

# APPROPRIATE ASSESSMENT SCREENING REPORT

**Huntstown South Quarry Restoration and Backfill  
Waste Licence Review Application**

**Huntstown Quarry Complex,  
North Road, Finglas, Dublin 11**

**Prepared for: Roadstone Ltd.**

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## 1.0 SUMMARY

- 1.1 SLR Consulting Ireland (SLR) was commissioned by Roadstone Ltd to prepare an Appropriate Assessment (AA) screening report to support an application to the Environmental Protection Agency (EPA) for a review of its existing waste licence (Ref. W0277-03) to facilitate the intake and recovery of soil and stone waste at the western side of Huntstown South Quarry, Finglas, Dublin 11, in line with the approved quarry restoration and backfilling scheme.
- 1.2 The proposed waste licence extension area (“the Site”) is centred at approximate Irish Transverse Mercator (ITM) grid coordinates 710700, 740600 and straddles the townlands of Huntstown, Cappoge and Grange, Co. Dublin.
- 1.3 The lands immediately to the north of the proposed extension area comprise other quarry areas and infrastructure within the Huntstown quarry complex. The lands immediately south and east of the Site remain in use as agricultural grassland, while those to the west and north-west of it comprise neighbouring light industry and science and technology parks.
- 1.4 Planning permission for the backfilling and restoration of all existing and planned future quarries at the Huntstown quarry complex was obtained in August 2014 (Planning Ref. FW12A/0022 and An Bord Pleanála Ref. No. 06F.241693). This permission provides for a maximum soil importation and recovery rate of 750,000 tonnes per annum.
- 1.5 The aim of this screening report is to provide supporting information to assist the competent authority, in this case the Environmental Protection Agency, to carry out screening for likely significant effects arising from the quarry restoration, backfilling and soil waste recovery activities at Huntstown South Quarry on Natura 2000 sites.
- 1.6 A desk study was carried out to identify the zone of influence of the proposed activities. The Environmental Impact Assessment Report (EIAR) prepared as part of the waste licence review application was reviewed to inform this AA screening report. The nearest Natura 2000 site is South Dublin Bay and River Tolka Estuary Special Protection Area (SPA, Site Code 004024), located approximately 9 km south east of the Site. There is no risk of direct loss or fragmentation of habitats within South Dublin Bay and River Tolka Estuary SPA as there is no land take or works within the Natura 2000 site.
- 1.7 The qualifying interests of the SPA, seasonal waterbirds and wetlands, will not be affected by noise associated with the planned backfill and soil waste recovery activities at the South Quarry due to the distance between the SPA and the Site. In addition, the habitats surrounding the South Quarry are predominantly comprised of built-up industrial areas and there is no suitable grazing habitat, i.e. open and relatively undisturbed, grassland fields, likely to be used by these birds, within or immediate to the Site.
- 1.8 This screening report, based on the best available information, demonstrates that the proposed backfill and recovery activities at Huntstown South Quarry is not considered likely to result in any effects on the South Dublin Bay and River Tolka Estuary SPA.

## 2.0 INTRODUCTION

- 2.1 SLR Consulting Ireland (SLR) was commissioned by Roadstone Ltd to prepare an Appropriate Assessment (AA) screening report to support an application to the Environmental Protection Agency (EPA) for a review of its existing waste licence (Ref. W0277-03) to facilitate the intake and recovery of soil and stone waste at the western side of Huntstown South Quarry, Finglas, Dublin 11, in line with the approved quarry restoration and backfilling scheme.

### Background

- 2.2 Planning permission for the backfilling and restoration of all existing and planned future quarries at the Huntstown quarry complex was obtained in August 2014 (Fingal County Council Ref. No FW12A-0022, An Bord Pleanála Ref. No. 06F.241693). This permission provides for the importation and recovery of inert naturally occurring waste, principally excess soil, stones and/or broken rock from construction and development sites, to completely backfill and restore the voids created by the previous extraction of overburden soils and limestone bedrock. The maximum rate of soil waste importation and recovery at the Huntstown quarry complex under this permission is 750,000 tonnes per annum.

### General Description of the Site

- 2.3 The proposed waste licence extension area ("the Site") is centred at approximate Irish Transverse Mercator (ITM) grid coordinates 710700, 740600 and straddles the townlands of Huntstown, Cappoge and Grange, Co. Dublin.
- 2.4 The Site is located approximately 2.5 km north-west of Finglas and 1km west of the interchange between the N2 Dual Carriageway and the M50 Motorway. The Huntstown quarry complex forms the lands immediately north of the Site. The lands immediately south and east of the Site remain in use as agricultural grassland, while those to the west and north-west of it comprise neighbouring light industry and science and technology parks along the Cappagh Road (including Stadium Business Park, Huntstown Business Park and Millennium Business Park).

