

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/55

Appeal by Patrick Arthur and others care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 21st day of March, 2022 by Kerry County Council to grant subject to conditions a permission to Irish Water care of Arup of 50 Ringsend Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Upgrades to and increased capacity of the existing municipal wastewater treatment plant and Cromwell's Bridge Pumping Station comprising primarily of the following elements: upgrade of the existing Kenmare Wastewater Treatment Plant: the existing inlet channel, control panels, oxidation ditch, two sludge holding tanks will be decommissioned and all redundant civil infrastructure and mechanical and electrical assets will be removed. A new inlet works, treatment system and associated pumping and storage infrastructure will be constructed. A new motor control centre kiosk and a new dosing kiosk will also be constructed, along with all associated ancillary works. Upgrade of the existing Cromwell's Bridge Pumping Station: the existing inlet works, grit separator, wet well, control building (including dry well) and storm tank will be decommissioned and all redundant civil infrastructure and mechanical and electrical assets will be removed. A new

AMS

wet well, and associated sewer, a new storm tank and retaining wall will be constructed. An odour treatment system and vent stack will be constructed. A new motor control kiosk and a new dosing kiosk will also be constructed, along with all associated ancillary works, all at Kenmare Wastewater Treatment Plant and Cromwell's Bridge Pumping Station, both in the Townland of Kenmare, 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.

Reasons and Considerations

Having regard to the relevant provisions of the Kerry County Development Plan 2022-2028, the established use of the site for public wastewater utilities, and the nature and extent of the proposed development, 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, including the amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience, would result in an improved quality of treated discharge at the facility, would be acceptable in terms of environmental protection, would provide a beneficial upgrade and improvement of existing public utilities on site, and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Board considered the Natura Impact Statement and all the other relevant submissions and documentation and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites taking into account the Appropriate Assessment Screening report submitted with the planning application and the screening assessment as completed by the Inspector. In completing the screening for appropriate assessment, the Board accepted and adopted the screening assessment and conclusion reached in the Inspector's report that the Kenmare River Special Area of Conservation (Site Code: 002158) is the only European Site for which the proposed development has the potential to have significant effects. The Board concluded that appropriate assessment is required for this European Site.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and documentation and carried out an appropriate assessment of the implications of the proposed development for the Kenmare River Special Area of Conservation (Site Code: 002158) in view of the site's Conservation Objectives. The Board concluded that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development and to allow it to reach complete, precise and definitive conclusions for appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,

- (ii) the mitigation measures which are included as part of the proposal,
- (iii) the Conservation Objectives for the European Site, and
- (iv) the matters contained in the submissions.

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 integrity of the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Kenmare River Special Area of Conservation (Site Code: 002158), or any other European site, in view of the site's Conservation Objectives and that there is no reasonable scientific doubt remaining as to the absence of such effects.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction, and biodiversity-related mitigation measures, as set out in the Natura Impact Statement, the Construction Environmental Management Plan, the Invasive Species Management Plan, and the Ecological Impact Assessment, and other particulars submitted with the planning application and the appeal, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include all environmental and ecological measures arising from reports submitted with the planning application and the appeal and shall provide details of intended construction practice for the proposed development, including:
 - (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
 - (b) The location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of any abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Construction working hours.

Reason: In the interest of amenities, public health and safety.

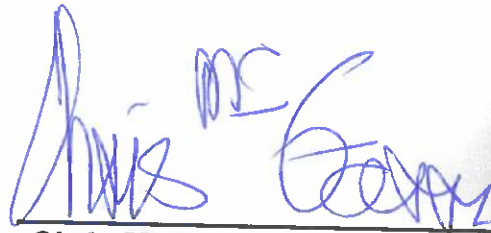
4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.



5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 16th day of January 2023.