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Senior Inspector,
c/o Administration,
Environmental Licensing Programme,
Office of Climate, Licensing & Resource Use
Environmental Protection Agency
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JSPE

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Date: 18th July, 2014
Our Ref: JSPE 175_L09
Your Ref: W0264-01

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

Waste Licence Application by Sand and Gravel Merchants Ltd for the continued operation of its existing Waste Recovery Facility on lands at Thornberry Townland, Kill, Co. Kildare (National Grid Reference 295986E 221275N).

Dear Sir,

On behalf of Sand and Gravel Merchants 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. An extension of time was subsequently granted by the EPA up to 22nd July 2015 with respect to this submission.

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 the activity, individually or in combination with other plans or projects is not likely to have a significant effect on the Natura 2000 network, or the conservation objectives of the sites. A Stage 2 Appropriate Assessment is therefore not required.

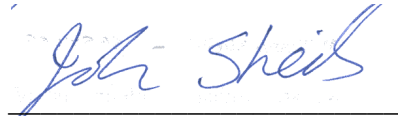
It is considered that the findings of the screening for Appropriate Assessment as detailed above were not of a significance to require revision to the non-technical summary and/or drawings already submitted with the waste licence application.

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 Sand and Gravel Merchants Ltd, July 2014*

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Waste Licence Application for the continued
operation by Sand & Gravel Merchants Ltd of its
existing Waste Recovery Facility on lands at
Thornberry, Kill, Co. Kildare

W0264-01

Appropriate Assessment (Screening)

Report for Sand & Gravel Merchants Ltd

July 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 June 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 Chartered Institute of Ecology and Environmental Management.

2. DESCRIPTION OF SITE

The site is a sand and gravel quarry where the recovery of inert waste is taking place. Filling and restoration has begun in the SE corner and will progressively cover the rest of the site. As is usual with sand quarries the previously extracted areas have developed a natural vegetation cover which varies with the availability of water and the length of time they have been left.

The overall site is bounded by agricultural land to the north and by waste disposal activities at Arthurtown Landfill on the south and east. The Kill River flows about 550m to the north, becoming the Painestown and the Morell River before reaching the Liffey at Straffan.

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 two sites within 15km, Poulaphuca Reservoir SPA (Site Code 4063) and Red Bog candidate SAC (Site code 0397). 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. Some separation of waste to reclaim clean inert material for roadways, etc will be achieved.

At the end of waste acceptance the site will be landscaped and restored to farmland – initially grassland.

3.3 Natura 2000 sites

As mentioned above there are two Natura 2000 sites located within 15km of the site, Poulaphuca Reservoir SPA and the Red Bog cSAC. Both are many metres higher in altitude and there is no pathway by which impacts from Thornberry could be felt by their habitats or species.

In addition there are four downstream sites in Dublin Bay; North Dublin Bay (0206) and South Dublin Bay (0210) are cSAC's while North Bull Island (4006) and South Dublin Bay (4024) are SPA's.

The site synopses for these sites are available on the NPWS website and do not need to be included here.

3.4 Conservation Objectives

Candidate SAC's

To maintain or restore the favourable conservation condition of the Annex I Habitat(s) and the Annex II species for which the SAC has been selected.

SPA's

To maintain the favourable conservation status of the Special Conservation Interests of the SPA.

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.

The favourable conservation status of a species is achieved when:

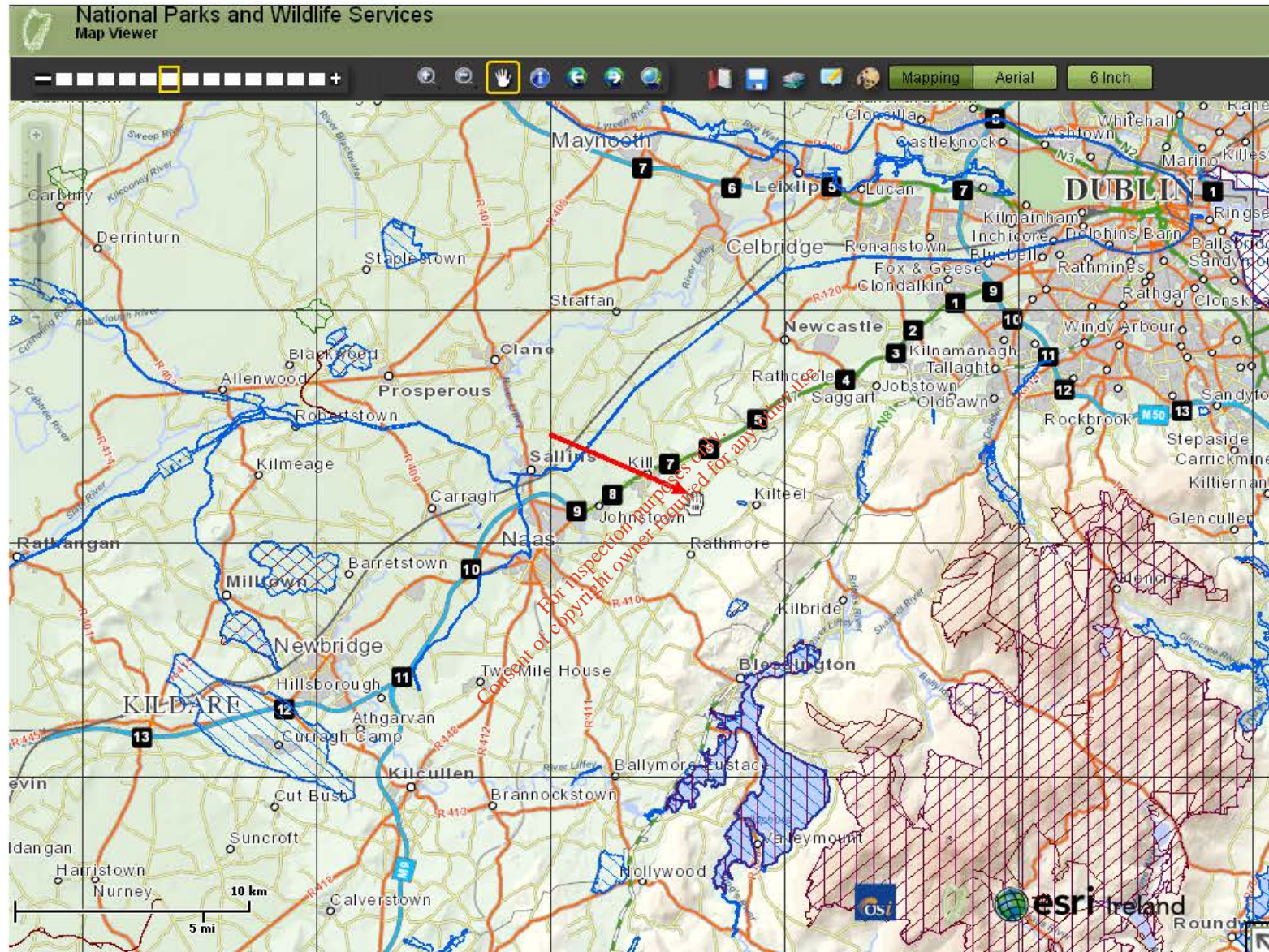
- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

3.5 Likely effects

The site does not have a direct ecological connection with any of the Natura 2000 areas except for the Dublin Bay sites. Since no outflows are expected from the operation of the project and, if this was to occur, the dilution factor in river water and in Dublin Bay is so vast, no impacts on ecology or on Natura 2000 sites can be reasonably expected.

4. CONCLUSION

On the basis of the findings of this analysis, 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, or the conservation objectives of the sites. A Stage 2 Appropriate Assessment is therefore not required.



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