### Brief Project Description

- 2.5 The existing waste licence at Huntstown (Ref. W0277-01) provides for the ongoing importation of inert soil and stone and for restoration, backfilling and recovery at the North Quarry and West Quarry. At the present time, the backfilling of the West Quarry is complete and grass cover has been established across the former quarry footprint. Backfilling of the North Quarry is continuing to progress rapidly and it is expected that the quarry will be substantially backfilled by the end of 2022, with final restoration works (levelling, contouring and seeding) progressing shortly thereafter.
- 2.6 In light of the current, consistent and sustained high level of demand for soil waste recovery capacity at Huntstown and the imminent cessation of rock extraction activity at the South Quarry, Roadstone is currently planning to commence restoration, backfilling and soil recovery activities on the western side of the South Quarry at the approved intake rate of 750,000 tonnes per annum early in 2023, following the cessation of waste recovery activities at the North Quarry.
- 2.7 In order to facilitate the transfer and re-location of soil backfilling and waste recovery activities from the North Quarry (where they are currently ongoing) to the South Quarry, a waste licence review application is to be submitted to the EPA to provide for the following:
  - importation of soil and stone waste to the western side of Huntstown South Quarry at a maximum rate of 750,000 tonnes per annum (as permitted by Planning Ref. FW12A/0012);
  - extension of the licensed site boundary to incorporate the proposed waste recovery area on the western side of the South Quarry and the haul roads leading to / from it;

- an increase in the total permitted (lifetime) soil and stone waste intake to the (extended) waste facility to 18.76 million tonnes;
  - continued use of pre-existing site infrastructure to support recovery activities; and
  - re-routing of traffic flows via existing internal haul roads (i.e. within the quarry complex) to access the backfilling / recovery area at the South Quarry.
- 2.8 At the present time, it is intended that the South Quarry at Huntstown will be restored by backfilling with waste soils on its western side and by backfilling with non-waste ('by-product') soils on its eastern side. The two areas will be separated by a berm constructed of natural soils and/or crushed rock which will be raised (in stages) as the levels of imported soil and stone placed in the quarry rise over time.
- 2.9 As previously noted, backfilling and recovery activity at the South Quarry already has the benefit of planning permission. No new infrastructure is required to facilitate transfer and re-location of established soil waste recovery operations to the western side of the South Quarry or the extension of the licensed site area to include this area.
- 2.10 All pre-existing site infrastructure including weighbridges, wheelwash, site offices, welfare facilities, quarantine shed, and workshop / maintenance shed will remain in service as quarry backfilling and soil recovery activities progress at the South Quarry. The only notable change arising as a result will be the re-routing of HGV lorries and articulated trucks across the Huntstown quarry complex to the new recovery area at the South Quarry.

## Aim of the Report

- 2.11 The aim of this screening report is to provide supporting information to assist the competent authority, in this case the Environmental Protection Agency, to carry out screening for likely significant effects of the planned waste activities at Huntstown South Quarry on Natura 2000 sites, so as to inform its decision on the waste licence review application.

## Objectives of Appropriate Assessment

- 2.12 The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process<sup>1</sup> as follows:
- Firstly, a plan / project should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.
  - Secondly, mitigation measures should be applied during the AA process (after stage 1 screening) to the point where no adverse impacts on the site(s) remain.
  - Thirdly, a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

## Evidence of Technical Competence and Experience

- 2.13 SLR Associate Ecologist Michael Bailey prepared this report. Elaine Dromey MCIEEM carried out the technical review of this report.

<sup>1</sup> The objectives as outlined are based on those set out in Scott Wilson and Levett-Therivel, (2006).

- 2.14 Michael Bailey is an Associate Ecologist with SLR and holds a BSc (Hons) in Biology and Ecology as well as an MSc in Quantitative Conservation Biology. Michael has 17 years' experience as a consultant ecologist with field and research experience in Ireland, the UK and Africa. He has carried out numerous ecological surveys and assessments on various road, infrastructure, bridge, and greenway projects. Michael is a full member of the Chartered Institute of Ecology and Environmental Management.
- 2.15 Elaine Dromey holds a BSc in Earth Science from University College Cork and an MSc in Vegetation Survey and Assessment from the University of Reading, UK. She is a full member of the Chartered Institute of Ecology and Environmental Management. Elaine carried out the technical review of this report.

## Relevant Legislation

2.16 The main pieces of relevant legislation are as follows:

- The Habitats Directive 92/43/EEC;
- The Birds Directive 2009/147/EC;
- European Communities (Birds and Natural Habitats) Regulations 2011 – 2015; and
- Planning and Development Acts 2000 to 2020 - PART XAB.

