



An
Bord
Pleanála

**Board Order
PL 08.248355**

Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County

Planning Register Reference Number: 17/97

Appeal by Inland Fisheries Ireland of IFI Macroom, Sunnyside House, Macroom, County Cork against the decision made on the 5th day of April, 2017 by Kerry County Council to grant subject to conditions a permission to Irish Water care of Ryan Hanley Consulting Engineers of Sherwood House, Sherwood Avenue, Taylor's Hill, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Developments as part of the Kilcummin Sewerage Scheme consisting of (a) construction of a wastewater pumping station in the townland of Clashnagarrane, Kilcummin, Killarney, County Kerry which will include a below-ground peak-flow holding tank, a below-ground pump sump with duty and standby pumps as well as screening, odour control, electrical and telemetry systems, all to be housed within an above ground building; an access road to the pumping station from the rear of the Páirc Chuimín Estate, Clashnagarrane Townland; an emergency over flow from the pumping station to the adjacent watercourse which discharges to the River Deenagh within the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365), and all ancillary works including fencing, lighting, ventilation and landscaping; and (b) construction of a gravity sewer crossing of the River Deenagh

within the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) and all ancillary works; in the townland of Derreen, Killarney, County Kerry.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan, 2015-2021, the Tralee Killarney Hub Functional Areas Local Area Plan 2013-2019, together with the location of the site of the pumping station in the area of the existing private wastewater treatment system for the Páirc Chuimín residential estate, and based on the submissions made in connection with the planning application and the appeal, including the Natura impact statement, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the amenities of property in the vicinity, would not be likely to have significant effects on the environment, or the ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) and the Killarney National Park Special Protection Area (Site Code 004038) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) and the Killarney National Park Special Protection Area (Site Code 004038) sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular the likely direct and indirect impacts arising from the construction and operation of the proposed development and the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European Sites in view of the sites' conservation objectives.

