

# Article 6 (3) Appropriate Assessment Screening Report

Proposed Quarry  
Restoration, Portersize,  
Ballitore, Co. Kildare

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# 1. INTRODUCTION

## 1.1 Background

MKO has been appointed to provide the information necessary to allow the competent authority to conduct an Article 6(3) Screening for Appropriate Assessment of a proposed infilling and restoration of a quarry void back to original land contour levels, at Portersize, Ballitore, Co. Kildare.

Screening for Appropriate Assessment is required under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Where it cannot be excluded that a project or plan, either alone or in combination with other projects or plans, would have a significant effect on a European Site then same shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. The current project is not directly connected with, or necessary for, the management of any European Site consequently the project has been subject to the Appropriate Assessment Screening process.

The assessment in this report is based on a desk study and field surveys undertaken during March 2020, with the desk study subsequently updated in October 2020. It specifically assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2001) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010).

In addition to the guidelines referenced above, the following relevant documents were also considered in the preparation of this report:

1. Council of the European Commission (1992) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. Official Journal of the European Communities. Series L 20, pp. 7-49.
2. EC (2000) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg.
3. EC (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence. Opinion of the commission.
4. EC (2013) Interpretation Manual of European Union Habitats. Version EUR 28. European Commission.

## 1.2 Appropriate Assessment

### 1.2.1 Screening for Appropriate Assessment

Screening is the process of determining whether an Appropriate Assessment is required for a plan or project. Under Part XAB of the Planning and Development Act, 2000, as amended, screening must be carried out by the Competent Authority. As per Section 177U of the Planning and Development Act, 2000, as amended 'A screening for appropriate assessment shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the



European site'. The Competent Authority's determination as to whether an Appropriate Assessment is required must be made on the basis of objective information and should be recorded. The Competent Authority may request information to be supplied to enable it to carry out screening.

Consultants or project proponents may provide for the competent authority, the information necessary for them to determine whether an Appropriate Assessment is required and provide advice to assist them in the Article 6(3) Appropriate Assessment Screening decision.

Where it cannot be excluded beyond reasonable scientific doubt at the Screening stage, that a proposed plan or project, individually or in combination with other plans and projects, would have a significant effect on the conservation objectives of a European site, an Appropriate Assessment is required.

Where An Appropriate Assessment is required, the Competent Authority may require the applicant to prepare a Natura Impact Statement.

The term Natura Impact Statement (NIS) is defined in legislation<sup>1</sup>. An NIS, where required, should present the data, information and analysis necessary to reach a definitive determination as to 1) the implications of the plan or project, alone or in combination with other plans and projects, for a European site in view of its conservation objectives, and 2) whether there will be adverse effects on the integrity of a European site. The NIS should be underpinned by best scientific knowledge, objective information and by the precautionary principle.

This Article 6(3) Appropriate Assessment Screening Report has been prepared in compliance with the provision of section 177U of the Planning & Development Act 2010 as amended.

## Statement of Authority

A field assessment was undertaken by David McNicholas (BSc., MSc., MCIEEM) and Katie Pender (B.Sc.) on the 03<sup>rd</sup> March 2020. This report has been prepared by David McNicholas and Katie Pender. Katie is an appropriately qualified ecologist with relevant experience for undertaking assessments to this level. David has over ten years professional consultancy experience and is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). This report has been reviewed by Pat Roberts (B.Sc., MCIEEM) who has over 14 years' experience in ecological consultancy.

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<sup>1</sup> As defined in Section 177T of the Planning and Development Act, 2000 as amended, an NIS means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own and in combination with other plans and projects, for a European site in view of its conservation objectives. It is required to include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for the European site in view of its conservation objectives

## 2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

### 2.1 Site Location

The proposed site development is located in Portersize and Timolin, Ballitore, Co. Kildare (Grid Ref: S81057 95268). The site is located to the south-east of County Kildare and approximately 2.5km from Ballitore village. The site is accessed from an existing entrance off the R747 Regional Road. The R747 travels between Baltinglass, Co. Wicklow to the southeast and the M9 Motorway, which is approximately 3.25km to the west of the site. The site has existing high-quality vehicular access and it is intended to continue to utilise this access to serve the Application site. The site location is provided in Figure 2.1.

