

APPROPRIATE ASSESSMENT SCREENING REPORT AND NATURA IMPACT STATEMENT

**Quarry Restoration through Import of Inert Waste
Development of C&D Waste Recovery Facilities**

Ballinclare Quarry, Kilbride, County Wicklow

Prepared for: **Kilsaran Concrete**

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BASIS OF REPORT

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0 SUMMARY

- 0.1 SLR Consulting Ireland (SLR) was commissioned by Kilsaran Concrete Unlimited Company (hereinafter 'Kilsaran') to prepare an Appropriate Assessment (AA) Screening report and Natura Impact Statement (NIS) for the backfilling and restoration of Ballinclare Quarry, Kilbride, County Wicklow. The proposed development will involve the intake of inert soil and stone / construction and demolition (C&D) wastes from construction sites, the establishment and operation of an inert landfill facility and complementary C&D waste / aggregate recovery facilities at the application site.
- 0.2 The proposed quarry backfill site ("the Site") is centred at approximate Irish Transverse Mercator (ITM) Grid Reference 725338.262, 688970.71 and circa 32.5 hectares (ha). The Site is an existing quarry with an extraction void of 17.2 ha and a floor level at approximately 37 m OD.
- 0.3 It is proposed to backfill the existing quarry void at the Site to the original / surrounding ground level by importing and landfilling inert soil and stone waste and in so doing re-establish the landform which existed prior to quarrying. The landfilling and restoration activities will both be undertaken on an ongoing, progressive basis. The proposed development also provides for the establishment and operation of a construction and demolition (C&D) waste recovery facility across the footprint of the existing paved concrete blockyard at the quarry, a soil washing plant at the former concrete / asphalt production yard and an on-site (passive) wetland water treatment system and attendant drainage infrastructure to treat surface water run-off and groundwater collecting in the floor of the quarry area prior to its discharge off-site.
- 0.4 This report has been produced to provide relevant information to the competent authority (in this case An Bord Pleanála) such that it may carry out an Appropriate Assessment of any potential significant effects on Natura 2000 sites from the proposed backfill and restoration of Ballinclare Quarry and the construction and operation of the associated inert materials recovery facility.
- 0.5 This report was prepared by Martyn Macefield BSc MSc MCIEEM. Elaine Dromey BSc MSc MCIEEM carried out the technical review of this report.
- 0.6 A desk study was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the proposed project. The approach taken in preparing the AA screening report and NIS is based on standard methods and guidance, as listed in the references section of this report.
- 0.7 Buckroney-Brittis Dunes and Fen SAC is located approximately 11.5 km downstream of the discharge point from Ballinclare Quarry and is the only Natura 2000 site identified as being within the potential zone of influence or having any ecological connectivity with the Site. All other Natura 2000 Sites are considered to be outside the zone of influence of the project due to the scale, location and nature of the project, distance from the Site and lack of any ecological connectivity.
- 0.8 The Appropriate Assessment screening demonstrated that a significant effect on Buckroney-Brittis Dunes and Fen SAC or any other Natura 2000 site is not likely to occur as a result of the completion of proposed development works.
- 0.9 However, while we continue to contend that likely significant effects will not arise as a result of the project, in this case we have taken the additional step of progressing to the next stage of the process due to a potential uncertainty that untreated discharge of licensed trade effluent containing naturally occurring heavy metals from groundwater sources may potentially have negative effects on Buckroney-Brittis Dunes and Fen SAC. We have therefore prepared an NIS to address this uncertainty.
- 0.10 The elements of the proposed development identified as having potential to affect the Buckroney-Brittis Dunes and Fen SAC are the discharge of trade effluents from the dewatering of the quarry void and surface drainage waters from the landfill and waste recovery activities.

- 0.11 All the qualifying interests of the Buckroney-Brittass Dunes and Fen SAC pertain to terrestrial habitats that are not evidently hydrologically linked to the Potters River and therefore the integrity of these habitats will not be affected by any potential change in the river's water chemistry.
- 0.12 Regardless, mitigation measures will be implemented to improve water quality prior to discharge to the Potters River. The mitigation measures will include the construction of an on-site water treatment wetland, as described in Paragraph 6.12 that will remediate the water prior to discharge to the Potters River. These measures are commonplace, industry standard and are proven to be effective.
- 0.13 We consider that following implementation of the proposed mitigation measures to reduce the load of heavy metals and other naturally occurring pollutants present within the discharged water, there will be no adverse effects on the integrity of the Buckroney-Brittass Dunes and Fen SAC.
- 0.14 Based on the available scientific information and project details, we submit that the Competent Authority has sufficient information to allow it to determine that the proposed development, individually or in combination with other plans or projects, will not have an adverse effect on the integrity of Buckroney-Brittass Dunes and Fen SAC or any other European (Natura 2000) sites.

1 INTRODUCTION

- 1.1 SLR Consulting Ireland (SLR) was commissioned by Kilsaran Concrete Unlimited Company (hereinafter 'Kilsaran') in September 2020 to prepare an Appropriate Assessment (AA) Screening Report and, if required, Natura Impact Statement (NIS) for the backfilling and restoration of Ballinclare Quarry, Kilbride, County Wicklow. The proposed development will involve the intake of inert soil and stone / construction and demolition (C&D) wastes from construction sites, the establishment and operation of an inert landfill facility and complementary C&D waste / aggregate recovery facilities at the application site.

