south of The Square junction;
- Approximately 2.7 km of accommodation works and maintenance access tracks;
- 1 new road overbridge to allow the proposed N2 to pass under Rosnaree Road (L16002);
- 2 farm accommodation overbridges;
- 3 No. new culverts on the Mattock (Mooretown) Stream and removal of existing culvert under existing N2;
- Provision of shared footway/cycleway facilities, including a pedestrian/cyclist bridge to the existing Boyne Canal towpath;
- The acquisition of 3 private dwellings and demolition of 2 of these;
- The acquisition and demolition of a derelict gate lodge and agricultural buildings including uninhabited former dwelling;
- Utility diversions;
- Drainage system, including attenuated outfalls; and landscaping and environmental mitigation measures; together with all ancillary and consequential Scheme works.

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I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations coordinated by the Development Applications Unit under the stated headings.

### **Archaeology**

It is noted that the EIAR submitted as part of the planning application includes a desk-based Archaeological Impact Assessment which was carried out in relation to the proposed development by Courtney Deery Heritage Consultancy Ltd (EIAR Chapter 13; date June 2023). It is also noted that this overarching assessment of the proposed scheme has been informed by a number of specific and targeted assessments and investigations including:

- Advance Geophysical Survey
- Advance Targeted Test Excavation
- Heritage Impact Assessment (HIA) of potential effects to the Outstanding Universal Value (OUV) of the Brú na Bóinne World Heritage Property

It is further noted that the HIA was carried out by an expert on World Heritage—Dr Stephen Carter, Headland Archaeology (UK) Ltd—and that the HIA is aligned to the UNESCO *Guidance and Toolkit for Impact Assessments in a World Heritage Context (2022)*. An integrated assessment of the potential effects of the proposed scheme to the setting of vulnerable heritage receptors including the Brú na Bóinne World Heritage Property is set out



across the HIA and Chapters 12–14 of the EIAR (dealing with Landscape and Visual, Archaeological Heritage and Architectural Heritage respectively).

This Department has reviewed the EIAR (and supporting documentation including the Heritage Impact Assessment (HIA) in relation to the Brú na Bóinne World Heritage Property) and subject to any requirements noted below, accepts the findings in relation to Archaeology and Cultural Heritage as set out in the EIAR. The proposed scheme is located outside the Brú na Bóinne World Heritage Property boundary and its protective buffer zone. In this regard, it is noted that any potential effects of the scheme are limited to the wider setting of the Brú na Bóinne World Heritage Property. The HIA has concluded that the avoidance and mitigation measures implemented during the design stage for the proposed scheme have reduced any negative impact on OUV to an acceptable level (as set out in the 2022 UNESCO guidance). Furthermore, the HIA also concluded that the operation of the proposed scheme would result in a negligible negative impact on the OUV of the Brú na Bóinne World Heritage Property.

This Department notes that construction of the northern tie-in to the N2 will require construction of a sequence of culverts for the Mattock (Mooretown) Stream, an upper tributary of the River Mattock. A section of this watercourse is already culverted to accommodate the existing N2 road, this is existing culvert will need to be extended, in addition to the construction of new culverts (Culverts 6A–C: see EIAR Sections 5.4.7.4; 5.4.8.3; 5.12.2; 5.12.9.2). These works will require the temporary diversion of the Mattock (Mooretown) Stream and some in-stream works. The affected sections of the watercourse are in proximity to Recorded Monument ME019-013---- (Souterrain) and undesignated sites ACH12, ACH21, ACH38, ACH28 (as described in Chapter 13 of the EIAR). There is a potential for direct negative effects to underwater archaeology from culverting of the watercourse. NMS notes that this is not discussed or considered in Chapter 13 of the EIAR.

Notwithstanding this, this Department advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

**Archaeological Requirements:**

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 13 of the EIAR (Courtney Deery Heritage Consultancy Ltd; date June 2023) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.



2. The developer shall commission a pre-construction Underwater Archaeological Impact Assessment (UAIA) report to include the following:
  - a. A licenced wade assessment, accompanied by a hand-held metal detection survey, centred on the area(s) where works are proposed within the Mattock (Mooretown) Stream. A Dive/Survey licence (Section 3 1987 National Monuments Act) and Detection Device consent (Section 2 1987 National Monuments Act) will be required for the wade survey and metal detection, respectively.
  - b. A final written report, to be submitted to this Department describing the results of the UAIA. The report shall include a comprehensive Archaeological Impact Statement (AIS) and Mitigation recommendations.
3. A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
4. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 13 of the EIAR (Courtney Deery Heritage Consultancy Ltd; date June 2023) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
5. The planning authority and this Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

#### **Nature Conservation**

Having considered the documentation supporting this road scheme application, and in particular the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), the Department is satisfied in general that the approaches set out in these documents with regards to both the design of the project and the adoption of measures to mitigate any potential adverse impacts on plants, animals and habitats during its construction and operation should result in the minimisation of such impacts to the extent that no significant negative effects should result to flora or fauna including Qualifying Interests (QIs) for local European sites from the scheme's implementation as proposed. It is considered that if the measures set out in the EIAR and NIS to avoid and reduce possible adverse impacts on flora, fauna and habitats are diligently implemented in accordance with the



methodologies proposed, any significant potential adverse effects on plants and animals can be avoided, including any effects on species which are QIs for the River Boyne and River Blackwater Special Area of Conservation (SAC) and River Boyne and River Blackwater Special Protection Area (SPA) which the road scheme is to traverse or for the downstream Boyne Coast and Estuary SAC and Boyne Estuary SPA.

However, it is noted that the applicant is under the misapprehension that it is necessary to obtain a derogation licence from the National Parks and Wildlife Service (NPWS) of this Department to destroy or interfere with badger setts in the course of construction of a road scheme. In fact under the Wildlife Acts, 1976-2022, there is an exemption allowing the destruction or interference with badger setts, as the breeding or resting places of a protected species, in the course undertaking road construction or other development. The destruction or interference with badger setts must therefore be regulated to avoid the death or injury of badgers by the attachment by planning authorities of conditions to any permissions granted for development directly affecting or in the vicinity of setts.

### **Recommendations**

In the light of the above this Department recommends that the Board should attach the following conditions to any permission granted in response to the current application:

1. That all the measures to avoid or mitigate adverse effects on flora and fauna, including QIs for European sites, set out in the EIAR and NIS supporting the application for the road scheme proposed should be implemented in their entirety.

**Reason:** To avoid any adverse effects on flora and fauna, and especially on QI species or Habitats for European sites protected under the Habitats Directive (92/43/EEC) or Birds Directive (2009/147/EC,) resulting from the scheme proposed.

2. That prior to the commencement of any works on the proposed road scheme, the applicant shall submit to the Board a badger conservation plan, this plan to incorporate a methodology and timetable for the destruction and interference with badger setts as may be required to undertake the construction of the proposed scheme, and include all details of how it is intended to monitor the presence of badgers, safely exclude badgers from setts and subsequently destroy the latter, and also include details of the location and specifications of the badger-proof fencing to be installed throughout the road scheme.



**Reason:** To avoid any injury to individuals of a species, namely badger, protected under the Wildlife Acts, 1976 to 2022, in the course of the construction of the proposed Slane Bypass Road Scheme, and ensure conservation of the local occurring population of this species.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at [manager.dau@npws.gov.ie](mailto:manager.dau@npws.gov.ie) where used, or to the following address:

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

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A handwritten signature in black ink, appearing to read 'David O'Connor', written over a horizontal line.

David O'Connor  
Development Applications Unit  
Administration