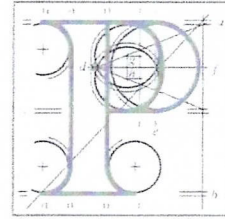


**Our Case Number:** ACP-324033-26



An  
Coimisiún  
Pleanála

Development Applications Unit  
c/o Julie Sullivan  
Government Offices  
Newtown Road  
Co. Wexford  
Y35 AP90

**Date:** 02 April 2026

**Re:** Proposed development of a soil recovery facility  
in the townland Kilmartin, Coyne's Cross, Co. Wicklow

Dear Sir / Madam,

An Coimisiún Pleanála has received your submission in relation to the above-mentioned proposed development and will take it into consideration in its determination of the matter.

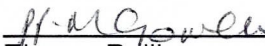
The Commission will revert to you in due course in respect of this matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of the local authority and at the offices of An Coimisiún Pleanála when they have been processed by the Commission.

More detailed information in relation to strategic infrastructure development can be viewed on the Commission's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime, please contact the undersigned officer of the Commission. Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,

  
Eimear Reilly  
Executive Officer  
Direct Line: 01-8737184

PA09

Teil	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:communications@pleanala.ie">communications@pleanala.ie</a>

64 Sráid Maoilbhride	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

## Muirin Gowen

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**From:** LAPS  
**Sent:** Monday 30 March 2026 12:33  
**To:** Eimear Reilly  
**Subject:** FW: SID ACP-324033-26  
**Attachments:** ACP-324033-26 - SID-WW-2026-002 Coynes Cross Soil Recovery.pdf

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**From:** Housing Manager DAU <Manager.DAU@npws.gov.ie>  
**Sent:** Monday 23 March 2026 13:46  
**To:** SIDS <sids@pleanala.ie>  
**Cc:** LAPS <laps@pleanala.ie>  
**Subject:** SID ACP-324033-26

**Caution:** This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the Heritage observations/recommendations of the Department in relation to the aforementioned Strategic Infrastructure Development.

Can you please confirm receipt of same?

Regards  
Diarmuid

**Diarmuid Buttimer**  
*Executive Officer*

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
**Department of Housing, Local Government and Heritage**  
**Aonad na nIarratas ar Fhorbairt**  
*Development Applications Unit*  
**Oifigí an Rialtais**  
*Government Offices*  
**Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman, Y35 AP90**  
Newtown Road, Wexford, County Wexford, Y35 AP90

—  
[Diarmuid.Buttimer@npws.gov.ie](mailto:Diarmuid.Buttimer@npws.gov.ie)  
[Manager.DAU@npws.gov.ie](mailto:Manager.DAU@npws.gov.ie)



Your Ref: **ACP-324033-26**  
Our Ref: **SID-WW-2026-002**

23 March 2026

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

Via email to [sids@pleanala.ie](mailto:sids@pleanala.ie) ; [laps@pleanala.ie](mailto:laps@pleanala.ie)

Re: Notification under the Planning and Development Act, 2000, as amended.

**Proposed Strategic Infrastructure Development (SID): Kilmartin Junction 14 Limited: to establish and operate a soil recovery facility: Kilmartin townland, Coyne's Cross, Co. Wicklow.**

A chara

I refer to correspondence in connection with the above. Outlined below are heritage-related observations/recommendations coordinated by the Development Applications Unit under the stated headings.

### **Archaeology**

It is noted that the EIAR submitted as part of the planning application includes a desk-based Archaeological Impact Assessment (AIA), which was carried out in relation to the proposed development by WSP (EIAR Chapter 11; date December 2026).

The proposed development is located in proximity to a number of Recorded Monuments, which are subject to statutory protection under Section 12 of the National Monuments Act 1930-2014. Kilmartin Church—located c. 100m northeast of the proposed development site (PDS)—is subject to a Preservation Order (PO no. 133/1940) and has statutory protection under Section 14 of the National Monuments Act 1930-2014. In addition, there are a number of recently identified non-Statutory Sites and Monuments Record (SMR) sites located in close proximity to the PDS. These are mainly archaeological sites identified and excavated to facilitate construction of the M11 motorway to the west of the PDS.

The EIAR also acknowledges that there is a potential that previously unknown sub-surface archaeological features or deposits may be present within the PDS, which may be negatively impacted by the proposed development. The only way to confidently determine if sub-surface archaeological features or deposits may be present (and any potential direct impacts to such material) is through direct prospection using archaeological geophysical survey and targeted archaeological test excavation. In that regard, we note that no advance archaeological investigations have been carried out within the PDS to inform the EIAR, other than a walkover



survey. Advance archaeological investigations have not been provided for as part of the proposed mitigation measures for this project.