General Description of the Site

- 1.2 The proposed quarry backfill site ("the Site") is centred at approximate Irish Transverse Mercator (ITM) Grid Reference 725338.262, 688970.71 and circa 32.5 hectares (ha). The Site is an existing quarry with an extraction void of 17.2 ha and a floor level at approximately 37 m OD. The quarry floor is locally higher at the western end, where the first bench has only been developed to a level of approximately 52 m OD.
- 1.3 The quarry is accessed via a 120m long surfaced entrance road leading off the L1157 Local Road. A concrete batching plant, aggregate plant and asphalt plant were previously located in the production yard to the south- east of the quarry holding, east of the access road, in an area where rock was previously excavated to a relatively shallow depth (of between 5 m and 10 m).
- 1.4 The surrounding landscape is characterised by mixed agricultural land with fields typically bounded by hedgerows / treelines interspersed by blocks of woodland. The landscape is dissected northwest to southeast by the Potter's River and north to south by the M11 Motorway. Small rural settlements and isolated farmsteads are scattered across the landscape, principally along local roads.

Brief Project Description

- 1.5 It is proposed to backfill the existing quarry void at the Site to the original / surrounding ground level by importing and landfilling inert soil and stone waste and in so doing re-establish the landform which existed prior to quarrying. The landfilling and restoration activities will both be undertaken on an ongoing, progressive basis. As part of the proposed development, suitable uncontaminated, undisturbed, natural soil waste and/or soil by-product (*i.e.* non-waste) which conforms to an engineering specification will be imported for re-use in the construction of the basal and side clay liners required for the inert landfill.
- 1.6 The proposed development also provides for the establishment and operation of a construction and demolition (C&D) waste recovery facility across the footprint of the existing paved concrete blockyard at the quarry. The principal wastes to be recycled at this facility will include concrete (ready-mixed, reinforced, blocks and/or pavement slabs), bricks and bituminous mixtures (hardened asphalt returns and road planings).
- 1.7 The soil washing plant to be installed at the former concrete / asphalt production yard will effectively recover sand and gravel and secondary aggregates from selected, more granular soil waste and mixed, clay bound construction and demolition waste imported to the facility. Soil washing activities will continue in operation up to the final phase of proposed landfilling across the former concrete / asphalt production area.
- 1.8 An on-site (passive) wetland water treatment system and attendant drainage infrastructure would also be built to treat surface water run-off / groundwater collecting in the floor of the quarry area during backfilling / landfilling operations and surface water run-off from the C&D waste recovery area prior to its discharge off-site.

Aim of the Report

- 1.9 This report has been produced to provide relevant information to the competent authority (in this case An Bord Pleanála) such that it may carry out an Appropriate Assessment of any potential significant effects on Natura 2000 sites from the proposed backfill and restoration of the exhausted Ballinclare Quarry and the construction and operation of the associated inert materials recovery facility.

Objectives of Appropriate Assessment

- 1.10 The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process¹ as follows:
- Firstly, a plan / project should aim to avoid any significant negative effects on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.
 - Secondly, mitigation measures should be applied during the AA process (after screening stage) to the point where no adverse impacts on the site(s) remain.
 - Thirdly a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

Evidence of Technical Competence and Experience

- 1.11 This report was produced by SLR Associate Ecologist Martyn Macefield BSc, MSc, MCIEEM and subjected to technical review by SLR Principal ecologist Elaine Dromey BSc MSc MCIEEM.
- 1.12 Martyn Macefield holds a BSc (Hons) in Biological Sciences from the University of Exeter and an MSc in Habitat Creation and Management from the University of Staffordshire. He has over 16 years' experience in ecological consultancy and is a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Martyn is suitably experienced in the preparation of Appropriate Assessment screening reports and Natura Impact Statements (NIS) for a wide range of projects throughout Ireland and Habitat Regulations Assessments in the United Kingdom.
- 1.13 Elaine Dromey holds a BSc in Earth Science from University College Cork and an MSc in Vegetation Survey and Assessment from the University of Reading, UK. She is a full member of the Chartered Institute of Ecology and Environmental Management.

Relevant Legislation

- 1.14 The main pieces of relevant legislation are as follows:
- The Habitats Directive 92/43/EEC.
 - The Birds Directive 2009/147/EC.
 - European Communities (Birds and Natural Habitats) Regulations 2011 – 2015.
 - Planning and Development Acts 2000 to 2020 - PART XAB.
- 1.15 The relevant sections of the legislation are summarised in Appendix A of this report.

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

2 METHODS

Desk Study

- 2.1 A desk study was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the proposed project. The Site and the surrounding area were viewed using Environmental Protection Agency (EPA) Maps². Wicklow County Council planning portal³ was accessed for information on other projects and plans. The National Parks and Wildlife Service (NPWS) website⁴ was accessed for information on Natura 2000 sites.

Potential Zone of Influence

- 2.2 The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).
- 2.3 A distance of 15 km is currently recommended in the case of plans as a potential zone of influence, and this distance is derived from UK guidance (Scott Wilson et al, 2006). For projects, the distance could be much less than 15 km, and in some cases less than 100 m. National Parks and Wildlife Service guidance (DoEHLG, 2009) advises that this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects.
- 2.4 The zone of influence of the proposed development is discussed in Section 4 of this report.

Screening Report

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

Natura Impact Statement

- 2.6 The approach to preparing the Natura Impact Statement (NIS) is summarised as follows:
- Describe the elements of the plan that are likely to or may give rise to significant effects on the Natura 2000 Sites;
 - Set out the conservation objectives of the Natura 2000 sites;
 - Describe how the project will affect the key species and key habitats of the Natura 2000 sites;

² <http://gis.epa.ie/> (last accessed 25 November 2020)

³ <https://www.wicklow.ie/Living/Services/Planning> (last accessed 25 November 2020)

⁴ <https://www.npws.ie/protected-sites> (last accessed 25 November 2020)

- Describe how the integrity of Natura 2000 sites is likely to be affected by the project;
 - Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the Natura 2000 site; and
 - Consider findings and determine if potential for adverse effects on Natura 2000 sites remains after mitigation has been implemented.
- 2.7 The approach taken in preparing the AA screening report and NIS is based on standard methods and guidance, as listed in the references section of this report.