The relevant sections of the legislation are summarised in **Appendix A** of this report.

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## 3.0 METHODS

### Desk Study

- 3.1 A desk study was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the proposed development. The Site and the surrounding area were viewed using satellite imagery<sup>2</sup> and Environmental Protection Agency (EPA) Maps<sup>3</sup>. Fingal City Council planning portal<sup>4</sup> and [myplan.ie](https://myplan.ie)<sup>5</sup> were accessed for information on other projects and plans.
- 3.2 The relevant chapters of the EIAR prepared for this waste licence review application were evaluated to inform this report. The layout drawings for the planned soil waste recovery facility at Huntstown South Quarry were also reviewed.

### Zone of Influence

- 3.3 The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed development and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).
- 3.4 Irish guidance (DoEHLG, 2010)<sup>6</sup> states, for the zone of influence of plans, that "A distance of 15 km is currently recommended in the case of plans and derives from UK guidance (Scott Wilson et al, 2006)". The guidance goes on to state that "for projects, the distance could be much less than 15 km, and in some cases less than 100 m, but 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."
- 3.5 The zone of influence is identified through a review of the nature and scale of the project, the project location relative to Natura 2000 sites, presence of ecological and landscape connectivity, such as along waterways, hedgerows and treelines between the Site and the Natura 2000 sites, known impacts and effects likely to arise as a result of this type of project, distance from Natura 2000 sites and the qualifying interests of the Natura 2000 sites.

### Screening Report

- 3.6 The approach to preparing the AA screening report is summarised as follows:
  - Identify Natura 2000 sites within the zone of influence of the project;
  - Identify the features of interest of the Natura 2000 sites and review their conservation objectives;
  - Review whether there is potential for the features of interest to be affected by the project based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the nature and scale of the works associated with the project;
  - Consider the likelihood of the identified potential impacts occurring based on the information collated and professional judgement;
  - Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects; and

<sup>2</sup> Google Earth Pro V 7.3.3. (last accessed 22 March 2021)

<sup>3</sup> <http://gis.epa.ie/> (last accessed 22 March 2021)

<sup>4</sup> <http://www.fingal.ie/view-or-search-planning-application> (last accessed 22 March 2021)

<sup>5</sup> <https://myplan.ie/> (last accessed 22 March 2021)

<sup>6</sup> *Appropriate Assessment of Plans and Projects in Ireland -Guidance for Planning Authorities*



- Identify the likelihood of significant effects on Natura 2000 sites occurring because of the project.
- 3.7 The approach taken in preparing the screening report is based on standard methods and best practice guidance, as listed in the references section of this report.

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## 4.0 DESCRIPTION OF THE DEVELOPMENT

- 4.1 Roadstone Ltd intends to apply to the Environmental Protection Agency (EPA) for a review of its existing waste licence (Ref. W0277-03) to facilitate the intake and recovery of soil and stone waste at the western side of Huntstown South Quarry, in line with the approved quarry restoration and backfilling scheme. Details of the supporting infrastructure and soil waste recovery activities are described in detail within Chapter 2 of the EIAR prepared in support of the application.
- 4.2 Backfilling of Huntstown South Quarry using imported inert soil and stone will extend from the quarry floor level up to original (former) ground level. In addition to imported soil and stone waste materials, some soil and stone held in existing perimeter screening berms and/or stockpiles across the quarry complex site will also be used to backfill the quarry.
- 4.3 The approved restoration scheme (Planning Ref. FW12A/0022) also provides for planting of hedgerows across the restored area in an effort to re-establish some of the former field boundaries which pre-dated quarry development.
- 4.4 The estimated volume of inert soil and stone material to be placed at the South Quarry to backfill it to former ground level is approximately 12.4 million m<sup>3</sup> (equivalent to approximately 22.32 million tonnes). Of this, approximately 5.2 million m<sup>3</sup> (or 9.36 million tonnes) will comprise soil and stone imported and managed as waste which will be placed and recovered on the western side of the quarry. This is equivalent to approximately 468,000 HGV / truck return trips (at 20 tonnes per load) in order to completely backfill the western side of the quarry void.
- 4.5 Assuming soil waste intake for backfilling and recovery activities at the South Quarry is sustained at a permitted maximum rate of 750,000 tonnes per annum, this would correspond to an average of
- 37,500 HGV / truck return trips per year (assuming an average of 20 tonnes per load);
  - 125 return trips per day (assuming 300 working days in a calendar year)
  - 12 return trips per hour (assuming an 11-hour working day).
- 4.6 The backfilling and recovery activities at the South Quarry as proposed will therefore generate an average of 12 movements to, and 12 movements from, the quarry every hour of every working day (and a total of 24 movements per hour). This compares with the current average rate of 23 movements per hour in each direction (or a total of 46 movements per hour) which is currently permitted for the ongoing backfilling and recovery operations at the North Quarry.
- 4.7 Traffic access to the South Quarry is obtained via the access road leading into the Huntstown Quarry Complex off the R135 Regional Road. Within Roadstone's landholding, HGV traffic to and from the South Quarry runs across a network of internal paved haul roads which lead either to the main quarry descent at the northern face or around to its eastern side.
- 4.8 No site infrastructure construction and/or preparatory site works will be required prior to commencement of the backfilling and recovery activities at the South Quarry.
- 4.9 Some minor works will be undertaken at the outset of the operational phase to facilitate soil waste intake and recovery activities. These will principally comprise:
- Upgrading and/or maintenance of existing haul roads and hardstanding areas as required to facilitate routing of HGV / trucks across the quarry complex;
  - Construction of temporary access ramps (if required) to access initial backfill areas on the western side of the South Quarry; and
  - Establishment of any additional environmental control and monitoring infrastructure required by the EPA waste licence in respect of backfilling / recovery activities.

