

Mr Patrick Geoghean,
 Senior Inspector,
 Environmental Licensing Programme,
 Office of Climate, Licensing & Resource Use
 Environmental Protection Agency
 Headquarters, PO Box 3000
 Johnstown Castle Estate
 Co. Wexford



JSPE

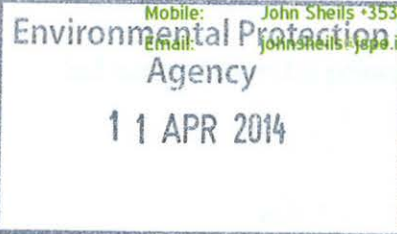
J Sheils Planning & Environmental Ltd

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Date: 9th April, 2014
 Our Ref: JSPE 173_L07
 Your Ref: W0265-01

Re: Notice in accordance with Article 14(2) (b)(ii) of the Waste Management (Licensing) Regulations

Waste Licence Application by CLASHFORD RECOVERY FACILITY LTD for the continued operation of its existing Waste Recovery Facility on lands at Naul townland, Naul, Co. Meath (National Grid Reference 285633E 253005N).

Dear Mr Geoghean,

On behalf of Clashford Recovery Facility Ltd, we have prepared the following response to your notice issued on 28/02/2014 in accordance with Article 14(2)(b)(ii) of the Waste Management (Licensing) Regulations.

The notice relates to a requirement under Article 12 to undertake a screening for Appropriate Assessment with respect to the project under consideration. The ecologist, Roger Goodwillie, of Roger Goodwillie & Associates was appointed to undertake the screening for Appropriate Assessment. A copy of their report is included with this submission.

The findings of the screening for Appropriate Assessment were that in view of best scientific knowledge, it is concluded that the activity, individually or in combination with other plans or projects is not likely to have a significant effect on the Natura 2000 network, and the conservation objectives of the sites. A Stage 2 Appropriate Assessment is therefore not required.

It is considered that the findings of the screening for Appropriate Assessment as detailed above were not of a significance to require revision to the non-technical summary and/or drawings already submitted with the waste licence application.

As requested, please find attached one (1) original plus one (1) copy in hardcopy format of this submission. In addition please find enclosed (2) copies of the requested information in electronic searchable PDF format on a CD-ROM.

We trust that our submission addresses your requirements under Article 12 with respect to screening for Appropriate Assessment. Please do not hesitate to contact us if you wish to discuss any aspect of this submission.

Yours Sincerely,

For J Sheils Planning & Environmental Ltd,



John Sheils MSCS MRICS

Enc. *Appropriate Assessment (Screening) Report for Clashford Ltd, April 2014*

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Waste Licence Application by Clashford
Recovery Facility Ltd for the continued operation
of its existing Waste Recovery Facility on lands at
Naul townland, Naul, Co. Meath

W0265-01

Appropriate Assessment (Screening)

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Report for Clashford Ltd

April 2014

1. INTRODUCTION

The purpose of this report is to supply enough information for the Regulatory Authority to make an appropriate assessment of the development with regard to its impact on the Natura 2000 network of protected areas. In this it fulfils the mandatory requirement under Articles 6(3) and 6(4) of the Habitats Directive.

The report makes use of field information collected in April 2014. It follows the 'Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities', issued in 2009 by the Department of the Environment, Heritage and Local Government, and revised in 2010.

The author is Roger Goodwillie, M.Sc., Member of the Institute of Ecology and Environmental Management.

2. DESCRIPTION OF SITE

The site is an old sand and gravel quarry where waste recovery activities continue to take place. The greater part of the site has been filled and is reclaimed as pasture fields or woodland. The project area includes a section to the north of the site axis which is currently being filled and the quarry void in which recovery is based. As is usual these areas have developed a partial covering of ruderal (weedy) plants on their disturbed soils.

The overall site is bounded by a hedge and drain along the northern side and by the Delvin River along the south.

3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining during the planning process whether a project is likely to have a significant effect on one of the Natura 2000 sites so far designated (i.e. the candidate SAC's and SPA's), or their conservation objectives. In this case there are three sites within 15km, the Laytown Dunes/Nanny Estuary cSAC (Site Code 0554), the adjoining River Nanny and Shore SPA (Site Code 4158) and the Skerries Islands SPA (Site Code 4122). These are shown on the map at the end of the report.

Article 6(3) states

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....