Therefore, the Department advises that advance archaeological geophysical survey and advance archaeological test excavation should be carried out in advance of any development to determine if previously unknown sub-surface archaeological features or deposits are present. If such material is present, then additional mitigation measures to ensure the preservation in situ or preservation by record (i.e. full archaeological excavation) of such discoveries will be necessary. It is also advised that this can be addressed by the inclusion of an appropriate condition, if the development is permitted.

The Department of Housing, Local Government and Heritage, therefore, advises that the following should be included as a condition of any grant of permission. Note these recommended conditions align with Sample Conditions C3, C5 and C6 as set out in *OPR Practice Note PN03: Planning Conditions* (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.

**Archaeological Requirements:**

1. All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 11 of the EIAR (date December 2025) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
2. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation of the development site for all greenfield sections of the development and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the Department, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.
  - a. The Archaeological Geophysical Survey must be carried out under licence or consent from the Department (as applies) and in accordance with an approved method statement. Having completed the work, the archaeologist shall submit a written report to the Department and the Planning Authority describing the results of the Archaeological Geophysical Survey.
  - b. The archaeologist shall liaise with the Department to establish—based on the results the Archaeological Geophysical Survey—the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.
  - c. The report on the Archaeological Test Excavation shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-



- situ, preservation by record (archaeological excavation) and/or monitoring may be required.
- d. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department, shall be complied with by the developer.
  - e. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.
3. The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 11 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
  4. The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

### **Nature Conservation**

The following observations are made by the Department in its role as a prescribed body under planning legislation and as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives) and wider biodiversity.

These observations are intended to assist the planning authority in meeting obligations that may arise in relation to European sites (Natura 2000 sites) in the context of the proposed development. In relation to European sites (Special Areas of Conservation, SAC; Special Protection Areas, SPA), the Department places particular emphasis in its observations on the level of detail contained in the screening for Appropriate Assessment (AA) and Natura Impact Statement (NIS). An AA determination must contain complete, precise and definitive findings and conclusions with regard to the implications of a proposal for the conservation objectives and integrity of a European site.



An Appropriate Assessment Screening report, dated December 2025, has been prepared by WSP for the proposed soil recovery facility. The Department notes the conclusion of the AA Screening Report; *“As significant effects on European Sites by virtue of the proposal have been deemed unlikely, it is therefore determined that Appropriate Assessment is not required”*. The Department does not agree with this conclusion for the following reasons:

### Birds

In order to comply with Article 250 (1) of the Planning and Development Regulations<sup>1</sup>, the information contained in the AA screening report must be ‘in view of best scientific knowledge’. The first step in carrying out a screening exercise is to consider the nature and extent of the proposed development.<sup>2</sup> No detail is provided on when bird surveys were completed within the development site but that *“The presence of any avian species was recorded during the Site visit”*, which is noted in Section 2.3 of the AA Report, to be 9<sup>th</sup> February 2022, 21 August 2023 and 18 June 2025. The applicant should ensure that the CIEEM Advice Note on the Lifespan of Ecological Reports & Surveys is complied with. Surveys/Reports older than 18 months need to be reviewed by a professional Ecologist and repeat surveys should be undertaken.

In addition, the surveys that have been undertaken are not sufficient to accurately determine the usage of the site by bird species, particularly Special Conservation Interest (SCI) birds from nearby SPAs, such as the Murrough SPA which is located 2.2km from the boundary of the site. Although this limitation is acknowledged within Section 2.4 of the AA Screening report *“any potential limitation to data here is addressed through a precautionary approach taken within the assessment”*, it does not appear that the precautionary principle has been utilised further in the assessment. Potential habitat for SCI species from the Murrough SPA; Brent goose, greylag goose, herring gull and black-headed gull, is noted within the proposed development and therefore a more detailed assessment on the likelihood of significant effects is presented. Habitat loss is discussed, albeit in a limited extent, and significant effects are ruled out as the site will be completed in phases and re-seeded after 10 years. An abundance of suitable surrounding habitat is also noted and *“the effects from the temporary loss of grassland associated with the Proposed Development are not considered likely to be significant”*. Whilst it is acknowledged that the site will be completed in phases, it is unlikely birds would continue to use habitats that will be subject to a significant amount of disturbance

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<sup>1</sup> Article 250 (1) of P&D Regulations: *“In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site*

<sup>2</sup> OPR Practice Note ON01 Appropriate Assessment Screening for Development Management



in the immediate habitat, given there are at least 100 trucks of material proposed per day. The disturbance zone of influence on birds as a result of construction activities is generally considered to be 300m<sup>34</sup>. The potential for disturbance of SCI birds within and adjacent to the proposed development site is not considered within the AA Screening report. In addition, the soil recovery facility is proposed to cover a period of 10 years, which cannot be considered temporary.

