



An
Bord
Pleanála

Inspector's Report

ABP-312009-21

Development	Retention for existing distillery and dormer house (residential use). Demolition of part of distillery building, construction of 1,762 sq.m. additional floor area and ancillary works.
Location	The Dingle Distillery, Old Mill, Milltown, Dingle, Co. Kerry.
Planning Authority	Kerry County Council
PA Reg. Ref.	21424
Applicant(s)	Drioglann Uisce Dhaingean Ui Chuis Teoranta
Type of Application	Permission to Retain and Permission
PA Decision	Grant permission/retention with conditions
Type of Appeal	Third Party vs. Grant
Appellant(s)	1) Peter Malone and 2) Elisabeth Kinsella
Observer(s)	1) William Lavelle, Irish Whisky Association
Site Inspection Dates	7 th July 2022
Inspector	Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The site of .6317 ha is located on the western outskirts of Dingle town overlooking Dingle Harbour. The site is on the western bank of the River Milltown and fronts onto the R559 (Slea Head Drive/wild Atlantic Way) which bridges over the river. On the eastern side of the bridge there is a four-armed roundabout junction. There is an established Distillery on site which occupies an industrial building complex set back from the road. This distillery site, as presently enclosed, is adjacent to a dormer dwelling to the west with vehicular access and this is also included within the development site - it is elevated from the road and separated from the compound by an overgrown agricultural type entrance. The garden level of the dwelling is about 3m higher than the distillery site. The site otherwise slopes gradually to the east and down towards the river/sea. This site is adjoined by another dwelling house close to the road and two other dwellings. The area is otherwise characterised by a low-density development on this side of the river and along the harbour frontage which is more built up in closer proximity to the town. The Distillery is visible from the Harbour Road as it is approached from the town and is set against the mountainous back drop of the Dingle Peninsula .
- 1.2. There is also a warehouse facility as part of Dingle Distillery located in Ballinaboula Industrial Estate further north along the R549 but this is not part of the subject site. The applicant describes the operation as a modest whiskey distillery with a production area of 645sq.m. and storage area of 415 sq.m.
- 1.3. The house is a residence associated with the distillery.
- 1.4. The site also includes a narrow strip of ground that extends across the river to the existing mains.
- 1.5. Dingle Harbour has status of 'High' under the WFD classification for the period 2016-2021. Milltown River is in the Laune Maine Dingle Bay Catchment and, as recorded a few kilometres upstream at the Ford SE of Cill Fhiontain, it has a Q value of 'Poor', although the EPA website states that the WFD Risk is under review. The river is not protected. Ecological Status or Potential value is classed as Moderate (2016-2021).
- 1.6. A 60kph sign fronts the eastern end of the site frontage (visible on exiting the town westbound) and the site straddles 50/60kph zone.

2.0 Proposed Development

2.1. The proposal relates to the expansion of facilities at an existing distillery and comprises the following components:

- Retention of existing distillery and inclusion of the dormer house and ancillary structures within revised site boundaries, [Retention application required by PA – it is by applicant clarified that visitors' tours had ceased at time of application]
- Proposal to redevelop the existing Dingle Distillery by way of demolition of part of the existing distillery building (135sq.m.) and construction of 1,762 sq.m. of total additional floor area to include a
 - Three storey lift tower with reception to front.
 - Extensions at ground and first floor level and a new first floor level within the existing building to provide a visitor centre with bar and viewing balcony.
 - New extended ground floor production, storage, and plant area,
 - New ground floor retail area to include a change of use of ground floor area to retail use, ancillary office and sanitary facilities.
 - Overall upgrading of building to include new architectural treatment, elevations and external finishes (glazing, stone and slate cladding and new metal sheet roof with rooflights,)
 - Revised access to include additional service entrance.
 - Expanded car park area, Bus set down area and Cycle parking.
 - Relocated gas tanks to underground.

Note: Site layout with sightlines is updated to reflect Road Safety Audit measures – Ref: drawing 03-019-J037-01 Rev 9 (dated13-9-21)

- Revision to boundary alignment with extended Distillery boundaries to encompass overall site of 0.6317 ha site and encompassing existing dormer house.
- new signage
- New drainage to include decommissioning of two septic tanks and construction of new surface water system with attenuation and construction of new foul sewer rising main from the Distillery to cross under the Milltown River to connect to public sewerage network and Ballyhea Road, Commons of Milltown, Dingle and

all ancillary development. The proposed rising main will run across the Milltown River Basin to connect to the public system in the eastern side of the river near the junction east of the bridge. Works will entail laying of the pipe in a cutting in the riverbed. Trench excavation will be required to place the main s underneath the River. The trench will deepen in a defined slope as it approaches the watercourse crossing on either side so as to have sufficient passing depth of c. 1m under the watercourse. This has been assessed by an ecology team who found works would have no adverse signficnat impacts

2.2. **Reports accompanying the application**

- Planning report (April 2021)
- Ecological Impact assessment (April 2021)
- Engineering Assessment Report (April 2021). This includes a flood risk assessment. While the site is in flood zone A , as it is existing development and there are no flood issues, a justification test is not required.
- Screening Report for Appropriate Assessment. (April 2021)
- **EIA screening report** is appended to the planning report (April 2021) prepared in accordance with schedule 7A of the PDR 2001 as amended. schedule 7A information is again provided in the response to the appeal by Peter Malone.

2.3. **Other** correspondence lodged on date of application in support:

- Department of Agriculture, Food and the Marine: The Marine engineering division advise that proposed works do not interfere with the operations of the An Diangean Fishery Harbour Centre and there are no objections to the proposed public sewer connection.
- Udaras na Gaeltachta: A Letter 31/10/2019 as Gaeilge consents to the proposed sewer pipe works under/over certain lands in folio KY34559
- Letter of support from adjacent neighbour who will benefit from improved access. In a wider context that it will improve visual amenities as well as contributing to the local economy.

2.4. **Specialist reports**

2.4.1. A **Traffic and Transport Assessment report** prepared by MWP (Malachy Walsh and Partners Engineering and Environmental Consultants) was submitted as further information . It projects traffic volumes and uses ARCADY and PICADY junction capacity modelling in accordance with methodology on page 3.

Peak daily visitors

Transport Mode	Visitors per day
Tour coaches (2 /day)	60
Shuttle Buses	170
Car (80 /day)	160
Bicycle	210
Total	410

The total peak is predicted to be up from current 150 to 410 visitors (as par table above) per day. Staff is predicted to be up to 16 persons on site. Commercial is expected to be lower due to relocation of operations to the other industrial site. The predicted highest peak hour traffic is less than the Volumetric threshold increase of 5%. (TTA Assessment criteria by TII) and would have slight operational impact.

The roundabout junction capacity has been assessed based on 100% traffic use and is predicted to operate within its capacity, (RFC of 0.671 with proposed development as compared to RFC 0.658 without it.) Highest delay is predicted to be 0.19 minutes. A slight operational effect is predicted by reference to EPA EIAR guidelines.

2.4.2. **Road Safety Audit:** A stage 1/ 2 Road Safety Audit was submitted as further information and identifies problems in relation to stopping sight distances, lack of vertical level details, potential conflicts at service area , unclear bus set down areas, inappropriate parking , possible restricted disabled access, lack of details regarding footpath treatment for impaired users, lighting lux levels, drainage, road marking and signs. Recommendations are made for each of these issues and these are stated to have been reviewed and accepted by the design team. The findings of this audit are addressed as set out in the cover letter received 17th September 2021.

- The available sightlines are greater than required under DMURS and exact distances shown on drawing 03—19-J037-001 rev 9. Other details also shown

on this drawing include vertical level, defined access routes for pedestrian and vehicular movements, bus entry (service) and exit via main entrance with set down area.

- Provision of public footpath, disabled parking,
- All footway treatments to comply with Building Regulation Disability Access Certificate
- External lighting plan submitted
- Construction drainage details will be prepared at construction stage.
- The orientation of the stop road marking has been re—oriented,

2.4.3. **Noise Survey:** This report was submitted as further information (September 2021) and set out a baseline for noise levels of the facility at various points including a boundary location at a noise sensitive location and with the cooler on and off. Various measures are proposed in relation to the cooler which is the main source of noise in the facility but not necessarily having a significant impact on ambient noise at N1. Measures include location and screening of cooler, future changes in nature of operations and operational management. No significant noise impact on the receiving environment is anticipated by the proposed development. While some temporary disturbance associated with construction is predicted, the noise environment will improve with changes in production processes.

2.4.4. **Odour Impact Assessment** was submitted as further information (September 2021). Odour Monitoring Ireland Ltd performed an odour audit of the existing operations and based on this an air dispersion modelling impact assessment was conducted. The emission data was scaled up for the proposed operations. Receptors were based on a 0.64sq.km catchment centred on the facility. Table 5.1 sets out the predicted 98%ile odour threshold concentrations detected at specific receptor locations and worst case predicted ground level concentration beyond the boundary of the facility. R1 (the nearest residence which forms part of the subject site) has a predicted concentration of 1.02 O_u_g/m³ where the limit value is 3. Worst case is 1.6 anywhere outside the boundary. The proposed facility operations are stated not to give rise to odour impact during routine operations. No recommendations are made as a result.

Lighting design drawings 17569 MWP-XX-ZZ-DR-E-9001 Rev P01 shows lighting plan and detailed specifications. Stated to take account of best practice guidance - CIBSE Lighting Guide LG06: The Exterior Environment Institution of Lighting Professionals (ILP) Guidance Note 08/18 (Bats and artificial lighting in the UK), Bat Conservation Trust (Interim Guidance: Recommendations to help minimise the impact of artificial lighting), Bat Conservation Ireland (Guidance Notes for Planners, Engineers, architects and Developers), Bats and Lighting Research Project, University of Bristol (Bats and Lighting – Overview of current evidence and mitigation).

Lighting to use a combination of low level (c. 1m in height) and column mounted (5-6m high) LED lights. The column mount light would be in the car parking and site facilities with low level along pathways . Budling lights mounted downwards. At low intensity and minimal usage using various technologies.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the response to a request for further information on 17th September 2021, and revised notices as requested, Kerry County Council by order dated 28th October 2021 issued notification of a decision to grant permission and to retain development subject to 2 conditions in schedule 2A) and a decision to grant permission for proposed development subject to 13 conditions Schedule 2B.

Schedule 2A

Condition 1 – revised boundaries as revised in details submitted on 19/4/21. 17/9/21 and 1/10/21

Condition 2 requires removal of unauthorised porta- cabin building within one month of date of permission.

Schedule 2B

Condition 3 compliance with details submitted a per condition 1.

Condition 4 €15,131,1 towards roads and transport and €14,154 towards community and amenity.

Condition 5 – Demolition

Condition 6 – materials and finishes specified.

Condition 8 foul waste/distillation discharges to foul sewer, only coolant waters to River under license by KCC environment Section and other discharge management requirements

Condition 9 – implementation of safety audit. A stage 3 safety audit required among other traffic and road safety measures.

Condition 10 relates to stonework detail of roadside fence.

Condition 11 - lighting/control

Condition 12 requires retention of boundary screening and implementation of landscape plan as submitted on 17/9/21.

Condition 13 – implementation of ecological impact report and consultation with Inland Fisheries Ireland. All in-stream works to be carried out during June to September inclusive. Restoration of any riparian damage.

3.2. Planning Authority Reports

3.2.1. Planning Report 10/6/21- The relevant development plan provisions are cited in respect of the development management in a rural context. Third party submissions are noted together with internal reports and submissions from prescribed bodies.

- The area is noted as being classed as ‘rural general.’ The visual impact of a medium scale industrial type development is considered acceptable in principle.
- The need for EIA was screened out, on the basis of no real likelihood of significant effect on the environment arising from the proposed development. .
- Further information was sought in respect of the following:
 - Unauthorised visitor centre use outside site boundary,
 - Site boundaries, unauthorised structures,
 - The nature of public bar and retail uses.
 - Purpose of 2nd floor area.
 - Noise and odour levels and impact on nearby dwellings.
 - Traffic Impact Assessment and Road Safety Audit, sightline details,

- Trade effluent discharge details. This is stated to be needed to complete the appropriate assessment screening.
- Clarification of water supply/use.
- External lighting proposals having regard to Inland Fisheries' requirements.
- Elevation drawing annotations.

3.3.1. Following submission of the further information (including revised notices) and noting all submissions, the planning authority considered these details to be substantially acceptable having regard to the technical reports. The need for an AA was screened out. It was considered that the proposal will result in a significant upgrade to the appearance of the building on this prominent site at the western entrance to Dingle. It was also noted to provide for a new public footpath. Revised notices were sought in view of its significance.

3.3.2. Other Technical Reports

- Roads:

22nd October 2021 – Following Further information, this report recommends implementation of the Stage 1 /2 Road safety audit and that all documentation generated at this stage to be submitted to the Planning Department for approval prior to commencement. Stage 3 RSA is also recommended in addition to accommodation of 3m wide footpath and provision of footpath and cycleway along the frontage . Other standard road construction related conditions recommended.

- County Archaeologist:

11th May 2021. No recorded monument in vicinity of this site which has been previously disturbed. No mitigation required.

