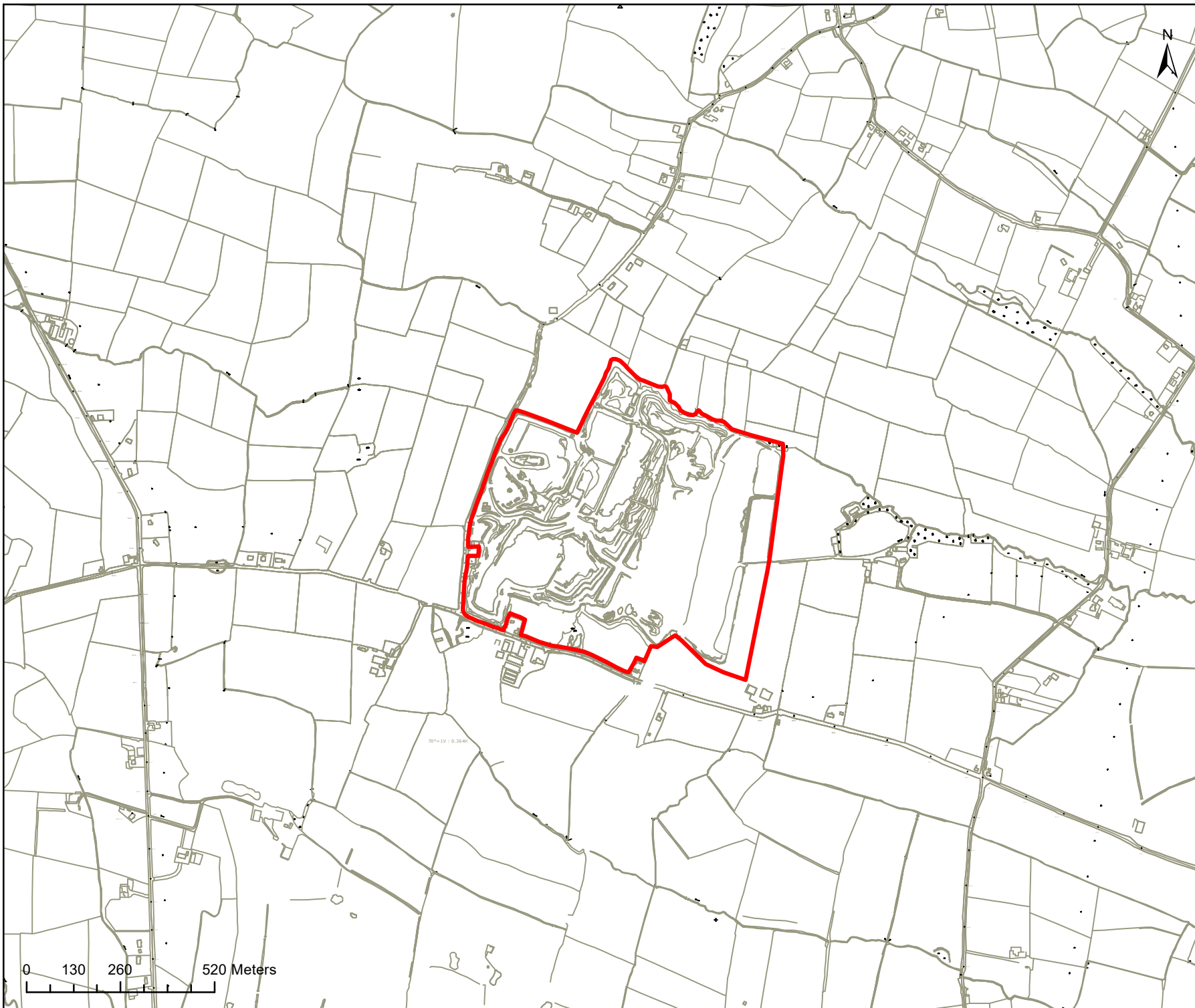


1 INTRODUCTION

1.1 Introduction

RPS was commissioned by Integrated Materials Solutions Limited Partnership (IMS) to produce this Natura Impact Statement (NIS). IMS is seeking planning permission and an EPA licence review to provide additional sustainable waste solutions in line with circular economy principals and the waste hierarchy and to continue the operation of the waste facility at the existing facility at Hollywood Great, Nag's Head, Naul, Co. Dublin, see **Figure 1-1**.

This NIS has been prepared to accompany these twin applications for the planning consent application to ABP and environmental licensing application to the EPA. The NIS assesses whether the proposed development at Hollywood, alone or in combination with other plans and projects, is likely to have adverse effects on the integrity of any European site(s) (in accordance with the legal requirements set out in **Section 1.2**) in view of best scientific knowledge and the conservation objectives of the site(s).