Several bird species may at times use habitats situated within the immediate hinterland of the SPA or in areas ecologically connected to it [i.e., ex-situ sites]. The reliance on these habitats will vary from species to species and from site to site. Significant habitat changes or increased levels of disturbance within these areas could result in the displacement of one or more of the listed bird species from areas within the SPA, and/or a reduction in their numbers. A Conservation Objective target for the SPA is to have sufficient area of utilisable habitat available in ecologically important sites outside the SPA. It is not known whether the development of this land will lead to loss of such supporting habitat, as surveys were not completed, and thereby undermine the conservation objectives for the SPA, however given the close proximity of the SPA, there is potential for SCI birds to utilise this piece of land for foraging and/or roosting.

Given the above, the Department recommends both breeding and wintering bird surveys are undertaken within the proposed development site, in the appropriate season, and following best practice guidance to ensure the AA Screening report is relying on 'best scientific evidence'.

#### Hydrology/Hydrogeology

The proposed development is located 45m north of the Cullenmore Stream, which flows approximately 2.7km downstream before discharging into The Murrough SPA and The Murrough Wetlands SAC. The Inchanappa River/Coynes Cross Stream is also located 300m north of the site, joining to the Cullenmore Stream upstream of the SAC and SPA. The site has a central valley that slopes from north to south, with run-off from the southern part draining to the Cullenmore Stream, and from the north draining to the Coynes Cross Stream, according to Chapter 8 Water of the EIAR. According to the Water Chapter the site is located in an area of "*moderate – high groundwater vulnerability in the eastern half of the Site where there is superficial deposit cover of Till, and extreme or 'rock at or near surface' in the west where superficial cover is mapped as being less or absent (EPA, 2022a).*" The site also

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<sup>3</sup> Cutts, N. Phelps, A. & Burdon, D. (2009) Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance,

<sup>4</sup> Wright, M., Goodman, P & Cameron, T. (2010) Exploring Behavioural Responses of Shorebirds to Impulsive Noise. *Wildfowl* (2010) 60: 150–167



located within the Wicklow groundwater body (GWB). Both the Murrough SPA and the Murrough Wetlands SAC are also located in the Wicklow GWB.

There has been no assessment completed on the potential for groundwater impacts within the AA Screening Report, and although surface water impacts are discussed, the Department does not consider the assessment sufficient to rule out potential downstream impacts on the SAC and the SPA. Section 8.5.6 of the Water Chapter discusses Designated Sites and notes: *“The habitats that are dependent upon freshwater [within the SAC and SPA] are likely to be supported to some extent by input from the surface watercourses that pass the Proposed Development and feed into other watercourses that flow into/through the SAC”*. However, the AA Screening rules out potential downstream impacts on European site *“Considering the inert nature of the proposed fill material and considering the actual distance between the application boundary and the watercourse, the ingress of contaminants is considered unlikely. In this context, the Zol for surface water contamination is restricted to within the application boundary”*. Section 4.4 and Table 4-2 also note that there is *“no hydrological connectivity”* between the proposed development site and the Murrough Wetlands SAC and SPA. The AA Screening and Water Chapter note that in the centre of the site, where the elevation is at its lowest, run-off accumulates and forms an area of wet ground in the winter. The Water Chapter also notes *“it is assumed that the local surface watercourses are fed by a combination of surface water run-off and some baseflow from groundwater”*. Therefore, during periods of wet weather, surface and groundwater from the lands are likely directly feeding into downstream water features.

The release of contaminated surface water runoff and/or an accidental spillage or pollution event into any surface or ground water features during the proposed works/operation has the potential to affect water quality in the receiving aquatic environment. Such a pollution event may include: the release of sediment into receiving waters and the subsequent increase in mobilised suspended solids; and the accidental spillage and/or leaks of contaminants (e.g. fuel, oils, lubricants, paints, bituminous coatings, preservatives, weed killer, lime and concrete) into receiving waters. Given the number of vehicles movements, a wheel wash, access roads, welfare facilities (including for wastewater), and construction materials required for the development of the site, a specific hydrological and hydrogeological assessment on the potential for potential impacts on the downstream European sites must be completed, using a conceptual site model. This should illustrate the source-pathway-receptor relationships that may exist between the proposed development site and downstream European sites.



