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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: 21st July, 2014
Our Ref: JSPE 172_L10
Your Ref: W0262-01

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

Waste Licence Application by Kiernan Sand and Gravel Ltd for the continued operation of a Waste Recovery Facility on lands at Foxtown Townland, Summerhill, Co. Meath (National Grid Reference 285633E 253005N).

Dear Sir,

On behalf of Kiernan Sand and Gravel 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.

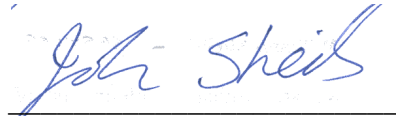
It is considered that the findings of the screening for Appropriate Assessment as detailed above were not of a significance to require revision to the non-technical summary and/or drawings already submitted with the waste licence application.

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 Kiernan Sand and Gravel Ltd, July 2014*

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Waste Licence Application for the continued
operation by Kiernan Sand & Gravel Ltd of its
existing Waste Recovery Facility on lands at
Foxtown, Summerhill, Co Meath

W0262-01

Appropriate Assessment (Screening)

Report for Kiernan Sand & Gravel 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 July 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 on the site of an esker where the recovery of inert waste is taking place. Filling and restoration has begun at the northwest end and will progressively cover the rest of the site. Previously extracted areas have developed a limited vegetation cover which varies with the length of time they have been left.

The overall site is bounded by agricultural land but is beside a local road.

3. APPROPRIATE ASSESSMENT

3.1 Introduction

Appropriate assessment was introduced by the EU Habitats Directive as a way of determining if a planned 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 the site is the River Boyne and River Blackwater, a river and valley system of European interest.

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) determines if a project could have significant effects on a Natura site. If it does 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 so, 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 agriculture and/or forestry.

3.3 Natura 2000 site

The site of concern, the River Boyne and River Blackwater is the only one within 15km of the proposed project. The site synopsis (see end) describes the catchment as containing examples of two habitats listed on Annex I of the E.U. Habitats Directive – alkaline fen and alluvial woodlands, the latter a priority habitat. The site is also selected for three species listed on Annex II – Atlantic salmon, otter and river lamprey. In the most recent report (NPWS 2008) the conservation status for these features is rated as bad in all cases except for the river lamprey.

3.4 Conservation objectives

Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected (NPWS website):

- [1099] *Lampetra fluviatilis* – river lamprey
- [1106] *Salmo salar* (only in fresh water) – salmon
- [1355] *Lutra lutra* – otter
- [7230] Alkaline fens
- [91E0]* Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

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 Natura 2000 area. Since run-off is absorbed into general groundwater and as it is derived only from inert materials it cannot have any significant influence on the Boyne River which is about 3km away at its closest approach (below Trim). Several other quarries exist in the locality and some have been used for waste disposal (e.g. Basketstown). The Foxtown site however will produce so little impact if managed within the licence terms, that there will be no cumulative effects on the environment from this land use.

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.

SITE SYNOPSIS

RIVER BOYNE AND RIVER BLACKWATER

SITE CODE: 002299

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site. Towns include Slane, Navan, Kells, Trim, Athboy and Ballivor.

The site is a candidate SAC selected for alkaline fen and alluvial woodlands, both habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive – Atlantic Salmon, Otter and River Lamprey. The main areas of alkaline fen are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough. The hummocky nature of the local terrain produces frequent springs and seepages which are rich in lime. A series of base-rich marshes have developed in the poorly-drained hollows, generally linked with these three lakes. Open water is usually fringed by Bulrush (*Typha latifolia*), Common Club-rush (*Scirpus lacustris*) or Common Reed (*Phragmites australis*) and this last species also extends shorewards where a dense stand of Great Fen Sedge or Saw Sedge (*Cladium mariscus*) frequently occurs. This in turn grades into a sedge and grass community (*Carex* spp., *Molinia caerulea*) or one dominated by the Black Bog-rush (*Schoenus nigricans*). An alternative direction for the aquatic/terrestrial transition to take is through a floating layer of vegetation. This is normally based on Bogbean (*Menyanthes trifoliata*) and Marsh cinquefoil (*Potentilla palustris*). Other species gradually become established on this cover, especially plants tolerant of low nutrient status e.g. bog mosses (*Sphagnum* spp.). Diversity of plant and animal life is high in the fen and the flora, includes many rarities. The plants of interest include Narrow-leaved Marsh Orchid (*Dactylorhiza traunsteineri*), Fen Bedstraw (*Galium uliginosum*), Cowbane (*Cicuta virosa*), Frogbit (*Hydrocharis morsus-ranae*) and Least Bur-reed (*Sparganium minimum*). These species tend to be restricted in their distribution in Ireland. Also notable is the abundance of aquatic Stoneworts (*Chara* spp.) which are characteristic of calcareous wetlands.

