

WASTE RECOVERY FACILITY AT BLACKHALL, PUNCHESTOWN, NAAS, CO. KILDARE

Appropriate Assessment Screening Report

**Technical Amendment to Waste Licence W0247-01
Amendment of Condition 6.14.3 to Facilitate Placement
of Inert Soil and Stone in Low-Lying Areas**

Prepared for: Behans Land Restoration Ltd.

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1.0 INTRODUCTION

1.1 Background

This document provides an Appropriate Assessment Screening Report of likely significant effects on Natura 2000 sites associated with an application for a technical amendment to the Waste Licence held by Behan's Land Restoration Ltd. (Reference No. W0247-01) that provides for the importation of inert soils and stones for recovery in the backfilling and restoration of a former sand and gravel pit and for recovery of construction and demolition (C&D) waste at Blackhall, Punchestown, Naas, Co. Kildare.

The technical amendment is specifically sought to facilitate the importation and use of inert soil and stone to backfill low-lying areas at the facility and specifically the existing groundwater pond at its eastern end, in place of processed / crushed coarse construction and demolition (predominantly concrete) waste, as currently provided for under Condition 6.14.3 of the existing waste licence.

The proposed change to permitted waste intake to the licenced facility will substitute for other approved waste intake (specifically inert C&D waste) and will not result in any net increase in the approved intake volume to the facility.

This screening report has been prepared by SLR Consulting Ireland (SLR) on behalf of Behans Land Restoration Ltd. in support of its application for a technical amendment to Waste Licence W247-01 in accordance with the requirements of the Waste Management Acts 1996 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

1.2 Appropriate Assessment Overview

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation (SAC). Similarly, Special Protection Areas (SPA) are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, SACs and SPAs are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive an Appropriate Assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An Appropriate Assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.

Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC ("the Habitats Directive") states that:

"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 light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".

The Habitats Directive is transposed Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Regulations 2001 to 2018.

In the context of the proposed technical amendment to the waste licence it is the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) which is the primary reference legislation.

These regulations require a Competent Authority to make an Appropriate Assessment of the implications for Natura 2000 sites in view of a site's conservation objectives, before deciding to undertake, or give consent, permission or other authorisation for, a plan or project which:

- Is not directly connected with or necessary to the management of that site; and
- Is likely to have a significant effect thereon, either individually or in combination with other plans and projects in view of its conservation objectives.

The European Commission's methodological guidance¹ promotes a four stage process, as set out below, to complete an Appropriate Assessment:

- Stage 1 – Screening for Appropriate Assessment;
- Stage 2 – Appropriate Assessment;
- Stage 3 – Alternative Solutions; and
- Stage 4 – The 'IROPI Test' (Imperative Reasons of Overriding Public Interest).

A person applying for any such consent, permission or other authorisation must provide such information in Stage 1, as the Competent Authority may reasonably require, for the purposes of the assessment or to enable them to determine whether an Appropriate Assessment is required.

1.3 Purpose of this Report

This report has been produced to provide relevant information to the Competent Authority (in this case the Environmental Protection Agency) as it may reasonably require to undertake Appropriate Assessment screening of likely significant effects on Natura 2000 sites of the proposed technical amendment to Waste Licence Ref. No W247-01 to provide for the use of inert soil and stone to backfill low-lying areas at the waste recovery facility at Blackhall in place of processed / crushed coarse construction and demolition (predominantly concrete) waste and to enable it to determine whether an Appropriate Assessment is required.

1.4 Evidence of Technical Competence and Experience

This Appropriate Assessment Screening Report has been prepared by Steve Judge who is an Associate Ecologist with 18 years' experience in ecological consultancy and a member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

Steve is highly experienced in the preparation of Appropriate Assessment screening reports and Natura Impact Statements (NIS) for a wide range of projects throughout Ireland and Habitat Regulations Assessments in the United Kingdom.

¹ European Communities (2002). *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites. Methodological Guidance on the Provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. European Communities, Luxembourg.