- Environment Section:

2nd June – welcomes the public sewer connection. No objections subject to condition as clarified on foot of further information.

4th October 2021 – Potential noise from visitor centre is noted as a possibility and condition of permission is recommended in this regard. It is clarified that the discharge license relates only to coolant waters and all other discharges for the distillation and gin processing must discharge to the public sewer. No objection

subject to condition regarding pumping station/tank, review of Discharge license, pollution avoidance measures during construction and other condition relation to water quality protection, bunded storage, monitoring of surface water, waste management by-product manamgnet/disposal and odour control.

Biodiversity Officer

- **10th June** - Concurs with the submitted EclA generally- the site habitats are of low ecological value. Works in the estuarine location are of relatively minor nature and disturbance will be temporary. Japanese knotweed noted but unlikely to be disturbed and can be managed to avoid spread. Bat survey has been undertaken in accordance with best practice no roosting sites - while they forage and commute through, they do not roost. The development is not likely to have any significant impact. The existing operations lighting and daytime construction work is also noted in this regard. Further information required regarding trade effluent discharges otherwise no objection.

3.3 **Prescribed/Other Bodies**

- **Irish Water:** Report of 18th May 2021: No objection subject to conditions
- **Failte Ireland:** Report of 24th May 2021: support the proposal as a key strategic tourism facility.
- **Inland Fisheries Ireland:** Report of 25th May 2021 Further information required.
- **Dept. of Tourism, Culture Arts, Gaeltacht, Sport and Media:** No response.

3.4. **Third Party Observations**

- 3.3.3. The Planning Authority noted submissions both against and in support of the proposal. The objections were mainly against the industrial nature of the proposal with extensive reference to the unsuitable location and serious injury of residential amenities. The objections are very detailed and reiterated in the grounds of appeal as set out later in this report. An adjoining resident welcomes the improved access to her home facilitated by the proposed development.

4.0 Planning History

- 4.1.1. PA ref. 86/903 refers to permission for construction of sawmill and store and septic tank.
- 4.1.2. PA ref. 136 refers to permission (2013) to retain structures including extensions to authorised development, signage, fuel tanks and railings this also provided for clean water connection from distilling process to existing discharge pipe to the Milltown River under license. All within revised site boundaries with fencing/walls all served by existing septic tanks.
- 4.1.3. Pre-Planning meeting (pp5388) record at back of file refers to unauthorised development among other issues needing to be addressed in an application.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. **Kerry County Development Plan 2022-2028** is the operative development plan.
- 5.1.2. The site is in a rural general area landscape category and section 11.6.3.2 of the CDP provides guidance for managing development in such areas. The Kerry County Development Plan 2015-2021 remained in place until 28th November 2022. In that plan the site was zoned rural general and was also within a least sensitive landscape category with an ability to absorb moderate development.
- 5.1.3. Other objectives guide development management:
 - KCDP 4-2 Facilitate and support the sustainable development of towns and villages of sufficient scale and quality to be drivers of growth, investment, and prosperity.
 - KCDP 4-3 Preserve the architectural heritage of towns and villages and promote conservation-led regeneration and the re-use of buildings where possible.
 - KCDP 11-70 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives
 - KCDP 11-71 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity,

distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted

- KCDP 8-25 Ensure the protection and preservation of archaeological monuments, wrecks and features, not yet listed in the Record of Monuments & Places (RMP), Sites & Monuments Record (SMR) or Wreck Inventory of Ireland Database and such unrecorded, through on-going review of the archaeological potential of the plan area. In securing such protection the council will have regard to the advice and recommendations of The National Monuments Service, Department of Housing, Local Government and Heritage, and the County Archaeologist.
- KCDP 9-21 Ensure that sufficient land is reserved around site boundaries, in both individual sites and industrial parks to accommodate landscaping which will soften the visual impact and reduce the biodiversity loss of the development and improve the quality of the environment.
- KCDP 10-74 Support astro-tourism initiatives, including the extension of the Kerry Dark Sky Reserve, to leverage the economic benefits of the International Gold Tier Dark Sky Reserve Designation for the local communities and County.
- KCDP 11-42 Require proposals for development that include the provision of external lighting, to clearly demonstrate that the lighting scheme is the minimum needed for security and working purposes and also to ensure that external lighting and lighting schemes are designed so that the incidence of light spillage is minimised ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected.

5.2. Corca Dhuibhne Electoral Area Local Area Plan 2021-2027

5.2.1. The site is outside this plan area. However, central to this plan is a hierarchy of settlements of which Dingle is the principal town. A strategic aim in section 2.1.3 is the reinforcement of the social and economic strength of the area by building critical mass of population and jobs in the designated towns and villages.

5.2.2. Renewal and regeneration objective:

- RR01 Encourage the development and renewal of areas, identified in Local Area Plan, having regard to the Core Strategy, that are in need of regeneration....,

Brownfield Development objectives:

- **BD-01** Promote the development and employment potential of brownfield sites and their potential to contribute to a more sustainable pattern of development.

5.2.3. Dingle / Daingean Uí Chúis is itself an internationally renowned tourist destination offering attractions for domestic and international visitors and is well positioned to contribute to overall ambitions and targets for the tourism sector over the next ten years.

5.2.4. Town centre: (section 3.2.5.3) In order to maintain a vibrant town centre it is essential that the level of retail provision in the town centre is maintained and enhanced.

5.2.5. Tourism objectives are set out in section 3.2.5.5 with an emphasis on diversification and year-round facilities. The plan encourages the sustainable improvement of existing and new recreational facilities at appropriate locations which would focus on particular strengths of the town, e.g. water activity, sailing, canoeing, sea angling/fishing etc, and as a base for walking/cycling and other similar activities.

5.3. **National Policy and Guidelines**

5.3.1. **Project Ireland 2040 - National Planning Framework** : The plan contains a number of National Strategic Outcomes (NSOs) supporting diversification in rural economies while also respecting the built and natural heritage and promoting sustainable transport. Such policies include:

- **NPO 21** Enhance the competitiveness of rural areas by supporting innovation and diversification of the rural economy into new sectors and services, including those addressing climate change and sustainability.
- **NPO 23** Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

- **NPO 27** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

5.3.2. **The Design Manual for Urban Roads and Streets (DMURS):** This is the principal design manual for urban roads and streets and is mandatory when providing new or modifying existing urban roads and streets within the 60 km/h urban speed limit zone except for:

- Motorways,
- In exceptional circumstances, on certain urban roads and streets where the written consent of the relevant Approving Authority (see below) has been obtained.

The guidelines set out in the DMURS Manual outline practical design measures to support the National Planning Framework and its objectives in relation to compact cities, place making and the encouragement of more sustainable travel patterns in urban areas.

Advice Note 1 : Transition zones and Gateways: in this, a transition zone between rural and urban is defined in part as being in speed limit area of 60kph and an urban zone generally where a speed limit is 50 kph among other criteria.

Advice note 3 : Geometric standards are set out and explain design speed by reference to NRA DMRB specifications.

5.3.3. **National Roads Authority Volume 6 Section 1 Design Manual for Roads and Bridges Part 1 NRA TD 9/07** relates to national roads and rural roads. It sets out geometric standards and detailed criteria for design speeds for different speed limits and stopping sight distances. For 60kph design speed (i.e. where speed limit is 50kph) a minimum distance can be stepped down to 50m on the vertical plane subject to meeting other criteria.

5.3.4. **Planning System and Flood Risk Management Guidelines (2009):** A Site-Specific Flood Risk Assessment (FRA) should be carried out for all developments and should be completed in accordance with these guidelines.

5.3.5. **Retail Planning - Guidelines for Planning Authorities (2012):** These guidelines emphasise the importance of retail uses, typically less than 700sq.m., in town centre

vitality and the need for a sequential approach to managing the expansion of such uses. It sets out the classes of retail uses and notably section 4.11.3 sets out guidance for factory shops. 'Factory Shops - Such units, usually located as part of or adjacent to the production facility, should be restricted by way of condition to the sale of products produced by the relevant factory. Proposals for individual factory shops may be appropriate, provided the scale of the shop is appropriate to its location and raises no issues in relation to the vitality and viability of nearby urban centres.'

5.4. Natural Heritage Designations

5.4.1. The nearest Natura 2000 sites are:

- Mount Brandon SAC 000375 is c. 720m to the northeast.
- Dingle Peninsula SPA 004153 is c. 2.9km to the south via the harbour.

6.0 The Appeal

6.1. Grounds of appeal – Peter Malone

- **Design:** Proposal is not of a high architectural quality.
- **Visual impact.** The applicant's reference to location being least important in terms of landscape is not relevant in the context of the scenic quality of the area and the need to protect same. This is supported by the tourism strategies. A report 1992 recommends that the rural character of Milltown should be retained. Milltown is a rural village – the character of which must be preserved. The proposed development with bar coach parking etc would blur the boundary. Between Dingle and Milltown.
- The National Biodiversity Action Plan 2017-2021 highlights that industry can only be sustainable if it does not lead to **degradation of national assets**.
- The **scale and use and architectural style** will dominate the built social and natural environment and is not sited in the area as required by local and national planning policies.
- The support by Failte Ireland for the 50,000-capacity visitor centre is dismissed on the basis of the marketing focus of this body and its effective **commercialisation of cultural heritage and exploitation of the environment**.

Visitors' experience is competing with the protection of amenities of locals who are already challenged by the direction and intensification of the local tourism industry.

- Detailed elements are criticised as having limited foresight in other enhancements of the local environment – the **distillery green** , **restoration of the mill** among other perceived limitations of the design.
- **Retail impact:** 110 sq.m. area for local craft and merchandise other than distilled products is not acceptable. Need to balance priorities for Dingle town centre where regeneration is promoted.
- **Impact of bar** – by reason of noise and disturbance due to traffic, large and small crowds and music. Milltown is a quiet rural village area where bird sound is the only real disturbance. Voices from even small groups on the riverbank already carry to the appellant's house.
- **Lighting** to include 6 no. 6m high lights and 13 no. ground lights and bollard lighting with possibly more lights is **urban in nature** and inappropriate for the rural setting with potential impacts on **wildlife** . Reference is made to the following species: Manx Shearwater, insects, bats roosts and nesting ducks in the estuary habitat. Notwithstanding angles and shading of lights, there will be glow in addition to that from the extensive glazing in the building. The planning condition regulating lighting will be difficult to achieve.
- The concern raised by Inland fisheries regarding restriction of lighting onto river should be extended to protect the natural habitat. The existing lighting should also be modified in this context.
- Overall the lighting will have a significant impact on the area - on residents and the local habitat, spoil the rural character and **undermine the natural boundary between Milltown village and Dingle town.**
- **Traffic and Road safety:** The 50000 visitor will attract a lot of additional traffic which is of concern given the site location along a popular tourist route (Wild Atlantic Way's Sleahed Drive, restricted sightlines along the road and its proximity to the bridge and location at a 'choke' point. The RSA (submitted as FI) notes problematic issues such as peak daily visitors increase from 150 to 410 with a shuttle bus , multipoint manoeuvres reversing on site , inappropriate

parking outside boundary, restricted sightlines and appellant's driving experience near the site.

- The statement that Milltown roundabout would continue to function well is disputed by the appellant's experience - he observes that he waits a few minutes on the Ballyhea/Ballinabooula road while yielding to traffic. Any choking of traffic flows at the distillery entrance will **compound these delays**.
- Also the larger vehicles have to pull into the centre of the **roundabout** to turn due to the alignment of the road and bridge junction. This blocks all traffic crossing the bridge. The RSA does reflect local experiences and knowledge
- The issue of pedestrian crossing has not been addressed. Although concerns are raised about the urbanising effect of such.
- The **footbridge** in the vicinity (condition 9) will not be provided in the foreseeable future and having regard to the challenges of the old bridge and costs particular in view of other road projects requiring funding it is considered to be **wishful thinking**.
- The modes of transport for visitors are disputed given the observations by the appellant – most people drive and fewer use tours and a minority cycle. The PICADY analysis and **capacity projections do not accordingly add up**.
- The appellants raise concerns over the use of the venue for **events and concerts** and the impact of **noise** on locality and the natural habitat. Notwithstanding the reference media coverage regarding potential use of centre for live music events, the submitted documentation state that the nature of the use for visitors associated with distillery tours and that it will be closed by 10.
- Design simplicity has not been adhered to – this is contrary to the McNulty report on building typology.

6.2. Grounds of Appeal - Elizabeth Kinsella

6.2.1. This appellant lives in a dwelling directly west of the site - sharing its boundary. The grounds of appeal relate to:

- **Impact on residential amenity:** It is submitted the operations on site presently cause disturbance by virtue of **odours and noise pollution** and effects the enjoyment of her home , accordingly the intensification of use will render her

home uninhabitable and valueless. Odour during distilling process currently is unbearable in garden and home during certain stages.