In the Irish context this has been interpreted as a four stage process. Firstly a screening exercise (Stage 1, this document) determines if a project could have significant effects on a Natura site. The project should be screened without the inclusion of special mitigation measures unless potential impacts can clearly be avoided through design (or re-design). If impacts are identified or the situation is unclear a Natura Impact Statement (Stage 2) is provided to the planning or regulatory authority which then conducts an Assessment of the information supplied. Examples of significant effects are loss of habitat area, fragmentation of the habitat, disturbance to species using the site and changes in water resources or quality. If such negative effects come to light in the assessment, alternative solutions are investigated by the proponent (Stage 3) and modifications made unless the project is deemed to be driven by 'imperative reasons of overriding public interest' in its current form. If this is the case, Stage 4 then deals with compensatory action.

3.2 Project description

The proposal involves the import of loads of inert waste for reclamation and treatment (by existing machinery) and then for final recovery in the quarry void at Naul.

At the end of waste acceptance the site will be landscaped in keeping with the existing landscaping plan prepared for the whole quarry. This will result in a substantial area of deciduous woodland in the eastern half and grassland fields elsewhere, suitable for use by grazing livestock.

3.3 Natura 2000 sites

The only sites within 15km of Naul are the Laytown Dunes/Nanny Estuary cSAC (Site Code 0554), the River Nanny and Shore SPA (Site Code 4158) and the Skerries Island SPA (Site Code 4122). Since the River Nanny has a separate catchment from the Delvin, there is no way material from Naul can influence it or the cSAC. It is not considered further.

There is theoretically a pathway from the Delvin River to the two SPA's though it would require transport of materials for about 8.6km to the Nanny shore and 10km to the Skerries Islands.

3.3.1 River Nanny & Shore

As indicated in the synopsis (see end) the Nanny SPA consists of the river estuary and sections of the shoreline to the north and south. It does not include the Delvin River though a short length of this is a proposed NHA. The Nanny estuary is made up of muddy sediments. It provides feeding for some numbers of wintering shorebirds but the coast outside is important as a high tide roost.

The area is of ornithological importance as it supports five species of wintering waterbirds in numbers of national significance – oystercatcher, ringed plover, golden plover, knot and sanderling. Two species using the site, golden plover and bar-tailed godwit, are listed on Annex I of the E.U. Birds Directive. The numbers of most species have tended to rise in recent years (Crowe 2005, Boland *et al* 2010) though wildfowl (wigeon) have declined, in common with most Irish sites.

3.3.2 Skerries Islands

These are three low-lying islands 1-3km offshore of Skerries. They support substantial breeding populations of seabirds for their size and are also a roost and feeding area for wintering shorebirds. The brent goose occurs in numbers of international importance while six other species have populations of national importance. (cormorant, shag, turnstone, purple sandpiper, herring gull, great black-backed gull). Golden plover and short-eared owl also occur regularly. These are species included in Annex I of the EU Birds Directive.

3.4 Conservation Objectives

Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for these SPA's:

3.4.1 River Nanny & Shore

Oystercatcher *Haematopus ostralegus* [wintering]
Ringed plover *Charadrius hiaticula* [wintering]
Golden plover *Pluvialis apricaria* [wintering]
Knot *Calidris canutus* [wintering]
Sanderling *Calidris alba* [wintering]
Herring gull *Larus argentatus* [wintering]
Wetlands

3.4.2 Skerries Islands

Cormorant *Phalacrocorax carbo* [breeding + wintering]
Shag *Phalacrocorax aristotelis* [breeding]
Brent Goose *Branta bernicla hrota* [wintering]
Purple sandpiper *Calidris maritima* [wintering]
Turnstone *Arenaria interpres* [wintering]
Herring gull *Larus argentatus* [breeding + wintering]

The favourable conservation condition of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future

- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future
- the conservation status of its typical species is favourable.

3.5 Effects of development

The quarry site does not support any of the habitats or species listed as of special interest in the Natura 2000 sites and therefore the project cannot directly affect them.

However the pathway by which waste recovery and quarrying could potentially influence them is through water, if sediment-rich or otherwise polluted effluent was to reach the seashore in significant quantities. However this possibility is extremely remote given the levels of prevention and mitigation built into the project. It is removed entirely by the amount of dilution that would occur in the sea. The outflow of the Delvin River is 2km from the Nanny SPA boundary and 10km from the Skerries Islands SPA.

4 CONCLUSION

On the basis of the findings of this analysis in view of best scientific knowledge, it is concluded that the activity, individually or in combination with other plans or projects is not likely to have a significant effect on the Natura 2000 network, and the conservation objectives of the sites. A Stage 2 Appropriate Assessment is therefore not required.

