



## **1.0 Introduction**

- 1.1. Following a meeting of the Board held on the 9th of December 2020 an addendum Inspector's report was required to be prepared in respect of the revised Natura Impact Statement submitted on the 17<sup>th</sup> of September 2020. The addendum report is informed by the existing information on file and the additional information submitted to the Board on the 17<sup>th</sup> of September 2020 by Environguide Consulting on behalf of the applicant Sur Le Mer Ltd.

## **2.0 Appropriate Assessment**

### **2.1. Screening**

- 2.1.1. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.
- 2.1.2. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
  - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.

3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.

4) Screening Statement with conclusions.

## **2.2. Project Description and Site Characteristics**

- 2.2.1. The proposed development comprises a waste management facility and recycling centre, office building, car parking, wastewater treatment system, demolition of derelict buildings, construction of boundary walls, railings and entrance gates.
- 2.2.2. Development comprises waste management facility for the acceptance, storage, sorting and transfer of non hazardous skip waste, construction and demolition waste, green waste and mixed dry recyclable waste, green biodegradable waste, metal, glass and household WEEE and batteries. The total waste intake at the facility will be up to 24,500 tonnes per annum.
- 2.2.3. The development includes proposed waste management facility, site entrance, waste reception hut, car parking facilities, concrete hardstanding, a wastewater treatment system, foul water holding tank, surface water soakaway, silt trap, interceptor and all associated site works.
- 2.2.4. The construction of a public recycling centre to include site entrance, non-fixed waste receptacles (skips, bins, cages and bottle banks) a reception hut, traffic barriers and all associated site works.
- 2.2.5. Demolition of existing derelict buildings on site of approximately 1,960sq m. Clean up and removal of historical waste at the existing site. Erection of boundary walls and railings and entrance gates, landscaping and native wildflower patches and provision of suitable lighting. The development will require a waste management facility permit from Wicklow Co. Council.
- 2.2.6. The site is located at the Bollarney, Murrough, Wicklow Town. It is situated to the northern side of Wicklow Town. The site comprises part of a former industrial premises and there are derelict sheds associated with former industrial uses on the site. Vehicular access to the site is from the public road which runs parallel to the coast for approximately 1km. The Port Access Road situated to the south serves the public road. The railway line follows the line of the coast at this location. The Wicklow Town Wastewater Treatment Plant is situated at the northern end of the public road at the Murrough.

- 2.2.7. The area immediately to the north of the appeal site is occupied by a timber storage facility. The site adjoins Multi-Metals Recycling to the south. The premises contains large scrap metal stockpiles and machinery associated with the lifting sorting and compacting of metal on site. Broad lough lies circa 72m to the west of the site. It forms part of the Murrough coastal wetlands which extends for 15km to north of Wicklow town.
- 2.2.8. The site has a stated area of 0.827 hectares extends back circa 115m from the roadway to the west. The existing gated access to the site is currently closed off. The area is accessible from the premises of Multi-Metals Recycling. The site is hard surfaced and contains derelict sheds to the south-eastern corner. There is an area of C&D waste material on site to the west of the sheds. There are a number of shipping containers, skips plant machinery, wooden pallets and other materials on site.
- 2.2.9. The AA Screening Report identified the following European sites:
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249).
  - Wicklow Reef Special Area of Conservation (Site Code: 0002274).
  - Magherabeg Dunes Special Area of Conservation (Site Code: 001766).
  - Deputy's Pass Nature Reserve Special Area of Conservation (Site Code: 000717).
  - Buckroney – Brittas Dunes and Fen Special Area of Conservation (Site Code: 000729).
  - Vale of Clara (Rathdrum Wood) Special Area of Conservation (Site Code: 000733).
  - Wicklow Mountains Special Area of Conservation (Site Code: 002122).
  - Carriggower Bog Special Area of Conservation (Site Code: 000716).
  - The Murrough Special Protection Areas (Site Code: 004186).
  - Wicklow Head Special Protection Areas (Site Code: 004127).
- 2.2.10. The analysis carried out identified 4 no. European Sites within the zone of influence of the proposed development.