### 2.2 Characteristics of the Proposed Development

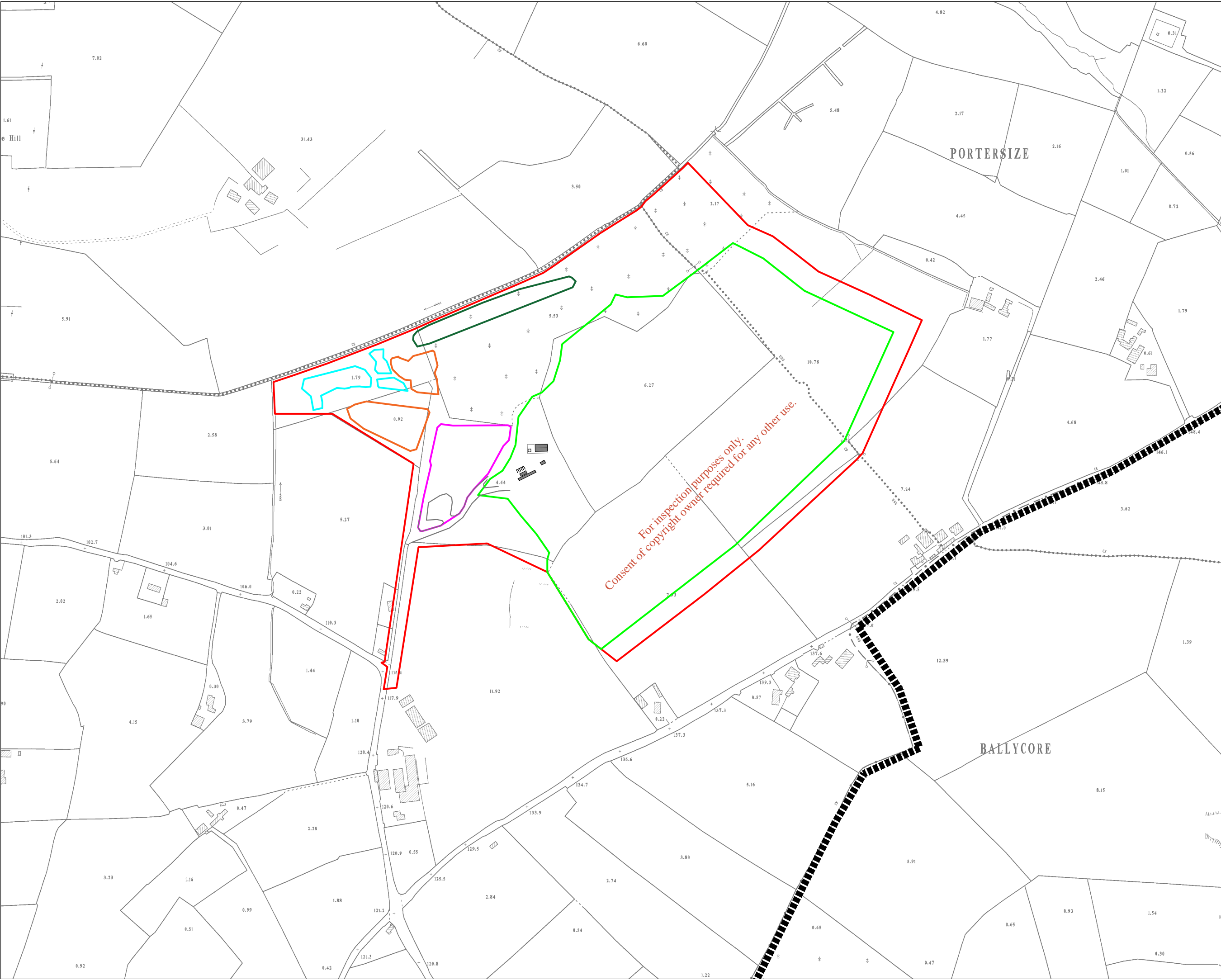
#### 2.2.1 Description of the project

Noel Lawler Sand and Gravel Limited are applying to Kildare County Council for a twenty-year planning permission for the infilling of an existing and future quarry void (Ref: 07/723 & 17/1107) with inert soil and stone in order to return the land to a beneficial use (agriculture) over an area of approximately 18.95 ha in the townlands of Portersize and Timolin, Ballitore, Co. Kildare. The void will be infilled with approximately 1,299,791m<sup>3</sup> of inert material. The proposed development also includes for the following:

- Infill, grading and restoration of two settlement ponds, totalling 1.065 ha (two settlement pond areas in NW of site approx. 0.788 and 0.277 ha).
- Restoration of three smaller ponds, totalling 0.44 ha, in order to provide an area of aquatic habitat (three ponds are approx. 0.321, 0.0835 and 0.0358 ha).
- Planting of a raised soil bund with native tree species, along northern site boundary (planting area approx. 0.48 ha).
- Grading of a pre-existing soil mound at the site entrance (approx. 1.11 ha).
- Development and management of an artificial sand martin nesting site, to replace the existing nesting location identified in the soil mound at site entrance.
- Construction of a soil quarantine shed (approx. 180m<sup>2</sup> an area, 15m height), inspection area and re-fuelling area (hardstanding) located north of the existing site office (approx. hardstanding area - 400m<sup>2</sup>).
- Associated minor works to include site access road improvements (resurfacing), upgrade of drainage infrastructure including new fuel/oil interceptor and surface drains on hardstanding, refurbishment/repair of existing site office and weighbridge.