- 4.10 Inert materials will continue to be accepted between 08.00 hours and 18.00 hours each weekday (Monday to Friday) and on Saturdays from 08.00 hours to 13.00 hours, in accordance with Condition 1.8 of the existing waste licence in respect of backfilling at the North Quarry (Ref. W0-277-03). No materials will be accepted, or backfilling operations undertaken outside of those times including Sundays and Public Holidays.

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## 5.0 APPROPRIATE ASSESSMENT SCREENING

- 5.1 This section of the report identifies the potential zone of influence of the planned waste recovery activities at Huntstown South Quarry, provides information on the Natura 2000 sites within the zone of influence, sets out the potential impacts and effects and the likelihood of significant effects.

### Identification of Natura 2000 Sites

- 5.2 The first step in identification of Natura 2000 sites is to determine the potential zone of influence of the project. The zone of influence is identified through a review of the nature and scale of the project, the project location relative to Natura 2000 sites, presence of ecological and landscape connectivity<sup>7</sup>, such as along waterways, hedgerows and treelines between the Site and the Natura 2000 sites, known impacts and effects likely to arise as a result of this type of project, distance from Natura 2000 sites and the qualifying interests of the Natura 2000 sites.
- 5.3 The closest Natura 2000 site is South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located ca. 9 km south - east of the Site<sup>8</sup>. Malahide Estuary SAC 000205 and Malahide Estuary SPA 004025 are both approximately 10 km north - east of the Site. There is no landscape or ecological connectivity with this SAC and SPA, and they are excluded from further consideration. The Site is indirectly linked via surface water pathways with South Dublin Bay and River Tolka Estuary SPA and is considered further in this report.
- 5.4 All other Natura 2000 sites are considered to be sufficiently distant from, and unconnected with, the Site and are therefore not likely to be affected by the project.

### Description of Natura 2000 Sites

- 5.5 The following description of South Dublin Bay and River Tolka Estuary SPA has been extracted from the available information on the NPWS website<sup>9</sup>.

#### South Dublin Bay and River Tolka Estuary SPA

*“The South Dublin Bay and River Tolka Estuary SPA comprises a substantial part of Dublin Bay. It includes the intertidal area between the River Liffey and Dun Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern and Arctic Tern. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of the SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. The site is an important site for wintering waterfowl, being an integral part of the internationally important Dublin Bay complex, and is a significant site for wintering gulls, with a nationally important population of Black-headed Gull, but also Common Gull and Herring Gull. Mediterranean Gull is also recorded from here, occurring through much of the year, but especially in late winter/spring and again in late summer into winter. Both Common Tern and Arctic Tern breed in Dublin Docks, on a man-made mooring structure known as the E.S.B. dolphin – this is included within the site which is also an important staging/passage site for a number of tern species in the autumn (mostly late July to September). The origin of many of the birds is likely to be the Dublin breeding sites (Rockabill and the Dublin Docks) though numbers suggest that the site is also used by birds from other sites, perhaps outside the state. This site is selected for designation for its autumn tern populations: Roseate Tern, Common Tern and Arctic Tern.*

<sup>7</sup> Landscape connectivity is a combined product of structural and functional connectivity, i.e. the effect of physical landscape structure and the actual species use of the landscape (Kettunen *et al.* 2007)

<sup>8</sup> Measured in a straight line between the Site boundary and the Natura 2000 site boundary.