- The development has outgrown the site and there is an **alternative site** in an industrial estate which would be more suited for the operation which impacts on residential amenity. To allow the expansion in this location is haphazard development in the context of protecting residential and rural amenities.
- There are **unresolved site constraints regarding traffic** and sensitive context.
- The consultants' reports supporting the proposal are dismissed as biased in favour of the applicant.
- **Design:** architects statement dispute regarding height not extending above existing, it is out of context with respect to the viewing tower and impacts on surrounding properties by way of **overlooking, overshadowing** and overbearing nature. This will be aggravated by the bar area and use of **balcony and anti-social behaviour**.
- The intended **future bar licence and hosting of private events** and nature of bar custom and event use is not fully reflected in the public notices.
- Noise: It is submitted that the noise survey was based on deliberate slow operations. The proposal is a 24 hour operation .
- There have been occasional events which have caused noise and disturbance – the legitimising of this as an on-going and frequent use is objectionable on grounds serious injury of residential amenity.
- The planning permission has no controls on use of events area should be restricted to visitors centre and not after 8pm
- The layout should be revised to: omit third floor, omit retail and bar areas and reduce function areas.
- The **lighting urbanises** the area.
- The external fungus will potentially increase due to threefold increase in activities and **ethanol rich environment**.
- Retention should be sought: The ongoing unauthorised use for 17000 visitors is not clearly provided with sewage capacity and car parking.
- The traffic assessment /Road safety audit and PA assessment have not fully considered the **inadequacy of 22 car park spaces** in the context of a normal requirement of 194 spaces and lack of footpath The conclusions of the **traffic**

and transport assessment are based on questionable assumptions. This is based on the predicted peak traffic volumes of 2.3% notwithstanding the scale of expansion (staff increase from 19-50 and 50000 visitors. The use of buffer for parking would obstruct sightlines and use of these areas will conflict with graveyard and guest house bus set down area. It is not safe. Capacity for Large vehicles and turning has not been adequately considered regarding production inputs/outputs, maintenance, shuttle buses and tourist visitors. It is **not safe with inevitable chaos** with 50000 visitors drop off buses and haphazard parking.

- The RSA provides no real solution to limitation of sightlines.
- The applicant shows a disregard for the planning process and sets a bad precedent and cannot be justified simply by elaborate reports.
- Risk of hazard – conflict of industrial process and recreational use and overall safety for all site occupants.
- Legal **ownership** is questioned. There is no evidence of legal owner of house on site or consent to apply for permission for development for the house site. There are incongruities with land registry details.
- Reliant on development in a separate site for packaging and dispatch yet no evidence of permission for this in Ballinabough site.
- The retention of the house as a **domestic residence is questioned** in the context of its industrial location and its potential to reduce the scale for new development is used for offices or such like.
- A **revised application is required** to address inaccuracies and such application should be reduced by omission of element of the current proposal.
- Permission is inconsistent with the decision to refuse permission for a 17 sq.m. hairdressing business in applicant home in this rural area on grounds **of incompatibility with rural zoning** and objective ECO5-37 (ensure new retail development in town centres) and serious injury to residential amenity.
- **Retail impact** – the ancillary nature is not relevant if I is competing with the town centre. It is out of town shopping.
- Measures for Protection of **water quality** (well water and ground water) are unclear. Is there capacity for water supply in terms of volume and hydraulics of pipe network.

- Measures for Protection of River from Surface water are unclear. E.g. attenuation and treatment measures.
- These operation impacts are raised – the construction phase assessment is acknowledged.
- Risk associated with the pollutant liquid and proximity to River.
- Risks associated with **daily plumes of smoke** and environmental impact.
- **EIAR needed** - Need to assess use of natural resources, waste production pollution and nuisance and risk of accidents. Scale and mass will impact on landscape.
- Insufficient details of exhaust pipes.
- The proposed development is **premature** given that the proposed sewer extension is subject to a Foreshore License application. – it is a fundamental element that is in doubt.
- Premature pending resolution of discharge license and management of waste.
- The difficulty arising from **proximity of gas tanks to septic tank** is queried.
- Structural issues are raised in addition to height differences and circulation within the site, in view of the potential **ground levels changes** and lack of details.

6.3. **Planning Authority Response**

- 6.3.1. In correspondence dated 30th November 2021, the planning authority makes no specific reference to the grounds of appeal.

6.4. **Observations on appeal lodged 2021**

- 6.4.1. William Lavelle of Irish Whiskey Association has submitted a letter in support of the proposal primarily on the basis of its role in enhancing tourism. The applicant is one of the first of Ireland's new wave of craft distilleries in an industry that is supported by a range of government back food/drinks and tourism linked policies.

6.5. **Applicant's Response**

- 6.5.1. Responses to both grounds of appeal were received on 20th and 21st December 2021 respectively. Both rebuttals refer to the general context in terms of nature and pattern of development :

- The distillery is established since 2012 in an old industrial property – former saw mill. (Submitted to be more intrusive use) The requirement by the PA for retention is somewhat disputed in principal but was, nevertheless, complied with.
- The proposed incorporation of the bungalow and curtilage allows for revision to access and parking while the house will remain in residential use.
- It is clarified that it will be 24 hour operation with visitor centre facilities enhanced and operating 9 am to 10pm. Employment is expected to increase 25 (19 on site) to 30-50 persons (winter- summer)
- The Dep of AG, Food and Marine and Udaras na Gaeltachta have consented to the making of the application

6.5.2. In response to the grounds of appeal by Peter Malone it is specially stated:

- Landscape quality: it is in least sensitive by reference to the Development Plan (section 3.3.2.1 and the site context.
- Scale Use and Architectural style: it is relatively small increase in footprint of an industrial premises and will be improved by the upgraded exterior. The stair way tower is part of a fire safety feature. The existing premises has floor area of 1186sq.m. excluding the house and the expansion of floor area is largely internal. The plot ratio of 49.6 and site coverage of 32% are indicative of modest scale. The former saw mill use would have been more intrusive in use. Would not object to conditions varying exterior.
- Blurring of settlement boundaries: The site is existing and there is no substantive change in streetscape. It remains separated by the bridge but the pattern of ribbon development and scattered commercial development effectively marks the area as edge of town centre.
- Architectural treatment: The criticism is disputed having regard to comparatively negative impact of industrial premise and the upgrade while essentially retaining scale it is a considered design – bronze reflects the copper stills. The applicant is open to amendment in finishes including the logo in the boundary.
- Lighting: design took account of avoiding impact on river. It is a necessary feature but would open to using more low-level fittings.
- Renewable energy: energy efficiency and associated government department schemes have informed the design and incorporated heat recovery, steam

efficiency and heat pump technology. The mill would not be useful in this regard but would be retained as memory of the site history.

- Retail impact: the retail element is primarily associated with the Distillery and is not provided for in the town centre . Its scale is comparable to a petrol station.
- Visitor centre: The criticism against this type of tourism facility is rebutted by reference to the local economy and role of tourism and that the hickey distilling industry is significant growing participant is tourism. The applicant proposes that the viewing balcony hours could be closed at 20:00hr.
- Noise: A detailed report on this was submitted as FI and concluded that the development would not have a significant effect . There will be an improvement in the production process reducing impact . There is no scientific basis to dispute this. The visitors element would not be significant source. A condition would be standard for this issue.
- Traffic safety: a free shuttle bus (16-person capacity) is planned in summer season. The basis of the consultant report and data therein is considered to provide good quality baseline data.
- It is accepted that roads are not up to modern standard, but the site is within a 50kph area and measures have been taken to minimise risk and agreed to the satisfaction of the council. The applicant has offered land to facilitate the construction of pedestrian bridge as further facilitated in condition 9.
- Ecology: Criticism in this regard is rebutted on basis of resources applied to ensure no such impacts. E.g. New connection to public sewer replacing septic tank and diverts effluent to appropriate treatment. An Ecological Impact assessment informed the proposal and concluded no significant adverse impact. Habitats with site are unsuitable for sensitive species.
- The proposal reinforces a tourism facility while providing employment and benefits the environment

6.5.3. In response to the grounds of appeal by Elizabeth Kinsella , further points are made in respect of similar and new grounds raised:

- Relocation of Distillery: The site is long established as an industrial location (hence name Milltown) and has reasonable expectation of expansion.

- Visual impact: Similarly it is pointed out that the current buildings are not of the highest order and the proposal would be a decided improvement. The main building is not higher - it is an extension and recladding of existing.
- Residential amenity: disruption, noise and odours, overlooking:
 - Surprised at this as applicant believed there was positive relationship and there have no formal complaints. An odour issue raised in 2020 had been addressed .
 - The on-site residence for a site manager allows for ongoing supervision.
 - The Noise consultant's report concludes there will be improvement in noise emission . This is due to improvements in production – e.g. new malt intake system and duration (1.5 to ½ hour) and off site bottling reducing despatch movements. The survey methods were accurate and the 'go-slow' reference is incorrect.
 - The odour study was completed by a specialist in this area (completed over 700 studies) and in accordance with the relevant methodologies and professional standards.(e.g. EPA Air Guidance no.4) . It measured current levels and also scaled up levels to take account of proposed developemtn. It concluded that that the proposed development would not give rise to odour impact during routing operation of the distillery.
 - It is pointed out the distillery activities are authorised by planning permission no.136 of 2013.
- Event use/hours: The visitor element is an intrinsic part of the growing distillery industry and is supported by Failte Ireland. Visitors will be supervised and a condition restricting numbers at any one time is possible. Closing time at 22:00hrs is suggested.
- Lighting: The area is edge of town rather than rural in character and as stated, the applicant is agreeable to modifying lighting layout.
- Traffic: The Traffic and Transportation report was prepared by a qualified and experienced consultancy. The projected number of 410 visitors is not disputed. A shuttlebus service is proposed and while about 40% of the visitors will be year-round, the HGV traffic will be significantly reduced from 30 to 7 movements per day. An 2.4% increase in peak hour traffic volumes is predicted on the R559 and

AADT would increase by up to 1.35 with the proposed development in place. And the report concluded that the proposed development would not have a significant adverse traffic impact on the local road network.

- In terms of safety the proposal also incorporates upgrades to the existing access and also replaces a domestic two-way entrance with a delivery (no exit) entrance only. There are no recorded road accidents/collisions on the R559 in the vicinity of the site.
- The Further Information includes a revised site layout showing adequate DMURS sight lines for vehicles turning into entrance.
- Use of bungalow: this will continue as a residence for the distillery manager and has adequate private open space.
- Fire safety is subject to fire safety certification and is not regulated by planning permission.
- Risk of pollution/impact on well and septic tanks:
 - Surface will be run through a hydrocarbon separator and poses no pollution risk.
 - Public sewerage connection will result in no pollution risk to Milltown River – there will remain a discharge of clean water (cooling) under license whereas effluent will be discharged to the public sewer also under licence and via the new connection.
 - All tanks will be bunded.
 - the removal of the septic tanks is a positive.
The residual ‘mash is removed for site by local farmer for cattle fodder and there is therefore very little waste.
- Existing well: there is an existing well on site that is drawn for cooling in addition to connection to a public water supply subject to condition of IW. There are no wells within 150m. It is explained that the use of this well will not change significantly. (daily usage at a max of 70-100 m³) due to the new heat recovery system used in a closed circuit system
- Impact on septic tank: No reason to believe there will be any impact.
- Legal interest: This is confirmed in an attached letter.
- EIA Screening: It is submitted that sufficient information was provided to the planning as contained in the screening statements. Details of the EIA screening

report are again appended. Schedule 7A Information is including as part of a screening report for EIA. Criteria is appended.

6.6. Prescribed Bodies

- 6.4.1. No further consultation with Prescribed bodies has been sought. While consultation is required with the Environmental Protection Agency in the case of subthreshold EIA determination where an IPCC Licence or Waste Licence application (new or renewal) is sought, such circumstances are not it would appear, applicable in this instance.

7.0 EIA Screening

7.1. General

- 7.1.1. Section 172 of the Planning and Development Act provides for the requirement of an EIA of a proposed development being either of a mandatory class (Part 1 of schedule 5) or of a class in Part 2 of Schedule 5 and which is determined that it would be likely to have significant effects on the environment. An Environmental Impact Assessment Screening report was submitted to the planning authority (appended to planning report (April 2021). The adequacy of the information submitted to the Planning authority is reaffirmed by the applicant in the response to the grounds of appeal. (page 25).
- 7.1.2. Mandatory requirement: In this case there is no relevant class and therefore a mandatory EIAR is not required.
- 7.1.3. Subthreshold classes: As the development relates to installations for commercial brewing and is an extension of such a facility, the applicable categories in Schedule 5 , Part 2 are:
- Class 7 food industry (d) Installations for commercial brewing and distilling;
installations for malting, where the production capacity would exceed 100,000 tonnes per annum
- Class 13 changes extensions development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years. (In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)

(c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7

Class 14. Works of Demolition Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

7.1.4. section 15 states. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7

7.1.5. I consider the proposed development for the 'installations for commercial distilling' qualifies the proposed development to be of a class – Class 7 (d) requiring an EIAR. It is subthreshold and although considerably below the 100000 tonnes, in view of the nature of the development, the doubling of output and its context and the details submitted as part of the application, I consider there is a requirement to screen the proposal for the need for EIAR.

