

# SOIL WASTE RECOVERY FACILITY USK, KILCULLEN, CO. KILDARE

## Appropriate Assessment Screening Report

Prepared for: Dunlavin Land Restoration Ltd.

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## 1.0 INTRODUCTION

This document provides an Appropriate Assessment: Screening Report of likely significant effects on Natura 2000 sites from the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk, Kilcullen, Co. Kildare.

The proposed development specifically provides for the following:

- Backfilling of a former sand and gravel pit to its former ground level using approximately 1,240,000 tonnes of imported natural inert waste materials and/or suitable by-product materials, principally soil and stone generated by construction and development projects;
- Establishment and operation of an inert soil waste recovery facility to provide for the recovery through backfilling, of natural inert soil and stone waste;
- Installation of site infrastructure including site offices, staff welfare facilities, weighbridge (with dedicated office), wheelwash facility, hardstand areas, fuel storage tanks and site access roads;
- Use of an existing storage shed as a waste inspection and quarantine facility and for storage of plant and equipment;
- Separation of any intermixed construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) inadvertently imported to site prior to removal off-site to authorised waste disposal or recovery facilities;
- Temporary stockpiling of imported topsoil pending re-use as cover material for the final restoration of the site;
- Restoration of the final backfilled landform to long-term grassland / agricultural use.

This report has been prepared by SLR Consulting Ireland (SLR) on behalf of Dunlavin Land Restoration Ltd in support of its planning application for the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk.

### 1.1 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 designated 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 Union.

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.

### 1.1.1 European Communities (Birds and Natural Habitats) Regulations 2011

Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 sets out the circumstances under which an 'appropriate assessment' is required. Section 42(1) requires that

*'a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.'*

Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives it the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows it to request any additional information that is considered necessary for the purposes of undertaking a screening. A Natura Impact Statement must include such information or data as the public authority considers necessary to enable it to ascertain if the plan or project will affect the integrity of a Natura 2000 site. Where appropriate, a Natura Impact Statement also needs to include:

- (i) the alternative solutions that have been considered and the reasons why they have not been adopted,
- (ii) the imperative reasons of overriding public interest that are being relied upon to indicate that the plan or project should proceed notwithstanding that it may adversely affect the integrity of a European site,
- (iii) the compensatory measures that are being proposed.

Section 42(6) requires that

*'the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site'.*

## 1.2 Purpose of this Report

This report has been presents relevant information to the Competent Authority (in this case Kildare County Council) as it may reasonably require in order to carry out an Appropriate Assessment Screening of the likely significant effects on Natura 2000 sites of the proposed development of an inert waste recovery facility for the restoration of the former sand and gravel pit at Usk and the associated inert soil waste recovery activity to enable it to determine whether an Appropriate Assessment is required.

### 1.3 Evidence of Technical Competence and Experience

The Appropriate Assessment: Screening Report has been prepared by Steve Judge, 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 experienced in the preparation of screening reports and Nature Impact Statements (NIS) for a wide range of projects throughout Ireland. He has also prepared numerous Habitat Regulations Assessments in the United Kingdom.

Steve led the team which prepared a series of guidance documents for the Exploration and Mining Division (EMD) of the Department of Communications, Climate Action and the Environment for use when issuing mineral exploration licences. The guidance documents are used by EMD when determining the likelihood of significant effects on Natura 2000 sites from planned mineral exploration activities.

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## 2.0 METHODOLOGY

### 2.1 Baseline Data Collection

Baseline information was gathered through a combination of desk-based study, site visits on 11<sup>th</sup> October 2017 and 16<sup>th</sup> May 2018, technical assessments consistent with current standard methodologies and published best practice guidelines. This provided relevant data to permit an assessment of likely significant effects of the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk on any individual Natura 2000 site, or sites, within the zone of influence of the proposed project / development.

The principal source of information on Natura 2000 sites and key qualifying features has been data and information collected from publicly accessible sources managed by the National Parks and Wildlife Service (NPWS)<sup>1</sup> and other relevant sources which provide data on current baseline conditions at the site of the proposed development 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 development, 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 2009<sup>2</sup> 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 which 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 development, is likely to have a significant effect on a Natura 2000 site(s); and
- provide a screening statement and conclusions.

