

Appropriate Assessment Stage 1 Screening Report



**Walshestown Waste Management
Facility,
Walshestown,
Co. Kildare**

Walshestown Restoration Ltd



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Form ES - 04



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Appropriate Assessment
Walshestown Waste Management Facility,
Walshestown,
Co. Kildare

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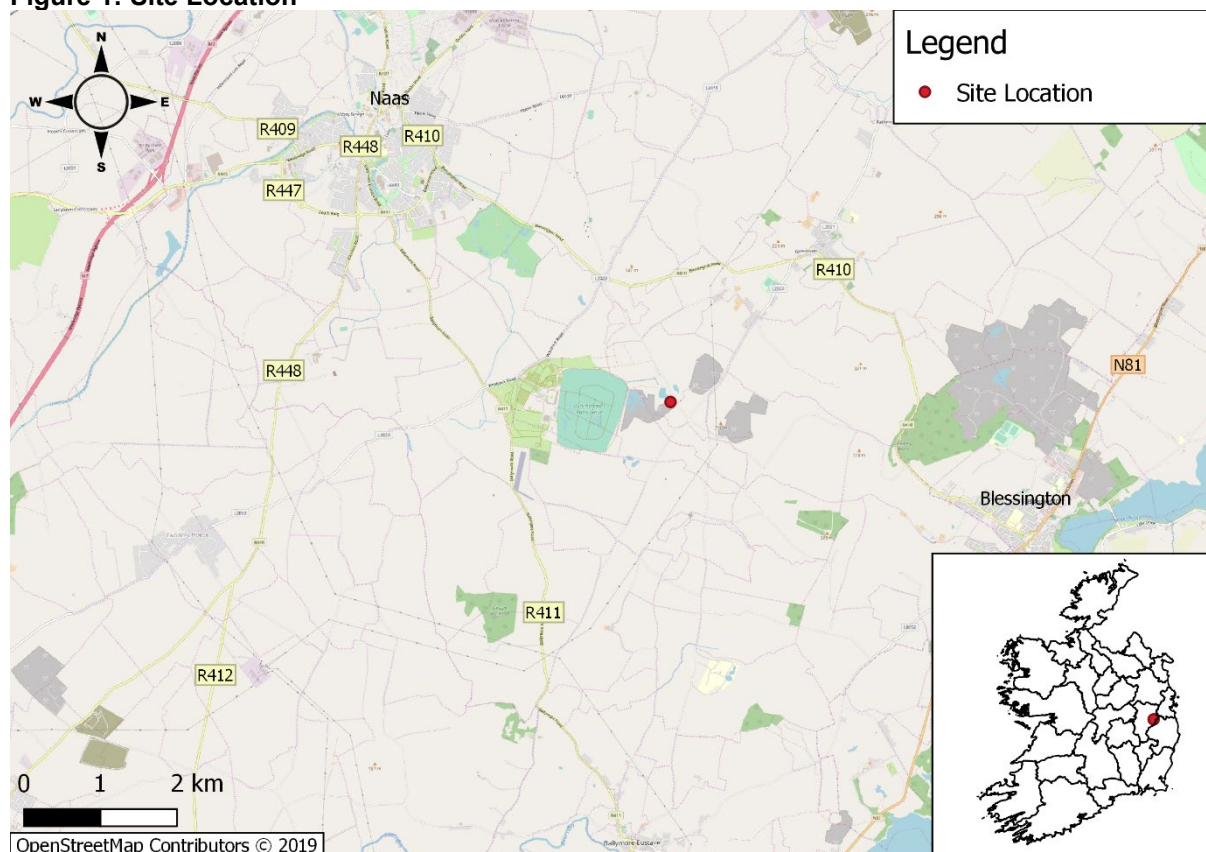
1 INTRODUCTION

1.1 Background

Malone O'Regan Environmental Services (MOR) were retained by Walshestown Restoration Ltd. (WRL) to undertake an Appropriate Assessment Screening Report for a proposed Technical Amendment to waste acceptance limits for the facility at Walshestown, Co. Kildare (OS Reference SF 292 215). The objective is to assess the potential impacts, if any, on nearby sites with European conservation designations (i.e. Natura 2000 sites).

The location of the Waste Management Facility ("the Site") is shown in Figure 1.

Figure 1: Site Location



The purpose of this assessment was to determine the appropriateness, or otherwise, of the proposed 'Technical Amendment' to waste acceptance limits for the facility (EPA Waste Licence Register number: W0254-01).