The rare plant, Round-leaved Wintergreen (*Pyrola rotundifolia*) occurs around Newtown Lough. This species is listed in the Red Data Book and is protected under the Flora Protection Order, 1999, and this site is its only occurrence in Co. Meath.

Wet woodland fringes many stretches of the Boyne. The Boyne River Islands are a small chain of three islands situated 2.5 km west of Drogheda. The islands were formed by the build up of alluvial sediment in this part of the river where water movement is sluggish. All of the islands are covered by dense thickets of wet, Willow (*Salix* spp.) woodland, with the following species occurring: Osier (*S. viminalis*), Crack Willow (*S. fragilis*), White Willow (*S. alba*), Purple Willow (*Salix purpurea*) and Grey Willow (*S. cinerea*). A small area of Alder (*Alnus glutinosa*) woodland is found on soft ground at the edge of the canal in the north-western section of the islands. Along other stretches of the rivers of the site Grey Willow scrub and pockets of wet woodland dominated by Alder have become established, particularly at the river edge of mature deciduous woodland. Ash (*Fraxinus excelsior*) and Birch (*Betula pubescens*) are common in the latter and the ground flora is typical of wet woodland with Meadowsweet (*Filipendula ulmaria*), Angelica (*Angelica sylvestris*), Yellow Iris, Horsetail (*Equisetum* spp.) and occasional tussocks of Greater Tussock-sedge (*Carex paniculata*).

The dominant habitat along the edges of the river is freshwater marsh - the following plant species occur commonly here: Yellow Flag (*Iris pseudacorus*), Creeping Bent (*Agrostis stolonifera*), Canary Reed-grass (*Phalaris arundinacea*), Marsh Bedstraw (*Galium palustre*), Water Mint (*Mentha aquatica*) and Water Forget-me-not (*Myosotis scorpioides*). In the wetter areas of the marsh Common Meadow-rue (*Thalictrum flavum*) is found. In the vicinity of Dowth, Fen Bedstraw (*Galium uliginosum*), a scarce species mainly confined to marshy areas in the midlands, is common in this vegetation. Swamp Meadow-grass (*Poa palustris*) is an introduced plant which has spread into the wild (naturalised) along the Boyne approximately 5 km south-west of Slane. It is a rare species which is listed in the Red Data Book and has been recorded among freshwater marsh vegetation on the banks of the Boyne in this site. The only other record for this species in the Republic is from a site in Co. Monaghan.

The secondary habitat associated with the marsh is wet grassland and species such as Tall Fescue (*Festuca arundinacea*), Silverweed (*Potentilla anserina*), Creeping Buttercup (*Ranunculus repens*), Meadowsweet (*Filipendula ulmaria*) and Meadow Vetchling (*Lathyrus pratensis*) are well represented. Strawberry Clover (*Trifolium fragiferum*), a plant generally restricted to coastal locations in Ireland, has been recorded from wet grassland vegetation at Trim. At Rossnaree river bank on the River Boyne, is Round-Fruited Rush (*Juncus compressus*) found in alluvial pasture, which is generally periodically flooded during the winter months. This rare plant is only found in three counties in Ireland.

Along much of the Boyne and along tributary stretches are areas of mature deciduous woodland on the steeper slopes above the floodplain marsh or wet woodland vegetation. Many of these are planted in origin. However the steeper areas of King Williams Glen and Townley Hall wood have been left unmanaged and now have a more natural character. East of Curley Hole the woodland has a natural appearance with few conifers. Broad-leaved species include Oak (*Quercus* spp.), Ash (*Fraxinus excelsior*), Willows, Hazel (*Corylus avellana*), Sycamore (*Acer pseudoplatanus*), Holly (*Ilex aquifolium*), Horse chestnut (*Aesculus* sp.) and the shrubs Hawthorn (*Crataegus monogyna*), Blackthorn (*Prunus spinosa*) and Elder (*Sambucus nigra*). South-west of Slane and in Dowth, the addition of some more exotic tree species such as Wych Elm (*Ulmus glabra*), Beech (*Fagus sylvatica*), and occasionally Lime (*Tilia cordata*) are seen. Coniferous trees, Larch (*Larix* sp.) and Scots Pine (*Pinus sylvestris*) also occur. The woodland ground flora includes Barren Strawberry (*Potentilla sterilis*), Enchanter's Nightshade (*Circaea lutetiana*) and Ground-ivy (*Glechoma hederacea*), along with a range of ferns. Variation occurs in the composition of the canopy, for example, in wet patches alongside the river, White Willow and Alder form the canopy.