<sup>1</sup> <http://www.npws.ie>

<sup>2</sup> 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 former sand and gravel pit is located in the townland of Usk approximately 9km south east of the town of Kilcullen, Co. Kildare, 2.5km west of the village of Dunlavin, Co. Wicklow and approximately 1.8km east of the M9 motorway at its closest point (refer to Figure 1).

The application site, covers approximately 26.6 hectares (ha) out of a total landholding of 42.4ha, that comprises a worked-out sand and gravel pit. Since the cessation of mineral extraction operations at the sand and gravel pit the site has undergone some natural regeneration of vegetation on the pit floor and walls with a number of ponds formed in flooded low-lying areas of the pit floor. The Greese River flows along the eastern boundary of the application site.

The surrounding landscape is characterised by agricultural land with fields under a mixture of arable production and permanent pasture, some of which are bounded by hedgerows. The M9 motorway, running in a north-northeast to south-southwest direction, dissects the landscape to the north west of the former sand and gravel pit and forms a prominent landscape feature. The village of Dunlavin is the closest settlement cluster in the local area, though there are also many small scattered or isolated settlements and/or properties in the surrounding rural area, principally along the local road network.

### 3.2 Outline Description of Project

The project comprises the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk.

Planning permission is sought specifically for the following :

- Backfilling of a former sand and gravel pit to its former ground level using approximately 1,240,000 tonnes of imported natural inert waste materials and/or suitable by-product materials, principally soil and stone generated by construction and development projects;
- Establishment and operation of an inert soil waste recovery facility to provide for the recovery through backfilling, of natural inert soil and stone waste;
- Installation of site infrastructure including site offices, staff welfare facilities, weighbridge (with dedicated office), wheelwash facility, hardstand areas, fuel storage tanks and site access roads;
- Use of an existing storage shed as a waste inspection and quarantine facility and for storage of plant and equipment;
- Separation of any intermixed construction and demolition waste (principally concrete, metal, timber, PVC pipes and plastic) inadvertently imported to site prior to removal off-site to authorised waste disposal or recovery facilities;
- Temporary stockpiling of imported topsoil pending re-use as cover material for the final restoration of the site;
- Restoration of the final backfilled landform to long-term grassland / agricultural use.

The proposed inert waste recovery facility site will operate from 07:00 hours to 18:00hrs Monday to Friday and 08:00 hours to 16:00 hours on Saturday. No operations will take place outside these times.

Based on a maximum intake tonnage of 300,000 tonnes per annum, a 48 working week and 5.5 working days, the inert soil waste recovery facility is anticipated to generate an average annual daily traffic (ADDT) of 114 heavy goods vehicle (HGV) movements in and out of the site per day.



All waste imported to the recovery facility for backfilling and restoration purposes will be inert. It is envisaged that the imported intake to the facility will comprise the following wastes on the List of Wastes (LoW) published by the Environment Protection Agency (EPA):

- 17 05 04 Soil and stones other than those mentioned in 17 05 03.
- 17 05 06 Dredging spoil other than those mentioned in 17 05 05
- 20 02 02 Soil and stone from municipal facilities

Any imported waste which is accepted at the facility but subsequently suspected to be non-compliant with waste acceptance criteria for the facility will be re-loaded onto HGV trucks and transferred across the application site to the waste inspection and quarantine facility (comprising an existing covered shed over a sealed concrete slab) for closer examination and/or testing.

Should any subsequent inspection or testing of suspect soil waste at the inspection and quarantine facility identify non-inert material which cannot be accepted or reused in the restoration of the application site, it will be segregated and temporarily stockpiled (quarantined) pending removal off site by permitted waste collectors to an authorised waste disposal and/or recovery facility. Provision will also be made for temporary storage of any separated non-inert construction and demolition waste (including metal, timber, plastic etc.) in skips prior to removal off site to a licenced recovery facility.

Fuel will be stored in bunded tanks located beside the waste quarantine facility at the northern end of the application site. Oils and lubricants are stored on suitable spill pallets in a designated storage container which will also be located at the northern end of the application site. All refuelling of plant and machinery will take place over a concrete hardstanding area in front of the fuel tanks. Surface water run-off from the concrete hardstand area will be captured by sub-surface drainage pipes and passed through a hydrocarbon interceptor before being discharged to ground via a soakaway / infiltration area.