## **Matters relating to Environmental Impact Assessment (Biodiversity Chapter)**

### Bats

The Department notes that daytime inspections for potential bat roosting features were carried out within the proposed development site, with a number of trees climbed to further inspect potential roosting features. Whilst no roosting bats were identified, one sweet chestnut tree was considered to have 'high' suitability for roosting bats, and another two trees were considered to have 'moderate' bat roosting potential (as per Collins, 2016). The Department wishes to advise the applicant of an update to the Collins 2016 guidance, which was published in 2023 and should be referenced and adhered to in relation to the classification of potential bat roosts. No activity surveys of these trees or of potential commuting/foraging habitat within the site were carried out. According to 6.11.4.1 of the Biodiversity Chapter, as surveys to confirm presence/absence of roosting bats were not undertaken "*in line with the precautionary principle, it is assumed that the identified potential roosts are indeed occupied by roosting bats*". Therefore, considering this, a derogation licence should have been applied for to this Department. Any roosts identified are protected under the provisions of Regulation 51 of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Damage to such roosts can only occur if a derogation licence under Regulation 54 is obtained. In particular, the judgement of the European Court of Justice Hellfire Massey Judgement should be consulted.<sup>5</sup> That decision specifies that where a derogation licence is necessary, it must be obtained in advance of a grant of planning permission.

The Biodiversity Chapter recommends a number of mitigation measures to for the loss of roosting habitat and injury/death of roosting bats, including the provision of activity surveys to determine presence/absence of roosting bats. This should have been completed prior to the planning submission, and it is not sufficient to recommend surveys post planning permission (should permission be granted) when surveys to determine the baseline of the site were not carried out. A detailed mitigation strategy for the protection of bats is required, which should be included in the derogation licence application. The Department therefore recommends bat activity surveys are carried out on these trees with potential roosting features and submitted as further information. Even if roosting bats are not identified, bats can occupy roosting features at any stage prior to tree-felling, and therefore mitigation measures must include pre-felling surveys immediately prior to removal. The provision of additional roosts such as bat boxes is recommended, and the mitigation strategy should include the details of this, including; the proposed locations of deployment, a detailed monitoring strategy over a number of years, and the type/quantity of boxes.

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<sup>5</sup> ECLI:EU:C:2023:545



In addition, an assessment on potential impacts from lighting during the proposed works and operation, has not been provided. The Department recommends further information is provided on the potential for disturbance of bats as a result of additional lighting.

#### Badgers

An outlier badger sett was identified within the central area of the site during surveys carried out in 2022, and re-identified during surveys in 2025, where an additional hole was noted, demonstrating the site is still actively being used by badgers. Section 6.12.4 proposes the following as mitigation: "*In advance of the commencement of site works, specific details of plans pertaining to the interference with badger setts must be submitted to the NPWS for agreement*", with high-level sett exclusion measures proposed, and very little detail included. The Department does not consider this sufficient. As an active badger sett was identified in 2025, and this sett will be destroyed/infilled as part of the proposed works, a detailed badger mitigation strategy should have been included within the planning application. Mitigation measures should include camera surveys to determine the status of the sett prior to any works within the site, and pre-construction surveys of the entire proposed development site to check for any additional setts have been constructed since initial surveys. This should be completed and supervised by an Ecological Clerk of Works (EcOW) or qualified ecologist. The Department recommends a badger mitigation strategy is provided as a further information request.

#### Birds

The Department recommends that a condition be attached to planning, that in accordance with best practice guidance and Section 40 of the Wildlife Act (1976), all vegetation removal works will be scheduled outside of nesting bird season, which is between 1<sup>st</sup> March and 31<sup>st</sup> August.

#### Hedgerows

The Department notes 800m of hedgerow is proposed for removal within the site. Hedgerows are a vital habitat for a range of birds, mammals and invertebrates and it is not proposed to mitigate this loss until the soil recovery facility is at capacity in 10 years time. The Department recommends that prior to any removal of habitat, additional planting is proposed in areas not within the application site boundary, but within the lands under control of the applicant, to act as a screening measure to allow for the movement of local flora and fauna around the site. This can include enhancing existing hedgerows and the planting of native tree species in addition to hedgerow species. This additional screening will also mitigate against any noise/dust emissions from the site. Any proposed planting should include only native species that are already found within/adjacent to the site, of local provenance where possible, and should be detailed within the Biodiversity Chapter and landscape plan.



You are requested to send any further communications to this Department's Development Applications Unit (DAU) at [manager.dau@npws.gov.ie](mailto:manager.dau@npws.gov.ie), or to the following address:

The Manager  
Development Applications Unit (DAU)  
Government Offices  
Newtown Road  
Wexford  
Y35 AP90

Is mise, le meas

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Julie Sullivan  
Assistant Principal  
Development Applications Unit  
Administration