Legend

Site Boundary

Client
Integrated Materials Solutions (IMS) Limited Partnership
 IMS Hollywood 2022 Update

Title

**Figure 1-1:
 Site Location**

RPS West Pier
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 Dun Laoghaire, E ireland@rpsgroup.com
 Co Dublin, Ireland. W rpsgroup.com/ireland

Issue Details

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1.2 Legislative Context

1.2.1 European Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as 'The Habitats Directive', provides protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of a European Union (EU)-wide network of sites known as Natura 2000 (hereafter referred to as 'European sites').

The requirements of the Directive have been transposed into Irish legislation principally through the Birds and Natural Habitats Regulations (BNHR) 2011, as amended and Part XAB of the Planning and Development Act 2015 (as amended).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to have a significant effect on or to adversely affect the integrity of European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

'Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the 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.'

Article 6(4) states:

'If, in spite of a negative assessment of the implications for the [European] site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.'

Each European site has assigned COs and a list of QI's and/or SCI species. The CO concept appears in the eighth recital of Directive 92/43/EEC which reads: *'whereas it is appropriate, in each area designated, to implement the necessary measures having regard to the conservation objectives pursued'*. Article 1 then explains that *'conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status'*.

The National Parks and Wildlife Service (NPWS) publish conservation objectives for European sites on their website. NPWS advise in the general introductory notes of their site-specific conservation objectives (SSCO) series publications, that an appropriate assessment based on their *'published conservation objectives will remain valid even if the conservation objective targets are subsequently updated, providing they were the most recent objectives available when the assessment was carried out'*. NPWS advise that to assist in that regard, it is essential that the date and version are included when objectives are cited.

1.2.2 National Context

In the context of the proposed scheme, the requirement (to screen) for AA under the Habitats Directive is transposed by the Planning and Development Acts (2010 to 2018 as amended); 'the Planning Acts', and the Planning and Development Regulations (2010 to 2018, as amended).

Under Section 177U (5) of the Planning Acts', the competent authority shall determine that an AA of a proposed development is required if it cannot be excluded [*emphasis added*], on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site(s).

Under Section 177V (2) the competent authority shall take into account each of the following matters in their AA determination:

- (a) The NIS (defined below);
- (b) Any supplemental information furnished in relation to an NIS;

- (c) If appropriate, any additional information sought by the planning authority and furnished by the applicant in relation to a NIS;
- (d) Any additional information furnished to the competent authority at its request in relation to a NIS;
- (e) Any information or advice obtained by the competent authority;
- (f) If appropriate, any written submissions or observations made to the competent authority in relation to the application for consent for proposed development; and
- (g) Any other relevant information.

Under the Planning Acts (177T), an NIS is defined as ‘a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites’. The NIS must ‘include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites’.

1.3 Stages of Appropriate Assessment

Stage 1: Screening / Test of Significance

This process identifies whether the proposed development is directly connected to or necessary for the management of a European site(s) and identifies whether the development is likely to have significant impacts upon a European site(s) either alone or in combination with other projects or plans.

The output from this stage is a determination for each European site(s) of not significant, significant, potentially significant, or uncertain effects. The latter three determinations will cause that site to be brought forward to Stage 2.

Stage 2: Appropriate Assessment

This stage considers the impact of the proposed development on the integrity of a European site(s), either alone or in combination with other projects or plans, with respect to: (i) the site’s conservation objectives; and (ii) the site’s structure, function, and its overall integrity. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts is undertaken.

The output from this stage is a Natura Impact Statement (NIS). This document must include sufficient information for the competent authority to carry out the appropriate assessment. If the assessment is negative, i.e., adverse effects on the integrity of a site cannot be excluded, then the process must consider alternatives (Stage 3) or proceed to Stage 4.

Stage 3: Assessment of Alternatives

This process examines alternative ways of achieving the objectives of the project that avoid adverse impacts on the integrity of the European site. This assessment may be carried out concurrently with Stage 2 in order to find the most appropriate solution. If no alternatives exist or all alternatives would result in negative impacts to the integrity of the European sites, then the process either moves to Stage 4 or the project is abandoned.

Stage 4: Assessment where Adverse Impacts Remain

This stage includes the identification of compensatory measures where, in the context of Imperative Reasons of Overriding Public Interest (IROPI), it is deemed that the project or plan should proceed.

1.4 Scope of NIS

This NIS comprises a report of the scientific examination of evidence and data, carried out by competent persons, and will identify and classify any implications on European sites in view of their Conservation Objectives (COs).

The assessment will identify any potential for impacts that may adversely affect the integrity of these European sites and mitigation measures will be proposed that would avoid, reduce or remedy any such effects. This document comprises the NIS to inform the AA of the proposed development by the Competent Authority.