



**An
Bord
Pleanála**

**Board Order
ABP-312324-21**

Local Government (Water Pollution) Acts 1977 to 2007

Planning Authority: Kerry County Council

Register Reference Number: W207

Appeal by McSweeney Brothers Quarries Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in relation to the refusing, on the 3rd day of December, 2021, by Kerry County Council, of a licence under section 4 of the Local Government (Water Pollution) Act, 1977 for the discharge of groundwater and surface water to Kilmulhane Stream, a tributary of the Cashen River from the quarry located at Farranastack, Lisselton, County Kerry:

Decision

In exercise of the powers conferred on it by section 8 of the Local Government (Water Pollution) Act, 1977, as substituted by section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, An Bord Pleanála, based on the Reasons and Considerations set out below, hereby refuses the appeal.

Reasons and Considerations

The Board is not satisfied, based on the information submitted with the application and in response to the local authority's further information request, that the receiving waterbody, the Kilmulhane Stream, has the assimilative capacity to receive and transfer the water discharge as proposed, in addition, the proposed receiving waterbody is a tributary of the Casheen River, a transitional waterbody, which is currently classified as being of poor water quality status. Having regard to the foregoing the Board is not satisfied that the proposed discharge would not be injurious to the receiving waterbodies.



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 22nd day of Sept. 2023.