<sup>9</sup> <https://www.npws.ie/protected-sites> (last accessed 22 March 2021)

Furthermore, the site supports a nationally important colony of breeding Common Tern and is an internationally important passage/staging site for three tern species. It is of note that four of the species that regularly occur at this site are listed on Annex I of the E.U. Birds Directive, i.e. Bar-tailed Godwit, Common Tern, Arctic Tern and Roseate Tern.”

### Qualifying Interests and Conservation Objectives

5.6 The qualifying interests and conservation objectives for South Dublin Bay and River Tolka Estuary SPA are listed within **Table 1** below. This information was obtained from the resources available on the NPWS website.

**Table 1**  
**South Dublin Bay & River Tolka Estuary SPA : Qualifying Interests and Conservation Objectives.**

Natura 2000 Site	<sup>10</sup> Distance	Qualifying Interests	Conservation Objectives
South Dublin Bay and River Tolka Estuary SPA [004024]	9 km south-east	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]	To maintain the favourable conservation condition of these bird species in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets: 1. <u>Attribute</u> : Population Trend <u>Target</u> : Long term population trend stable or increasing. 2. <u>Attribute</u> : Distribution <u>Target</u> : No significant decrease in the range, timing, or intensity of use of areas by these bird species, other than that occurring from natural patterns of variation.
		Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]	To maintain the favourable conservation condition of tern species in South Dublin Bay and River Tolka Estuary SPA, which is defined by the following list of attributes and targets: 1. <u>Attribute</u> : Passage population <u>Target</u> : No significant decline 2. <u>Attribute</u> : Distribution of roosting areas <u>Target</u> : No significant decline 3. <u>Attribute</u> : Prey biomass available <u>Target</u> : No significant decline 4. <u>Attribute</u> : Barriers to connectivity <u>Target</u> : No significant increase 5. <u>Attribute</u> : Disturbance at roosting site <u>Target</u> : Human activities should occur at levels that do not adversely affect the numbers of terns among the post-breeding aggregation of terns.

<sup>10</sup> When measured in a straight line over the shortest distance between the Site and Natura 2000 site

Natura 2000 Site	<sup>10</sup> Distance	Qualifying Interests	Conservation Objectives
		Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by the following attribute and target: 1. <u>Attribute</u> : Habitat area <u>Target</u> : The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,192 hectares, other than that occurring from natural patterns of variation.

## Identification of Potential Impacts and Effects on Natura 2000 sites

- 5.7 The potential impacts and effects of the planned waste recovery activities at the South Quarry on the species listed as qualifying interests for South Dublin Bay and River Tolka Estuary SPA are discussed in this section. The potential impacts and effects are identified by considering the nature and scale of the development; the location relative to South Dublin Bay and River Tolka Estuary SPA and any ecological and landscape connectivity.
- 5.8 DoEHLG (2010) guidance for planning authorities states *“If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.”* This approach is adopted in this report to appraising likely significant effects of the proposed development.
- 5.9 A significant effect is defined in paragraph 49 of the [Waddenzee Case C-127/02](#)<sup>11</sup> as follows *“..... pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.”*

### Potential Impacts and Effects

- 5.10 The Site is at least 9 km from the boundary of South Dublin Bay and River Tolka Estuary SPA. There is no risk of direct loss or fragmentation of habitats within South Dublin Bay and River Tolka Estuary SPA as there is no land take or works within the Natura 2000 site.
- 5.11 A study by the Institute of Air Quality Management (IAQM, 2016) has indicated that fugitive dust is typically deposited within 100m to 200 m of the source, the greatest proportion of which, comprising larger particles (greater than 30 microns) is deposited within 100 m. Therefore, effects due to dust emissions from the backfilling and recovery activities are not likely to occur beyond 400 m of the Site boundary. Given the distance between the Site and South Dublin Bay and River Tolka Estuary SPA, there will be no effect on the SPA due to dust emissions from the project.