The proposed development will utilise the existing quarry infrastructure including internal roads, site office (portacabin), weighbridge, wheel-wash, welfare facilities and other ancillaries to complete the works. These facilities are currently located on the west of the site, adjacent to the main site entrance. The construction of a soil quarantine area comprising an inspection shed and concrete hardstand is proposed for the west of the site, to be situated approximately 25m northeast of the existing facilities.

A designated refuelling area will also be provided as part of the development, adjacent to the two above-ground diesel storage tanks (3,600 and 1,800 litres (L) capacity) located north of the wheel-wash. The diesel fuel storage tanks are bunded and the refuelling area is bound by interceptor drains. The proposed site layout including infrastructure is shown on Figure 2-2.



**Drawing Legend**

	Planning Application Boundary
	Quarry Void Boundary
	Existing Ponds to be Restored (Aquatic Habitat)
	Raised Mound to be Graded
	Raised Bund to be Planted
	Old Settlement Pond to be Filled



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<b>Proposed Site Layout</b>	
PROJECT TITLE: <b>Lawler Quarry</b>	
DRAWING BY: <b>Joseph O Brien</b>	CHECKED BY: <b>Eoin O Sullivan</b>
PROJECT No.: <b>191115</b>	DRAWING No.: <b>Fig 2-2</b>
SCALE: <b>1:5,000 @ A3</b>	DATE: <b>29.10.2020</b>
OS SHEET No.: <b>4008</b>	



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The planning application boundary area measures approximately 34.25ha which is contained within a landholding in the control of Noel Lawler Sand and Gravel Limited., which measures approximately 65.2ha. The existing quarry void measures approximately 10.74 ha. The proposed development being applied for under this current planning application includes for the infilling and restoration of the existing and future quarry void over an area of approximately 18.95 hectares (extent of current permitted extraction boundary).

The proposed development will utilise the existing quarry infrastructure including internal roads, site office (portacabin), weighbridge, wheel-wash, welfare facilities and other ancillaries to complete the works. The construction of a soil quarantine area comprising an inspection shed (with floor area of approximately 180m<sup>2</sup> and 15m in height) and concrete hardstand is proposed for the west of the site. In addition, a designated refuelling area will be provided on the hardstand with an appropriately sized fuel/oil interceptor and associated surface drainage.

## 2.2.2 Description of the Baseline Ecological Environment

As shown in Figure 2-2, the majority of the proposed infilling of an existing and future quarry void consists of **Active quarries and mines (ED4)** (Plate 2.1) and **Building and artificial surfaces (BL3)**. Some recently undisturbed areas of the quarry void were classified as **Recolonising bare ground (ED3)**. Within the eastern portion of the quarry there is a small area of **Dry meadows and grassy verges (GS2)**.



Plate 2-1 Active quarries and mines (ED4)

Within the planning application boundary (see Figure 2-2), the active quarry is bordered to the south, east, and west by **Improved agricultural grassland (GA1)**. The majority of the Improved agricultural grassland (GA1) habitats to the south/south east of the active quarry are bordered by **Treelines (WL2)** and **Hedgerows (WL1)**. A **(Mixed) conifer woodland (WD3)** occurs outside the north of the existing quarry void and will not be impacted as a result of the proposed development. This woodland is dominated by Sitka spruce (*Picea sitchensis*) and Norway spruce (*Picea abies*). This area also contains occasional sections of broadleaf woodland, dominated largely by planted ash trees.





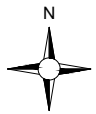


County Kildare

County Wicklow

**Drawing Legend**

	Planning Application Boundary
	County Border



**Location Context Map**

DRAWING TITLE: <b>Lawler Quarry</b>	
DRAWING BY: <b>Joseph O'Brien</b>	CHECKED BY: <b>Eoin O'Sullivan</b>
PROJECT NO.:	DRAWING NO.:
<b>191115</b>	<b>Fig 2-1</b>
SCALE: <b>1:50,000 @ A3</b>	DATE: <b>29.10.2020</b>
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<b>OS2618, OS2620, OS2818, OS2820</b>	



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Plate 2-2 Improved agricultural grassland (GA1) and (Mixed) conifer woodland (WB3) located outside the north and northeast of the proposed infilling area.