This report will be submitted along with a Hydrogeological Risk Assessment Report (Malone O'Regan, 2018) to the EPA as part of a Technical Amendment Request for a Change to Waste Acceptance Limits.

1.2 Regulatory Context

This AA Screening Report was prepared in compliance with the following legislation:

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna better known as "The Habitats Directive" which provides the framework for legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and

Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC as amended 2009/149/EC) (better known as “The Birds Directive”).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (now termed Natura Impact Statement (NIS)):

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implication 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 promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the project should aim to avoid any negative impacts on European sites by identifying possible impacts early in the planning stage, and designing the project in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point, where no adverse impacts on the site(s) remain. If the project is still likely to result in adverse effects, and no further practicable mitigation is possible, it is rejected. If no alternative solutions are identified and the project is required for imperative reasons of overriding public interest (IROPI test) under Article 6 (4) of the Habitats Directive, then compensation measures are required for any remaining adverse effects.

1.3 Stages of Appropriate Assessment (AA)

This AA Screening Report has been undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the ‘Habitats’ Directive 92/43/EEC (EC 2001) and the European Commission Guidance ‘Managing Natura 2000 Sites’. The Guidance for Planning Authorities issued by the Department of Environment, Heritage and Local Government (DOEHLG, December 2009, revised in February 2010) was also adhered to.

There are four distinct stages to undertaking an AA as outlined in the current EU and DOEHLG guidance:

1. Appropriate Assessment Screening;
2. Appropriate Assessment;
3. Assessment of alternatives in cases where significant impact cannot be prevented; and
4. Where no alternatives exist, an assessment of compensatory issues in the case of projects or plans which can be considered to be necessary for imperative reasons of overriding public interest (IROPI).

This Report comprises a Stage 1 Screening Report, which seeks to determine whether the subject site will, on its own or in combination with other plans / projects have adverse effects on Natura 2000 sites within a defined radius of the subject site.

2 SCREENING FOR APPROPRIATE ASSESSMENT

Screening determines whether Appropriate Assessment is necessary by examining:

1. Whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of a Natura 2000 site; and
2. Whether the project will have a potentially significant effect on a Natura 2000 site, either alone or in combination with other projects or plans, in view of the site's conservation objectives.

Screening involves the following:

- i) Description of a plan or project;
- ii) Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives;
- iii) Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary; and
- iv) Screening Statement with conclusions.

2.1 Desk Based Studies

A desk-based review of information sources was completed, which included the following sources of information:

- The National Parks and Wildlife Service (NPWS) website was consulted to obtain the most up to date detail on conservation objectives for the Natura 2000 sites relevant to this assessment (National Parks and Wildlife Service, 2019); and,
- The EPA Envision website was consulted to obtain details about watercourses in the vicinity of the Site (<http://gis.epa.ie/Envision/>) (EPA, 2019).

2.2 Field Based Studies

A Site walkover was undertaken on the 29th June 2018 by MOR Ecologists, to assess the on-site conditions and to identify any potential ecological receptors associated with the Natura 2000 sites.

2.3 Survey Limitations

No survey constraints in terms of accessing potential impacts on Natura 2000 Sites were encountered.