3 DETAILED PROJECT DESCRIPTION

3.1 The proposed development provides for the following:

- Backfilling of the existing void at Ballinclare Quarry to original ground level by developing and operating an inert waste landfill facility with a total intake capacity of approximately 6,165,000 tonnes of inert soil and stone waste and (non-waste) soil and stone by-product and its progressive restoration to long-term scrub / grassland habitat thereafter;
- Continued use of existing site infrastructure and services including, site / weighbridge office, staff welfare facilities, wastewater treatment system, outbound weighbridge, garage / workshop, wheelwash, hardstand areas, fuel and water storage tanks to service the proposed development;
- Installation of a new weighbridge along the inbound lane of the quarry access road;
- Decommissioning of any remaining fixed plant and infrastructure associated with former rock extraction activities or with aggregate, concrete and asphalt production activities at the application site;
- Off-site removal of any materials or bulky wastes associated with the former quarrying and production activities;
- Construction of an industrial shed (portal frame structure) at the paved blockyard area to house crushing and screening equipment and to process / recycle inert C&D waste (principally concrete, bricks, ceramics and solid bituminous waste mixtures);
- Use of any external paved area surrounding the C&D waste processing shed as a hardstanding area for the external handling and storage of both unprocessed and processed C&D wastes;
- Separation of any intermixed C&D wastes (principally metal, timber, PVC pipes and plastic) prior to its removal off-site to authorised waste disposal or recovery facilities;
- Installation and operation of a soil washing plant at the former concrete / asphalt production yard to recover sand and gravel and secondary aggregates from soil waste for subsequent use in the production of construction materials
- Construction of an on-site (passive) wetland treatment system and attendant drainage infrastructure to treat surface water run-off / groundwater collecting in the sump / floor of the quarry area during landfilling operations and any surface water run-off from the C&D waste recovery area prior to its discharge off-site;
- Re-use of an existing storage shed as a dedicated waste inspection and quarantine facility to inspect and store suspect waste consignments as required;
- Upgrading and ongoing maintenance of established internal haul roads across the application site;
- Temporary stockpiling of topsoil pending re-use as cover material for phased and/or final restoration of the inert landfill / backfilled quarry; and
- Environmental monitoring of noise, dust, surface water and groundwater for the duration of the landfilling and restoration works and C&D waste recovery activities, and for a short period thereafter.

3.2 All traffic to and from the proposed waste facility at Ballinclare Quarry will be routed along the L1157, amending the current one-way system that routes inward traffic along the L1113. A provision has been made for a comprehensive road improvement scheme along the length of the L1157 leading up to the quarry, including road widening to 6.0m over most of the route length, with road strengthening and repair overlay and road markings. Further details in respect of consultations with the Roads Authority

and the proposed road upgrade works to be undertaken in advance of soil / C&D waste intake to the proposed facility, are provided in Chapter 14 (Traffic) of the associated EIAR

- 3.3 There has been no dewatering at the quarry since 2016 resulting in the quarry void becoming flooded by groundwater and which will need to be dewatered prior to receiving any imported waste materials. The dewatering operations are anticipated to occur over a period of 4-5 months at a pumping rate and required discharge of 1,728 m³/day (20 litres per second).
- 3.4 It is envisaged that the quarry dewatering will be undertaken in accordance with the terms of the existing quarry planning permission (Planning Ref 14/2118) and a revised discharge licence issued by Wicklow County Council in November 2019 (Ref. WPL116).
- 3.5 On completion of the initial dewatering operations, the rate of discharge will reduce to a normal rate of 860 m³/day.
- 3.6 Once the inert waste recovery facility has become operational, all incidental rainfall, surface water run-off and minor groundwater inflow volumes will be directed into sumps where it will be discharged from the application site in compliance with the terms of any discharge licence, though these would be superseded by any waste licence issued by the Environmental Protection Agency (EPA). It is understood that any such surface water to be discharged from site would be discharged from site via the proposed wetland treatment system. This would reduce the volumes of suspended solids and any incidental organic or inorganic contaminants.
- 3.7 The application site would be backfilled in phases working from the base of the quarry floor upwards from north to south to a final formation level based on original ground levels.
- 3.8 The discharge of treated trade effluent to the Potter's River will be required for the duration of the on-site landfilling activities and operation of the C&D waste recovery facility. The impact of groundwater inflow on water quality will reduce once the ground level in the quarry void has been sufficiently raised by backfilling with inert waste materials above the localised groundwater table.
- 3.9 As part of the proposed development of the inert waste recovery facility and prior to any dewatering operations the existing water management system will be upgraded through the construction of an on-site 3.8 ha (passive) wetland treatment system and attendant drainage infrastructure to treat surface water run-off / groundwater collecting in the floor of the quarry area during backfilling / landfilling operations and surface water run-off from the C&D waste recovery area prior to its discharge off-site. This will address the removal of suspended solids and naturally high levels of arsenic and phosphate present in dewatered groundwater, and any suspended solids or contaminants from surface water drainage.
- 3.10 Following cessation of recovery activities, the backfilled quarry will be restored to agricultural grassland using previously stripped subsoils and topsoil stockpiled on-site and additional topsoil imported for backfilling and soil recovery purposes. Surface water will either percolate naturally into the backfilled soil mass (depending on the permeability and/or degree of saturation of the soil at the ground surface) or will run-off over the ground surface to be collected by surface water channels which will carry it to the wetland water treatment area on the western side of the application site before ultimately discharging to the Potter's River. Surface water run-off from a localised lower area in the south-eastern corner of the site will be collected at a swale from whence it will be discharged to the Kilmacuragh Stream and ultimately to the Potters River.
- 3.11 Details of the development proposals can be found in Chapter 2 of the associated Environmental Impact Assessment Report