Other habitats present along the Boyne and Blackwater include lowland dry grassland, improved grassland, reedswamp, weedy wasteground areas, scrub, hedge, drainage ditches and canal. In the vicinity of Lough Shesk, the dry slopes of the morainic hummocks support grassland vegetation which, in some places, is partially colonised by Gorse (*Ulex europaeus*) scrub. Those grasslands which remain unimproved for pasture are species-rich with Common Knapweed (*Centaurea nigra*), Creeping Thistle (*Cirsium arvense*) and Ribwort Plantain (*Plantago lanceolata*) commonly present. Fringing the canal alongside the are Reed Sweet-grass (*Glyceria maxima*), Great Willowherb (*Epilobium hirsutum*) and Meadowsweet.

The Boyne and its tributaries is one of Ireland's premier game fisheries and it offers a wide range of angling from fishing for spring salmon and grilse to seatrout fishing and extensive brown trout fishing. Atlantic Salmon (*Salmo salar*) use the tributaries and headwaters as spawning grounds. Although this species is still fished commercially in Ireland, it is considered to be endangered or locally threatened elsewhere in Europe and is listed on Annex II of the Habitats Directive. Atlantic Salmon run the Boyne almost every month of the year. The Boyne is most important as it represents an eastern river which holds large three-sea-winter fish from 20 –30 lb. These fish generally arrive in February with smaller spring fish

(10 lb) arriving in April/May. The grilse come in July, water permitting. The river gets a further run of fish in late August and this run would appear to last well after the fishing season. The salmon fishing season lasts from 1st March to 30th September.

The Blackwater is a medium sized limestone river which is still recovering from the effects of the arterial drainage scheme of the 70's. Salmon stocks have not recovered to the numbers pre drainage. The Deel, Riverstown, Stoneyford and Tremblestown Rivers are all spring fed with a continuous high volume of water. They are difficult to fish in that some are overgrown while others have been affected by drainage with the resulting high banks.

The site is also important for the populations of two other species listed on Annex II of the E.U. Habitats Directive, namely River Lamprey (*Lampetra fluviatilis*) which is present in the lower reaches of the Boyne River while the Otter (*Lutra lutra*) can be found throughout the site. In addition, the site also supports many more of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. Common Frog, another Red Data Book species, also occurs within the site. All of these animals with the addition of the Stoat and Red Squirrel, which also occur within the site, are protected under the Wildlife Act.