7.2. **Schedule 7A information :**

7.2.1. The planning authority report states that this is a medium scale industrial/commercial project comprising an extension to the existing distillery operation on a site in a rural area and is not affected by Part 1 or Part of PDR 2001 as amended. No designated areas of biodiversity importance are noted to adjoin the site and the development is not deemed to result in the production of any significant waste or result in emissions or pollutants. Accordingly having regard to these circumstances and in particular to the nature, scale and location of the proposed project, it is considered by the PA that this proposal is not one which requires an EIA screening nor EIA . This is based on the conclusion that there is no real likelihood of significant effects on the environment arising from the proposed development. Notwithstanding, the applicant has submitted a screening report as part of the application and in response to the grounds of appeal. This sets out details under the headings of Schedule 7A. Having regard to this information the planning authority determined that the proposed development did not require an EIAR.

7.2.2. I am of the opinion that as the information submitted is as set out under schedule 7A that the need for EIA cannot be subject to a preliminary assessment and that the proposal needs to be subject of a screening determination.

7.2.3. In consideration of this matter I further note that:

- The application has been accompanied by an AA screening report together with details of waste licensing as submitted in further information, an Ecological impact Assessment, Odour and Noise survey reports and an Engineering assessment Report.
- An IED/IPC or Waste Licence (or review of licence) is not required from the EPA.
- With respect to other assessments, the Kerry County Development Plan 2017-2023 (as varied) is the parent plan and was also subject to SEA in accordance with the Planning and Development Amendment Act 2021 having regard to European Directive 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (“SEA Directive”)

SCREENING DETERMINATION

7.3. Assessment under Criteria as set out in Schedule 7 of the Regulations / Annex III of the EIA Directive.

7.3.1. The headings as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) are generally consistent with those given at Annex III of the 2014 EIA Directive (2014/52/EU). The following sections assess the proposed development against the criteria listed in the Directive and Planning and Development Regulations under the following general headings:

- Characteristics of proposed development
- Location of proposed development, and
- Types and Characteristics of potential impacts

7.4. Description of Physical characteristics of development

7.4.1. The existing distillery was established in 2012 replacing a former saw mill and occupied buildings from the 1980s for the most part. They have a combined floor area of 1186 sq.m. and this includes the main production area of 645 sq.m. and storage area of 415sq.m. The distillery produces whiskey, gin and vodka. (c. 100 tonnes) The process involves grain deliveries twice daily as a part of the fermentation process where water and yeast are added in a two-stage process – first malting and 2nd commencement of fermentation. Spent grain mash and pot ale are then removed – these are the by-products used for agriculture – essentially no waste in this process.

7.4.2. It is proposed to construct an extension of 1762 sqm to a distillery as part of a remodelling of the premises to provide increased production (approximate doubling) and extended visitor facilities (bar shop, viewing gallery.) This will give a total of 2813 sq.m. on a site of .6317 ha (excluding the dwelling house.)

7.4.3. Works include partial demolition, new build extension and internal mezzanine level, extending the site to include the domestic dwelling which provides for increased parking and circulation and new vehicular entrance arrangements. Due to ground level differences between the house and distillery sites, the amalgamation of the sites requires lowering ground by around one metre in places.

- 7.4.4. Works also involve laying a sewer connection pipe underneath the Milltown River by trench excavation so as to connect to the public sewer and allow decommissioning of 2 septic tanks. The connection requires an underground pump and pump chamber on site.
- 7.4.5. In terms of intensity, it is clarified that it will be a 24-hour operation with visitor centre facilities enhanced and operating 9 am to 10pm. Employment is expected to increase 25 (19 on site) to 30-50 persons (winter- summer)

7.5. A description of the location of the development with particular regard to the environmental sensitivity of geographical areas likely to be affected.

- 7.5.1. The proposed development is in a developed site close to the western end of Dingle Town and Environs - just outside the development boundary. It is the least sensitive landscape category in the development plan. The site is partly adjacent to the Milltown River and part of the development site cuts through the river for underground pipework. The land use of the site is predominantly industrial. In its immediate context there is a mix of dispersed residential (adjoining and nearby – see figure 8.1 of the Odour Impact Assessment for nearest receptor locations), industrial/commercial, and open space uses all in a harbour setting. Dingle Harbour is on the opposite side of the road to the south.
- 7.5.2. The site is not subject of any environmental/ natural heritage designation. The ecological report concludes that the site has no biodiversity significance and is generally of low ecological value. However the local environs are of local value in respect of fauna such as pygmy shrew, hedgehog, common frog and lizard, passerine birds, otter and foraging bats. The foliage provides shelter and foraging for these species and also the intertidal habitats to the east provide foraging and roosting habitats for bird species and foraging for otters. The site is not important for bat species.
- 7.5.3. The nearest Natura sites are Mount Brandon SAC (c.720m northeast) and Dingle Peninsula SPA 004153 is c. 2.9km to the south. The AA screening report, submitted with the application, concludes that the proposed development either by itself or in connection with other development is not likely to have a significant effect on any Natura Site.

- 7.5.4. There are remnants of an old Mill on the site which includes parts of a stone wall incorporated into a building and a wooden mill wheel and mill race which are to remain.
- 7.5.5. The structures housing the distillery are basic and of no architectural merit.
- 7.5.6. There is also a domestic dwelling – a dormer house and its curtilage with vehicular access of the road. Both the residence and the distillery premises are served by septic tanks. There are separate modern premises in an industrial area in Ballinaboula nearby . This is not part of the application site.

7.6. **Aspects of the environment with potential to be significantly affected by the development**

7.6.1. Having regard to, a) the expected residues and emissions and the production of waste where relevant and, b) the use of natural resources in particular soil, land, water and biodiversity and to the extent of information available on such effects of the development on the environment, the main aspects of the receiving environment include:

- (i) Air: Emissions to air, as a direct consequence of the distilling process are identified as emanating from odour plumes and noise. Residents in the area are potential sensitive receptors to such impacts.
- (ii) Water in cooling process will continue to discharge to the River under license.
- (iii) Waste: The residues from the distilling process consist of wort and mash and are classed as by-products of the distillation process by reference to Article 27 of the European Communities (Waste Directive) Regulations 2011 and re-used in agriculture and are removed from site on a daily basis (3 skips into one container) . There is therefore little waste matter. The effluents are to be discharged to the public sewer via a proposed new connection – replacing septic tank drainage. There is capacity for the increase in staff and PE. The decommissioned septic tank systems are a form of waste.
- (iv) Soil: There is a change in some ground levels and a garden lawn is to be replaced by a car park/circulation area. Soil is not identified as being subject to change.
- (v) Land: No material change in land use will arise.

(vi) Water: The overall environmental impact on water is considered to be low. There will be a moderate increase in storm water. The site layout and design provides for a potential barrier by way a bunding of the fuel storage at the western end of the site. No details of a construction compound at construction stage have been provided to buffer the water body and the site. Soiled water from the external areas will be intercepted before discharging to the River/ sea. There will be no discharges of note and therefore no impact during the operational phase. By using best practice methods to manage run-off and soiled water during construction and operational stage and including the method statement for laying under river pipework in section 6 of the Engineering Report (April 2021) and adherence to the conditions by the prescribed bodies, I am satisfied that there will not be a significant adverse impact on the Milltown River such as would require the carrying out of an EIA. The potential effects on European Sites is however addressed under the Habitats Directive.

(vii) Biodiversity is not likely to be impacted having regard to the urbanised nature of the developed site. No mammal or bird species will be impacted. The lighting may disturb nocturnal foraging outside the site. Due to hard-surfacing and an effectively contained system and removal of waste off-site there is unlikely to be a significant impact on soil or flora and fauna.

7.7. Characteristics of the impacts (nature and extent) and mitigation if any, avoiding or preventing a significant impact, having regard to probability magnitude, (including population effected) complexity duration , frequency, intensity and reversibility of impact.

7.7.1. Is the project significantly different in character or scale to the existing surrounding area or environment ?

While the proposal will double the production output, it is not a materially significant change in land having regard to the established nature of uses on site and the moderate estimated scale of production at 200 tonnes. It is also to be provided with sewer connections resulting in limited demands for effluent drainage. The closed circuit water system will not result in any significant drawdown in water supply. The

pipe work under the riverbed, subject to meeting requirements of Inland Fisheries, is not significant in terms of altering the estuarine habitat character. The scale and character will accordingly not result in any significant effect on the environment.

7.7.2. Will construction, operation, decommissioning or demolition works cause physical changes to the locality, topography, land use, waterbody?

The demolition works are limited. The earthworks associated with the levelling and hard surfacing in the garden lawn together with the underground laying of pipes, tanks and pump will have marginal impact in terms of topography. This will not result in any significant effect on the environment.

7.7.3. Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?

- The operation will increase use of grain and water in the production of alcohol products. The residual by-products from mash will be re-used in the agriculture sector.
- Water supply will be from Irish Water mains connection and regulated accordingly.
- There is no objection from Irish water in principle to this connection.
- Energy consumption informs the design. In this way the proposal is not likely to result in any significant effect on the environment.

7.7.4. Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?

- The occurrences of both odour and noise have been respectively assessed but levels are within acceptable limits. The proposal could be restricted by permission in order to operate within the scope of the application details as proposed and to safeguard the localised environment from potentially harmful or noxious substances. The proposal is not likely to result in any significant effect on the environment.
- In terms of safety, the Chief Fire Officer has had input for the purposes of fire safety notwithstanding separate regulations in this regard. It will be subject of Fire

Safety Certification. Nor is the development classed as hazardous – it is not a Seveso site.

I consider it reasonable to conclude that subject to environmental mitigation measures together with safety measures, that any substances generated by the proposed development would not be harmful to human health or the environment.

7.7.5. Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?

The processing of grain and fermentation will generate by-products in the form of mash which is used in the agricultural sector and waste will therefore be minimal. The water used in cooling will be discharged to the surface waters under licence as is presently the case and without issue. Surface water run-off will be intercepted with filters before discharge to waters. One of the objectors raises concerns about the generation of fungal growth supported by ethanol emission which I consider to be more of a health and safety regulatory issue. In terms of noxious substances, the Odour Impact Assessment predicts the odour concentrations for 10 receptors and 9 are under $1 \text{ Ou}_g/\text{m}^3$ (at ground level) where the limit is $3 \text{ Ou}_g/\text{m}^3$. R1 is the house within the site and this records the highest level at $1.025 \text{ Ou}_g/\text{m}^3$. The report also predicts that all residential and industrial properties in the vicinity of the facility will perceive an odour concentration of less or equal to $1.5 \text{ Ou}_g/\text{m}^3$ at the 98th percentile for worst case meteorological year Cork 2015. This is 2.94 times lower than the guideline limit. Figure 8.3 of this report illustrates the Odour contour plot of this scenario (1). The report concludes that the proposed facility operations will not give rise to odour impact during routine operations is within acceptable limits. In this way the proposal is not likely to result in any significant effect on the environment.

7.7.6. Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?

- This noise report sets out a baseline for noise levels of the facility at various points including a boundary location at a noise sensitive location and with the cooler on and off. Various measures are proposed in relation to the cooler which is the main source of noise in the facility but not necessarily having a significant

impact on ambient noise at N1. Measures include location and screening of cooler, future changes in nature of operations and operational management. No significant noise impact on the receiving environment is anticipated by the proposed development. While some temporary disturbance associated with construction is likely in the short term, the noise environment is likely to improve with changes in production processes over the longer term.

- The site will be illuminated and this is to be controlled particularly having regard to the comments by Inland Fisheries.
- There is no indication of cause of heat, energy or electromagnetic radiation having any likely impact on the environment.

In such circumstances, I consider that issues arising in this regard would not be significant to warrant an EIA.

7.7.7. Will there be any risks to human health, for example due to water contamination or air pollution?

- During construction there is likely be some dust, but this will be temporary. Risk of pollution of water courses or ground water from spillage and earthworks are likely to be controlled through standard mitigation which includes filtering out hydrocarbon pollutants.
- At operational stage, wastewater will be connected to the foul sewer rather than septic tanks and discharges of process water from cooling operations will continue to be managed by licence. It is clarified that there will be no increase in cooling requirements as a result of increased productions levels. Any increase which might result will be supplied by the existing cooling tower and here will therefore be no increase in discharge volumes.
- Surface Water: Storm water is proposed to outfall to the sea via interceptors on site and this can be restricted to green field run off rate. The Engineering report notes there are no noted major flood events on or within the vicinity of the site.
- In terms of air quality, atmospheric emissions, the emissions are stated to be well within the limits as can be seen in the extract from the reports cited above.
- No recorded wells are identified within 250m of the site boundary.

I consider that risks to human health would not be significant to warrant an EIA.

7.7.8. Will there be any risk of major accidents that could affect human health or the environment?

- This is not a SEVESO site. Fire safety has been considered at planning stage.
- Potential risks associated with major accidents and/or disasters, can be suitably mitigated through compliance with the relevant health and safety regulatory regimes and if necessary by limiting the quantities of dangerous substances present on site to levels below the relevant thresholds for the COMAH Regulations.