References

Boland, H., Walsh, A. & Crowe, O. 2010. Irish Wetland Bird Survey: results of waterbird monitoring in Ireland in 2008/09. *Irish Birds* 9, 55-66.

Crowe, O. 2005. *Ireland's Wetlands and their Waterbirds: status and distribution*. BirdWatch Ireland. Newcastle, Co Wicklow.

Dept of Environment, Heritage and Local Government (2009). *Appropriate assessment of plans and projects in Ireland: guidance for planning authorities*. Dublin.

National Parks & Wildlife Service (2011) Conservation Objectives: Nanny Estuary & Shore SPA 004158. Dept of Arts, Heritage and the Gaeltacht. (website)

APPENDIX 1: SITE SYNOPSIS

RIVER NANNY ESTUARY AND SHORE SPA

SITE CODE: 004158

The site comprises the estuary of the River Nanny and sections of the shoreline to the north and south of the estuary (c. 3 km in length). The estuarine channel, which extends inland for almost 2km, is narrow and well sheltered. Sediments are muddy in character and edged by saltmarsh and freshwater marsh/wet grassland. The saltmarsh is best developed in the eastern portion of the estuarine channel, with species such as Sea Plantain (*Plantago maritima*), Sea Aster (*Aster tripolium*), Red Fescue (*Festuca rubra*) and Sea Purslane (*Halimione portulacoides*) occurring. Further up the estuary, the marsh habitats support species such as Bulrush (*Typha latifolia*) and Yellow Flag (*Iris pseudacorus*). The shoreline, which is approximately 500 m in width to the low tide mark, 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 village of Laytown occurs in the northern side of the River Nanny estuary.

This site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Black-headed Gull and Herring Gull. 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.

This is an important site for wintering waders, with nationally important populations of Golden Plover (1,759), Oystercatcher (1,014), Ringed Plover (185), Knot (1,140) and Sanderling (240) present (all figures are average peaks for the 5 year period 1995/96-1999/2000). The populations of Knot and Sanderling are of particular note as they represent approximately 4% of their respective national totals. Black-headed Gull (926) and Herring Gull (609) also occur here in significant numbers. A range of other waterbirds also occurs, including Cormorant (35), Brent Goose (145), Mallard (76), Grey Plover (55), Lapwing (1,087), Dunlin (721), Bar-tailed Godwit (59), Curlew (107), Redshank (150), Turnstone (59), Common Gull (66) and Great Black-backed Gull (70).

The site is of most importance as a roost area for the birds but the intertidal flats also provide feeding habitat. Many of the birds also utilise the intertidal areas and beaches further to the north and south, and also the fields above the shore. The main threat to the wintering birds is increased levels of disturbance by beach users.

This site is of ornithological importance as it supports five species of wintering waterbirds in numbers of national significance. Two species using the site, Golden Plover and Bar-tailed Godwit, are listed on Annex I of the E.U. Birds Directive.