**Table 1: European Sites within the Zone of Influence of the Appeal Site**

Site Name & Code	Distance	Qualifying Interests	Conservation Objectives
The Murrough Wetlands SAC (002249)	70m	<p>Annual vegetation of drift lines [1210]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]</p> <p>Alkaline fens [7230]</p>	To restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected which are defined by lists of attributes and targets
The Murrough SPA (004186)	30m	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p>	To maintain or restore the favourable conservation condition of the bird species listed

		<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Little Tern (Sterna albifrons) [A195]</p> <p>Wetland and Waterbirds [A999]</p>	<p>as Special Conservation Interests for this SPA.</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at The Murrrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>
Wicklow Reef SAC (002274)	3.9km	Reefs [1170]	To maintain the favourable conservation condition of Reefs in Wicklow Reef SAC, which is defined by a list of attributes and targets
Wicklow Mountains SAC (002122)	14.3km	Oligotrophic waters containing very few minerals of sandy plains	To maintain or restore the favourable conservation condition of the Annex I habitats

		<p>(Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to</p>	<p>and/or the Annex II species for which the SAC has been selected. These are defined by lists of detailed attributes and targets</p>
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		<p>snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>	
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2.2.11. An assessment of the significance of potential impact upon the European Sites within the zone of influence of the proposed development is determined on the basis of the following indicators;

- Habitat loss or alteration;
- Habitat/species fragmentation;
- Disturbance and/or displacement of species;
- Changes in population density; and
- Changes in water quality and resources.

- 2.2.12. In relation to the matter of habitat loss or alteration while the proposed development site is located adjacent to the Murrough Wetlands SAC there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.
- 2.2.13. In relation to the matter of disturbance and/or displacement of species as set out in the screening report the proposed development does have the potential to cause a slight disturbance and/or displacement to species of qualifying interest to the Murrough SPA through noise and dust generated during the construction phase of the project. A potential impact to the European otter a species of qualifying interest within the Murrough Wetlands SAC is identified. There is potential that surface water runoff containing suspended sediment, contaminants or fuel from the site of the proposed development could enter the surrounding water bodies which are used by otter.
- 2.2.14. The proposed development is not considered to have the potential to result in the reduction in the baseline population of species associated with any of the European sites identified within the zone of influence.
- 2.2.15. In relation to the matter of changes to water quality the Broad Lough estuary is situated circa 70m from the site and 50m from the Irish Sea coast. The Vartry river runs through the Broad Lough estuary, past the western boundary of the site and flows into the sea at Wicklow port 2.2km downstream. There is potential for the proposed development to impact water quality in terms of surface water runoff carrying suspended sediment, contaminants and fuel from the subject site to enter the Murrough Wetlands SAC and the Murrough SPA due to the close proximity and there is a potential hydrological connection between the subject site and Wicklow Reef SAC via the Vartry River.

### 2.3. **Assessment of likely Effects**

- 2.3.1. Having regard to the 'source-pathway-receptor' model the submitted screening report identified potential effects on the Murrough Wetlands SAC (002249) due to the proximity of the proposed development to the SAC at circa 72m, the Wicklow Reef SAC (002274) due to the potential hydrological connection through the Broadlough Estuary and the Wicklow Mountains SAC (004127) due to potential for effects on otter a qualifying interest species for the SAC which frequents waterways and



habitats in the vicinity of the application site. Given the potential for large quantities of sediment and other construction pollutants to enter the aforementioned waterbody it considers that sediment for example could increase the deposition levels beyond normal levels which in turn could affect the areas of habitat for which the SAC's have been designated.

- 2.3.2. The screening report also identified the potential to disturb and/or displace species, the Murrough SPA (004186) due to the proximity of the proposed development to the SPA at circa 30m.

#### **2.4. Screening Statement and Conclusions**

- 2.4.1. The screening assessment concludes that significant effects cannot be ruled out on the Murrough Wetlands SAC (Site Code 002249), the Wicklow Reef SAC (Site Code 002274), the Wicklow Mountains SAC (Site Code 002122) and the Murrough SPA (Site Code 004186) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

#### **2.5. Stage 2 – Natura Impact Statement (NIS)**

- 2.5.1. I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular, the following matters:
- Compliance with Article 6(3) of the EU Habitats Directive.
  - Screening the need for Appropriate Assessment.
  - The Natura Impact Statement; and,
  - An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 2.1 to 2.4 as detailed above.
- 2.5.2. On the matter of screening the need for 'Appropriate Assessment', this I have set out under Section 2.1 to 2.4 of my report above and in this case 'Appropriate Assessment' is required as it cannot be excluded on the basis of the information

available to the Board that the proposed development individually or in-combination with other plans or projects in its vicinity would have a significant effect on the following Natura sites:

- Murrough Wetlands SAC (Site Code 002249)
- Murrough SPA (Site Code 004186)
- Wicklow Reef SAC (Site Code 002274)
- Wicklow Mountains SAC (Site Code 002122)

2.5.3. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables no.'s 2-4 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

## 2.6. **Potential for direct and indirect effects**

2.6.1. There would be no direct effects upon Murrough Wetlands SAC (Site Code 002249), the Murrough SPA (Site Code 004186), the Wicklow Reef SAC (Site Code 002274), and the Wicklow Mountains SAC (Site Code 002122) as there would be no direct habitat loss or fragmentation as a result of the proposed development.