I consider that risk of major accidents that could effect human health or the environment would not be significant to warrant an EIA

7.7.9. Will the project affect the social environment (population, employment)?

- The project will provide a modest increase in local jobs on a ongoing basis at an existing facility and will have negligible impact.
- It is part of the planned focus of the development plan in tandem with national and regional policy to develop the tourism industry and agri-food industry.

I consider that the effect on the social environment would not be significant to warrant an EIA.

7.7.10. Is the project part of a wider large-scale change that could result in cumulative effects on the environment?

- As a relatively modest extension to an existing facility which seeks to relocate some of the bottling and distribution operations to an industrial estate and which decommissions 2 septic tanks and connects to a public sewerage system, this could be assessed to have modest positive cumulative effects on the local environment.
- No cumulative arising with Flood relief work, agricultural use or drainage for reasons set out in submitted AA screening report.

7.7.11. Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:

- a) European site (SAC/ SPA/ pSAC/ pSPA)**
- b) NHA/ pNHA**

c) Designated Nature Reserve

d) Designated refuge for flora or fauna

e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan

- Based on the information submitted and from my review of the Environmental Sensitivity Maps and NPWS available data, the development site is not subject to any designation related to the aforementioned. The site is essentially urban in nature. There are no reported findings of significance in relation to the site supporting species of interest. The Ecological Impact assessment report supports this. The nearest site of conservation interest is Mount Brandon SAC but there are no direct pathways. Dingle peninsula SPA is to the south but there are no clear connections with the qualifying interests.
- Japanese Knotweed was noted in the vicinity of Milltown River – the risk of spreading this invasive species has been eliminated in the EclA and noted to be acceptable by the Planning Authority in its review of the nature and scale of works.
- In terms of EIA issues, the mitigation measures in respect of controlling pollutants at source and filtering out would I accept eliminate any significant impact on the environment.

7.7.12. Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?

- No, the site is of low ecological value and is not a significant foraging area having regard to abundance of the habitat in the wider area.

7.7.13. Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?

- The site is in an developed area where the landscape character is in general category that is the least sensitive in the context of the county landscape heritage. While there are protected view across the harbour, The site development is not subject of a landscape or visual amenity conservation/

preservation objectives and accordingly has capacity to absorb industrial development by reason of low-lying terrain and development plan objectives.

- While there are remnants of the industrial heritage in the form of the mill wheel and stone wall neither of these are listed for protection. There is a general policy in the development plan to protect such but the proposal does not involve removal of these structures.
- While there is a clustering of recorded monuments in the wider area, none including the respective zones of influence are directly impacted.

7.7.14. Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?

- The adjacent river and Harbour setting have a limited vulnerability to run-off and contaminants in the receiving water which in turn may impact on fisheries. The harbour has high quality status - but its risk assessment is under review pursuant to the WFD.
- The site is located within a flood zone A category but the site specific FRA indicates that proposal will not increase the risk of flooding.
- Pollutants will be regulated by design and filtering.
- The connection to the public sewer and decommissioning of two septic tanks is a positive impact on ground water quality.
- Mitigation measures include consultation with Irish Water and Inland Fisheries. Having regard to the nature and limited scale of development and mitigation measures the proposed development is unlikely to have a significant adverse impact on the environment in this regard.

7.7.15. Is the location susceptible to subsidence, landslides or erosion?

- It is not susceptible having regard to the relatively low-lying terrain, limited scale of works and use of retaining structure where the ground slopes/steps. The proposed development is unlikely to have a significant adverse impact on the environment in this regard.

7.7.16. Are there any key transport routes(e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?

- The Sleah Head Drive part of the W22 wider coastal route fronts site and this road is of sub-optimal alignment. The Milltown Bridge between Dingle town and the site is also an old structure of narrow alignment. The proposal will increase traffic levels in the vicinity of the site. The Traffic Impact assessment however indicates modest levels of traffic and concludes that at both construction and operational stages it will be within the capacity of the road network. The Road Safety Audits provide for detailed measures to protect and enhance road safety and minimize any potential traffic hazards. The proposed development is unlikely to have a significant adverse impact on the environment in this regard.

7.7.17. Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?

- The site hosts an established distillery in a low density area and is sufficiently separated from populated centres to not have any significant effect on the environment.

7.7.18. Other factors that should be considered which could lead to environmental impacts

- none

7.7.19. Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? No having regard to the following:

- There are no significant developments proposed in the vicinity of the site to amount to having any significant cumulative effect either at construction or operational stages.

7.7.20. Transboundary: Is the project likely to lead to transboundary effects?

- No.

7.7.21. Are there other relevant considerations?

- No

7.8. Conclusions

7.8.1. In view of the foregoing and having regard to the nature and scale of the proposed development, it is considered that the issues arising from the proximity/ connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. I do not consider that the proposed development is likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location, that would warrant an EIA. The submission of an environmental impact assessment report is, therefore, not required. I accordingly recommend a determination to following effect:

7.9. Determination

7.9.1. Having regard to: -

(a) the nature and scale of the proposed development, which is significantly under the mandatory threshold in respect of Class 7(d) of Part 1 Schedule 5 – food industry – ‘Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes’;

(b) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 as amended and the absence of any relevant connectivity to any sensitive location;

(c) the schedule 7 A and associated documentation submitted with the application,

(d) the guidance set out in the ‘Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development’, issued by the Department of the Environment, Heritage and Local Government (2003), and;

(e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended,

it is considered that the proposed development would not be likely to have significant effects on the environment, and submission of an environmental impact assessment report is not therefore required.

8.0 Assessment

8.1. Issues arising

8.1.1. This proposal relates to the expansion of an established distillery to provide for expansion and reorganisation of both the distilling operations and visitor facilities. The site is accordingly a developed site, although presently served by septic tanks - one for the dwelling and one for the Distillery. It is situated at the periphery of Dingle town – outside the delineated urban development area and overlooks Dingle Harbour. The site is not within any site or habitat of ecological conservation interest although the Milltown River to which there is a discharge license from the site, flows into Dingle Harbour which is a notable ecological resource. Having regard to my site inspection, the relevant policy and guidance and the submissions on file, the salient issues relate to:

- The principle of the development
- Impact on visual amenities and landscape character
- Retail impact
- Traffic safety
- Impact on residential amenities
- Water supply and effluent
- Light pollution
- Other environmental issues
- Hazardous development
- Procedural matters
- Appropriate Assessment

8.2. The principle of the development

8.2.1. The case is made against the principle of intensification of the distillery at this location having regard to its location in a rural area by reference to the CDP which

seeks to protect such areas and by being part of the Milltown settlement as distinct from Dingle town. While I accept that the site is outside the development area as defined by the Dingle local area plan, I consider the pattern of development and infrastructure supports the development in principle at this location. I would also dispute the rural classification by reference to DEMURS. While there are rural characteristics in terms road frontage among other features, the pattern of development and speed limit of 50-60kph places the site in the transitional zone as defined in Advice Note 1 of this road design manual. Moreover, the site historically has been in industrial use – formerly being occupied by a sawmill industry before changing to a distilling industry. I note the planning history and extant structures and consider an extension in principle to be acceptable. I also note that the remodelling of the structures has a relatively modest change in development footprint within the already developed site and is not contributing to any substantive increase in urbanisation of the area.

8.2.2. In terms of an ancillary tourism use and also a wider context, I note the Development Plan is framed by reference to the Local Economic & Community Plan LECP and the County Kerry Tourism Strategy and Action Plan 2016-2022 which recognise the role of both indigenous enterprises and tourism facilities. Section 1.9.5.1 of the CDP for example states: 'It is crucial to build on the history of entrepreneurship in the county through brand leaders such as Kerry Group (Listowel), Dairymaster (Causeway), Dingle Distillery (Daingean Uí Chúis) and Fexco (Killorglin).' The provision of an enhanced tourism facility is also supported in the NPF for example in NPOs 21,23 and 24 as cited. The applicant further elaborates how the growing distilling business has a role in this. In this context I consider the arguments against the principle of the development at this location and on the basis of commercialisation of cultural heritage and exploitation of the environment cannot be sustained.

8.2.3. While the site now proposes to envelop a single residence – the use of the house is not changing. The residence (notably included as a sensitive receptor in the impact assessments) will remain as a buffer between the other residents to the west and southwest. The only materially evident change to the dwelling relates to the encroachment of the parking and circulation area into the front garden area. There

will also be underground LPG Bulk gas storage in a partially walled area along the western boundary.

- 8.2.4. In terms of infrastructure, the proposal seeks to connect to sewerage infrastructure which is available. The proposal also provides for pedestrian and cycling connectivity between the site and the town. Accordingly in terms of infrastructure, the site is potentially connected to the urban area in a sustainable manner.
- 8.2.5. The principle of developing an expansion of this facility in what is described as a rural area is also questioned on the basis of impact on scenic landscape. While the wider scenic quality of the area is not disputed, the county development plan provides a framework for managing development while protecting the overall landscape character of the area. As the site is a 'brownfield' site and not in a specifically designated sensitive landscape area for protection, I do not consider there is any substantive overriding strategic grounds for refusal in this regard. The reference, as cited by the appellants, to the Mc Nulty report of 1992 as part of a tourism development and marketing plan for Kerry is I consider superseded by the current development plan and I also note Failte Ireland has been consulted and supports the project.
- 8.2.6. The appellants also question the need for what is considered a haphazard development on too small a site in the context of an alternative site in an industrial estate. In this case however the proposal provides for the relocation of some of the bottling and distribution function to the industrial estate while expanding the existing distilling operations and tourism element at this historic mill site. I consider this reasonable and not haphazard although perhaps may require further planning consent in the other site. Ultimately, I do not consider a sequential test is necessary to justify the principle of an extension for an established distillery in this case.
- 8.2.7. The sustainability of the development is disputed by reference to the absence of renewable energy and lack of use of the mill. Notwithstanding the applicant's response to this which refers to energy efficiency informing the design (e.g. heat recovery, steam efficiency) and which in any event is substantially governed by Technical Guidance L of the Building Regulations, I consider the re-use and adaptation of an existing site which lends itself to connection to existing infrastructure to be inherently sustainable in terms of land use and resources. I

further accept that the mill would not be useful in this regard but note that it is to be retained as a memory of the site history.

- 8.2.8. I do not consider there is any substantive strategic policy basis to refuse permission. Permission is of course also predicated on the proposal meeting normal development management criteria as assessed in more detail below.

8.3. Impact on Visual Amenities and Landscape Character

- 8.3.1. The proposal is criticised in terms of its negative impact on visual amenities by reason of its scale and design and also by reason of its location having regard to the scenic landscape context .
- 8.3.2. The site is however in the least sensitive landscape category by reference to both the County Development Plan (section 3.3.2.1) and its 'brownfield' nature – being a developed site at the edge of the town. It is not in a position that would introduce obstruction of any of the designated views and prospects as set out in Maps in Volume 4 of the CDP. In respect of the site's location along the Wild Atlantic Way route, I accept that the proposal would have enhanced visibility from the road. I do however note that the Wild Atlantic Way in Kerry has the longest section (450Km of the 2500km) (section 10.1 of the CDP) and incorporates many of the protected views and prospects which are not impacted by this proposal. In respect of its visual enjoyment, the Way could only be marginally affected, if at all. I would similarly disregard the impact of traffic congestion as generated by the expanded facilities on the experience along the Way on grounds of proportionality and the urban environs.
- 8.3.3. In terms of scale and architectural style in the local environs, I do not consider the scale to be excessive relative to what exists. Much of the added floor level is by way of a mezzanine type level within the structure as extended. Accordingly, I accept that a plot ratio in the order of 49.6 and site coverage of 32% are indicative of a modest scale and appropriate to the wider scenic context. The proposed tower element which is the subject of much of the 3rd party criticism is I note centrally located to the front of the main building complex (the height of which is to be retained) and stepped back from all the boundaries . The height will I accept visually flag the building . This positioning and scaling together with the remodelling of the exterior will however unify the overall building complex. Furthermore, having regard

to the warehouse type shed type structure, I consider the proposed building materials and finishes together with the landscaping and boundary treatment will contribute to an overall visual upgrade of the premises. The mountains will remain a strong backdrop in mid and distant views of the premises, whereas at street level the building remains standalone, albeit more prominent, but in scale with its setting and streetscape.

- 8.3.4. At a more detailed level there remains objections to the materials and tower. I note the applicant's agent provides an informed architectural design rationale which is cognisant of copper stills. I also note the reference to incorporating fire safety considerations at the design concept stage which I consider will minimise the potential for unsightly add-ons for building regulation purposes. I also note that the applicant is prepared to compromise on reducing glazing so as to reduce light emissions and this I consider can be addressed by condition. The applicant is also open to amendments in finishes including the logo in the boundary. The Planning authority has required local materials and certain finishes to help visually assimilate the proposed development and I consider this appropriate and reasonable.
- 8.3.5. Other aspects of criticism on heritage impacts relate to the mill and distillery green and absence of restoration. In this regard I note that the mill is to be retained in situ along with part of a stone wall which I consider is the appropriate approach by reference to Framework and Principles for the Protection of the Archaeological Heritage. The site does not include any 'green' or open space other than the yard/parking area as exists and the curtilage of the dwelling which is to provide for extended circulation. Provision of public open space is something that can be facilitated through the development contribution scheme. I would however acknowledge that the proposal provides for enhanced amenities to be accessible, albeit by fee, to the public, and also, as part of this, an enhanced public realm together with provision for enhanced connectivity with the town which supports public investment in and delivery of local amenities.
- 8.3.6. On balance I concur with the applicant's agent that the proposal would be an improvement and it cannot be reasonably concluded that the proposal would detract from the visual amenities or landscape character of the area to a degree that would warrant a refusal of permission.