3 DESCRIPTION OF THE PROJECT

3.1 Site Context and Description

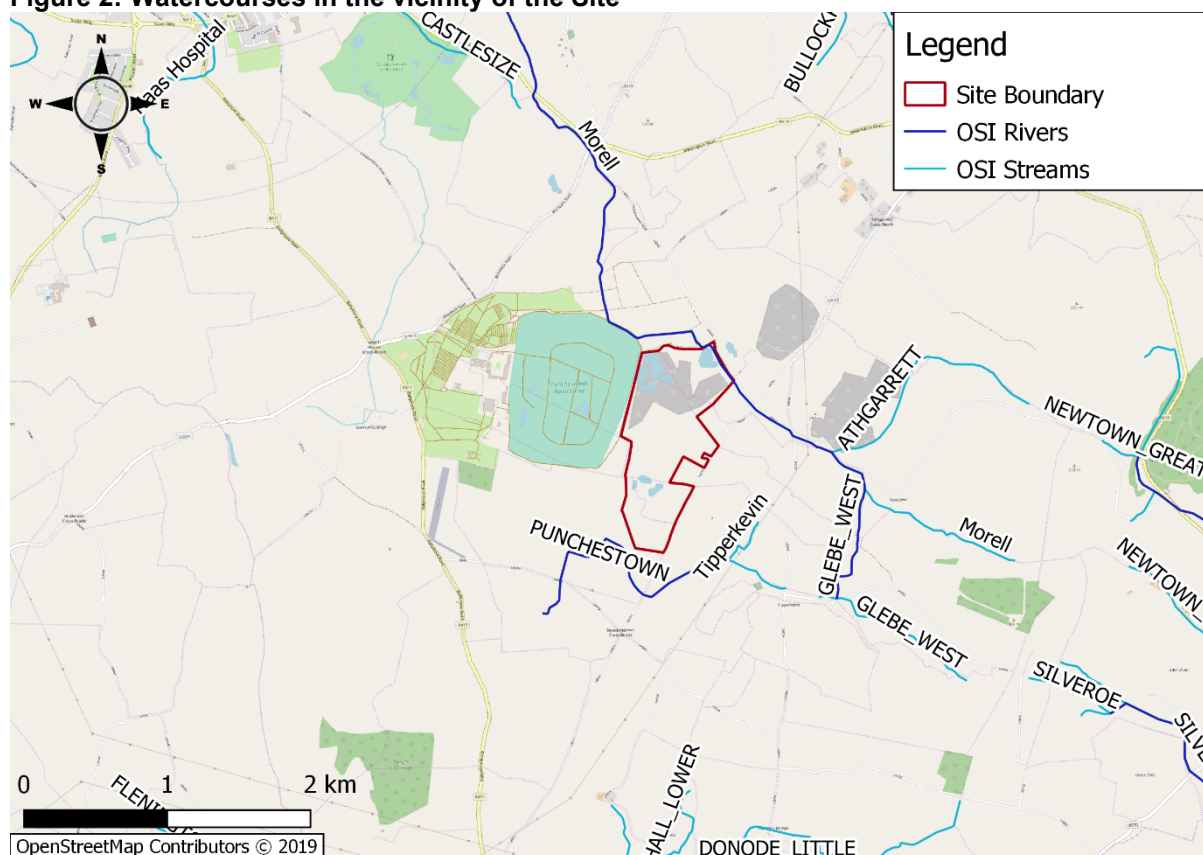
The Site is located approximately 5km south east of Naas and to the immediate east of Punchestown racecourse. The Site covers a total area of approximately 70Ha. The Site location is shown in (refer to Figure 1).

The Site is situated in an area of gently undulating topography. The topography over much of the Site has been modified by historical quarrying and more recently by the construction of engineered landfill cells. As a result, ground levels range from approximately 168 metres above Ordnance Datum (mAOD) in the east of the Site to 140 mAOD in the area of the ponds in the northwest corner of the Site.

The Site is surrounded predominantly by agricultural land with the exception of the Punchestown racecourse to the immediate west of the Site, an EPA licenced waste facility adjacent to the east (Behans Land Restoration Ltd, Waste Licence Register number W0247-01) and a further (currently) inactive sand and gravel quarry to the south of the Site.

There are two hydrological features of note within close proximity to the Site; The Morell River and Punchestown River. The Morell River is the nearest hydrological feature of note, situated along the road at the entrance of the Site and flows in a north western direction. The river flows in a north westerly direction and is a tributary of the River Liffey, which it joins ca.12.6km north of the Site. The River Liffey eventually discharges in Dublin Bay ca.35km north east of the proposed Site. The Punchestown River is located ca.300m south of the Site Boundary, at its closest point. This river flows in a southerly direction and drains into agricultural lands, directly south of the Site. The location of key local surface water features are presented in Figure 2.

Figure 2: Watercourses in the vicinity of the Site



3.2 Proposed Technical Amendment to Permitted Waste Acceptance

WRL wish to apply for a Technical Amendment to Waste Licence register number W0254-01 in relation to the waste acceptance limits, which currently apply at the facility.

This submission relates to soil and stone (EWC 17 05 04) and Dredging Material (EWC 17 05 06).

The proposed technical amendment is to increase the concentrations of the Site specific inert WAC values to 3 times those of the currently permitted values.

A Hydrogeological Risk Assessment (MOR, 2018) was prepared for the proposed technical amendment, which had the following objectives:

- to determine whether or not disposal of waste with concentrations of specific substances (namely arsenic, barium, cadmium, total chromium, copper, lead, mercury, molybdenum, nickel, tin, selenium, zinc, chloride, fluoride and sulphate) of up to three times the WAC limit values for inert waste would lead to unacceptable risks to groundwater or surface water receptors via the leakage of leachate from the landfill.