2.6.2. The only potential indirect adverse effects on the integrity of the Murrough Wetlands SAC arise from potential for water pollution and sediment deposition from the proposed development into the nearby Broad Lough water body and dust deposition arising from the construction phase of the proposed development. As detailed in Section 7.1 of the NIS four of the six qualifying interests for the Murrough are water dependant habitats they are Atlantic salt meadows, Mediterranean salt meadows, Calcareous fens and Alkaline Fens. The potential for significant impacts to the QI habitats of the SAC cannot be ruled out in the absence of suitable mitigation measures.

2.6.3. Regarding indirect effects the proposed development does have the potential to impact Wicklow Reef SAC in terms of the structure and function of the reef through water pollution and sediment deposition from the proposed development. The potential for significant impacts to the QI habitats of the SAC cannot be ruled out in the absence of suitable mitigation measures.

- 2.6.4. In relation to indirect effects the proposed development does have the potential to impact Otter a species of qualifying interest in the Wicklow Mountains SAC. As detailed in the NIS due to the wide distribution of this species of qualifying interest and its recorded presence in the vicinity of the proposed development a potential impact as a result of the proposed development has been identified.
- 2.6.5. In relation to indirect effects, the proposed development does have the potential to cause a slight disturbance and/or displacement to species of qualifying interest to the Murrough SPA. As detailed in the NIS the site of the proposed development is located adjacent to part of the Broad Lough (0T001) sub-site where species of qualifying interest were recorded. The Greylag Goose have been recorded at Broad Lough over four winters during the period of monitoring which occurred between 2007 and 2017. The surveying determined that Greylag Goose feed predominately at the northern end of Broad Lough. Therefore, it is stated in the NIS that while significant disturbance impacts as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out. In relation to the Light-bellied Brent Goose they were recorded at Broad Lough six years out of the total seven years that surveying was carried out. However, the Brent Goose are more associated with the Kilcoole-Newcastle sub-site where they were recorded all nine years when surveying was carried out. Therefore, similar to the Greylag Goose while they primarily feed at the northern end of Broad Lough significant disturbance impacts as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out.
- 2.6.6. Wigeon have been recorded at Broad Lough in all seven years that the surveying was carried out and in almost all of the winter months. While Wigeon primarily feed/roost at the northern end of Broad Lough, it is stated in the NIS that significant disturbance impacts as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out. Teal have been recorded at Broad Lough in all seven years that the surveying was carried out. Similar to Wigeon, Teal Wigeon primarily feed/roost at the northern end of Broad Lough. Therefore, while disturbance impacts as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out.
- 2.6.7. Black-headed Gull have been recorded at Broad Lough sub-site in all seven years that the surveying was carried out. They are found throughout the various waterbodies across the Murrough and the Wicklow Harbour area. Therefore, Black-

headed Gull feeding along the section of Broad Lough and the Vartry River adjacent to the site of the proposed development may be at risk of potential disturbance due to noise generated by the proposed development. It is stated in the NIS that due to the industrial surrounds of this section the Murrough, that the Black-headed Gull frequenting this section of Broad Lough would be accustomed to a certain level of ambient noise and that the proposed development would not add significantly to this level. While significant disturbance impacts to the Black-headed Gull as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out.

- 2.6.8. Herring Gull have been recorded at Broad Lough sub-site in all seven years that the surveying was carried out. Herring Gull are found throughout the various waterbodies across the Murrough and the Wicklow Harbour area. Similar to the Black-headed Gull, Herring Gull feeding along the section of Broad Lough and the Vartry River adjacent to the site of the proposed development may be at risk of potential disturbance due to noise generated by the proposed development. It is stated in the NIS that due to the industrial surrounds of this section the Murrough, that the Black-headed Gull frequenting this section of Broad Lough would be accustomed to a certain level of ambient noise and that the proposed development would not add significantly to this level. While significant disturbance impacts to the Black-headed Gull as a result of noise generated by the proposed development are not considered likely the potential cannot be ruled out.
- 2.6.9. Red-throated Diver was only recorded at Broad Lough sub-site in one winter of the seven years that surveying was carried out. Therefore, it is considered that any noise from the proposed development will not result in a significant negative impact to the Red-throated Diver.
- 2.6.10. The Little Tern use part of the Murrough SPA as a breeding site. The nest on the shingle beaches between Kilcoole and Newcastle during the breeding season. The Little Tern does not nest at Broad Lough, therefore it is considered that any noise from the proposed development will not result in a significant negative impact to the species. Accordingly, in relation to the matter of disturbance and/or displacement of bird species the proposed development does have the potential to cause a slight disturbance and/or displacement to species of qualifying interest to the Murrough SPA through noise and dust generated during the construction phase of the project.