2.0 METHODOLOGY

2.1 Baseline Data Collection

Baseline information was gathered through a desk-based study in order to provide relevant data to allow an assessment of likely significant effects of the proposed technical amendment to Waste Licence Ref No. W247-01 for the soil recovery facility at Blackhall on any individual Natura 2000 site, or sites, within the zone of influence of this project.

The principal source of information on Natura 2000 sites and key qualifying features has been publically available data collected from the National Parks and Wildlife Service (NPWS) website². Other relevant sources have been used to provide data on current baseline conditions at the site and within its potential zone of influence.

2.2 Screening for Appropriate Assessment

Under the Habitats Directive, the first test that has to be considered is whether the proposed licence amendment, either alone or in combination with other relevant projects and plans, would be likely to have a significant effect on a Natura 2000 site, or sites to determine if an appropriate assessment is required.

In order to appraise the likelihood of significant effects, the guidance produced by the NPWS in 2009³ has been followed in order to:

- provide a detailed description of the project;
- identify relevant Natura 2000 sites within the potential zone of influence of the proposed project;
- identify the qualifying interest features for the relevant Natura 2000 sites are of European importance;
- characterise the potential effects on the qualifying interest features for which a Natura 2000 site(s) is of European importance from the proposed project;
- consider the likelihood of significant effects occurring, in light of best scientific knowledge, from the proposed project;
- appraisal of the effects of any other plans and/or projects which, in-combination with the proposed licence amendment, is likely to have a significant effect on a Natura 2000 site(s); and
- provide a screening statement and conclusions.

² <http://www.npws.ie>

³ NPWS (2009 revised February 2010). *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.

3.0 DESCRIPTION OF THE PROJECT

3.1 Location and Setting

The existing waste recovery facility is located in the townland of Blackhall approximately 500m east of Punchestown Racecourse and 5km southeast of the town centre of Naas, Co. Kildare (please refer to Figure 1).

The site comprises a worked out sand and gravel pit, covering approximately 38.1 hectares (ha), that has been partially backfilled to former ground level using inert soil and stone waste materials. A significant area which still requires to be backfilled and restored lies at the eastern end of the former pit in a low-lying area with floor levels extending a few meters (typically 1m to 2m) below the seasonal maximum groundwater table.

The surrounding landscape is characterised by mixed agricultural land comprised of relatively small fields with hedgerow / treeline boundaries and interspersed by small blocks of woodland. A number of former sand and gravel pits are present throughout the localised area.

The headwaters of the River Morell flow northwards as a stream to the west of the licensed facility at Blackhall. The River Morell is a tributary of the River Liffey and flows into it just south of Straffan village, approximately 13km downstream of the Blackhall facility. The largest local urban population in the surrounding area is the town of Naas, with other small rural settlements and isolated farmsteads scattered along the roads and lanes that cross the area.

3.2 Outline Description of the Project

The project relates to an application for a technical amendment to Waste Licence W0247-01 in respect of soil / C&D waste recovery activities at Blackhall, Co. Kildare. The technical amendment being sought provides for the importation and use of inert soil and stone to backfill low-lying areas at the facility and specifically the existing groundwater pond at its eastern end, in place of processed / crushed coarse construction and demolition (predominantly concrete) waste, as currently provided for under Condition 6.14.3 of the existing waste licence. The soil and stone material to be used for this purpose will conform to List of Waste (LoW) Code 17.05.04 – inert soil and stone.

The proposed change to permitted waste intake to the licenced facility will substitute for other approved waste intake (specifically inert C&D waste) and will not result in any net increase in the approved intake volume to the facility.

Waste Licence W0247-01, issued by the Environmental Protection Agency on 24th June 2009, provides for the backfilling and restoration of the worked out sand and gravel pit at Blackhall by way of the importation, placement and recovery through deposition of approximately 2,240,000m³ of inert soil and rock waste materials and for recovery of inert construction materials (concrete, block, brick, paving stones, granular fill, ceramics etc) over a 15-year period. It also provides for processing and recovery of inert construction materials for re-use on-site or off-site as secondary aggregate.