8.4. **Retail Impact**

8.4.1. The proposal incorporates a modest retail element of c.110sq.m. which is anticipated to sell local craft as well as factory produce. The principle of a retail unit is however disputed on the basis of impact on Dingle town centre. The appellant holds the view that the ancillary nature is considered irrelevant if it is competing with the town centre and should be assessed as 'out of town' shopping. It is counter argued that the retail element is primarily associated with the Distillery and is not provided for in the town centre. Its scale, for example, is stated to be comparable to a petrol station.

8.4.2. Section 4.11.3 of the Retail Planning – Guidelines for Planning Authorities (2012) sets out guidance for factory shops which I consider is of relevance in this instance. It states: 'Factory Shops: Such units, usually located as part of or adjacent to the production facility, should be restricted by way of condition to the sale of products produced by the relevant factory. Proposals for individual factory shops may be appropriate, provided the scale of the shop is appropriate to its location and raises no issues in relation to the vitality and viability of nearby urban centres.' Having regard to these guidelines and the town centre objectives for Dingle, I consider it reasonable that the merchandise be predominantly that which is produced on site. In Further Information (point 5 of agent's letter of 10/9/21) it is explained that up to 35% of the floor area will be for distillery produce and the balance will comprise Dingle Distillery branded merchandise and complementary crafts and goods which serve to promote the area. In such circumstances, having regard to its size, this is unlikely to have any significant impact on the town centre. Arguably, the development of a tourist attraction (with a relatively short turnaround timeframe and largely managed by shuttle bus) is likely to increase footfall in the town rather than reduce it. A condition restricting the on-site produce to account for at least 55% of the retail floor area would address this matter in accordance with the statutory guidance and proper planning and sustainable development of the area. As an aside, having regard to the ancillary nature of the retail element to an established industrial operation and in a sub-urban type location in many respects, I do not consider there to be any relevant parallels with a proposed hairdressing business that was refused permission in a rural area as referred to in the grounds of appeal.

8.4.3. I do not consider there is any substantive basis to refuse permission on grounds of retail impact.

8.5. Traffic Safety

- 8.5.1. The additional traffic generated by the expansion of the visitor facility to provide for 50,000 visitors is of concern to the third parties on grounds of traffic safety on a busy tourist route and at a point where there are restricted sightlines and junction constraint issues at the roundabout junction and its interface with Milltown Bridge. These road conditions are supported by personal experience of the appellants who are local residents.
- 8.5.2. The applicant submitted a traffic impact assessment which examined road network capacity for years 2023, 2028 and 2038 using ARCADY and PICADY data and concludes that the redevelopment would have slight operational effects based on criteria in the EPA EIA guidelines. I note the report sets out the nature of predicted traffic generation – a 2.4% increase in peak hour traffic and AADT which would increase by up to 1.35 with the development in place. The nature of traffic would however be different with HGV traffic down from 30 to 6 movements per day. (Facilitated by the relocation of the bottling of operation). The visitors, at a rate of 410 per day on average, are proposed to be largely managed by small shuttle buses during peak season with a significant reliance also on cycling (210 of the daily visitors.) The appellant however, disputes the unrealistic low volume of cars and the high level of bicycle use on grounds of practicality and current modes of travel. The proposal however incorporates measures to improve the existing situation by provision for pedestrian and cycling linkages to the town centre. Significantly, the applicant has offered land to facilitate the construction of a pedestrian bridge - the implementation of which is facilitated in condition 9 of the Planning Authority decision. The proposal also incorporates a number of transport management solutions to regulate the traffic such as the use of a frequent shuttle bus and restricted parking. The provision for multi-modal access is in line with the Government document, Smarter Travel - A Sustainable Transport Future (2019) the policies of which are set to reverse current unsustainable transport and travel patterns and this is further mandated by the current Climate Action Plan aiming to reduce car dependency. Efforts in this proposal to comply with these provisions are consistent with national transport policies and should, I consider, be supported.
- 8.5.3. In terms of safety, the proposal also incorporates upgrades to the existing access, notably replacing a domestic two-way entrance with an access only (no exit) entrance.

The Roads Department of the planning authority, during its consideration of the proposal, required the applicant to carry out a stage 1/2 road safety audit. In response to this, the proposed design and layout was amended to provide for recommendations arising from the audit. The audit review addressed issues in an amended design in relation to stopping sight distances, vertical level details, potential conflicts at service area, bus set down areas, parking, possible restricted disabled access, footpath treatment for impaired users, lighting, drainage, road marking and signage. Notably the available sightlines, which are stated to be greater than required under DMURS, are shown at extending over a distances 76m (west) and 64.5m (east) from the eastern entrance as shown on drawing 03—19-J037-001 rev 9 (although visibility appears to extend further to the roundabout. This entrance also notably moves an existing residential entrance eastwards and amalgamates it with another access thereby rationalising the access point/movements. The sightlines are also shown at distances of 90m from the main public access/egress in each direction on drawing 17569-MWP-zz-zz-DR-c-0001. Other details also shown on Rev 9 drawing include, defined access routes for pedestrian and vehicular movements, bus entry (service) and exit via main entrance with set down area. All such measures I am satisfied will serve to minimise risk.

- 8.5.4. I do however note that the Road Safety Audit refers to a 50kph zone whereas a 60kph zone is indicated by the signage in situ during my inspection. Should the Board be of a mind to grant permission I consider this matter should be addressed so as to ensure that the appropriate measures including the extension of the 50kph zone as may be deemed necessary by the Roads Department, shall be provided by way of condition through works or through funding of same through a special contribution.
- 8.5.5. A further stage 3 RSA is also required and as a safeguard measure, parking restriction along the frontage should be provided. A mobility management plan reviewed on an bi-annual basis would also provide a further safeguard to implementing the scheme and allay concerns about car parking inadequacies and dangerous parking.
- 8.5.6. In respect of concerns of the roundabout and its capacity for HGVS, I note the projected drop in HGV movements and that the shuttle buses are small in size - estimated to carry 16 passengers. The nature of this traffic together with an increase in cars and bicycles are I accept within the capacity of the road networks and circulation/parking areas. I do not consider the roundabout junction in its sub-urban

setting and where there are no notable accidents to be grounds to refuse an extension of facilities at the subject site. I further note that there are no recorded road accident collisions on the R559 in the vicinity of the site.

- 8.5.7. On balance, having particular regard to the transitional zone setting and the established nature of the operation together with the range of measures to improve existing arrangements such as relocating an entrance, providing for future footpaths and cycling routes among other measures and considerations of the planning authority, I consider the proposed development would not have a significant adverse traffic impact on the existing local road and would be acceptable in terms of traffic safety.

8.6. Residential Amenity

- 8.6.1. One of the appellant parties lives directly west of the site adjoining the boundary with the subject dormer dwelling and makes the point that the proposed development would seriously impact on residential amenity, given the quiet ambient context and that in her experience, the operations on site are submitted to presently cause disturbance by virtue of intense odours and noise pollution which effect the enjoyment of her home. This is anticipated to be further compounded by the intensification of operations. Another source of noise nuisance is anticipated by the capacity for events, the proposed bar and overall tourist capacity.

Noise

- 8.6.2. The Noise Survey Report prepared by specialist consultants concludes there will be an improvement in the noise emissions. The basis for likely improvements is I consider reasonable. For example, various measures are proposed in relation to the location and screening of the cooler which is the main source of noise in the facility (although I note it does not necessarily have a significant impact on ambient noise at N1 -house on site). There are also improvements in production, new malt intake system and duration (1.5 to ½ hour) and off-site bottling, thereby reducing despatch movements. While methods are criticised by the appellant, the applicant conducted a noise survey of the proposed development and noise modelling was undertaken to predict operational noise levels in the vicinity of the site and at nearest noise sensitive receptors. The survey methods are clarified as being carried out by competent experts and to be accurate -the 'go-slow' reference is rebutted as

incorrect. Methodology I accept was informed by best practice and predictions are, I consider, within acceptable levels.

- 8.6.3. The appellants raise concerns over the use of the venue for events and concerts, the impact of noise on the locality and the natural habitat and also the potential for disturbance and anti-social behaviour. There is particularly strong opposition to the bar facility. It is the experience of the appellants that occasional events at the premises have caused noise and disturbance, accordingly the legitimising of this as a frequent use is objectionable on grounds of serious injury of residential amenity. Notwithstanding occasional events and the reference to media coverage regarding potential use of centre for live music events, the submitted documentation clarifies that the nature of the use is for visitors associated with distillery tours - and notably it will be closed by 10pm. The Noise report also confirms this and that there will be no live music events and the visitor element is stated not to be a significant source of noise. Future use for events is not however ruled out but would not be a regular occurrence. It is explained that private events will be small and occasional, and that the bar is mainly for tasting of produce and other non-alcoholic beverages as part of the visitor experience. The applicant suggests a condition limiting numbers and hours to regulate the development. It is also emphasised that the bar area is small and not comparable to a public house. They will however also apply for a public licence to allow for private events and for non-tour visitors to purchase alcohol.
- 8.6.4. I consider the bar, as a part of the visitor experience which is highly managed and which does not typically exceed an evening time of 10pm, is not of a nature or scale to give rise to undue disturbance in the environs of an established industrial premises. I note that the shuttle buses have a 16-person capacity and the applicant is open to restricting numbers to under 50 persons. The on-site presence of a site manager in the dwelling house also provides a safeguard and physical buffer against anti-social behaviour and disturbance. Furthermore, the use of the premises to operate as a public house would in my judgement constitute a change of use and would require permission in addition to licensing compliance. The concerns in this regard are therefore somewhat speculative. It would not be reasonable to refuse permission on grounds of a use not subject of the application. A condition clarifying the scope of permission and restrictions on use would I consider address this

matter. A condition setting limits for noises at sensitive receptors would further safeguard amenities.

Odour

8.6.5. The applicant acknowledges that there was an odour issue in 2020 but points out that this was addressed at that time. As in the matter of noise, odour impact was given consideration by the planning authority in its assessment. Accordingly as part of further information the odour study was completed by a specialist in this area, Dr. Brian Sheridan Odour Monitoring Ireland Ltd., and, I am satisfied, in accordance with the relevant methodologies and professional standards.(e.g. EPA Air Guidance no.4) . The survey data measures current levels and the emission data was scaled up for the proposed operations. Receptors were based on a 0.64sq.km catchment centred on the facility. I note the residence to the west of the entrance is omitted but that the other residences and most notably, R1 which is nearer to the odour sources provides a comprehensive survey area. Table 5.1 sets out the predicted 98%ile odour threshold concentrations detected at specific receptor locations and worst case predicted ground level concentration beyond the boundary of the facility. R1 (the nearest residence which forms part of the subject site) has a predicted concentration of 1.02 Oug/m^3 where the limit value is 3 . Worst case is 1.6 anywhere outside the boundary. I further note that the plume dispersion, as plotted in the report, reflects an offshore south westerly wind direction and this is away from the closer concentration of dwellings to the east. The proposed facility operations are stated not to give rise to odour impact during routine operations. No recommendations are made as a result and in view of the likely intensity and dispersion in these environs, I consider this to be reasonable. As a precautionary measure, the on-site residence for a site manager also allows for ongoing supervision. As a further precaution I would however recommend monitoring as condition I the even to of permission.

Overlooking

8.6.6. The appellants are concerned about the potential for overlooking and disturbance due to the height, positioning, and use of the viewing tower. The tower is almost 50m from the western boundary along which there is existing and a proposed mix of

landscaping. It also 39m from the opposing house to the south on the opposite side of the road and where new roadside boundary treatment is proposed which could incorporate some tree planting (by condition). In terms of layout, the first floor is laid out as a circular passageway and this provides access to the viewing galleries, the visitor/ tasting areas and then a bar area at the eastern end from which there is a small balcony with seating. The lift is at the northern side of the tower also with movement generally oriented away from residential overlooking opportunities in the tower. The second floor is less than 10m diameter incorporating the lift and stairwell and is a modest area with a small bar area. Having regard to the layout and separation distances I do not consider the tower or viewing balcony to be a significant source of overlooking. I further note the applicant proposes that the viewing balcony hours could be closed at 20:00hr which would also reduce potential for disturbances.