A tributary of the River Greese, the Crookstown Upper Stream, located along the northern boundary of the site, drains the land in which the site is located. This watercourse ultimately connects to the River Barrow (part of the River Barrow and River Nore SAC). This watercourse is located over 100 metres from the proposed infilling quarry void boundary. This has been classified as an as **Eroding/upland rivers (FW1)**. No works are proposed in close proximity to this feature. Only minor reinstatement of disused and dry attenuation ponds is proposed outside of the infilling area and these works are located between 25 and 70 metres from the Crookstown River at their closest. The works will be short term in nature (hours to a number of days). There will therefore be no potential for impact,

As described in the Chapter 7 'Water' of the EIAR, there will be no discharges to the Crookstown Upper Stream as a result of the proposed development. The primary risk to groundwater quality at the site would be from the infill material and hydrocarbon spillage and leakages. In the absence of any mitigation, potential pathways for effect during the operational phase have been identified via groundwater pathways and as a result of surface water runoff during (i.e. suspended sediments reaching the Cookstown Stream) as infill levels approach natural surrounding ground levels.





Plate 23 The Crookstown Upper Stream, a tributary stream of the River Greese, located along the northern boundary of quarry and is classified as Eroding/upland rivers (FW1)

A small unnamed tributary watercourse of the Crookstown Upper Stream flows in a north-westerly direction along the eastern boundary of the site. This watercourse is located over 50 metres from the proposed infilling quarry void boundary (and over 100 metres from the existing quarry void, see Figure 2-2). This has been classified as **Eroding/upland rivers (FW1)**. This tributary of the Crookstown Upper Stream is narrow (<1m) and has a gravel/cobble substrate with occasional boulders. The stream had a moderate flow on the day of the survey and the water was clear.



Plate 24 A minor tributary stream of the Crookstown Upper Stream, located along the eastern boundary of quarry and is classified as Eroding/upland rivers (FW1)



The only works proposed outside of the quarry void boundary are restricted to:

1. The planting of trees around three existing attenuation ponds, to be retained for biodiversity benefits (see Plate 2.5 and Figure 2-2),
2. The reinstatement of two old disused and dry attenuation ponds (see Plate 2-6 and Figure 2-2). These ponds are located between 25 and 70 metres from the Crookstown River at their closest and there will therefore be no potential for impact, and
3. The planting of trees on an existing raised bund (Plate 2.7 and Figure 2-2).



Plate 2-5 Settlement pond classified as Other artificial lakes and ponds (FL8)





*Plate 2-6 old disused and dry attenuation pond to be regraded and reinstated as grassland.*



*Plate 2-72 A vegetated berm to the north of the site will be planted with native trees for biodiversity benefits.*

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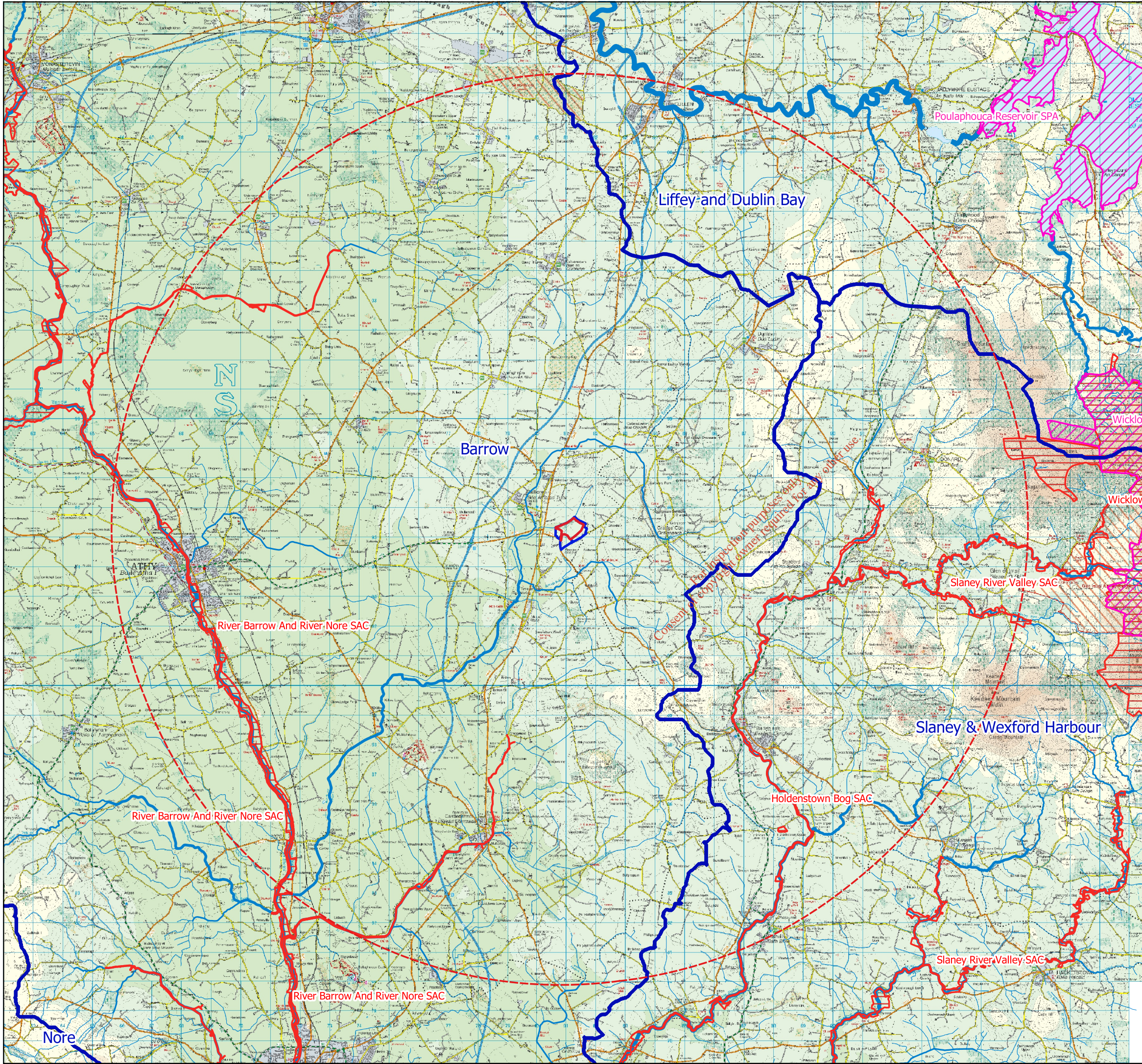
### 3. IDENTIFICATION OF RELEVANT EUROPEAN SITES

