



1.0 Response to Board Direction

- 1.1.1. I refer the Board to my report dated 28th July 2021 in relation to reference case ABP 309151-21 and the recommendation contained therein. I have prepared below a more comprehensive screening for Appropriate Assessment. Specifically, I have assessed whether or not the elements of the construction phase of the proposed development that have been identified as potentially giving rise to effects on European Sites, would be likely to have significant effects on those sites, by reference to the sites' qualifying interests.

2.0 Screening for Appropriate Assessment

2.1. Introduction

- 2.1.1. As detailed in my previous report, Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), 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(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the

management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site(s), in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

2.1.2. In relation to Appropriate Assessment (AA) Stage 1 screening, the issue to be addressed is whether the project is likely to have a significant effect, either individually or in combination with other plans and projects on European sites in view of the sites' conservation objectives. A description of the proposed development is set out in Section 2 of my original report. The application is accompanied by an Appropriate Assessment Screening Report, prepared by Tobin Consulting Engineers. The names, qualifications, no. of years of experience and field of expertise of the personnel employed by Tobin Consulting Engineers involved in the preparation of the planning application, Environmental Impact Assessment Report (EIAR) and AA Screening Report are set out in Section 1.6 and Table 1.1 of the EIAR submitted with the application.

2.1.3. The appeal site is not located within or adjoining any designated Natura 2000 European site. The proposed development would not, therefore, have the potential to have any direct effect on any Natura 2000 site.

2.1.4. There are six European sites within 15 km of the application site. There is no hydrological pathway or other ecological connection between the application site and four of those Natura 2000 sites, which are:

- Mount Hevey Bog (Site Code 002342) - 11.4 km to the north-west of the site.
- The Long Derries, Edenderry SAC (Site Code: 000925) - 13.8 km to the south-west of the site.
- Ballynafagh Lake SAC (Site Code: 000387) – 14 km to the south-east of the site.
- Ballynafagh Bog SAC (Site Code: 000391) - 14.7 km to the south-east of the site.

2.1.5. There is therefore no potential for the proposed development on the appeal site to have a likely significant effect on those Natura 2000 sites. There are no other Natura 2000 sites upon which the proposed development would have the potential to have a likely significant effect.

2.1.6. Both the River Boyne and River Blackwater Special Area of Conservation (Site Code; 002299) and the River Boyne and Blackwater SPA (Site Code: 004232) are 6.2 km to the north-west of the site. There are hydrological links between the appeal site that SAC and SPA via the adjoining River Blackwater. This river flows for approximately 11.4 km before entering the River Boyne and River Blackwater SAC and SPA. The conservation objectives and qualifying interests of these European Sites are set out below

Name of Site	Conservation Objectives	Qualifying Interests/Special Conservation Interests	Distance
River Boyne and River Blackwater SPA (Site Code: 004232)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Kingfisher (<i>Alcedo atthis</i>)	c. 6.2km away as the crow flies or 11.4km downstream to the north-west of the site.
River Boyne and River Blackwater SAC (Site Code: 002299)	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) Atlantic Salmon (<i>Salmo salar</i>) River Lamprey (<i>Lampetra fluviatilis</i>) Otter (<i>Lutra lutra</i>)	c. 6.2km away as the crow flies or 11.4km downstream to the north-west of the site.

2.2. Potential Indirect Effects

2.2.1. There is potential for indirect effects on these European sites as a result of the proposed development via the surface water pathway that could affect the habitats which are the subject of the conservation objectives of the European sites and the species they support there, as described in Section 3.2 of the submitted AA Screening Report. Their potential indirect effect would arise from :

- The release of sediments and pollutants into the surface water system during rainfall events.
- The movement of vehicles and machinery associated with construction works and the potential for spillages of oils, fuels or other pollutants which could be transported to the surface water system during rainfall events;
- The flooding of the site and the release of increased volumes of pollutants, particularly suspended solids into the Blackwater (Longwood) River system.

2.2.2. There is also a potential for accidental mortality of fauna and for disturbance to fauna species (e.g. through noise or increased human presence) resulting in the displacement of affected species from breeding/resting places or supporting habitat. The appeal site and its vicinity does not provide habitat suitable for kingfisher, so the proposed development would not have the potential to have a likely significant effect on that species in this regard (although the potential downstream impact on the habitats that support Kingfishers in the SPA is relevant). The AA screening report details that a field survey was carried out on the 11th of October 2019 by an Ecologist who found active signs (couches, slides and spraints) of Otter to the east of the site between the Blackwater River and the settlement pond, so the potential for an ex situ impact on that species which is a qualifying interest for the River Boyne and River Blackwater SAC should be considered.