**Table 2 – AA summary matrix for the Murrough Wetlands SAC**

<p><b>Murrough Wetlands SAC: (Site Code 002249)</b>  <b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• Potential water pollution - Water Quality and water dependant habitats</li> <li>• Potential sedimentation from surface water runoff - Water Quality and water dependant habitats</li> <li>• Excess dust emitted during the Construction Phase of the proposed development</li> </ul> <p><b>Conservation Objectives:</b></p> <p><b>1330 – Atlantic salt meadows: To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in The Murrough Wetlands SAC, which is defined by a list of attributes and targets.</b></p> <p><b>1410 – Mediterranean salt meadows: To restore the favourable conservation condition of Mediterranean salt meadows (<i>Juncetalia maritimi</i>) in The Murrough Wetlands SAC, which is defined by a list of attributes and targets.</b></p> <p><b>7210 – Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>*: To To restore the favourable conservation condition of Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>* in The Murrough Wetlands SAC, which is defined by a list of attributes and targets.</b></p> <p><b>7230 – Alkaline Fens: To restore the favourable conservation condition of Alkaline fens in The Murrough Wetlands SAC, which is defined by a list of attributes and targets.</b></p>			
		<b>Summary of Appropriate Assessment</b>	

Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Atlantic salt meadows	<p>Area stable or increasing, subject to natural processes, including erosion and succession;</p> <p>No decline, subject to natural processes;</p> <p>No human disturbance;</p> <p>Standard deviation of median plant height more than 5;</p> <p>Cover of disturbed ground less than 5%;</p> <p>Adequate number of zones present, depending on geographical type of saltmarsh;</p> <p>No loss of natural Transitions;</p> <p>Minimum of twelve typical species recorded across all plots;</p> <p>Spartina spp. have not been recorded in the habitat in this SAC and establishment should be prevented;</p> <p>No signs of infilling, reclamation, turf-cutting or pollution or other negative indicators;</p> <p>No decline in distribution or population sizes of rare,</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>Excess dust emitted during the Construction Phase of the proposed development</p>	<p>Mitigation measures required and detailed in full in Section 8 of the NIS</p>	<p>None</p>	<p>Yes</p>

	threatened or scarce species associated with the habitat				
Mediterranean salt meadows	<p>Area increasing, subject to natural processes, including erosion and succession;</p> <p>No decline, subject to natural processes;</p> <p>No human disturbance;</p> <p>Cover of disturbed ground less than 5%;</p> <p>No loss of natural Transitions;</p> <p>Minimum of six typical species recorded across all plots; minimum two typical species in more than 25% of plots (excluding <i>Juncus maritimus</i>);</p> <p><i>Spartina</i> spp. have not been recorded in the habitat in this SAC and establishment should be prevented;</p> <p>No signs of infilling, reclamation, turf-cutting or pollution or other negative</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>Excess dust emitted during the Construction Phase of the proposed development</p>	Mitigation measures required and detailed in full in Section 8 of the NIS	None	Yes



	<p>indicators;  No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat</p>				
Calcareous Fens	<p>Area stable or increasing, subject to natural processes;</p> <p>No decline, subject to natural processes;</p> <p>Maintain soil pH and nutrient status within natural ranges;</p> <p>Maintain active peat formation, where appropriate;</p> <p>Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat;</p> <p>Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions;</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>Excess dust emitted during the Construction Phase of the proposed development</p>	<p>Mitigation measures required and detailed in full in Section 8 of the NIS</p>		

	<p>Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat;</p> <p>Cover of <i>Cladium mariscus</i> at least 25%;</p> <p>Maintain adequate cover of typical vascular plant species;</p> <p>Cover of native negative indicator species at insignificant levels;</p> <p>Cover of non-native species less than 1%;</p> <p>Cover of scattered native trees and shrubs less than 10%;</p> <p>Cover of algae less than 2%;</p> <p>At least 10% of live shoots more than 1m high;</p> <p>Cover of disturbed bare ground not more than 10%;</p> <p>Disturbed proportion of vegetation cover where</p>				
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	<p>tufa is present is less than 1%;</p> <p>No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat; maintain features of local distinctiveness, subject to natural processes;</p> <p>Maintain/restore adequate transitional areas to support/protect the Cladium fen habitat and the services it provides</p>				
Alkaline Fens	<p>Area stable or increasing, subject to natural processes;</p> <p>No decline, subject to natural processes;</p> <p>Maintain soil pH and nutrient status within natural ranges;</p> <p>Maintain active peat formation, where appropriate;</p> <p>Maintain, or where necessary restore,</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>Excess dust emitted during the Construction Phase of the proposed development</p>	Mitigation measures required and detailed in full in Section 8 of the NIS		