4 IDENTIFICATION OF NATURA 2000 SITES

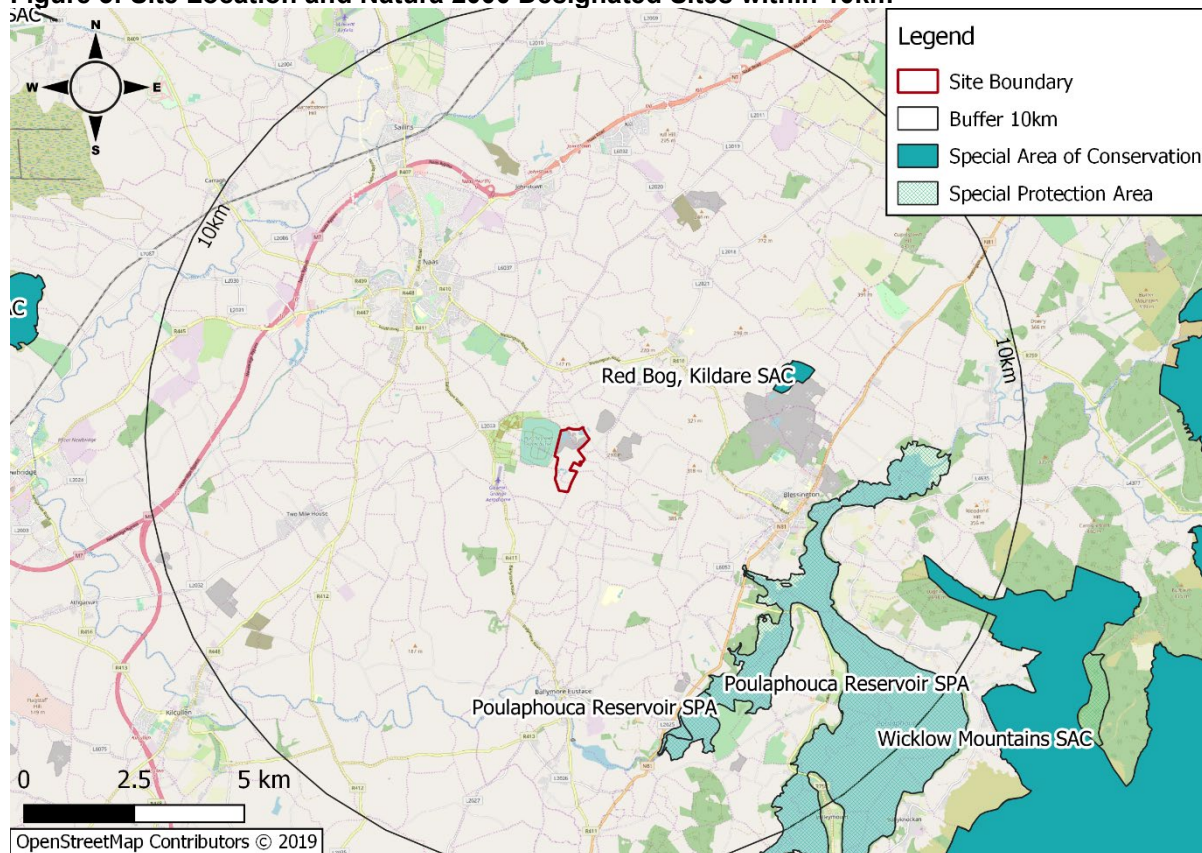
In accordance with the European Commission Methodological Guidance (European Commission, 2002) a list of European sites that can be potentially affected by the proposed Technical Amendment has been compiled. Guidance for Planning Authorities prepared by the Department of Environment Heritage and Local Government (DoEHLG, 2009) states that defining the likely zone of impact for the screening and the approach used will depend on the nature, size, location and the likely effects of the project. The key variables determining whether or not a particular Natura 2000 site is likely to be negatively affected by a project are: the physical distance from the project to the site; the sensitivities of the ecological receptors; and, the potential for in-combination effects. Adopting the precautionary principle, all SACs and SPA sites within a 10km radius of the Site have been considered.

Three Natura 2000 designated sites were identified within 10km of the Site (Table 1, Figure 3).