2.2.3. These potential impacts are associated with the construction phase of the proposed development . Once the pit is infilled, the new land would regenerate naturally and no potential for further likely significant effects on the SPA or SAC would arise.

2.3. Construction Phase and Potential Indirect Effects

2.3.1. In order to assess the potential indirect impacts on the conservation objectives of the aforementioned relevant European sites, a detailed description is given below of the construction phase of the proposed development, having particular regard to (i) proposed infill material, (ii) water management measures, (iii) movement of vehicles and machinery associated with construction works and (iv) disturbance to fauna species and accidental mortality of wildlife. While the AA Screening Report does not provide specific details on the construction elements of the proposed development, both the EIAR and Response to Further Information (RFI) report submitted to the Planning Authority on the 25/08/2020 provides adequate information to undertake a screening determination.

2.3.2. Proposed Infill Material

2.3.3. The proposed reclamation of the pit will result in the infilling of a large, exposed void and the restoration of the disturbed landscape to its original pre-extraction condition. The Applicant proposes to restore the site in three phases, A, B and C accordingly.

2.3.4. Phase A includes the use of existing stockpiles to backfill and restore the worked-out void created by previous extraction of sand and gravel. The soil resources generated by previous excavation activities under previous planning permissions would be re-used to fill the excavation void. The applicant provides details on the existing stockpiles in the RFI Report stating that during the initial phases of excavation the soil was stripped and stockpiled. Any soil with high clay and silt fractions were not suitable for use as sand and gravel material and were stockpiled. The applicant states that material with over 15% clay and silt becomes cohesive and does not meet required sand and gravel standards. Consequently, non-gravel material was stockpiled.

2.3.5. The applicant details in the RFI report that a total of 38,750 m³ is available in the site stockpiles. Material in the stockpiles comprise of natural material free from anthropogenic material. In response to Further Information requested by the Planning Authority, soils samples were undertaken in May 2020 and a Tier 1 environmental risk assessment was carried out on the site to determine which determinants are present in excess of screening (or generic) guidelines. Site inspections found that soil on the site did not contain evidence of hydrocarbon contamination and that material on site was free from waste material and comprised natural stone and soil material. Screening values for soil metals found that soil metal concentrations as a percentage of

conservative screening values for residential land use with plant uptake were below their respective guidelines values and do not pose a risk. It was found that rather than a surplus of trace metals/element, the existing soils may be deficient in trace metals and would require the import of material to provide optimum agricultural production. Phytotoxic screening was undertaken to determine heavy metal compounds in the stockpiles and found their site values below phytotoxic generic assessment criteria levels (Table 1 of the RFI refers). The assessment concludes that all material on site is natural stone and soil and suitable for restoration purposes.

2.3.6. Having regard to the composition of the existing stockpile material to be backfilled to restore the worked-out void, the separation distance of these works from the Blackwater River and the separation distance of the site from European sites, I am satisfied that no significant effects on the River Boyne and Blackwater SAC and SPA having regard to the sites' conservation objectives would be likely to arise as a result of these construction elements of the proposed development.

2.3.7. Under Phase B and C of the proposed development, a maximum of 50,000 tonnes of material will be imported into the site per annum and a total of 200,000 tonnes of material will be imported into the site as infill over a five-year period. This will include the importation of 100,000 m³ of inert excavation / natural material comprising inert soil, sand, gravel, stone, rock and topsoil which will be sourced from local construction projects in the surrounding area. The material to be imported to the site for restoring the quarry will be fit for purpose both chemically and physically and limited to clean soil, subsoil, silt and stone from site clearance projects from County Meath and surrounding area. The applicant details that the material would be of suitable quality for restoration and would not include C&D material, contaminated material, made ground, deleterious material (e.g. waste, metal, rubbish, glass, metal etc.), significant amounts of organic matter (trees / wood / roots etc.), asbestos, invasive species including Japanese knotweed, Himalayan balsam, Giant hogweed & giant rhubarb, or soils from sites / areas containing invasive species.

2.3.8. Having regard to the composition of material to be imported into the site during phases B and C and the separation distance of the site from European sites, I am satisfied that no significant effects on the River Boyne and Blackwater SAC and SPA having regard to the sites' conservation objectives would be likely to arise as a result of these construction elements of the proposed development.