The proposed technical amendment will not extend, or otherwise amend or alter, the existing waste operations carried out at Blackhall. The annual waste intake at the facility will remain at the current annual intake limit of 400,000 tonnes per annum.

If the technical amendment is adopted, all incidental rainfall and surface water run-off at the waste recovery facility at Blackhall will continue to naturally percolate into the ground. The inert waste recovery facility does not have any off-site discharge to an existing surface watercourse and there is no concentrated point discharge to groundwater. The proposed technical amendment will not require any change or modification to existing water management arrangements at the licenced site.

4.0 NATURA 2000 SITES

A distance of 15km is typically taken as the initial zone of influence extending beyond the extent of the plan or project area. However, NPWS 2009 guidance advises that for projects this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects. This may mean that the zone of influence may be much less than 15km or in some cases more than 15km.

There are six Natura 2000 sites within a 15km radius of the licensed waste recovery facility at Blackhall. These sites are listed in Table 1 and their locations in relation to the project site shown in Figure 1.

Table 1: Natura 2000 Sites within a 15km Radius of the Project Site

Natura 2000 Site	Site Code	Location at Closest Point to Project Site
Red Bog SAC	000397	3.8km east
Poulaphouca Reservoir SPA	004063	4.3km southeast
Wicklow Mountains SAC	002122	7.6km southeast
Wicklow Mountains SPA	004040	10.4km east northeast
Mouds Bog SAC	002331	12.6km west
Pollardstown Fen SAC	00396	14.9km west

4.1 Potential Zone of Influence of Project and Screening of Natura 2000 Sites

Based on the size and nature of the proposed technical amendment, it is considered that the maximum distance for which the project should be evaluated in terms of Natura 2000 sites is up to a maximum radius of 2km from the application site, unless, there are any potential source-pathway-receptor links between the proposed project and any Natura 2000 site(s) outside this distance.

At a distance greater than 2km and in the absence of any potential source-pathway-receptor link, it is considered that no Natura 2000 sites would be affected by any direct loss of habitat, or impacted upon by any effects arising from disturbance (i.e. noise, vibration and human and visual disturbance), the effects of dust deposition, or traffic emissions.

The proposed technical amendment provides for the importation and use of inert soil and stone to backfill a low-lying area of the former sand and gravel pit, both below and above the localised, seasonal groundwater table. The groundwater table at the site is identified as the West Blessington Gravels Groundwater Body (GWB) which does not have any hydraulic connectivity with any of the Natura 2000 sites identified in Table 1 above.

The River Morell, a tributary of the River Liffey, that runs parallel to the road to the west of the soil recovery facility is not considered to be in continuity with groundwater (if flows at a higher level) and does not therefore receive any baseflow from groundwater flowing out of the former sand and gravel pit. There is therefore no direct pathway link between the River and the licensed site.

If the technical amendment is adopted, all incidental rainfall and surface water run-off at the waste recovery facility at Blackhall will continue to naturally percolate into the ground. Some will percolate down to the water table, some will be lost to the atmosphere through evaporation and where vegetation growth is established, some will be taken up by vegetation roots. The inert waste recovery facility does not have any off-site discharge to an existing surface watercourse and there is no concentrated point discharge to groundwater.

Based on the above, it is considered that all the Natura 2000 sites in Table 1 can be screened out from any further assessment as there are no source-pathway-receptor links between the project and these Natura 2000 sites.

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5.0 APPRAISAL OF LIKELY SIGNIFICANT EFFECTS

5.1 Screening of Likely Significant Effects as a Stand-alone Project

Based on the screening of Natura 2000 sites in Section 4.1, it is assessed that the proposed technical amendment to Waste Licence W247-01 in respect of the waste recovery facility at Blackhall will not have any stand-alone effects on the integrity of any Natura 2000 site, or sites, or any of the qualifying habitats and/or species for which any such site has been designated / classified as being of European importance.