1.6.2007

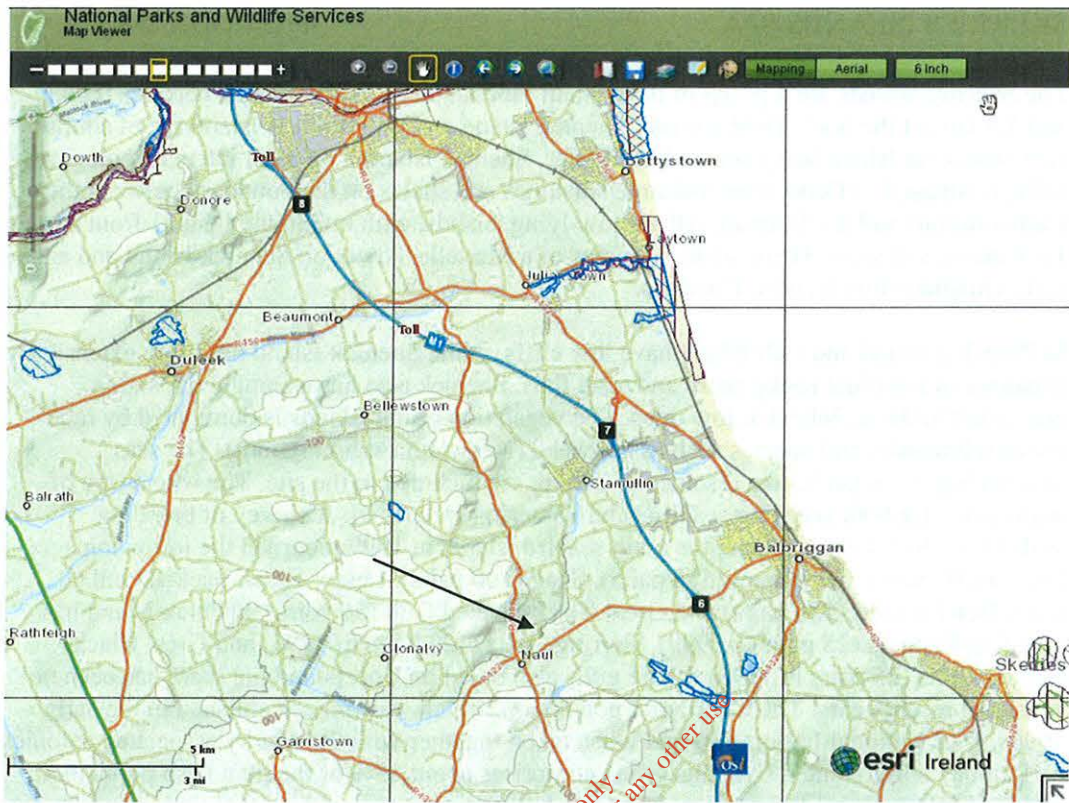
The Skerries Islands are a group of three small uninhabited islands situated between 0.5 km and 1.5 km off the north Dublin coast. Shenick Island and St. Patrick's Island are of similar size, with Colt Island being somewhat smaller. Shenick Island is of most interest geologically, being composed of Ordovician volcanic siltstones and shales on the boundary between the Carboniferous and the Silurian. All are low-lying islands, with maximum heights from 8 m to 13 m above sea level. There are the remains of a Martello Tower on Shenick Island and an early christian church on St. Patrick's.

St Patrick's Island and Colt Island have low cliffs, while Shenick Island has more extensive expanses of intertidal rocky shore and sand flats. Shenick also has a shingle bar and is connected to the mainland at low tides. The vegetation of the islands is dominated by rank grasses, brambles and species such as hogweed (*Heracleum sphondylium*). The seas surrounding the islands, to a distance of 200 m, are included in the site. The islands are of importance for both breeding seabirds and wintering waterfowl. A survey of breeding seabirds on St Patrick's Island, the main seabird island, in 1999 recorded the following: Fulmar (10 pairs), Cormorant (558 pairs), Shag (100 pairs), Lesser Black-backed Gull (1 pair), Herring Gull (150 pairs) and Great Black-backed Gull (50 pairs). Shenick Island has breeding Fulmars (25 pairs in 1999), Herring Gulls (120 pairs in 1996) and Great Black-backed Gulls (25 pairs in 1996). Large gulls also breed on Colt Island but there has been no census in recent years. The Cormorant population, which was only established in the early 1990s, is of National Importance and when taken together with the nearby associated colonies on Lambay and Ireland's Eye, this group comprises about 35% of the total Irish population and is of International Importance. The Shag population is also of National Importance as are the Herring Gull and Great Black-backed Gull populations. Other breeding birds include Shelduck, Ringed Plover and Oystercatcher (several pairs of each).

In winter, the islands regularly support a range of waterfowl species. The following counts are the average annual peaks over the five winters 1995/96 to 1990/00: Cormorant (391), Brent Goose (242), Wigeon (205), Mallard (240), Oystercatcher (463), Ringed Plover (66), Golden Plover (240), Grey Plover (15), Lapwing (238), Purple Sandpiper (46), Dunlin (42), Snipe (27), Curlew (327), Turnstone (242), Black-headed Gull (110), Herring Gull (560), Great Black-backed Gull (250). The Brent Goose population is of International Importance, while the populations of Cormorants, Purple Sandpiper and Turnstone are of National Importance. The islands are also a regular wintering site for Short-eared Owls, with several recorded in most winters.

The birds of the Skerries Islands have been monitored regularly since the 1980s. Shenick Island became a BirdWatch Ireland Reserve in 1987 and some management for the benefit of the birds has taken place. The Skerries Islands SPA is of high ornithological importance for both breeding seabirds and wintering waterfowl, with six species having populations of National Importance. In addition there is an internationally important population of Brent Goose. Golden Plover and Short-eared Owl, EU Birds Directive Annex I species, occur regularly in winter.

10.11.2003



The location of the project (arrowed) in relation to nearby Natura 2000 sites (red hatching)

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