- 8.6.7. In terms of additional means to protecting residential amenities, I am of the opinion that the continued use of the existing dwelling albeit under the management of the Distillery is a preferable use than offices or other such ancillary commercial uses as suggested by the appellant. It is a means to providing a buffer between the industrial operations and the dwellings to the west, as well as providing a 24/7 on-site presence.
- 8.6.8. In view of the forgoing, I am satisfied that the impacts predicted to arise in relation to noise, odours and overlooking are negligible and within acceptable limits for this site at this location. Accordingly I do not consider there are any substantive grounds in relation to impact on residential amenities of surrounding properties to refuse permission.
- 8.6.9. The proposal incorporates a bungalow and its curtilage which allows for revision to access and parking while the house will remain in residential use, albeit ancillary. I would however comment that while the house is part of the distillery, it is nevertheless a dwelling and its amenities should be protected. I consider a minor revision to layout and landscaping to provide a clear demarcation between private and communal space to the front of the dwelling to be appropriate.

8.7. Lighting

- 8.7.1. The issue of lighting and light spill is a main issue raised in relation to impact on the ecology of the area as well as issues in relation to the ambiance of the rural setting and residential amenities.
- 8.7.2. In terms of ecology I am satisfied that this has been addressed having regard to the both the applicant's Ecological Impact Assessment, which I consider to be comprehensive and in adherence to appropriate guidelines (section 2 of EclA) and the subsequent detailed lighting scheme which is stated to have taken on board the views of Inland Fisheries (discussions referred to in further information cover letter submitted on 17th September 2021) and also submitted on 17th September 2021. Inland fisheries are stated to be happy with this, on condition that the two lighting columns on the eastern side do not have any shine on the river. The applicant confirmed this shine will not occur. I accordingly consider the applicant has reasonably demonstrated that the design took account of avoiding impact on the river. In respect of the wider impacts, the applicant is also open to using more low-level fittings which I consider reasonably addresses concerns in this developed site about potential (if any) wider ecological impacts on the riverine habitat and species it supports such as the Manx Shearwater and nesting ducks and other roosts as referred to in a general manner by one of the appellants. I say this having particular regard to the conclusions regarding the bat survey and that the site is not host to roosts being of low roosting suitability, having low activity and not being an important site for bats.
- 8.7.3. The modifications in relation to reduced height of columns and light spill can be regulated by condition. The restricted hours for visitors in the evening further reduce nocturnal lighting needs. It is not reasonable to omit it entirely having regard to the existing operations and site safety. While I accept it will visually enhance the presence of the building, I do not consider this to be out of character for an established industrial site at the edge of the town. Overall I do not consider that the lighting will have a significant or undue impact on the ecology or amenities of the area.

8.8. **Water supply and Effluent**

- 8.8.1. The 3rd party submissions have raised concerns about the capacity of water supply and impacts. The applicant clarifies that there is an existing connection from which

there is an adequate supply. It is explained that the use of the on-site well will not change significantly (daily usage at a max of 70-100 m³) due to the new heat recovery system used in a closed circuit system. There are no wells within 250m of the distillery site (Engineer's letter appended to applicant's response to E.Kinsella.).

- 8.8.2. I further note that Irish Water has no objection in its report to the PA, (18th May 2021), nor has the Planning authority raised any objection to this. A limit could be agreed with the planning authority however I note that there is a public water supply in the area. In view of the overall scale I do not consider there is any reasonable basis to conclude that there would be any undue impact on water supply in the area.
- 8.8.3. There are also concerns about the risk of pollution of the adjacent river and underlying groundwater due to the nature of the product and proximity to the river and also due to increased surface water run-off.
- 8.8.4. In the first instance, the proposal incorporates a connection to the public sewer and decommissioning of 2 septic tanks which eliminates the more likely source of contamination of ground water and seepage to the estuarine environment. In respect of capacity of the treatment plant, I note that Irish Water has no objection subject to standard conditions for a valid connection as confirmed by the appended letter to the Engineering Report, April 2021 and its report to the Planning authority.
- 8.8.5. In respect of operational risk to surface water, I note the proposal incorporates controlled hydrocarbon interceptors for discharging surface waters to the river/sea. In any event the increase in footprint of development is modest. In respect of concerns expressed about the direct discharge under license to the River, I note the applicant's clarification that there is no likely increase in discharge volumes (cover letter of FI) which currently operates in accordance with Discharge Licence W180 for cooling requirements. (This was in response to a query by the Environment Division of the PA.) It is explained that it is not proposed to have any additional cooling requirements and so this process will be provided by the existing cooling tower. I am satisfied that as the trade discharges which remain as granted under license, will not be a likely source of pollution.
- 8.8.6. I am satisfied that having regard to the submissions on file and the planning authority reports in addition to standard conditions including those related to best construction management practice, that adequate measures will be provided to protect water

quality and that risk of water pollution is not a reasonable grounds for refusal of permission.

8.8.7. I would also comment that while the site is in flood zone A, I note the flood risk assessment in the Engineering Report (April 2021) and accept that as it is existing development and that there are no flood issues, a justification test is not required. I further note the Dingle flood relief scheme plans to install seawalls and embankments close to the site to protect from pluvial and fluvial flooding effects on lands in the area. This is not an issue of concern to the Planning Authority.

8.8.8. In terms of treatment of other waste matter, I note the residual mash is to continue to be removed from the site by local farmers for cattle fodder and there is therefore very little waste. I consider the applicant's response has reasonably addressed the waste streams for the purposes of a planning application.

8.9. **Other environmental**

8.9.1. Criticism in regard to wider environmental concerns which are raised in a general way regarding exhaust fumes/plumes are rebutted on the basis of resources applied to ensure no such impacts. In this regard I note that An Ecological Impact assessment informed the proposal and it concluded no significant adverse impact. This is primarily based on the developed nature and that the Habitats within the site are unsuitable for sensitive species. The Biodiversity Officer report of the planning authority concurs with this and also considers the riverbed works to be minor and has raised no concerns. I also consider this reasonable having regard to the established nature of the operations and the lack of any formal record of pollution arising aside from the acknowledged incident regarding odours which indicates that there is no likely risk of any significant pollution. While I note from EPA records that the Milltown River has an ecological status of moderate (2016-2021) and a water quality status of 'poor' but this related to a considerably upstream station sample whereas the localised waters (Dingle Harbour) appear to be of a 'High' status although subject of ongoing review. This would support local capacity in the local environment for the existing operations at least. Based on the information on field I am satisfied that local environment can absorb the proposed development without any significant impact.

8.10. **Hazardous nature**

- 8.10.1. The issue of a conflict between industrial processing and recreational use and overall safety for all site occupants is raised. There is also reference to ethanol and its flammable properties and fungal growth. The proposal is not a Seveso site, but there are requirements to comply with regulatory regimes of the Health and Safety Authority. There will also be a need to comply with the Fire Safety Regulations and Safety Health and Welfare at Work Act 2005. As it is a purpose-built design/remodelling that is also governed by building regulations and HSA guidelines, I do not consider this to be planning matter. The principle has already been addressed in this assessment.
- 8.10.2. The Board may consider a requirement by condition that at operation stage, a Supervisory Control and Data Acquisition (SCADA) system be obligatory for monitoring the plant performance and operators so as to prevent emergency situations as a measure to further augment safety assurances. However as this is an extension for an established operation with on-site residence, I consider this would be a somewhat excessive requirement under the planning acts.
- 8.10.3. There are concerns about the proximity of gas tanks to septic tanks whereas the applicant confirms this to not be an issue. While the location of the septic tank is not, I consider an issue as the size of the site provides for alternatives in the event of potential breaching of other regulations. The proposal also provides for connection to the public sewer which provides potential alternatives also. Accordingly proximity to septic tanks is not grounds of refusal.

8.11. **Other Matters : Procedural**

- 8.11.1. The appellant questions the legal ownership in respect of the development for the house site and it is submitted that there are incongruities with land registry details. The applicant has stated acquisition of the residence within the site and also provided letters of consent . A letter date 1/12/21 from Colin and Simon Walsh confirm a long-standing arrangement for the lease and sale of the property beside the distillery and is stated as registered as Folio 72902F. They have no objections to the proposed development. The Department of Agriculture, Food and Marine and Udaras na Gaeltachta who own the relevant land outside the distillery have consented to the making of the application across the river. I consider the applicant

has demonstrated sufficient legal interest to make the planning application. Permission under the Planning Act does not however override other legal requirements and the right to develop as proposed is predicated on such basis. A phasing condition such that the pipework and connection to the sewer be completed prior to the commencement of operations in the redeveloped distillery site would ensure that the appropriate infrastructure is in place prior to the commencement of the extended operations.

- 8.11.2. In respect of the need for retention, the applicant has clarified that there are no current visiting events. As the applicant has complied with planning authority in respect of revised notices, notwithstanding the difference of opinion on interpretation of what is subject of retention, I do not consider any further assessment on this is required.
- 8.11.3. In respect of structural impacts, I do not consider the changes in ground levels to be likely to have any significant adverse impact. A condition of permission addressing this matter through a security bond or other such assurances could address this matter.

9.0 Appropriate Assessment

9.1. Compliance with Article 6(3) of the Habitats Directive

- 9.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.3. Background on the Application

- 9.3.1. The applicant has submitted a screening report for Appropriate Assessment, Screening for Appropriate Assessment , Redevelopment of Dingle Distillery, (April 2021) prepared by Muiread Kelly, Senior Ecologist with input from Gerard Hayes , Senior Aquatic Ecologist both of Malachy Walsh and Partners, Engineering and Environmental Consultants. The applicant's Stage 1 AA Screening Report is stated as having being prepared in line with current best practice guidance and provides a description of the proposed development including site clearance and construction

works and identifies European Sites within a possible zone of influence of the development. This zone includes those Sites within and also outside a 15km radius catchment of the development site. The review of the data was on an extensive range of publications and datasets (as listed in section 2.1 Desk study) and informed this selection.

9.3.2. The applicants AA Screening Report concluded that:

It has been concluded beyond reasonable scientific doubt, on the basis of objective information and in light of the conservation objectives of the relevant European Sites, that significant impacts from the project, individually or in combination with other plans and projects, on the following Natura 2000 sites can be excluded.

- Mount Brandon SAC 000375
- Dingle Peninsula SPA 004153
- Blasket Islands SAC 002172
- Blasket Islands SPA 004008
- Tralee Bay and Magharees Peninsula , West to Cloghane SAC 002070

9.3.3. I note the statement excludes Castlemaine Harbour SPA and in view of the report conclusions in this regard I consider this is an oversight. Having reviewed the documents, submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.3.4. The AA Screening Report identifies European Sites with potential pathways to the proposed development in order to establish the zone of influence of the proposal. It concludes that there are effectively no pathways and therefore no potential for likely significant effects.

9.4. **Screening for Appropriate Assessment- Test of likely significant effects**

9.4.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

9.4.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

9.5. Brief description of the development

9.5.1. The applicant provides a description of the project on pages 3 to 8 of the AA screening report and also in the Ecological Impact Assessment Report (also prepared by Muiread Kelly) and the Engineering Assessment Report. In summary, the development comprises:

- Demolition of part of the existing distillery building (135sq.m.) and construction of 1,762 sq.m. of total additional floor area with revised access and expanded car parking area, bus set down area and cycle parking.
- Relocation of gas tanks to underground.
- Site clearance and preparation involves levelling and a site compound. temporary toilets to existing sewer, extending hardstanding.
- Excavation and construction: relating to structures involving foundations. superstructure and additional hardstanding all of a standard nature.
- New drainage requires decommissioning of two septic tanks, new surface water system with attenuation and construction of new foul sewer rising main from the Distillery to cross under the Milltown River to connect to public sewerage network. Works will entail laying of the pipe in a cutting in the riverbed. Trench excavation will be required to place the mains underneath the riverbed. The trench will deepen in a defined slope as it approaches the watercourse crossing on either side so as to have sufficient passing depth of c. 1m under the watercourse. This has been assessed by an ecology team who found works would have no adverse significant impacts. The pumping station will have stand by features and a 24-hour emergency storage capacity (17,100 litre capacity.
- Machinery : 20 tonne excavators, $\frac{3}{4}$ tonne dumpers, 4 trucks for removal of spoil and 4 for bringing in fill, Concrete ready mix, concrete block truck, various trucks/ cranes for steel frame, generators, cement mixers, mobile toilets/ portacabins, teleporter, tools and lighting.
- A Waste management plan will operate for duration of works.
- Build will commence on receipt of permission and last 12-14 months.

9.5.2. The development site and its immediate context is described in pages 16-21 of the Ecological Impact Assessment. It is described as comprising:

- Building and artificial surfaces (BL3) (on site)

- Improved agricultural grassland (GA1) (extending north of the site)
- Hedgerows (WL1) dominated with Rubus with interspersed Ulex and Salix
- Scrub (WS1)
- Treeline (WL2)(willow treeline along northeast river embankment)
- Upper Saltmarsh (CM2) (intertidal area to the east)
- Tidal /river (CW2) (Milltown River)
- Mud shores (LS4) the intertidal area adjacent to the site , upstream and downstream of the Bridge and a number of intersecting channels.
- Amenity grassland (GA2) eastern embankment of Milltown River is recreational
- Invasive plant species Japanese Knotweed along eastern bank of Milltown River.
- Fauna: House sparrow, robin, stonechat and wren in scrub and hedgerow.
- Grey heron, herring gull, great black-backed gull and lesser black-backed gulls were recorded on the mud shore adjacent to the distillery. Swallows, pied wagtail and blackbird also in the area.
- 5 active bat species (Myotis spp, Common pipistrelle, Soprano pipistrelle, Leisler's bat and Brown long-eared bat were active (low level) in the study area. Overall activity is low and much lower in the Distillery site than outside the site.