All incidental rainfall and surface water run-off from the inert waste recovery facility will be allowed to naturally percolate into the ground. Where required, any surface water run-off over the ground surface will be collected and transferred (by open channels, pipework and/or pumping) to groundwater ponds at the eastern side of the site and allowed to percolate naturally to ground / groundwater thereafter. There will be no surface water discharge off-site to any watercourse and/or waterbody off-site and there will be no requirement for any land drainage to connect to any surface watercourse and/or waterbody off-site.

Following cessation of recovery activities the proposed facility will be restored to agricultural grassland using previously stripped subsoils and topsoil stockpiled on-site and additional topsoil imported for backfilling and soil recovery purposes.

## 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 site within a 15km radius of the application site at Usk. These sites are listed in Table 1 and their location in relation to the application site are shown on Figure 1.

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

Natura 2000 Site	Site Code	Location at Closest Point to the Project Site
Slaney River Valley SAC	000781	7.7km south east
Wicklow Mountains SAC	002122	11.0km south east
River Barrow and River Nore SAC	002162	11.6km west northwest
Poulaphouca Reservoir SPA	004063	11.9km east
Wicklow Mountains SPA	004040	12.3km north east
Pollardstown Fen SAC	000396	14.0km north west

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

Based on the size and nature of the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk, 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 5km 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 inert waste recovery facility lies adjacent to the Greese and Kildoon Rivers, both of which form tributaries of the River Barrow. It is likely that there is a hydrological connection between the groundwaters at the proposed waste recovery facility and the surface waters of these rivers, creating a potential hydrological source-pathway-receptor link between it and the River Barrow and River Nore SAC.

However, at a distance of 16.5km and 30km upstream of the points where the Kildoon River and the Greese River respectively enter the River Barrow and River Nore SAC, and in the absence of any direct discharge to these surface waters, it is assessed that the proposed backfilling / waste recovery activities will have no measurable effects on water quality in the River Barrow.

Based on the above, it is considered that all of the Natura 2000 sites identified in Table 1 can be screened out from any further assessment, as these lie outside the potential zone of influence of the proposed development and there are no source-pathway-receptor links between it and these Natura 2000 sites. Therefore in this case, there are no relevant Natura 2000 sites carried forward for any further assessment.

## 5.0 APPRAISAL OF LIKELY SIGNIFICANT EFFECTS

### 5.1 Screening of Likely Significant Effects

Based on the screening of Natura 2000 sites in Section 4.1 above, it is assessed that the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk 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 backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk 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 development, 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;
- development which has been granted consent but which has not yet been started or which has been started but not yet completed (i.e. under construction);
- development which has been refused permission but which is 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 environmental 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 proposed 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 appraisal presented herein, it is considered that it can be clearly demonstrated that the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk will not have any effects on any Natura 2000 site as a stand-alone project. Therefore it is considered that there is not a requirement in this case to undertake any further appraisal in-combination with other plans and projects.

## 6.0 SCREENING STATEMENT OF LIKELY SIGNIFICANT EFFECTS

Based on the appraisal of the proposed project as a stand-alone project and in-combination with other plans and projects, it is considered that the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk will not have any likely significant effects on any Natura 2000 site.

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## 7.0 REQUIREMENT FOR OTHER CONSENTS

The operation of the waste recovery facility at Usk will require a waste licence issued by the Environmental Protection Agency (EPA) separate from any development / planning consent and therefore consideration of likely significant effects by a different Competent Authority will be required.

However, it is deemed that there will be no requirement for any additional information to inform either the planning consent and/or any waste licence application.

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## 8.0 SUMMARY AND CONCLUSIONS

This Appropriate Assessment: Screening Report, based on the best available scientific information, indicates that the proposed backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk, Kilcullen, Co. Kildare will have no likely significant effects for any Natura 2000 site(s).

It is considered that there is no requirement for the proposed development to progress to a second stage Appropriate Assessment.

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 backfilling and restoration of the former sand and gravel pit, using imported inert waste material, at Usk, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 site(s).