	<p>appropriate natural hydrological regimes necessary to support the natural structure and functioning of the habitat;</p> <p>Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions;</p> <p>Maintain appropriate water quality, particularly pH and nutrient levels, to support the natural structure and functioning of the habitat;</p> <p>Maintain variety of vegetation communities, subject to natural processes;</p> <p>Maintain adequate cover of typical brown moss species;</p> <p>Maintain adequate cover of typical vascular plant species;</p> <p>Cover of native negative indicator species at insignificant levels;</p> <p>Cover of non-native</p>				
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	<p>species less than 1%;</p> <p>Cover of scattered native trees and shrubs less than 10%;</p> <p>Cover of algae less than 2%;</p> <p>At least 50% of the live leaves/flowering shoots are more than either 5cm or 15cm above ground surface depending on community type;</p> <p>Cover of disturbed bare ground not more than 10%;</p> <p>Disturbed proportion of vegetation cover where tufa is present is less than 1%;</p> <p>No decline in distribution or population sizes of rare, threatened or scarce species associated with the habitat; maintain features of local distinctiveness, subject to natural processes;</p> <p>Maintain/restore adequate transitional areas to</p>				
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	support/protect the alkaline fen habitat and the services it provides				
<p><b>Overall conclusion: Integrity test</b>  Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.</p>					

**Table no. 3 – AA summary matrix for the Murrrough SPA**

**The Murrrough SPA: (Site Code 004186)**

**Summary of Key issues that could give rise to adverse effects**

- **Noise disturbance of QI species**
- **Water Quality and water dependant habitats**

**Conservation Objectives:**

**A001 – Red-throated Diver (*Gavia stellata*): To maintain and restore the favourable conservation condition of Red-throated Diver in the Murrrough SPA.**

**A043 – Greylag Goose (*Anser anser*): To maintain and restore the favourable conservation condition of Greylag Goose in the Murrrough SPA.**

**A046 – Light-bellied Brent Goose (*Branta bernicla hrota*): To maintain the favourable conservation condition of in Tramore Back Strand SPA.**

**A050 – Wigeon (*Anas penelope*): To maintain or restore the favourable conservation condition of Wigeon in the Murrrough SPA.**

**A052 – Teal (*Anas crecca*): To maintain or restore the favourable conservation condition of Teal in the Murrrough SPA.**

**A179 – Black-headed Gull (*Chroicocephalus ridibundus*): To maintain or restore the favourable conservation condition of Black-headed Gull in the Murrrough SPA.**

**A184 – Herring Gull (*Larus argentatus*): To maintain or restore the favourable conservation condition of Herring Gull in the Murrrough SPA.**

**A195 – Little Tern (*Sterna albifrons*): To maintain or restore the favourable conservation condition of Little Tern in the Murrrough SPA.**

**A999 – Wetlands & Waterbirds: To maintain or restore the favourable conservation condition of wetland habitat in the Murrrough SPA as a resource for the regularly occurring migratory waterbirds that utilise it.**

Summary of Appropriate Assessment					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Red Throated Diver	population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; there is and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.	Noise disturbance generated by the Construction and/or Operational phases of the proposed development	Mitigation measures required and detailed in full in Section 8 of the NIS	None	Yes
Greylag Goose	As detailed above	As detailed above	As detailed above	None	Yes
Grey Plover	As detailed above	As detailed above	As detailed above	None	Yes
Wigeon	As detailed above	As detailed above	As detailed above	None	Yes
Teal	As detailed above	As detailed above	As detailed above	None	Yes
Black-headed Gull	As detailed above	As detailed above	As detailed above	None	Yes
Herring Gull	As detailed above	As detailed above	As detailed above	None	Yes
Little Tern	As detailed above	As detailed above	As detailed above	None	Yes
Wetlands & Waterbirds	its natural range, and area it covers within that range, are stable or increasing; the specific structure and functions which are necessary	Potential water pollution  Potential sedimentation from surface water runoff	As detailed above	None	Yes



	for its long-term maintenance exist are likely to continue to exist for the foreseeable future; the conservation status of its typical species is favourable.	Excess dust emitted during the Construction Phase of the proposed development  Noise disturbance generated by the Construction and/or Operational phases of the proposed development			
<b>Overall conclusion: Integrity test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

**Table no. 4 – AA summary matrix for The Wicklow Reef SAC**

<p><b>Wicklow Reef SAC: (Site Code 0042274)</b>  <b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• <b>Water Quality and water dependant habitats</b></li> </ul> <p><b>Conservation Objectives:</b></p> <p><b>1170 – Reefs: To maintain the favourable conservation condition of Reefs in Wicklow Reef SAC, which is defined by a list of attributes and targets.</b></p>
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Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Reefs	The permanent habitat area is stable or increasing, subject to natural processes; The distribution of reefs is stable or increasing, subject to natural processes; Conserve the following community type in a natural condition: Current-swept subtidal reef community complex	Potential water pollution  Potential sedimentation from surface water runoff	Mitigation measures required and detailed in full in Section 8 of the NIS	None	Yes
<b>Overall conclusion: Integrity test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