4 IDENTIFICATION OF ZONE OF INFLUENCE & NATURA 2000 SITE

- 4.1 The first step in identification of Natura 2000 sites that may be affected is to determine the potential zone of influence of the project. When the potential zone of influence of the project has been determined Natura 2000 sites within this area can be identified and the information on each collated.
- 4.2 The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change. It may therefore be appropriate to identify different zones of influence for different features. The features affected could include habitats, species, and ecosystems and the processes on which they depend⁵.
- 4.3 The identified sources of potential impact from the Ballinclare landfill and waste recovery project include potential noise, air quality (dust) and water quality issues.
- 4.4 With regard to potential impacts from unmitigated noise, the closest Natura 2000 site is Deputy's Pass SAC 1.7km away. A noise assessment of the potential acoustic impact at Deputy's Pass SAC was undertaken for the associated EIA⁶, and this indicated that the operational noise levels anticipated were 26 $L_{A eq, 1hr}$ dB(A). This is considerably less than the prescribed permitted limit of 55 $L_{A eq, 1hr}$ dB(A). The EIA acoustic assessment concluded that the risks of significant noise impact at this site, or any of the more distant Natura 2000 sites, was negligible. The ambient background noise level in a rural area is typically in the region of 30 dB(A), so the proposed restoration works are highly likely to be acoustically unnoticeable at Deputy's Pass SAC. Therefore, it is considered that all Natura 2000 sites lie outside the zone of influence of the proposed project with regard to acoustic impact.
- 4.5 Traffic movements, the stockpiling and handling of waste materials, the movement and use of waste materials for the infilling of land and the separation of any construction and demolition waste and other associated works have the potential to generate dust. Literature suggests that the most sensitive species are affected by dust deposition at levels above 1000 mg/m²/day⁷ which is five times greater than the level at which most dust deposition may start to cause a perceptible nuisance to humans.
- 4.6 Where large amounts of dust are deposited on vegetation over a long time-scale (a full growing season for example) there may be some adverse effects upon plants restricting photosynthesis, respiration and transpiration. Furthermore, it can lead to phytotoxic gaseous pollutants penetrating the plants. The overall effect would be a decline in plant productivity, which may then have indirect effects on the quality of the surrounding habitats and associated fauna. The amounts of dust deposited and its effects are also dependent upon weather conditions, as in wet weather less dust will be generated and that which has been deposited upon foliage is likely to be washed off.
- 4.7 In accordance with guidance produced by the UK Institute of Air Quality Management (IAQM)⁸ an assessment of the effects of dust will normally only be required where an ecological receptor occurs within 50m boundary of the site or 50m of routes used by construction vehicles on public highways up to 500m from the site entrance. None of the Natura 2000 sites within 15km of Ballinclare Quarry is either within 50m of the site boundary or 500m of the site entrance via public highway. Therefore, air quality

⁵ CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

⁶ SLR Consulting Limited (August 2020) 501.00036.00080 Ballinclare Inert Landfill Ecological Impact Assessment Report, Chapter 10.

⁷ Farmer, A.M. (1993). The Effects of Dust on Vegetation – A Review. Environmental Pollution Vol.79, Issue 1, Pages 63-75.

⁸ Holman et al (2014). IAQM Guidance on the Assessment of Dust from Demolition and Construction. Institute of Air Quality Management, London.

issues are screened out. Traffic is being routed away from the L1113 Local Road and so will be further away from Deputy's Pass SAC than current traffic.

- 4.8 The proposed restoration of Ballinclare Quarry involves the pumping out of the flooded quarry void, with the accumulated water ultimately being discharged to the Potter's River. An Appropriate Assessment Screening Report submitted as part of the application for a discharge licence for the discharge of trade effluent from Ballinclare Quarry in November 2017 to facilitate the dewatering of the quarry sump identified no likely significant effects to any Natura 2000 sites⁹. Likewise, a subsequent Appropriate Assessment Screening Report produced in June 2019 regarding the issuing of consent to discharge trade effluent arising from the site following the lapse of its trade discharge licence, also found no evidence indicating any significant effects to any Natura 2000 sites from the discharge of trade effluent to the Potter's River.
- 4.9 Hydrological assessment for the EIAR indicated that the groundwater collecting in the quarry void contained elevated levels of dissolved arsenic, mercury and phosphate when compared to the water in the Potter's River (Appendix 01). In addition, there is also the risk that surface water flows could be impacted by being in contact with the soil / C&D waste or flowing through it. Therefore, it is considered that there is the potential for any Natura 2000 sites hydrologically linked to the Potters River downstream of the application site to be affected, and these should be considered to fall within the zone of influence.

Identification of Natura 2000 Sites

- 4.10 The existing quarry at Ballinclare discharges to the Potter's River and it is proposed to continue discharging water pumped from the quarry void to this watercourse during infilling and restoration of the Site. Buckroney-Brittis Dunes and Fen SAC is downstream of the Site and Potter's River flows through this SAC before entering the sea. The Potter's River flows through the northern part of the Buckroney-Brittis Dunes and Fen SAC, approximately 11.5 km downstream of the discharge point, before outflowing into the sea at Brittis beach. Its location is shown on Figure 1.
- 4.11 There are no other Natura 2000 sites included for further consideration as they have no ecological connectivity to Ballinclare Quarry through landscape or surface water features¹⁰, and no potential sources of direct or indirect impact have been identified that could affect them.