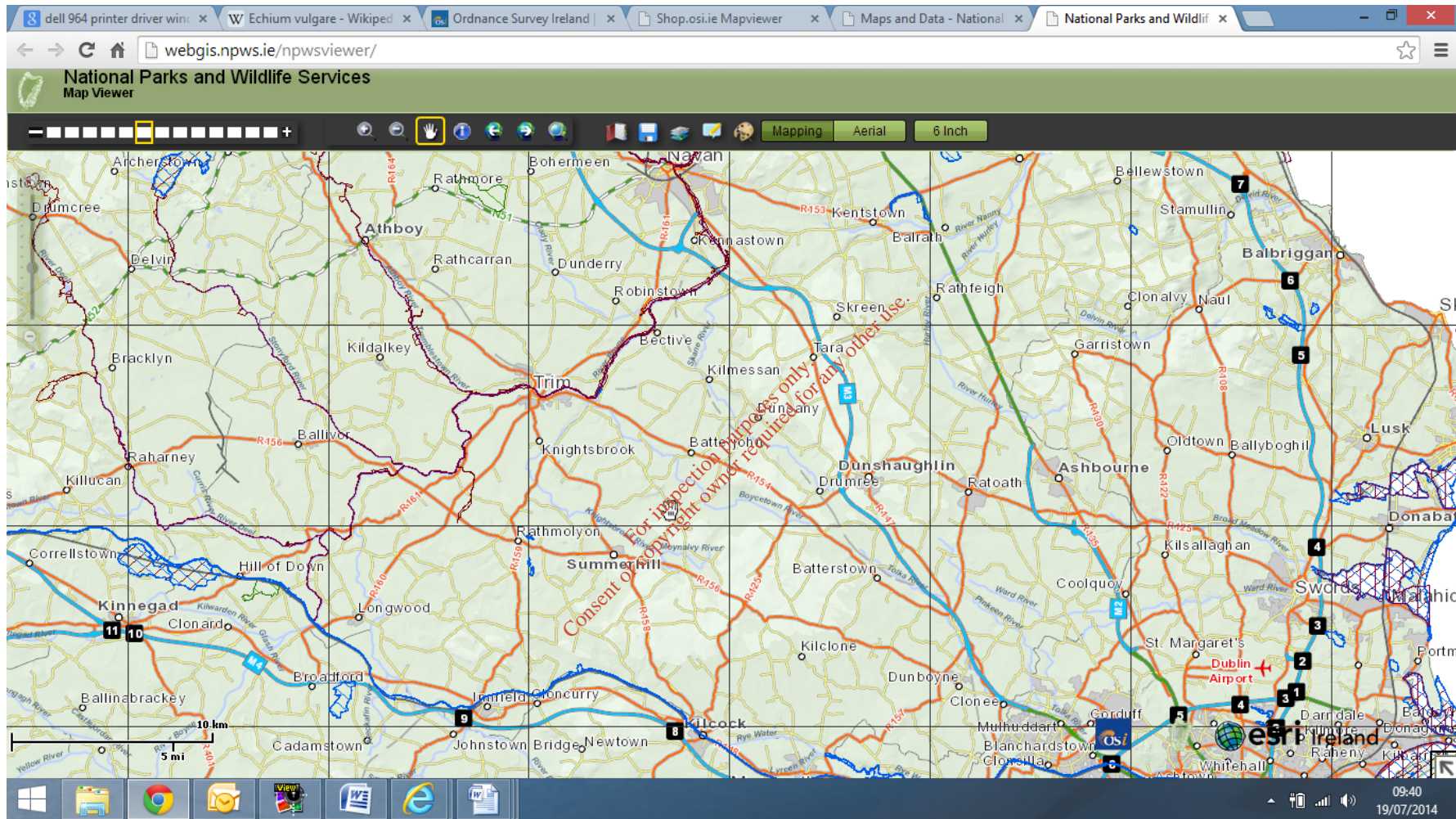
Whooper Swans winter regularly at several locations along the Boyne and Blackwater Rivers. Parts of these areas are within the cSAC site. Known sites are at Newgrange (c. 20 in recent winters), near Slane (20+ in recent winters), Wilkinstown (several records of 100+) and River Blackwater from Kells to Navan (104 at Kells in winter 1996/97, 182 at Headfort in winter 1997/98, 200-300 in winter 1999/00). The available information indicates that there is a regular wintering population of Whooper Swans based along the Boyne and Blackwater River valleys. The birds use a range of feeding sites but roosting sites are not well known. The population is substantial, certainly of national, and at times international, importance. Numbers are probably in the low hundreds.

Intensive agriculture is the main landuse along the site. Much of the grassland is in very large fields and is improved. Silage harvesting is carried out. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the lakes. In the more extensive agricultural areas sheep grazing is carried out.

Fishing is a main tourist attraction on the Boyne and Blackwater and there are a number of Angler Associations, some with a number of beats. Fishing stands and styles have been erected in places. The Eastern Regional Fishery Board have erected fencing along selected stretches of the river as part of their salmonid enhancement programme. Parts of the river system have been arterially dredged. In 1969 an arterial dredging scheme commenced and disrupted angling for 18 years. The dredging altered the character of the river completely and resulted in many cases in leaving very high banks. The main channel from Drogheda upstream to Navan was left untouched, as were a few stretches on the Blackwater. Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This is extremely destructive to salmonid habitat in the area. Drainage of the adjacent river systems also impacts on the many small wetland areas throughout the site. The River Boyne is a designated Salmonid Water under the EU Freshwater Fish Directive.

The site supports populations of several species listed on Annex II of the EU Habitats Directive, and habitats listed on Annex I of this directive, as well as examples of other important habitats. Although the wet woodland areas appear small there are few similar examples of this type of alluvial wet woodland remaining in the country, particularly in the north-east. The semi-natural habitats, particularly the strips of woodland which extend along the river banks and the marsh and wet grasslands, increase the overall habitat diversity and add to the ecological value of the site as does the presence of a range of Red Data Book plant and animal species and the presence of nationally rare plant species.

19.06.2003



Location of Foxtown (hand symbol) in centre of map in relation to cSAC (River Boyne & River Blackwater)

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