It is, therefore, considered that no further assessment is required for the proposed technical amendment to Waste Licence W247-01 for the waste recovery facility at Blackhall as a stand-alone project.

5.2 Cumulative Effects

Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant effects that, when considered in-combination with effects of other proposed or permitted plans and projects, can result in significant effects.

Other plans and projects that should be considered when establishing cumulative effects are:

- proposals for which consent has been applied but which are awaiting determination;
- projects which have been granted consent but which have not yet been started or which have been started but are not yet completed (i.e. under construction);
- proposals which have been refused permission but which are subject to appeal and the appeal is undetermined;
- constructed developments whose full environmental effects are not yet felt and therefore cannot be accounted for in the baseline; or
- developments specifically referenced in a National Policy Statement, a National Plan or a Local Plan.

There is no single agreed method for addressing the issue of cumulative effects, however, current practice and available guidance suggests a staged approach which takes into account the following:

- I. if it can be clearly demonstrated that the plan or project will not result in any effects at all then the plan or project should proceed without considering the in-combination test, further; or
- II. if there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a Natura 2000 site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

From the screening assessment presented herein, it is considered that it can be clearly demonstrated that the proposed technical amendment to Waste Licence W0247-01 for the existing waste recovery facility at Blackhall will not have any effects on any Natura 2000 site(s), as a stand-alone project. Therefore, it is considered that there is not a requirement in this case to undertake any further assessment in-combination with other plans and projects.

6.0 SCREENING STATEMENT OF LIKELY SIGNIFICANT EFFECTS

Based on the appraisal of the proposed licence amendment as a stand-alone project and in-combination with other plans and projects, it is considered that the proposed technical amendment to Waste Licence W0247-01 for the waste recovery facility at Blackhall will not have any likely significant effects on any Natura 2000 site.

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7.0 REQUIREMENT FOR OTHER CONSENTS

The proposed technical amendment to Waste Licence W0247-01 for the waste recovery facility at Blackhall will not require any other consent, or licensing requiring consideration of likely significant effect by different competent authorities separate from the Waste Licence issued by the Environmental Protection Agency.

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8.0 CONCLUSIONS

This Appropriate Assessment Screening Report, based on the best available scientific information, shows that the proposed technical amendment to Waste Licence W0247-01 for the waste recovery facility at Blackhall, Punchestown, Naas Co. Kildare will have no likely significant effects to any Natura 2000 site(s).