Description of Natura 2000 sites

- 4.12 The description of Buckroney-Brittis Dunes and Fen SAC 000729 has been prepared using the supporting information available on the NPWS website¹¹.

Buckroney-Brittis Dunes and Fen SAC 000729

"Buckroney-Brittis Dunes and Fen is a complex of coastal habitats located about 10 km south of Wicklow town. It comprises two main sand dune systems, Brittis Bay and Buckroney Dunes, connected on the coast by the rocky headland of Mizen Head. The dunes have cut off the outflow of a small river at Mizen Head and a fen, Buckroney Fen, has developed. A further small sand dune system occurs south of Pennycomequick Bridge."

⁹ Doherty Environmental (2017). Screening Statement in Support of Appropriate Assessment for a Proposed Section 4 Temporary Surface water Discharge from Ballinclare Quarry, Co. Wicklow to the Potters River Co. Wicklow.

¹⁰ Landscape connectivity is a combined product of structural and functional connectivity, i.e. the effect of physical landscape structure and the actual species use of the landscape (Kettunen et al. 2007)

¹¹ <https://www.npws.ie/protected-sites>

Features of Interest and Conservation Objectives

4.13 The features of interest and conservation objectives for Buckroney-Brittis Dunes and Fen SAC 000729 are set out in Table 1 below. This information was obtained from the resources available on the NPWS website.

Table 1 Features of Interest and Conservation Objectives for Buckroney-Brittis Dunes & Fen SAC

Natura 2000 Site	¹² Distance from Site	Qualifying Interests	Conservation objectives
	7.7 km south east	<ul style="list-style-type: none"> • 1210 - Annual vegetation of drift lines; • 1220 - Perennial vegetation of stony banks; • 1410 - Mediterranean salt meadows (<i>Juncetalia maritimi</i>); • 2110 - Embryonic shifting dunes; • 2120 - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); • 2130 - Fixed coastal dunes with herbaceous vegetation (grey dunes); • 2150 - Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>); • 2170 - Dunes with <i>Salix repens ssp. argentea</i> (<i>Salicion arenariae</i>); • 2190 - Humid dune slacks; and • 7230 - Alkaline fens. 	<p>The conservation objectives of the SAC can be summarised as follows:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected which is defined by a specific list of attributes and targets.</p> <p>Detailed conservation objectives for each qualifying interest can be accessed online at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000729.pdf</p>

¹² When measured in a straight line over the shortest distance between the Site and Natura 2000 site

5 APPROPRIATE ASSESSMENT SCREENING

- 5.1 This section of the report identifies the potential zone of influence of the project, provides information on the Natura 2000 sites identified within the potential zone of influence i.e. Buckroney-Brittass Dunes and Fen SAC and sets out the potential impacts and effects and likelihood of significant effects.
- 5.2 Buckroney-Brittass Dunes and Fen SAC is approximately 11.5 km downstream of the quarry discharge point. The quarry discharges to Potter's River upstream of the SAC and it is this river which flows through the northern part of the Buckroney-Brittass Dunes and Fen SAC before outflowing into the sea at Brittass Strand.
- 5.3 It is considered that there is potential for effects on the qualifying interests of the SAC via the discharge from the proposed development to Potter's River. The significance of the effects on the SAC is uncertain. Therefore, it is considered that the proposed development should progress to the second stage of the appropriate assessment process and we have therefore prepared an NIS. However; An Bord Pleanála as the competent authority in this case will carry out the screening for appropriate assessment and may themselves determine that significant effects on the SAC are not likely as a result of the development.

6 NATURA IMPACT STATEMENT

- 6.1 The headings within the appropriate assessment report template provided in the European Commission guidance document ‘*Assessment of plans and projects significantly affecting Natura 2000 sites*’¹³ have been used to provide a framework to examine the potential impacts of the proposed development on the Buckroney-Brittias Dunes and Fen SAC.

Assessment of Effects of Project or Plan on integrity of Natura 2000 Sites

- 6.2 This section of the report sets out the potential effects of the proposed development *i.e.* the project (either alone or in combination with other projects or plans) on the integrity of the Buckroney-Brittias Dunes and Fen SAC with respect to the conservation objectives of the site and to its structure and function. The focus is on demonstrating, with supporting evidence and the implementation of mitigation measures, that there will be no adverse effects on the integrity of the SAC. Where this is not the case, adverse effects must be assumed.

Describe the elements of the project or plan (alone or in combination with other projects or plans) that are likely to give rise to significant effects on the environment.

- 6.3 The element of the proposed development identified as having potential to affect the Buckroney-Brittias Dunes and Fen SAC is the discharge of water from the quarry void during the dewatering process and subsequently, during the operation of the waste management facility at the quarry, and the resulting potential for the discharge of impacted surface water to the Potter’s River.

Set out the conservation objectives of the site

- 6.4 The conservation objectives of the site are to maintain or restore the favourable conservation condition of the Annex I habitats for which the SAC has been selected which is defined by a specific list of attributes and targets. Detailed conservation objectives for each qualifying interest can be accessed online at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000729.pdf

Describe how the project or plan will affect key species and key habitats. Acknowledge uncertainties and gaps in information

- 6.5 The proposed development will not affect the key species and key habitats of the Buckroney-Brittias Dunes and Fen SAC. The species and habitats that this SAC is selected for are listed in full in Table 1 above. All these habitats are terrestrial and not fed or dependent upon the flows or water from the Potters River. Additionally, the heavy metals in the discharge water are naturally occurring in the groundwater and already present in the water course. There are no uncertainties or gaps in information.

Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.). Acknowledge also uncertainties and any gaps in information.