**Table no. 5 – AA summary matrix for The Wicklow Mountains SAC**

<p><b>Wicklow Mountains SAC: (Site Code 002122)</b>  <b>Summary of Key issues that could give rise to adverse effects</b></p> <ul style="list-style-type: none"> <li>• <b>Water Quality and water dependant habitats</b></li> </ul>
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**Conservation Objectives:**

**1355 – Lutra lutra (Otter): To maintain the favourable conservation condition of Otter in Wicklow Mountains SAC, which is defined by a list of attributes and targets.**

Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Otter	No significant decline; No significant decline in extent of terrestrial habitat Area mapped and calculated as 716.6ha along river banks/lake shoreline/ around ponds; No significant decline in extent of freshwater (river) habitat. Length mapped and calculated as 359.1km; No significant decline in extent of freshwater (lake) habitat. Area mapped and calculated as 141.8ha No significant decline in couching sites and holts; No significant decline in Fish biomass available; No significant increase in barriers to connectivity	Potential water pollution and potential sedimentation from surface water runoff from the proposed development entering the adjacent Broad Lough and Vartry waterbodies.	Mitigation measures required and detailed in full in Section 8 of the NIS	None	Yes
<b>Overall conclusion: Integrity test</b>					

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site with specific reference to the species of Qualifying Interest Otter *Lutra lutra* and no reasonable doubt remains as to the absence of such effects.

## 2.7. Mitigation Measures

2.7.1. Various mitigation measures are proposed to be introduced to avoid, reduce, or remedy the adverse effects on the integrity of the designated Sites. This includes the following during the construction phase:

- A Construction Environmental Management Plan (CEMP) incorporating a construction waste plan and a Construction Management Plan (CMP) will be in place throughout the construction phase.
- There will be no direct or indirect discharges of surface water or groundwater during construction.
- There is a buffer of 74m between the western site boundary and the Murrough Wetlands SAC and the Murrough SPA and there is a berm located along the lands adjoining the SAC and SPA.
- In relation to noise and vibration during the construction phase mitigation measures will be put in place to ensure that noise does not become a nuisance in the surrounding area. The hours of operation will be restricted to 8am-5pm Monday to Friday.
- All contractors will be required to adhere to the CEMP which contains operational control measures to be implemented to avoid noise nuisance throughout construction.
- Noise monitoring will be carried out as required by Wicklow County Council during periods of increased noise such as demolition.
- The contract documents will clearly specify the construction noise criteria including in the CEMP within which the construction works must operate. The contractor undertaking the construction works will be obliged to take specific noise abatement measures and comply with the recommendations of BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise and the European Communities (Noise Emission by Equipment for Use Outdoors) Regulations, 2001.
- Noise control measures will include the selection of quiet plant, enclosures and screens around noise sources, limiting the hours of work and noise monitoring.

- Screening will be erected around the site for the duration of the construction works to control the spread of noise.
- Liaison with the public will be carried out. The site manager or designate will act as the designated noise liaison officer. Any noise complaints will be logged reported to the site manager and followed up in a prompt manner.
- The phasing programme will be arranged so as to control the amount of disturbance in noise and vibration sensitive areas at times that are considered of greatest sensitivity.
- Noise control audits will be conducted at regular intervals through the construction phase of the development.
- Vibration mitigation measures during the construction phase will include that vehicle engines will be switched off when not in use, machines will be fitted with suitable silencers, acoustic screens will be deployed if appropriate and offsite fabrication will be carried out.
- Dust monitoring to be carried out at the entrance of the site to ensure the road is maintained in a dust-free state at all times.
- The CEMP will be implemented for the proposed development this will contain all measures for dust suppression and control which the appointed contractor will be required to implement.
- During demolition dust suppression sprays will be used if necessary to reduce dust emissions.
- It will be required that all vehicles removing material from the site will be covered and the cover will not be removed until immediately prior to acceptance and tipping at the destination facility.
- Stockpiles of materials required for the construction of site surfaces will be sealed and stored in the most sheltered location on the site to avoid wind created dust.
- A water bowser will be maintained on site for the purposes of dust suppression. This will be used to damp down haul roads during the periods of dry weather and to spray loads with a light spray prior to tipping in dry weather.

- All incoming and outgoing vehicles will be maintained in a clean condition to mitigate against vehicular dust.