#### 3.1 Identification of the European Sites within the Likely Zone of Impact

The following methodology was used to establish which European Sites are within the Likely Zone of Impact of the proposed development:

- Initially the most up to date GIS spatial datasets for European designated sites and water catchments were downloaded from the NPWS website ([www.npws.ie](http://www.npws.ie)) and the EPA website ([www.epa.ie](http://www.epa.ie)) on the 04/11/2020. The datasets were utilized to identify European Sites which could feasibly be affected by the proposed development.
- All European Sites within a distance of 15km surrounding the development site were identified and are shown on Figure 3.1. In addition, the potential for connectivity with European Sites at distances of greater than 15km from the proposed development was also considered in this initial assessment. In this case, no potential connectivity with sites located at a distance of over 15km from the proposed development was identified.
- The catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. The hydrological catchments are also shown in Figure 3.1.
- Table 3.1 provides details of all relevant European Sites as identified in the preceding steps and assesses which are within the likely Zone of Impact. The assessment considers any likely direct or indirect impacts of the proposed development, both alone and in combination with other plans and projects, on European Sites by virtue of the following criteria: size and scale, land-take, distance from the European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operation and decommissioning were considered in this screening assessment
- The site synopses and conservation objectives of these sites, as per the NPWS website ([www.npws.ie](http://www.npws.ie)), were consulted and reviewed at the time of preparing this report 04/11/2020.
- Where potential pathways for Significant Effect are identified, the site is included within the Likely Zone of Impact and further assessment is required.





### Map Legend

- Application boundary
- Landowners boundary
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)
- Water Framework Directive Catchments
- EPA Mapped Watercourses
- 15km Site Buffer



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Drawing Title		<b>European Sites within 15km</b>	
Project Title		<b>Lawler Quarry Restoration</b>	
Drawn By	Holly Witter	Checked By	David McNicholas
Project No.	191115	Drawing No.	3.1
Scale	1:125000	Date	2020-10-29



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Table 3.1 Identification of Designated sites within the Likely Zone of Impact

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 04/11/2020	Conservation Objectives	Likely Zone of Impact Determination
<b>Special Areas of Conservation (SAC)</b>			
<p>Slaney River Valley SAC [000781]</p> <p><b>Distance:</b> 6.1km</p>	<ul style="list-style-type: none"> <li>➤ Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) [1029]</li> <li>➤ Sea Lamprey (<i>Petromyzon marinus</i>) [1095]</li> <li>➤ Brook Lamprey (<i>Lampetra planeri</i>) [1096]</li> <li>➤ River Lamprey (<i>Lampetra fluviatilis</i>) [1099]</li> <li>➤ Twaite Shad (<i>Alosa fallax</i>) [1103]</li> <li>➤ Atlantic Salmon (<i>Salmo salar</i>) (only in fresh water) [1106]</li> <li>➤ Estuaries [1130]</li> <li>➤ Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>➤ Otter (<i>Lutra lutra</i>) [1355]</li> <li>➤ Harbour Seal (<i>Phoca vitulina</i>) [1365]</li> <li>➤ Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</li> <li>➤ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> <li>➤ * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li> </ul>	<p>Detailed conservation objectives for this site, (Version 1, October 2011)<sup>2</sup>, were reviewed as part of the assessment and are available at <a href="http://www.npws.ie">www.npws.ie</a></p>	<p>This European Site is located 6.1km to the east of the proposed development site, at its closest point. There is no potential for direct impact on the QI habitats and species of the SAC as the proposed development is outside of the SAC boundary.</p> <p>There is no hydrological connectivity between this European site and the proposed development site as the site is located in a separate water sub catchment. Slaney River Valley SAC is within the Slaney sub catchment and the development site is located within the Greese sub catchment. Indirect impacts on all of the QI habitats can be ruled out due to the absence of a complete source-pathway-receptor chain for impact.</p> <p><b><i>No pathways for significant effect on the European Site were identified. Thus it can be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the European site, that the proposed development, individually or in combination with other plans and projects, would therefore not have a significant effect on this European Site.</i></b></p>