- 6.6 The integrity of the SAC will not be affected by the proposed development. There are no uncertainties or gaps in information.

Cumulative Effects

¹³ http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

- 6.7 Effects on the integrity of Buckroney-Brittass Dunes and Fen SAC are not expected to occur as a result of the project and, as such, there are no pathways for the proposed design amendments to act in combination with other plans and projects.

Describe what mitigation measures are to be introduced to avoid, reduce or remedy the adverse effects on the integrity of the site. Acknowledge uncertainties and any gaps in information.

- 6.8 While the integrity of Buckroney-Brittass Dunes and Fen SAC will not be affected by the proposed development and specific mitigation measures are not required, the following mitigation measures are included as ‘*designed-in*’ mitigation to avoid any risk to the aquatic environment and the SAC downstream project. These measures provide certainty that the integrity of Buckroney-Brittass Dunes and Fen SAC will not be affected by the proposed development.
- 6.9 The Applicant will be required to designate a member of staff, or engage a specific person, to assume responsibility for implementation of all environmental protective measures during the construction phase. The appointed works contractor will be responsible for the implementation of good working practice during construction and mitigation measures as set out in this document. The Contractor will be responsible for providing a briefing on environmental protection measures and ecological sensitivities of the development site to all site personnel in advance of commencement of enabling works. The appointed contractor and developer will be responsible for ensuring all mitigation measures set out in a Construction Environmental Management Plan (CEMP), and that any site-specific method statements are fully and correctly implemented. It is recommended that the responsibility for environmental protection and compliance with the required protective measures is assigned to an experienced site manager or that an environmental manager is appointed by the Works Contractor.
- 6.10 On completion of construction the operator of the development; that is the entity that owns the project or their appointed agent; will be responsible for managing and operating the development in line with the requirements of the planning and waste licence conditions. The names and contact details of the individuals with responsibility for implementation and supervision of mitigation measures during all phases of the development will be clearly identified and set out in documents such as the CEMP and Operational Environmental Plan as appropriate.
- 6.11 Within the scheme design and operation, good practice environmental and pollution control measures will be employed with regard to good practice guidance such as, but not limited to, the following:
- CIRIA C741 *Environmental Good Practice on-site Guide* (CIRIA, 2015).
 - CIRIA C532, *Control of water pollution from construction sites: guidance for consultants and contractors* (2001).
 - Inland Fisheries Ireland (IFI) guidelines relating to construction works along watercourses entitled: ‘*Requirements for the Protection of Fisheries Habitats during Construction and Development Works at River Sites*’ will be followed throughout the construction of the proposed development.
- 6.12 Following a review of options by an appropriately qualified hydrologist it was considered that the most suitable option for the treatment of the collected surface water from the inert waste management facility prior to discharge off-site will be a wetland treatment system that will be constructed within the development, refer to Figure 2.
- 6.13 The effectiveness of wetland treatment systems can be enhanced by the temporary addition of various, more active treatment systems, such as chemical dosing, aeration or other such processes. This can allow a wetland system to handle higher contaminant loads or flows for periods of time (should it be necessary) before reverting to more standard modes of operation, therefore providing flexibility should leachate generation rates and chemical constituents change over time.

- 6.14 As such, the passive wetland treatment system at Ballinclare Quarry also includes provision for other infrastructure elements which will facilitate active treatment of discharge should it be required. This includes a water reception tank (of up to 50m³, self-bunded, with level controls) and a pump house (in a standard shipping container) containing feed, discharge and chemical dosing pumps.
- 6.15 The wetland treatment system would comprise the following elements in series:
- Anaerobic (biochemical reactor) wetland;
 - Iron Sequestering Unit (ISU); and
 - Aerobic wetland.
- 6.16 Following treatment, the discharge from site would be via an existing ditch / drainage channel to the Potters River.
- 6.17 Based on the premise that the discharge flow rate is generated from a progressively capped inert landfill, the area of on-site wetland required at Ballinclare will be approximately 3.8 hectares in size, comprising two wetland treatment systems in parallel to ensure that maintenance of the system can be undertaken without disruption to the treatment process.
- 6.18 The mitigation system will be maintained and implemented by Kilsaran Concrete, or subsequent occupiers of the site should ownership be transferred. Such systems are tried and tested and known to be effective at reducing the concentration of organic pollutants within hydrological systems.

Consideration of Findings

- 6.19 The mitigation measures outlined in this report, if fully implemented, are considered to be sufficient to prevent any effect on the qualifying interests of Buckroneys-Brittis Dunes and Fen SAC. The integrity of Buckroneys-Brittis Dunes and Fen SAC will not be affected by the proposed development.
- 6.20 Based on the available scientific information and project details, we submit that the competent authority has sufficient information to allow them to determine that the proposed development, individually or in combination with other plans or projects, will not have an adverse effect on the integrity of Buckroneys-Brittis Dunes and Fen SAC.