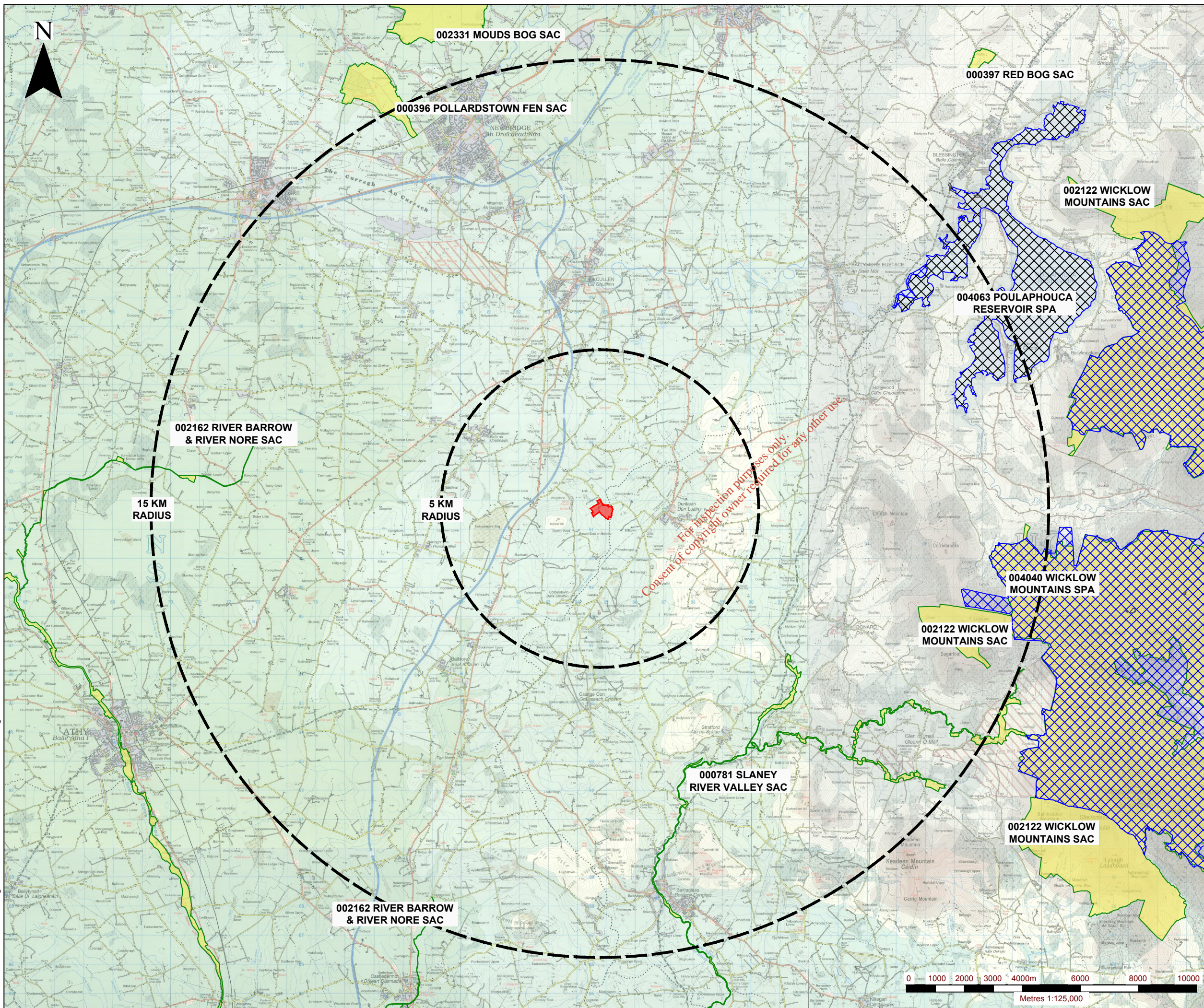
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# FIGURES

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**NOTES**

1. Extract from Ordnance Survey Discovery Series Mapping Map No. 49, 50, 55 & 56.
2. Ordnance Survey Ireland Licence No. SU 0000719 (c) Ordnance Survey Ireland and Government of Ireland.

**LEGEND**

- PLANNING APPLICATION AREA (c. 26.6 HECTARES)
- 5km & 15KM RADIUS FROM PLANNING APPLICATION AREA
- SPECIAL AREA OF CONSERVATION (SAC)
- SPECIAL PROTECTION AREA (SPA)

00507.00001.USK.AA-Fig 1. Natura 2000 Sites within 15km.dwg

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APPROPRIATE ASSESSMENT SCREENING REPORT

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LANDS AT USK TOWNLAND,  
KILCULLEN, CO. KILDARE

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**LOCATION OF PROJECT AND  
NATURA 2000 SITES**

**FIGURE 1**

Scale: 1:125,000 @ A3      Date: JULY 2019





## EUROPEAN OFFICES

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