<sup>2</sup> NPWS (2011) Conservation Objectives: Slaney River Valley SAC 000781. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

<p>River Barrow And River Nore SAC [002162]</p> <p><b>Distance:</b> 6.5km (Over 16km downstream of the site, as per Chapter 7 ‘Water’ of the accompanying EIAR).</p>	<ul style="list-style-type: none"> <li>&gt; Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>) [1016]</li> <li>&gt; Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1029]</li> <li>&gt; White-clawed crayfish (<i>Austropotamobius pallipes</i>) [1092]</li> <li>&gt; Sea lamprey (<i>Petromyzon marinus</i>) [1095]</li> <li>&gt; Brook lamprey (<i>Lampetra planeri</i>) [1096]</li> <li>&gt; River lamprey (<i>Lampetra fluviatilis</i>) [1099]</li> <li>&gt; Twaite shad (<i>Alosa fallax</i>) [1103]</li> <li>&gt; Atlantic salmon (<i>Salmo salar</i>) (only in fresh water) [1106]</li> <li>&gt; Estuaries [1130]</li> <li>&gt; Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>&gt; Salicornia and other annuals colonizing mud and sand [1310]</li> <li>&gt; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</li> <li>&gt; Otter (<i>Lutra lutra</i>) [1355]</li> <li>&gt; Mediterranean salt meadows (<i>Juncetalia maritima</i>) [1410]</li> <li>&gt; Killarney fern (<i>Trichomanes speciosum</i>) [1421]</li> <li>&gt; Nore freshwater pearl mussel (<i>Margaritifera durrovensis</i>) [1990]</li> <li>&gt; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</li> <li>&gt; European dry heaths [4030]</li> <li>&gt; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> <li>&gt; Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</li> <li>&gt; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> </ul>	<p>Detailed conservation objectives for this site, (Version 1, July 2011<sup>3</sup>), were reviewed as part of the assessment and are available at <a href="http://www.npws.ie">www.npws.ie</a></p>	<p>This European Site is located over 16 km hydrologically downstream of the proposed works and there is therefore no potential for direct effects. A potential pathway for indirect effect was identified in the form of degradation in water quality. Therefore, the site is considered to be within the likely Zone of Impact.</p> <p>As impacts associated with the Proposed Development are restricted to potential for impacts on water quality downstream of the site, indirect impacts on terrestrial QIs can be ruled out due to the absence of a complete source-pathway-receptor chain. In relation to marine habitats, the potential for significant effects can be excluded given the nature, scale and location of the proposed works and the significant distance to the marine environment (over 100km surface water distance downstream).</p> <p>The site-specific Conservation Objectives supporting document shows that the <i>Margaritifera durrovensis</i> population of pearl mussel occur within the Nore catchment (NPWS, 2011). Therefore, as the site of the Proposed Development is located within the Barrow catchment, there is no source-pathway-receptor chain for significant effect and further assessment is not required.</p> <p>Following the precautionary principle, in the absence of mitigation, the proposed development has the potential to cause deterioration in water quality downstream of the site and therefore potential significant effect on the following downstream aquatic habitats and species:</p>
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<sup>3</sup> NPWS (2011) Conservation Objectives: River Barrow and River Nore SAC 002162. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

	<p>&gt; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>	<p style="color: red; text-align: center; transform: rotate(-45deg); font-size: small;">Consent of copyright owner required for any other use. For inspection purposes only.</p>	<ul style="list-style-type: none"> <li>&gt; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</li> <li>&gt; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</li> <li>&gt; <i>Hydrophilous</i> tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> <li>&gt; Desmoulin's whorl snail (<i>Vertigo moulinsiana</i>) [1016]</li> <li>&gt; Freshwater pearl mussel (<i>Margaritifera margaritifera</i>) [1029]</li> <li>&gt; White-clawed crayfish (<i>Austropotamobius pallipes</i>) [1092]</li> <li>&gt; Sea lamprey (<i>Petromyzon marinus</i>) [1095]</li> <li>&gt; Brook lamprey (<i>Lampetra planeri</i>) [1096]</li> <li>&gt; River lamprey (<i>Lampetra fluviatilis</i>) [1099]</li> <li>&gt; Twaite shad (<i>Alosa fallax</i>) [1103]</li> <li>&gt; Atlantic salmon (<i>Salmo salar</i>) (only in fresh water) [1106]</li> <li>&gt; Otter (<i>Lutra lutra</i>) [1355]</li> </ul> <p>Potential for disturbance/displacement related impacts on otter, occurring outside of the SAC, have also been identified during the infilling of the existing quarry void.</p> <p><b>The SAC is considered to be within the Likely Zone of Impact and further assessment is required with regard to the above listed QIs of the SAC.</b></p>
<p>Holdenstown Bog SAC [001757]</p> <p><b>Distance:</b> 11.9km</p>	<p>&gt; Transition mires and quaking bogs [7140]</p>	<p>Detailed conservation objectives for this site,</p>	<p>This European Site is located 11.9km to the north-east of the proposed development site, at its closest point. The proposed development is located entirely outside of the SAC boundary and there is therefore no potential for direct effect.</p>