<sup>11</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127>

- 5.12 The qualifying interests of the SPA, seasonal waterbirds and wetlands, will not be affected by noise or dust associated with the backfill and recovery activities at the South Quarry due to distance between the SPA and the Site. In addition, the habitats surrounding the quarry site are built-up industrial areas and there is no suitable grazing habitat, i.e. open and relatively undisturbed, grassland fields, likely to be used by these birds, within or immediate to the Site.
- 5.13 The South Quarry is indirectly linked with the South Dublin Bay and River Tolka Estuary SPA via a hydrological pathway as a result of the off-site discharge of treated surface water run-off to the Finglas Stream, a tributary of the River Tolka that eventually outflows into the South Dublin Bay and River Tolka Estuary SPA. All discharge from the South Quarry is currently treated by way of settlements ponds (to remove sediment) and a hydrocarbon interceptor (to remove potential fuel contaminants) prior to its discharge off-site to the Finglas Stream. Future discharges from the quarry during backfilling and recovery activities will be treated in a like manner and to the same standard.
- 5.14 The volume and water quality of discharges arising from past / ongoing extractive activities at the South Quarry are currently regulated by way of a discharge licence issued by Fingal County Council (Ref. WPW/F/075). Should the waste licence review application providing for subsequent restoration, backfilling and soil waste recovery at the quarry be approved by the EPA, future discharges from the quarry will be regulated and controlled by way of the amended waste licence. Given that the off-site discharge from the South Quarry is located at the head of an urban river catchment, 9km upstream of the SPA, and that there will be no change in the volumes or quality of discharge flow to the Finglas Stream, the proposed activities will not have any direct or indirect impacts on the qualifying interests at the SPA or estuarine habitats, nor will they have any adverse impact on any existing conservation objectives of the SPA.
- 5.15 The planned soil waste recovery activities at Huntstown South Quarry is not considered likely to result in any effects on South Dublin Bay and River Tolka Estuary SPA.

### Cumulative Effects

- 5.16 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 impacts that, when considered in combination with impacts of other proposed or permitted plans and projects, can result in significant effects (CIEEM, 2018).
- 5.17 There are no effects on Natura 2000 sites predicted to occur as a result of the proposed quarry restoration, backfill and waste recovery activities at Huntstown South Quarry. Therefore, there are no pathways for the project to act in-combination with other plans or projects.

### Likelihood of Significant Effects on Natura 2000 Sites

- 5.18 The planned activities are not considered likely to result in any effects on South Dublin Bay and River Tolka Estuary SPA and therefore there is no likelihood of significant effects on the SPA.

### Consideration of Findings

- 5.19 This screening report, based on the available information and project details, demonstrates that the planned activities at Huntstown South Quarry do not pose a risk of likely significant effects on South Dublin Bay and River Tolka Estuary SPA.
- 5.20 We therefore submit that the competent authority, in this case the Environmental Protection Agency, can determine that appropriate assessment is not required, as the proposed activities, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 sites.

## 6.0 REFERENCES

- CIEEM (2018)** *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine*. Chartered Institute of Ecology and Environmental Management, Winchester.
- DoEHLG (2010)** *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*
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- European Union Habitats Directive, (1992)** *Council Directives 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*.
- Institute of Air Quality Management (2016)** *Guidance on the Assessment of Mineral Dust Impacts for Planning* Version 1.1, London
- Kettunen, M, Terry, A., Tucker, G. & Jones A. (2007)** *Guidance on the maintenance of landscape features of major importance for wild flora and fauna - Guidance on the implementation of Article 3 of the Birds Directive (79/409/EEC) and Article 10 of the Habitats Directive (92/43/EEC)*. Institute for European Environmental Policy (IEEP), Brussels, 114 pp. & Annexes.
- National Parks and Wildlife Service (2015)** *Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1*. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
- National Parks and Wildlife Service (2015)** *Site Synopsis: South Dublin Bay and River Tolka Estuary SPA 004024. (30 May 2015)*, National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.
- Scott Wilson and Levett-Therivel, (2006)** *Appropriate Assessment of Plans*. Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants.