2.7.2. Mitigation measures proposed for the operational phase includes the following:

- There will be no direct discharges to surface water from the site. Rainfall will infiltrate directly to ground within the green areas of the site which will be kerbed to prevent runoff.
- All storm water and surface runoff from roofs and paved areas will be collected in the constructed surface water drainage system and will pass through a silt trap and full retention interceptor before discharging to ground via an appropriately designed pluvial grate soakaway which will prevent any potential contamination of ground or groundwater.
- There will be no storage of chemicals or other potentially hazardous materials outside of the designated storage areas within the waste transfer building.
- The percolation area and treatment system for the foul drainage serving the office building will be designed and constructed in accordance with the current Environmental Protection Agency Code of Practice.
- The proposed development will operate in accordance with emission limits and hours of operation outlined in the Waste Facility Permit.
- Mitigation measures as set out in BS 5228-1: A1: Code of practice for noise and vibration control on construction and open sites – Part 1: Noise to be adopted.
- The hours which site activities likely to create high levels of noise are permitted including collections of glass from the recycling centre will not take place before 8am or after 5pm Monday-Friday.
- Monitoring of typical levels of noise during critical periods and at sensitive locations.
- Noise levels will be maintained in accordance with a Waste Facility Permit from Wicklow County Council.
- Dust monitoring will be carried out and complied with as part of the Waste Facility Permit.

- All waste reception, sorting and storage will be carried out indoors within the transfer building.
- Regular sweeping and cleaning of the yard area will take place using a road sweeper.

2.8. In relation to potential indirect impacts upon Murrough Wetlands SAC, it is set out in the NIS that in respect of the Alkaline Fen and Cladium Fen that there is potential for pollution resulting from surface water run-off carrying suspended sediment/contaminants/fuel pollutants from the site of the proposed development and also excess dust emitted during the construction phase of the proposed development. In relation to potential indirect impacts upon Wicklow Reef SAC, it is set out in the NIS that in respect of the reef is potential for pollution resulting from surface water run-off carrying suspended sediment/contaminants/fuel pollutants from the site of the proposed development entering the adjacent Broad Lough and Vartry waterbodies and flowing to the SAC.

2.9. As detailed in Section 2.7 of this report mitigation measures specifically including the implementation of Construction Environmental Management Plan (CEMP) which will be in place throughout the construction phase will ensure that there will be no direct or indirect discharges to surface water or groundwater during construction. In relation to the operational phase all storm and surface runoff from roofs and paved areas will be collected in the proposed surface water drainage system and will pass through a silt trap and full retention interceptor before discharging to ground via a pluvial cate soakaway which will prevent any potential contamination of ground or groundwater. These mitigation measures including surface water and waste water management and treatment measures will ensure no contamination of nearby waterbodies occurs during the both the Construction and Operational phases of the proposed development.

2.10. In relation to the construction phase dust suppression measures will be implemented in accordance with the CEMP. In the operational phase dust monitoring will be carried out and complied with as part of the Waste Facility Permit or conditions of planning permission. Mitigation measures in relation to dust suppression have been designed into the proposed development. All waste reception, sorting and storage will be carried out indoors within the transfer building. The waste transfer building will have dust curtains installed on the doors to prevent dust emissions during delivery



and collection. Regular sweeping and cleaning of the yard area will take place using a road sweeper vehicle. Accordingly, these mitigation measures will ensure there will be no impacts upon the European sites in terms of the generation of dust.

2.11. In relation to the potential indirect impacts upon Otter the species of qualifying interest in the Wicklow Mountains SAC the mitigation measures including surface water and waste water management and treatment measures and the implementation of the CEMP will ensure no contamination of nearby waterbodies occurs during the both the Construction and Operational phases of the proposed development. Accordingly, these mitigation measures will ensure that there will be no impacts to Otter the species of qualifying interest in the Wicklow Mountains SAC in respect of the Conservation Objectives.

2.12. In relation to the potential indirect impacts upon the birds species of qualifying interest in the Murrough SPA noise suppression measures detailed in the Planning and Environmental Report will be implemented in the CEMP and will ensure that no excess noise is generated at the subject site during the construction phase and the operational phase of the proposed development. Accordingly, these mitigation measures will ensure that there will be no impacts to the bird species of qualifying interest in the Murrough SPA in respect of the Conservation Objectives.

### 2.13. **In combination effects**

2.13.1. The NIS refers to in combination effects in the context of existing plans and projects including the premises of Multimetals Recycling Ltd. adjoins the subject site to the south, Wicklow Wastewater Treatment Plant located circa 500m from the subject site, Irish Biofuel Production Ltd. located circa 400m to the north of the subject site, Sodra Wood Ltd adjoins the subject site to the north and Hanley Removals Ltd. is located at unit 3 the Murrough and is situated circa 84m to the south of the development site.