7 REFERENCES

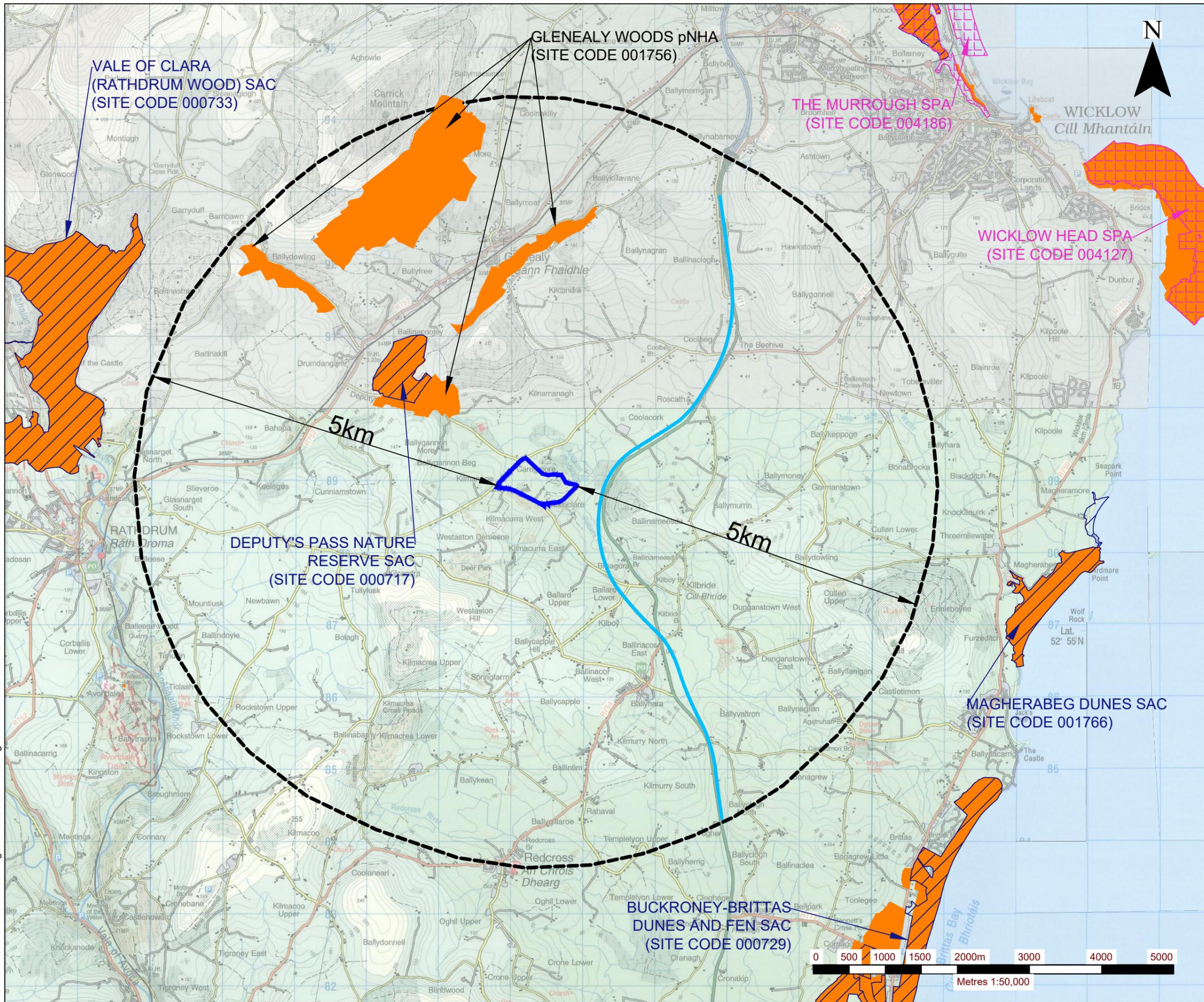
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FIGURES

Figure 1 Location Of Project Relative To Natura 2000 Sites

Figure 2 Proposed Layout Of Water Treatment System

00036.00080.0.16.FIG 1.0.Designated Site Location.dwg



NOTES

1. EXTRACT FROM ORDNANCE SURVEY 1:50,000 DISCOVERY SERIES MAPPING SHEET NO. 56 & 92
2. ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50167032 (C) ORDNANCE SURVEY IRELAND/ GOVERNMENT OF IRELAND

LEGEND

	LANDHOLDING BOUNDARY (c.36 Ha. / 89 acres)
	5KM RADIUS FROM LAND INTEREST BOUNDARY
	002274 - DEPUTY'S PASS NATURE RESERVE SAC
	001756 - GLENEALY WOODS pNHA