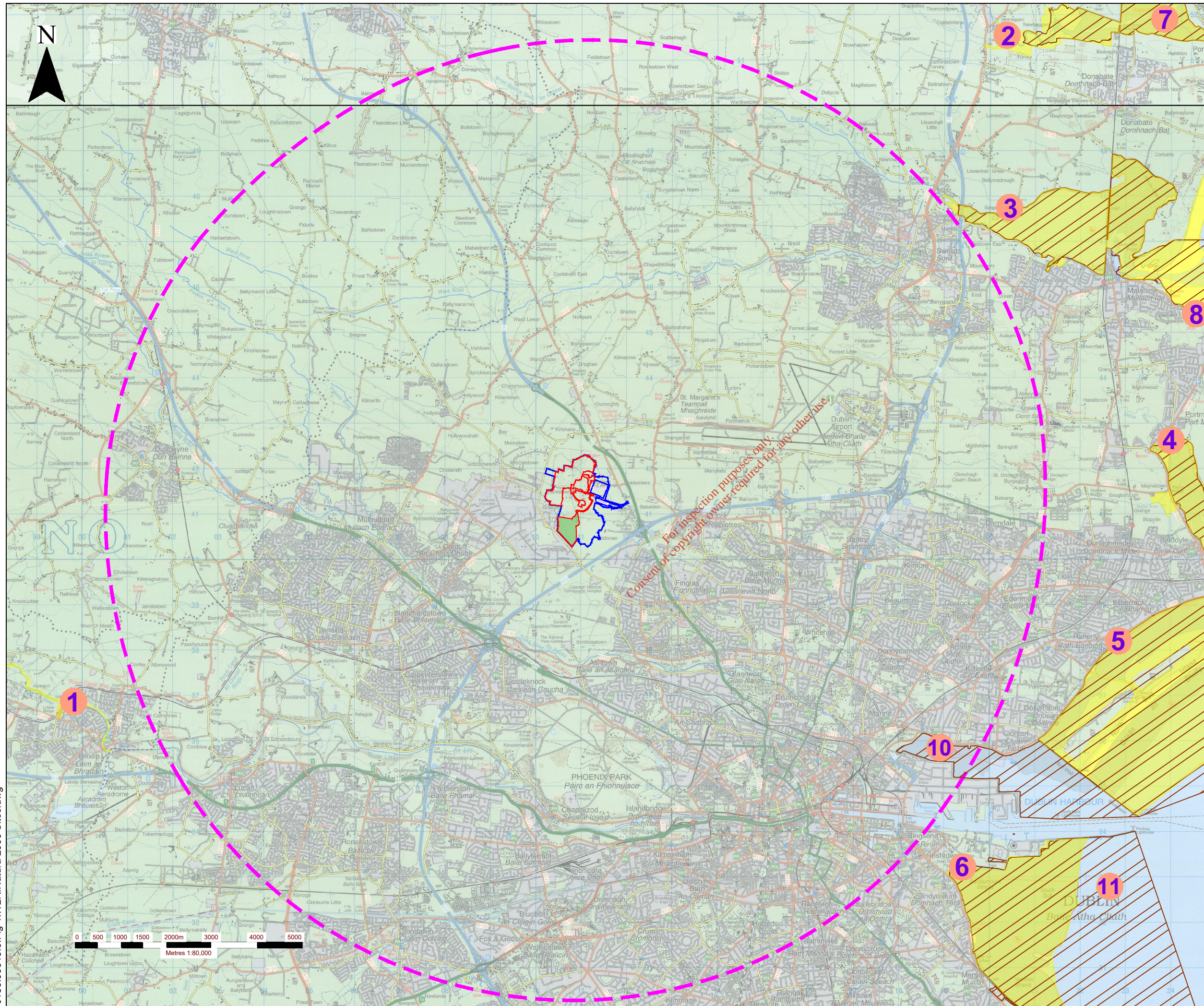
## FIGURES

### Figure 1

#### Location of Project Site Relative to Natura 2000 Sites

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0180.00313.0.Fig 1.WLR.Natura 2000 Sites.dwg



**NOTES**

1. EXTRACT FROM 1:50,000 O.S DISCOVERY MAP NO. 50
2. CYAL50167032 (C) ORDNANCE SURVEY IRELAND / GOVERNMENT OF IRELAND

**LEGEND**

	ROADSTONE LIMITED LAND INTEREST (C. 171.8 HA)
	AMENDED WASTE LICENCE AREA (COMPRISING EXISTING LICENCE AREA AND PROPOSED EXTENSION) (C. 77.5 HA)
	PROPOSED EXTENSION TO CURRENT WASTE LICENCE AREA
	10KM RADIUS FROM EXTENSION TO WASTE LICENCE AREA
	SPECIAL AREA OF CONSERVATION
	SPECIAL PROTECTION AREA

1. RYE WATER VALLEY / CARTON SAC (001398)
2. ROGERSTOWN ESTUARY SAC (000208)
3. MALAHIDE ESTUARY SAC (000205)
4. BALDOYLE BAY SAC (000199)
5. NORTH DUBLIN BAY SAC (000206)
6. SOUTH DUBLIN BAY SAC (000210)
7. ROGERSTOWN ESTUARY SPA (004015)
8. MALAHIDE ESTUARY SPA (004025)
9. BALDOYLE BAY SPA (004016)
10. NORTH BULL ISLAND SPA (004006)
11. SOUTH DUBLIN BAY & RIVER TOLKA SPA (004024)

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 WASTE LICENCE REVIEW APPLICATION  
 NORTH ROAD, FINGLAS, DUBLIN 11

**NATURA 2000 SITES**

**FIGURE 1**

Scale: 1:100,000 @ A3      Date: NOVEMBER 2021

## APPENDIX A RELEVANT LEGISLATION

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## European Nature Directives (Habitats and Birds)

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. Similarly, Special Protection Areas are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) 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 into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 – 2015. Part XAB of the Planning and Development Acts 2000 to 2020 transposes Article 6(3) and 6(4) of the Habitats Directive in respect of land use plans and proposed projects requiring development consent.