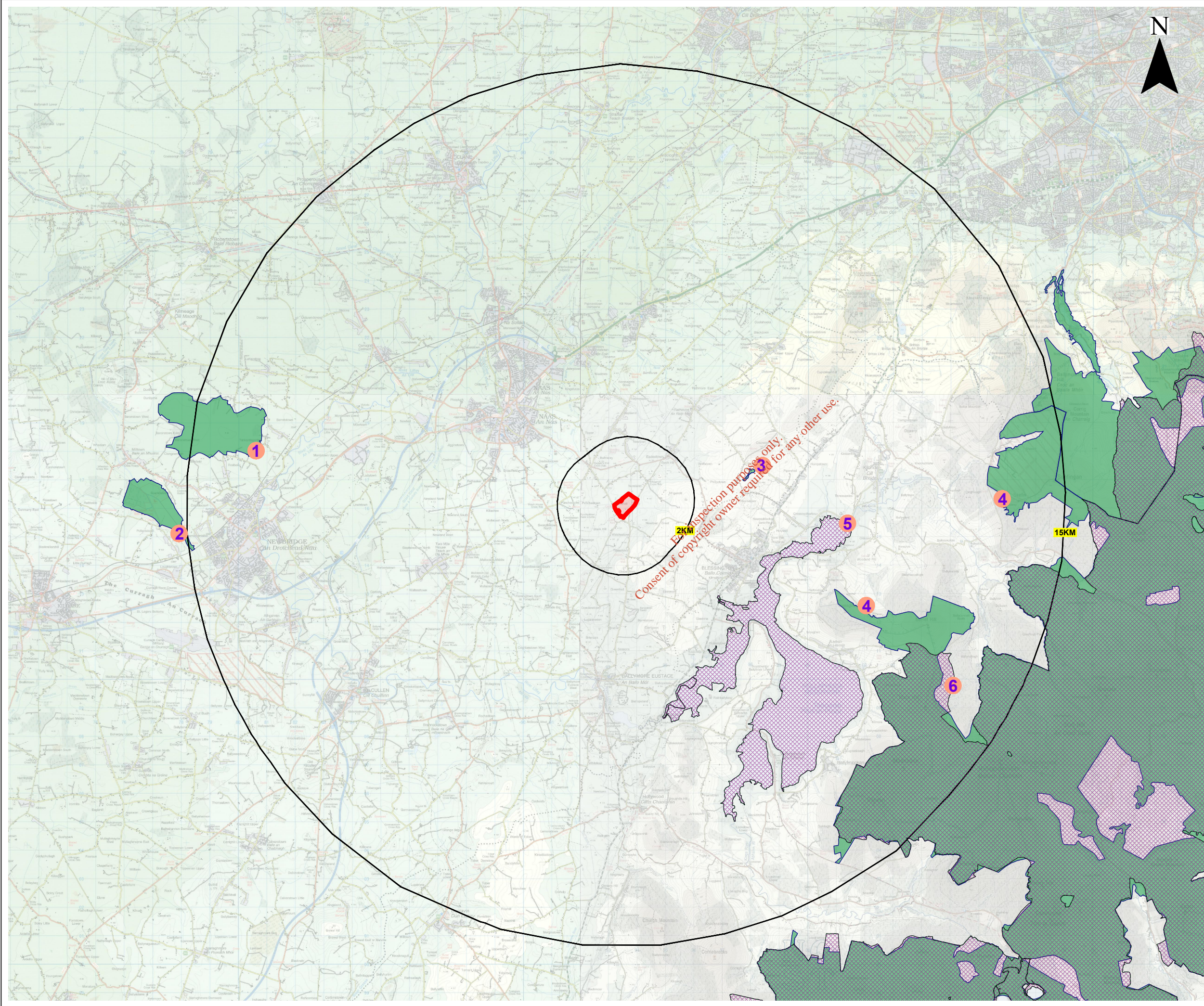
It is considered that there is not a requirement for this project to progress to second stage Appropriate Assessment for the proposed technical amendment to Waste Licence W0247-01 for the waste recovery facility at Blackhall.

Based on this conclusion, we submit that the Competent Authority can determine that an Appropriate Assessment is not required under Article 6 of the Habitats Directive (92/43/EEC), as it can be excluded, in light of best scientific knowledge, that the proposed technical amendment to Waste Licence W0247-01 for the soil recovery facility at Blackhall, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 site(s).

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FIGURES

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NOTES

1. EXTRACT FROM 1:50,000 O.S DISCOVERY SERIES MAP NO. 49, 50, 55 & 56.
2. ORDNANCE SURVEY IRELAND LICENCE CO. SU 0000719 (c) ORDNANCE SURVEY IRELAND & GOVERNMENT OF IRELAND.

- LEGEND**
- PROJECT SITE
 - SPECIAL PROTECTION AREA (SPA)
 - SPECIAL AREA OF CONSERVATION (SAC)
1. MOUDS BOG SAC (002331)
 2. POLLARDSTOWN FEN SAC (000396)
 3. RED BOG, KILDARE SAC (000397)
 4. WICKLOW MOUNTAINS SAC (002122)
 5. POULAPHOUCA RESERVOIR SPA (004063)
 6. WICKLOW MOUNTAINS SPA (004040)

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**LOCATION OF PROJECT AND
 NATURA 2000 SITES**

FIGURE 1

Scale 1:125,000 @ A3 Date APRIL 2019

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