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NATURA IMPACT ASSESSMENT

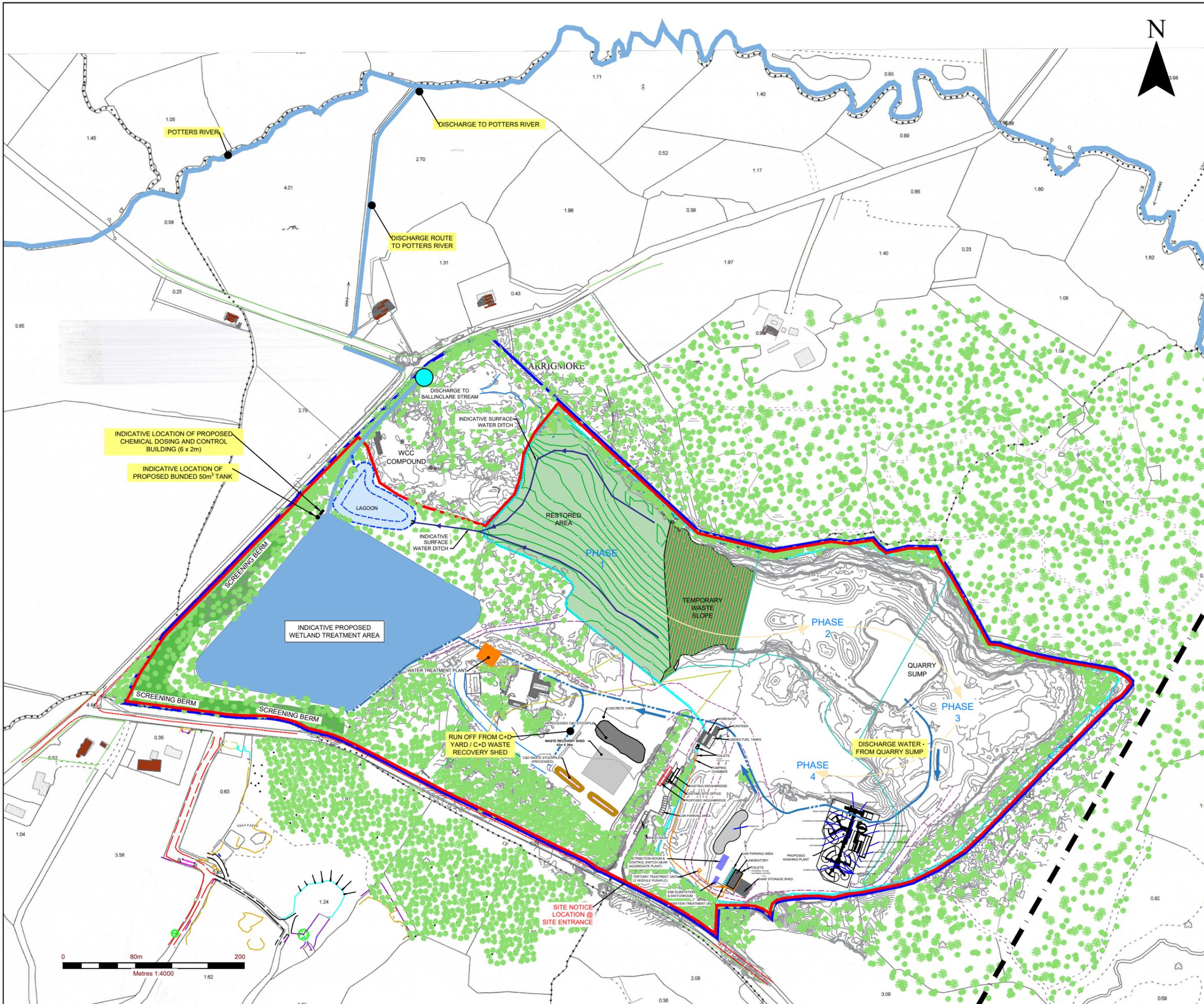
BALLINCLARE QUARRY RESTORATION &
INERT LANDFILL & C+D WASTE RECOVERY FACILITY
KILBRIDE (N11), CO. WICKLOW

DESIGNATED SITES

FIGURE 1

Scale: 1:50,000 @ A3 Date: MARCH 2021

00036.00080.0.16.FIG 2.0.Proposed Layout of Water Treatment System.dwg



NOTES

1. EXTRACT FROM ORDNANCE SURVEY 1:2,500 / 1:5,000 MAP SERIES: 4137-B & 4137-D
2. ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50167032 (C) ORDNANCE SURVEY IRELAND/ GOVERNMENT OF IRELAND
3. EXISTING SURVEY (MAY 2016) PROVIDED BY KILSARAN

LEGEND

	LANDHOLDING BOUNDARY (c. 36 Ha. / 89 acres)
	PLANNING APPLICATION AREA (c. 32.5 Ha.)
	PROPOSED INERT LANDFILL AREA (c. 17.0 Ha.)
	CONTOURS
	INTERNAL ACCESS TRACKS
	OVERHEAD LINES
	220kV ELECTRIC OVERHEAD LINE
	PUMPED WASTE WATER FROM SURFACE RUNOFF
	PHASE LINES
	RESTORED AREA
	TEMPORARY WASTE SLOPE
	PROPOSED DISCHARGE POINT
	INDICATIVE SURFACE WATER DITCH

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 KILBRIDE (N11), CO. WICKLOW

**PROPOSED LAYOUT OF
 WATER TREATMENT SYSTEM**

FIGURE 2

Scale 1:3,000 @ A3 Date MARCH 2021

APPENDIX A

RELEVANT LEGISLATION

European Nature Directives (Habitats and Birds)

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation. Similarly, Special Protection Areas are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive an appropriate assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An appropriate assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site¹⁴, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.

Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC (“the Habitats Directive”) states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”

The Habitats Directive is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 – 2015. Part XAB of the Planning and Development Acts 2000 to 2020 transposes Article 6(3) and 6(4) of the Habitats Directive in respect of land use plans and proposed developments requiring development consent.

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

Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 – 2015 sets out the circumstances under which an ‘appropriate assessment’ is required. Section 42(1) requires that ‘a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.’

Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives them the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows them to request any additional information that is considered necessary for the purposes of undertaking a screening assessment.

Section 42(6) requires that ‘the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site’.

¹⁴ Also referred to as European Sites in the Planning and Development Acts 2000 – 2020.

Planning and Development Acts 2000 to 2020¹⁵ - PART XAB

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

Screening for Appropriate Assessment

Section 177U requires that—

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

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

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

(b) consent for a proposed development is given.

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

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

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

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

(i) the applicant,

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

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

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

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

¹⁵ <http://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html> (Updated to 24 September 2020)

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

(a) any determination that it makes in relation to a draft Land use plan under subsection (4) or (5) as the case may be, and reasons for that determination, and

(b) any notice that it issues under subsection (6) in relation to a proposed development.

(8) In this section ‘consent for proposed development’ means, as appropriate —

(a) a grant of permission,

(b) a decision of the Board to grant permission on a planning application or an appeal,

(c) consent for development under Part IX,

(d) approval for development that may be carried out by a local authority under Part X or Part XAB or development that may be carried out under Part XI,

(e) approval for development on the foreshore under Part XV,

(f) approval for development under section 43 of the Act of 2001,

(g) approval for development under section 51 of the Roads Act 1993, or

(h) a substitute consent under Part XA.

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

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

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