		<p>(Version 1, July 2019<sup>4</sup>), were reviewed as part of the assessment and are available at <a href="http://www.npws.ie">www.npws.ie</a></p>	<p>There is no hydrological connectivity between this European site and the proposed development site as this SAC is within a separate sub catchment.</p> <p><i>No pathways for significant effect on the European Site were identified. Thus it can be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the European site, that the proposed development, individually or in combination with other plans and projects, would therefore not have a significant effect on this European Site.</i></p>
<p>Wicklow Mountains SAC [002122] <b>Distance:</b> 14.9km</p>	<ul style="list-style-type: none"> <li>&gt; Otter (<i>Lutra lutra</i>) [1355]</li> <li>&gt; Oligotrophic waters containing very few minerals of sand plains (<i>Littorelletalia uniflorae</i>) [3110]</li> <li>&gt; Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletalia uniflorae</i> and/or Isoeto-Nanojuncetea [3130]</li> <li>&gt; Natural dystrophic lakes and ponds [3160]</li> <li>&gt; Northern Atlantic wet heaths with (<i>Erica tetralix</i>) [4010]</li> <li>&gt; European dry heaths [4030]</li> <li>&gt; Alpine and Boreal heaths [4060]</li> <li>&gt; Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</li> <li>&gt; Species-rich <i>Nardus</i> grassland, on siliceous substrates in mountain areas (and submountain areas in continental Europe) 6230</li> <li>&gt; Blanket bogs (* if active bog) [7130]</li> <li>&gt; Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</li> </ul>	<p>Detailed conservation objectives for this site, (Version 1, July 2017), were reviewed as part of the assessment and are available at <a href="http://www.npws.ie">www.npws.ie</a></p>	<p>This European Site is located 14.9km to the east of the proposed development site, at its closest point. The proposed development is located entirely outside of the SAC boundary and there is therefore no potential for direct effect.</p> <p>There is no hydrological connectivity between this European site and the proposed development site as the SAC is located within a separate sub catchment. Indirect impacts on the QI habitats can be ruled out due to the absence of a complete source-pathway-receptor chain for impact.</p> <p><i>No pathways for significant effect on the European Site were identified. Thus it can be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the European site,</i></p>

<sup>4</sup> NPWS (2019) Conservation Objectives: Holdenstown Bog SAC 001757. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

	<ul style="list-style-type: none"> <li>&gt; Calcareous rocky slopes with chasmophytic vegetation [8210]</li> <li>&gt; Siliceous rocky slopes with chasmophytic vegetation [8220]</li> <li>&gt; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> </ul>		<p><i>that the proposed development, individually or in combination with other plans and projects, would therefore not have a significant effect on this European Site.</i></p>
<b>Special Protection Area (SPA)</b>			
<p>There are no SPA's within 15km or further downstream of the proposed development.</p>			

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3.2

## Likely Cumulative Impact of the Proposed Works on European Sites, in-combination with other plans and projects

Where the potential for significant effects on European Sites has been identified in the preceding sections of this document, there is potential for the proposed development to result in in-combination effect. This potential is addressed in the NIS that accompanies this application.

Where no pathway for effect on a particular European Site was identified, there is no potential for effects to occur as a result of the proposed development when considered on its own. Therefore, it cannot contribute to any in-combination effects on that site when considered in combination with other plans and projects and no further assessment is required.

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## 4. ARTICLE 6(3) APPROPRIATE ASSESSMENT SCREENING STATEMENT AND CONCLUSIONS

The findings of this Screening Assessment are presented following the European Commission’s Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2001) and Managing Natura 2000 Sites: the provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment’s Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010).

### 4.1 Data Collected to Carry Out Assessment

In preparation of the report, the following sources were used to gather information:

- Review of NPWS Site Synopses, Conservation Objectives for the European Sites
- Review of 2019, 2013 and 2007 EU Habitats Directive (Article 17<sup>5</sup>) reporting and EU Birds Directive (Article 12<sup>6</sup>) reports.
- Review of online web-mappers: National Parks and Wildlife Service (NPWS), EPA, Water Framework Directive (WFD).
- Review of specially requested records from the NPWS Rare and Protected Species Database for the hectads which overlap with the study area.
- Site visit on the 3<sup>rd</sup> March 2020.