2.13.2. In relation to Multimetals Recycling Ltd. the premises is used for the recycling and recovery of scrap metal up to 30,000 tonnes per annum. The facility operates under a Waste Facility Permit issued by Wicklow Co. Council. The premises has been operating in compliance with licencing since 2009. The Waste permit was reviewed by Wicklow Co. Council and a continuation of the permit was issued on the 11<sup>th</sup> of May 2020. The conditions of the permit require that Class I full retention interceptor is in place where discharges to surface water are made. That Class II full retention

interceptor is in place where discharges to the foul sewer are made. That all interceptors are serviced regularly and that the yard is covered by an impermeable layer of concrete. It is also conditioned under the permit that the facility does not accept putrescible or odourous materials and that all tanks storing liquids on site are satisfactorily banded. Ongoing monitoring of the facility occurs, and the results of the monitoring are submitted to Wicklow Co. Council to demonstrate ongoing compliance with the conditions of the permit. The facility operates an Environmental Management System on site. The facility also operates as a Quality Management System on site which is certified to ISO 9001. The facility was recertified to ISO 9001 in July 2020. Therefore, having regard to the controls under which the Multimetals Recycling Ltd. facility operates in terms of the conditions of the Waste Facility Permit and the controls in place there is no possibility of the facility and the proposed development acting in-combination to cause significant effects on the European Sites.

2.13.3. In relation to the Wicklow Wastewater Treatment Plant the facility operates under a discharge licence reference no: D0012-01 issued by the Environmental Protection Agency. The licence authorises the discharge of treated wastewater from the facility into the Irish Sea. As detailed in the EPA Annual Report for 2019 the discharges from the facility were compliant in 2019. As detailed in the NIS it is concluded that the proposed development and the treatment plant do not have the potential to cumulatively have any significant impact the European Sites because the treatment plant is compliant with the Emission Limit Values of the discharge licence, the plant discharges to the Irish Sea, the proposed development does not propose to discharge to the Irish Sea and the proposed development includes a separate on-site effluent treatment system which will operate independently of the Wicklow Wastewater Treatment Plant.

2.13.4. Regarding Irish Biofuels facility it operates under an Industrial Emissions Licence which was issued by the EPA in 2013. The operations on site include the production of oxygen containing hydrocarbons including alcohols, ketones, esters, acetates and peroxides. All surface water generated within the Irish Biofuels facility flows from the oil water interceptor north to a soak away situated at the site boundary. No wastewater from the facility is discharged to a water body and the foul water generated on site is discharge to the mains sewer. Therefore, the proposed

development and the Irish Biofuels facility do not have the potential to cumulatively have any significant impact the European Sites.

- 2.13.5. In relation to Sodra Wood Ltd. the facility operates under an Industrial Emissions Licence reference P0608-01 which was issued by the EPA in 2002. Operations entail the treatment or protection of wood using preservatives with a capacity exceeding 10 tonnes per day. As detailed in the EPA Annual Report for 2019 the treatment process is carried out indoors, the number of people on site is normally less than five and the amount of waste produced per annum is less than 27 tonnes which comprises predominately plastic or canteen waste. There are no emissions to water and fugitive emissions are very small. The potential for significant cumulative impacts on European site in combination with the proposed development can therefore be ruled out.
- 2.13.6. Regarding Hanley Removal Ltd. Wicklow Co. Council granted permission under Reg. Ref. 20/534 on the 2<sup>nd</sup> of August 2020 for a small waste facility for the acceptance of 900 tonnes of Bulky Waste comprising old furniture per annum. A small proportion of the furniture will be restored on the premises with the remaining furniture being manually dismantled and sorted into different waste streams. Each separate waste stream will be stored in skips inside the premises. The operation of the facility will take place indoors and will not generate any emissions to surface water, groundwater or the sewer. Therefore, the proposed development in combination with the existing and permitted development at the Hanley Removal Ltd. premises will not cause significant impact on the European Sites.
- 2.13.7. In relation to the matter of in-combination effects on water quality it is stated in the NIS that it is considered that in the absence of mitigation measures that the proposed development has the potential to act with other sources of water pollution which are currently designated as threats and pressures to the Murrough Wetlands SAC. There are two main treats and pressures identified which could potentially act in combination surface water run-off from the site of the proposed development those are from disposal of industrial waste and fertilisation. The proposed mitigation measures include surface water and waste water management and treatment measures included in the project design which will ensure that no contamination of nearby waterbodies occurs during the construction and operational phases of the development.

2.13.8. The NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.

2.13.9. Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Murrough Wetlands SAC (Site Code 002249), the Wicklow Reef SAC (Site Code 002274), the Wicklow Mountains SAC (Site Code 002122) and the Murrough Wetlands SPA (Site Code 004186) in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the proposed development and in combination with plans and projects.

#### **2.14. Appropriate Assessment Conclusions**

2.14.1. I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also

operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of Murrough Wetlands SAC (Site Code 002249), the Wicklow Reef SAC (Site Code 002274), the Wicklow Mountains SAC (Site Code 002122) and the Murrough Wetlands SPA (Site Code 004186) or any other such designated European, in view of the their Conservation Objectives.

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Siobhan Carroll  
Planning Inspector

23<sup>rd</sup> of March 2022