Table 1: Natura 2000 Designated Sites within 10km of the Site

| Site Name | Site Code | Distance | Direction |
|-------------------------------------|-----------|----------|-----------|
| Special Protection Area | | | |
| Poulaphouca Reservoir SPA | 004063 | 4.3km | SE |
| Special Area of Conservation | | | |
| Red Bog Kildare SAC | 000397 | 4.3km | NE |
| Wicklow Mountains SAC | 002122 | 8.02km | SE |

Figure 3: Site Location and Natura 2000 Designated Sites within 10km



The Site is not located within or directly adjacent to any Natura 2000 sites, however, the boundaries of Red Bog Kildare and Wicklow Mountains SAC and the Poulaphouca Reservoir SPA are located within 10km of the Site (Refer to Figure 3).

5 IDENTIFICATION & ASSESSMENT OF POTENTIAL IMPACTS

The Site is not located within or directly adjacent to any Natura 2000 sites. However, the boundaries of Poulaphouca Reservoir SPA, Red Bog Kildare and Wicklow Mountains SAC are located within 10km of the Site. The nearest European designated sites are the Poulaphouca Reservoir SPA and Red Bog Kildare SAC, which are located approximately 4.3km south west and north east of the proposed site, respectively. Wicklow Mountains SAC is situated 8.05km south east of the Site.

The proposed Technical Amendment to the waste acceptance criteria would not result in any change to the current permitted operations at the facility. The current operations have been previously been subject to AA screening and it was concluded that no adverse effects would occur.

As part of the Hydrogeological Assessment (Malone O'Regan, 2018), LandSim modelling was undertaken in order to quantitatively assess the risk to groundwater arising from leakage of leachate through the basal liner of the proposed engineered inert landfill at the Site. The modelling demonstrated that even if all the waste imported had initial leachate concentrations of three times the inert WAC for metals, chloride, fluoride and sulphate the risk to groundwater would be acceptable. The assessment concluded the Site specific WAC for these substances could be increased to three times the current permitted inert WAC values and that this material would not present an unacceptable risk to the water environment.

Furthermore, the site is separated from the nearest Natura 2000 by of agricultural farmland, mining operations, residential properties, Blessington Village and extensive road infrastructure (R140 and N81) which act as a significant buffer between the Site and the Natura 2000 sites.

It should also be noted that there are no habitats for which the SACs are designated located on or adjacent to the Site, and the Site is considered unsuitable for the species for which the Natura Sites are designated.

In addition, there are no hydraulic connections between the Site and any Natura 2000 sites (Refer to Section 3.1 and Figure 2), and there will be no direct discharges to the Punchestown River or Morell River during the construction or operational phases. It can therefore be concluded that the development at the Site will not have any impact on either the surface water or groundwater quality of any Protected Natura 2000 sites.

Taking the above into account and given the absence of any impact pathways between the sites it is considered highly unlikely that the proposed technical amendment to the waste acceptance criteria will have an impact either directly or indirectly on any the Poulaphouca Reservoir SPA, Red Bog Kildare SAC and Wicklow Mountains SAC or on any of the qualifying species or habitats of interest.

5.1 Analysis of 'In-Combination' Effects

The Habitats Directive requires competent authorities to undertake an appropriate assessment of any plan or project which is likely to have an adverse effect alone or in-combination with other plans and projects. As described above, the proposed technical amendment is unlikely to have any direct or indirect adverse effects on the Wicklow Mountains SAC, Poulaphouca Reservoir SPA and Red Bog Kildare SAC.

Taking the above into account, it can be concluded that there will be no significant in-combination contribution by the proposed technical amendment to the waste acceptance to possible adverse effects on any European Designated Sites.

6 SCREENING CONCLUSIONS AND STATEMENT

The screening process has examined the details of the proposed technical amended development considered the potential impacts on Natura 2000 European sites and their qualifying features of interests within a 10km radius of the Site.

Three designated sites – Red Bog Kildare and Wicklow Mountains SAC and the Poulaphouca Reservoir SPA – are located within a 10km radius of the Site. However, given the nature of the proposed technical amendments, the finding of the Hydrogeological Risk Assessment, the distances separating the Natura 2000 sites from the site and the absence of any known impact pathways between these sites, as described in Section 5, it is considered that the proposed development will not result in any impacts either directly or indirectly on the conservation objectives or status of the listed Natura sites and will not result in the direct loss or disturbance of any Annex I habitats and / or Annex II species for which the sites are designated.

In conclusion, the proposed Technical Amendment to the waste acceptance criteria either alone, or in-combination with other projects or land uses, will not have any direct or indirect adverse impacts on the conservation objectives of any European Designated sites.

Accordingly, progression to Stage 2 of the Appropriate Assessment process (i.e. preparation of a Natura Impact Statement) is not considered necessary.

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