## EC (Birds and Natural Habitats) Regulations 2011 to 2015 – Part 5

Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 – 2015 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 them the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows them to request any additional information that is considered necessary for the purposes of undertaking a screening assessment.

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’.

## Planning and Development Acts 2000 to 2020<sup>12</sup> - PART XAB

The relevant sections of Part XAB of the Planning and Development Acts 2000 – 2020 are set out below.

### Screening for Appropriate Assessment

Section 177U requires that—

(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed project shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed project, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed project is given.

(3) In carrying out screening for appropriate assessment of a proposed project a competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate and where the applicant does not provide the information within the period specified, or any further period as may be specified by the authority, the application for consent for the proposed project shall be deemed to be withdrawn.

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.

(5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.

(6) (a) Where, in relation to a proposed project, a competent authority makes a determination that an appropriate assessment is required, the competent authority shall give notice of the determination, including reasons for the determination of the competent authority, to the following—

(i) the applicant,

(ii) if appropriate, any person who made submissions or observations in relation to the application to the competent authority, or

(iii) if appropriate, any party to an appeal or referral.

(b) Where a competent authority has determined that an appropriate assessment is required in respect of a proposed project it may direct in the notice issued under paragraph (a) that a Natura impact statement is required.

(c) Paragraph (a) shall not apply in a case where the application for consent for the proposed project was accompanied by a Natura impact statement.

(7) A competent authority shall, as soon as may be after making the Land use plan or making a decision in relation to the application for consent for proposed project, make available for inspection by members of the public during office hours at the offices of the authority, and may also publish on the internet —

<sup>12</sup> <http://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html> (Updated to 24 September 2020)

- (a) any determination that it makes in relation to a draft Land use plan under subsection (4) or (5) as the case may be, and reasons for that determination, and
- (b) any notice that it issues under subsection (6) in relation to a proposed project.

(8) In this section 'consent for proposed project' means, as appropriate —

- (a) a grant of permission,
- (b) a decision of the Board to grant permission on a planning application or an appeal,
- (c) consent for development under Part IX,
- (d) approval for development that may be carried out by a local authority under Part X or Part XAB or development that may be carried out under Part XI,
- (e) approval for development on the foreshore under Part XV,
- (f) approval for development under section 43 of the Act of 2001,
- (g) approval for development under section 51 of the Roads Act 1993, or
- (h) a substitute consent under Part XA.

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

(10) In deciding upon an application under section 176A or a determination review or an application referral under section 176C, a planning authority or the Board, as the case may be, shall, where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

### **Natura Impact Report and Natura Impact Statement**

Section 177T states that—

- (1) (a) A Natura impact report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.
- (b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

(2) Without prejudice to the generality of subsection (1), a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites.

(3) As respects a draft National Planning Framework, the Government shall prepare a Natura impact report in relation to a draft Land use plan and the following bodies shall also prepare a Natura impact report in relation to a draft Land use plan —

- (a) as respects a draft regional spatial and economic strategy, the regional assembly for whose area the draft strategy is made,
- (aa) as respects a draft National Planning Framework, the Minister.
- (b) as respects a draft planning scheme in respect of all or any part of a strategic development zone, the planning authority (which term shall be construed in accordance with section 168(5)) for whose area the draft scheme is made,
- (c) as respects a draft development plan or draft variation of a development plan, the planning authority for whose area the draft plan or draft variation is made, and

*(d) as respects a draft local area plan, the planning authority in whose area the local area concerned is situate.*

*(4) The applicant for consent for proposed development may, or if directed in accordance with subsection (5) by a competent authority, shall furnish a Natura Impact Statement to the competent authority in relation to the proposed development.*

*(5) At any time following an application for consent for proposed development a competent authority may give a notice in writing to the applicant concerned, directing him or her to furnish a Natura impact statement.*

*(6) Where an applicant for consent for proposed development who, having been directed in accordance with subsection (5), fails to furnish a Natura impact statement within the period specified in the notice, or any further period as may be specified by the competent authority, the application for consent for the proposed development shall be deemed to be withdrawn.*

*(7) (a) Without prejudice to subsection (1) a Natura impact report or a Natura impact statement shall include all information prescribed by regulations under section 177AD.*

*(b) Where appropriate, a Natura impact report or a Natura impact statement shall include such other information or data as the competent authority considers necessary to enable it to ascertain if the draft Land use plan or proposed development will not affect the integrity of the site.*

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