2.3.9. **Water Management**

- 2.3.10. The RFI report details that the proposed fill during Phase A will be undertaken over a 12 month restoration period and that on average this will require the movement of 160m³ per working day, assuming 250 days on site for Phase A. The infilling will displace an equal volume of water. In order to determine site groundwater levels, borehole water depth testing was undertaken at 3 no. locations as indicated on Fig 6.2 of the EIAR, with depths recorded on Tables 3 and 4 of the RFI Report. Taking into equation the permeability of materials on site, the hydraulic gradient and cross sectional area of the western pond (stated as 145m x 2m deep = 290 m), the applicant determines that the ground water flow capacity of the western pond is 250m³ per day. The applicant concludes that the western pond can easily accommodate the displaced water (i.e. 160 m³ per day).
- 2.3.11. The EIAR provides further details on water management during the proposed development. During Phase A, the stockpiles will be pushed into the void, thereby displacing existing water in the void. The water displaced will subsequently pass through the proposed settlement lagoon located on the western section of the site where any suspended solids will settle out in the lagoon. Water from the settlement lagoon will percolate back to ground through the permeable sand and gravel deposits. Peak flows will be attenuated by the capacity of the settlement lagoons and western pond, as detailed above. The report details that based on background EPA data and site samples, results indicate concentrations of ammonia and orthophosphate in the on-site pond are significantly lower on site compared to the River Blackwater and confirms that there will be no surface water or groundwater abstractions or discharges from the proposed development and there will be no direct impacts on the groundwater table as a result of the proposed works. The site is situated in Flood Zone C and the probability of flooding is less than 0.1% and therefore at low risk of flooding. No instream works are proposed within watercourses and no surface water runoff to the River Blackwater will occur.
- 2.3.12. Having regard to the above and the information on file, I am satisfied that that no significant effects on the River Boyne and River Blackwater SAC and SPA having regard to the sites' conservation objectives would be likely arise as a result of the water management in the proposed development.

2.3.13. Movement of vehicles and machinery associated with construction works

2.3.14. The AA Screening Report identifies that the movement of vehicles and machinery associated with construction works and the potential for spillages of oils, fuels or other pollutants which could be transported to the surface water system during rainfall events could give rise to potential effects to European sites.

2.3.15. The machinery that will be used to restore the site will comprise 1 no. Bulldozer, 1 no. 20 tonne tracked excavator, 1 no. mobile generator, 1 no. bunded diesel tank and 1 no. tractor for top soiling of the site. No permanent fuel tanks will be utilised on the site, to minimise the potential for leaks and limit the potential for security issues on the site. All HGV vehicles exiting the site will pass through the wheelwash, located adjacent to the administration area. No fuel will be stored on site for the activities proposed on the site as the HGVs delivering material will be fuelled off site. The fuel bowser will be removed from site following completion of the restoration. A spill kit will be available at the site for any minor fuel spillages. However the risk ranking of such occurrence is low and its likelihood of it having significant effects on the above listed European Sites is negligible.

2.3.16. Having regard to the above, and the separation distance of the site from European sites, I am satisfied that no significant effects on the River Boyne and Blackwater SAC and SPA having regard to the sites' conservation objectives would arise as a result of these construction elements of the proposed development.

2.3.17. Disturbance to otters

2.3.18. Dust and noise impacts on adjacent habitats and fauna will be minor as dust and noise control will be implemented in accordance with specific Department and EPA Guidelines. Noise from construction and working activities would not be excessive in this regard. Otter are sensitive to human disturbance. However quarrying activities previously took place on the site which did not displace otters from the vicinity. As the nature of the development now proposed is similar, I am satisfied that potential disturbance to otters arising from the proposed activity would not be excessive during infilling and would cease thereafter. I am satisfied therefore that the ex situ impact on otters would be negligible and would not be likely to have significant effects on the River Boyne and Blackwater SAC and its objective to protect the conservation condition of the otter population there.

2.3.19. **Cumulative impacts**

2.3.20. Cumulative impacts have been considered. Future developments in the area are likely to be agricultural in nature and are unlikely to give rise to cumulative impacts on any European site. I am satisfied that likely significant in-combination or cumulative effects of the proposed development would not arise.

2.3.21. **Stage 1 - Screening Conclusion**

2.3.22. As set out above, it is evident that the proposed development would not be likely to have significant effects on the SPA and SAC at the Boyne and Blackwater due to any impact on the aquatic habitats and species there arising from the release from the of sediments or other pollutants to surface water, the movement of vehicles and spillages of oils, fuels or other pollutants, the flooding of the site, disturbance or mortality to fauna, or otherwise.

2.3.23. Therefore, having regard to the nature and scale of the proposed development, to the intervening land uses and distance Special Protection Area at the River Boyne and River Blackwater sitecode 004232 or the Special Area of Conservation at the River Boyne and Blackwater sitecode 002299, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above European Sites or any other European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

Brendan Coyne
Planning Inspector

01st November 2021