### 4.2 Concluding Statement

It cannot be excluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, would be likely to have a significant effect on the River Barrow And River Nore SAC (002162).

As a result, an Appropriate Assessment is required, and a Natura Impact Statement shall be prepared in respect of the proposed development.

<sup>5</sup> Status of Habitats and Species - [Article 17 Reports](https://www.npws.ie/publications/article-17-reports), Online, Available at: <https://www.npws.ie/publications/article-17-reports> Accessed 19.09.2020

<sup>6</sup> NPWS, 2020, The status and trends of Ireland’s bird species – [Article 12 Reports](https://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species-%E2%80%93-article-12-reporting), Online, Available at: <https://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species-%E2%80%93-article-12-reporting> Accessed 19.09.2020

## BIBLIOGRAPHY

Bailey, M. and Rochford J. (2006) Otter Survey of Ireland 2004/2005. Irish Wildlife Manuals, No. 23. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland.

Barbour, M.T. and J.B. Stribling. (1991) Use of Habitat Assessment in Evaluating the Biological Integrity of Stream Communities. Biological Criteria: Research and Regulation: 25-38. EPA-440/5-91-005. Washington, DC: Office of Water, US EPA.

Birds Directive (2009/47/EC) – [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

CIEEM, 2018, Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial, Freshwater, Coastal and Marine.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC (codified version of Directive 79/409/EEC as amended) (Birds Directive) – transposed into Irish law as European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011).

DEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. DEHLG, Dublin.

DoEHLG (2010). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Revision, February, 2010. Department of the Environment, Heritage and Local Government.

EC (2000) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2001) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC.

EC (2002) Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2006) Nature and biodiversity cases: Ruling of the European Court of Justice. Office for Official Publications of the European Communities, Luxembourg.

EC (2007a) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Office for Official Publications of the European Communities, Luxembourg. European Commission.

EC (2007b) Interpretation Manual of European Union Habitats. Version EUR 27. European Commission, DG Environment.

European Communities (Conservation of Wild Birds) Regulations, 1985, SI 291/1985 & amendments – <http://www.irishstatutebook.ie>

European Communities (Natural Habitats) Regulations, SI 94/1997, SI 233/1998 & SI 378/2005 – <http://www.irishstatutebook.ie>

- Fossitt, J. A. (2000). A Guide to Habitats in Ireland. Dublin: The Heritage Council.
- Habitats Directive (92/43/EEC).
- Murphy, D.F. (2004) Requirements for the Protection of Fisheries Habitat During Construction and Development Works at River Sites. Eastern Regional Fisheries Board, Dublin.
- Natural England (March 2007). Draft Guidance: The Assessment of Regional Spatial Strategies and Sub-Regional Strategies Under the Provisions of the Habitats Regulations.
- NPWS (2008) The Status of EU Protected Habitats and Species in Ireland. Conservation Status in Ireland of Habitats and Species listed in the European Council Directive on the Conservation of Habitats, Flora and Fauna 92/43/EEC.
- NPWS of the DEHLG (2008) The Report on Status of Habitats and Species in Ireland: Technical Reports and Forms.
- NPWS Protected Site Synopses and maps available on <http://www.npws.ie/en/ProtectedSites/>
- NRA (2006) Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes. Dublin: National Roads Authority.
- NRA (2009). Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes. Dublin: National Roads Authority.
- Scottish Natural Heritage (SNH) (July 2013) Assessing Connectivity with Special Protection Areas (SPA)
- Stace, C. A. (1997). New Flora of the British Isles. Cambridge: Cambridge University Press.
- Therivel R. (2009) Workshop Material on the Habitats Directive Assessment of Plans Levett-Therivel Sustainability Consultants on behalf of the Heritage Council, Kilkenny.
- Therivel, R. (2009) 'Appropriate assessment of plans in England', Environmental Impact Assessment Review 29(4), pp. 261-272.
- NPWS (2011) Conservation Objectives: Slaney River Valley SAC 000781. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Online, Available at: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000781.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000781.pdf), Accessed: 14/10/2020.
- NPWS (2011) Conservation Objectives: River Barrow And River Nore SAC 002162. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Online, Available at: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002162.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002162.pdf), Accessed: 14/10/2020.
- NPWS (2019) Conservation Objectives: Holdenstown Bog SAC 001757. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Online, Available at: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO001757.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001757.pdf), Accessed: 14/10/2020.
- NPWS (2017) Conservation Objectives Wicklow Mountains SAC 002122. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Online, Available at: [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO002122.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf), Accessed: 14/10/2020.