9.5.3. The habitats outside the Distillery site are more ecologically valuable than the manmade structures and habitats within the site. Scrub, treelines and hedgerows along boundaries are locally valuable habitats for fauna including pygmy shrew, hedgehogs, common frog, common lizard, passerine birds, otter and foraging bats. These boundaries also provide foraging and shelter for breeding and commuting fauna. Intertidal habitats to the east (saltmarsh and mud shore) are considered locally valuable as they provide foraging and roosting habitats for a number of bird species including gulls and waders and potential commuting and foraging habitat for otter.

9.5.4. The Milltown River is an ecological resource for aquatic species including Atlantic salmon, trout and European eel, mammals such as otter and bats, invertebrates such as dragonflies and damselflies and birds of many orders.

9.5.5. The EclA evaluated the biodiversity value of the development site according to methodology of the NRA Ecological Assessment Guidelines adapted as necessary to identify key ecological receptors.

- 9.5.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction phase

- Direct habitat disturbance as a result of demolition and construction works for distillery and laying of outflow pipe across the riverbed. No habitat will be permanently removed.
- Indirect water quality effect through potential construction phase run-off and re-suspension of sediments which have secondary effect such as aquatic habitat loss/alteration and species disturbance.
- Direct species disturbance as a result of increased noise levels during construction phase

Operation phase

- Indirect water quality effects through operational discharges which can lead to secondary effects such as aquatic habitat loss/alteration and species disturbance.
- Direct species disturbance as a result of increased noise levels and lighting during operation of the distillery which can lead to secondary habitat loss/alteration effects.

9.6. **Submissions and Observations**

- 9.6.1. **Inland Fisheries:** In a report of 25th May 2021, in relation to the construction stage which involves in-stream works, a range of recommendations are made in order to protect Milltown River. These relate to timing and good construction management practice.
- 9.6.2. **The DAU:** No response to the planning authority's invitation to make a submission.
- 9.6.3. **The Biodiversity Officer, KCC:** Carried out AA screening and as part of this sought further information on the Discharge Licence and subsequently received. Regard was also had to the Environment Section report of KCC.
- 9.6.4. The 3rd party observations on the appeal raised issues relevant to European Sites in so far as there are concerns about pollution of the environment (air, water) and impact on ecology.

1.6. **European Sites**

9.6.5. The development site is not located in or immediately adjacent to a European site. The closest European site is Mount Brandon SAC 000375, at a distance of 750m from the proposed development.

9.6.6. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 1: Summary of European Sites within possible zone of Influence

European Site (code)	• List of Qualifying interest /Special conservation Interest	Km from site	Connections (source, pathway receptor)	Consider further in screening Y/N
Mount Brandon SAC 000375	<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and 	0.75	None – site upstream and lack of ecological connections - impacts cannot cause effects on QI	N

	<p>submountain areas, in Continental Europe) [6230]</p> <ul style="list-style-type: none"> • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Trichomanes speciosum (Killarney Fern) [1421] 			
Dingle Peninsula SPA 004153	<ul style="list-style-type: none"> • Fulmar (Fulmarus glacialis) [A009] • Peregrine (Falco peregrinus) [A103] • Chough (Pyrrhocorax pyrrhocorax) [A346] 	2.64	Potential for breeding SCIs to utilise Milltown River or Dingle Bay	Y
Tralee Bay and Magharees Peninsula , West to Cloghane SAC 002070	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Coastal lagoons [1150] • Large shallow inlets and bays [1160] • Reefs [1170] • Annual vegetation of drift lines [1210] 	12.9	None – separate Bay north of the Dingle Peninsula.	N

	<ul style="list-style-type: none"> • Perennial vegetation of stony banks [1220] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] • Humid dune slacks [2190] • <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] • <i>Lutra lutra</i> (Otter) [1355] 			
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	<ul style="list-style-type: none"> • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] 			
Blasket Islands SAC 002172	<ul style="list-style-type: none"> • Reefs [1170] Submerged or partially submerged sea caves [8330] • <i>Phocoena phocoena</i> (Harbour Porpoise) [1351] • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] • <i>Halichoerus grypus</i> (Grey Seal) [1364] 	13.3	Potential for QI marine mammals to forage in Milltown River or Dingle Bay	Y
Blasket Islands SPA 004008	<ul style="list-style-type: none"> • Fulmar (<i>Fulmarus glacialis</i>) [A009] • Manx Shearwater (<i>Puffinus puffinus</i>) [A013] • Storm Petrel (<i>Hydrobates pelagicus</i>) [A014] • Shag (<i>Phalacrocorax aristotelis</i>) [A018] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Herring Gull (<i>Larus argentatus</i>) [A184] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Razorbill (<i>Alca torda</i>) [A200] • Puffin (<i>Fratercula arctica</i>) [A204] • Chough (<i>Pyrhocorax pyrrhocorax</i>) [A346] 	14.6	None Not an important resource for the QI as ecological requirement lacking on site.	N

<p>Castlemaine Harbour SPA 004029</p>	<ul style="list-style-type: none"> • Red-throated Diver (<i>Gavia stellata</i>) [A001] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Wigeon (<i>Anas penelope</i>) [A050] • Mallard (<i>Anas platyrhynchos</i>) [A053] • Pintail (<i>Anas acuta</i>) [A054] • Scaup (<i>Aythya marila</i>) [A062] • Common Scoter (<i>Melanitta nigra</i>) [A065] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Sanderling (<i>Calidris alba</i>) [A144] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Greenshank (<i>Tringa nebularia</i>) [A164] • Turnstone (<i>Arenaria interpres</i>) [A169] • Chough (<i>Pyrhocorax pyrrhocorax</i>) [A346] • Wetland and Waterbirds [A999] 	<p>16.4</p>	<p>Potential for over-wintering SCIs to utilise Milltown River or Dingle Bay in the vicinity of the site</p>	<p>Y</p>
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9.7. Identification of likely effects

9.7.1. Impacts

Potential Direct Impacts from:

- Construction related: Site set-up, Vegetation clearance. Excavation works, Construction of temporary compound, Construction of pumping station, Open trench installation for rising main, Human activity, Increase in noise and dust, Use of plant and machinery, Use of fuels/oils /lubricants, Use of concrete/cementitious material/chemicals, Waste/spoil, Works near flood zones, Invasive species.
- Operational: Emissions to water

Potential Indirect Impacts:

- Construction: Habitat loss via water or invasive alien species, Impact on water quality through erosion and run-off of silt, Ingress of fuels/oils cement, Re-suspension of sediment from trenches, Overland flow/flood normal surface water run-off, uncontrolled surface water/silt, construction related pollution, Habitat loss/fragmentation, Habitat disturbance /species disturbance (construction and or operational)

Likely Effects on Dingle Peninsula SPA:

- 9.7.2. The site is of ornithological importance as it supports an internationally important population of Chough. It also supports nationally important populations of Fulmar and Peregrine. Studies have shown that Chough forage mainly within 300 m inland of the cliff tops used for breeding and these areas have been included in the site which has been included in the designated area. The cliff nesting birds are the Fulmar and the Peregrine. The Fulmar forage exclusively at sea whereas Peregrine have a wider area. The Peregrine may temporarily avoid the area due to noise. Considering the abundance of the habitat within the SPA and the wider coastal area this potential diversion from the site is not likely to have any effect. I accept comments in section 7.1.1 of the screening report regarding the limitation for noise having an effect due to scale, duration, boundary buffering and ambient noise and further note the Biodiversity Officer's comments disregarding potential effects.
- 9.7.3. In respect of impacts of works on Milltown River on sedimentation or pollutant run-off, I accept it is reasonable to conclude that effects on water quality and impairment

of prey abundance will not occur as silt or sediment from works will not be above levels already generated in this estuary through natural processes. In any event, the scale and duration are limited and to be undertaken in dry conditions /low tide and damming upstream and diverting flow which restricts connectivity. Furthermore, having regard to the small scale of the works and associated machinery and adherence to best practice, effects of water quality are extremely limited. The operational discharge of cooling waters is controlled by licence and this will continue with no anticipated changes (as clarified in further information to the satisfaction of the planning authority). I consider it reasonable to conclude that there would be no likely effects in this regard.

- 9.7.4. I accept that spreading of invasive species from the site vicinity does not present a risk as there is no conceivable ecological pathway.
- 9.7.5. I therefore consider that having regard to the size and scale of the development and availability of habitats, distance from SPA and the extremely limited opportunity for disturbance, by way of noise, to occur that there are no potential likely significant effects on Dingle Peninsula SPA arising from the proposed development.

Likely Effects on Blasket Islands SAC

- 9.7.6. The harbour porpoise and grey seal have large foraging ranges and so may on occasion forage inside Dingle Harbour and even upstream to Milltown Bridge during high spring tides. However excavations will be of short duration and in dry conditions and the noise arising is terrestrial (and buffered by the site boundaries/hedges) rather than underwater which is more the issue with the subject mammals. As in the case of likely effects on Dingle Peninsula SPA via Milltown River, the potential impairment of prey through water quality and silt and sedimentation agitation will not be an issue. The installation of the pipework across the mud flats will be in dry conditions at low tide so disturbance and displacement effects on the QIs does not arise.
- 9.7.7. At 13km away the potential introduction of spread of invasive species from the site vicinity and which are not at the point of works and are limited in extent, the proposed works will not impact on the habitats of this SAC as there is no ecological pathway to facilitate the spread.

9.7.8. I therefore consider that having regard to the size and scale of the development and availability of habitats, considerable distance from the SPA and the extremely limited opportunity for disturbance to occur that there are no potential likely significant effects on Blasket Islands SAC arising from the proposed development.

Likely Effects on Castlemaine Harbour SPA:

9.7.9. The development site environs are cited in the screening report as being important for the migrating birds from northern countries to overwinter at the SPA in that they may utilise Dingle Bay or the intertidal mudflats the estuary for short periods. In such circumstances the construction work could overlap with this migratory passage to the over 16.4km away. Noise may disturb the foraging SCIs but they will leave or avoid and this not a likely to have any potential effect as the area is Dingle Harbour is not cited as an important ecological resource as defined in the conservation objectives for this SPA. As in the case of likely effects on Dingle Peninsula SPA via Milltown River, the potential impairment of prey through water quality and silt and sedimentation agitation will not be an issue. The installation of the pipework across the mud flats will be in dry conditions at low tide so disturbance and displacement effects on the QIs does not arise.

9.7.10. I accept that the potential introduction or spread of invasive species from the project site will not impact on the habitats in this SPA as there is no ecological pathway to facilitate the spread.

9.7.11. I consider it reasonable to conclude that having regard to the location, size and scale of the project and in the context of habitats available within the SPA and in the intervening 16km between the project site and the SPA that any likely disturbance/displacement effect to the SCI of the Castlemaine Harbour SPA arising from the project is not significant.

Cumulative effects

9.7.12. Section 7.14 of the screening report explains how the Dingle Flood Relief Scheme and flood management plan are not likely to cause any significant in-combination effects on Natura 2000 sites. I consider the rationale is reasonable and objective as it is based on the assessment of such works under the Birds and Habitats Directive. There will be therefore environmental safeguards associated with the walls and

embankment. The characteristics of agricultural run-off are different and in-combination effects can be reasonably excluded.

9.7.13. I further note Section 5 of the EclA provides a detailed assessment of the potential significant effects of the development in a wider context. At construction stage it is clarified that no aspects of the proposal permanently remove any KER habitats and that the disturbance is temporary and slight. In respect of the riverbed works I note the construction is to follow standard best practice for instream works which are small scale and temporary in nature. The Biodiversity Officer notes this also and, I consider reasonably, accepts that this is part of the proposed development.

9.7.14. A summary of the outcomes of the screening process is provided in the screening matrix Table 2 below.

Table 2: Screening Matrix

European Site See www.npws.ie for conservation objectives	Distance to proposed development/ source - pathway-receptor	Possible effect alone/in combination	Screening conclusion
Dingle Peninsula SPA 00415	2.64km	Disturbance of breeding SCIs if utilising Milltown River or Dingle Harbour. However it is a good distance from nesting areas and the site does not contain a functionally linked habitat. Foraging if any is likely to be very limited in duration as are the works in time and scale. Significant effects most unlikely. No likely indirect significant effects arising from water quality. No pathway for invasive species.	Screened out for need for AA

European Site See www.npws.ie for conservation objectives	Distance to proposed development/ source - pathway-receptor	Possible effect alone/in combination	Screening conclusion
		No significant in-combination effects on Milltown River/Dingle Harbour having regard to Dingle Flood scheme, agricultural practices and drainage schemes.	
Blasket Islands SAC 002172	13.3km	Disturbance of SCI marine mammals if foraging in Milltown River or Dingle Bay. Significant effects most unlikely. No likely indirect effects arising from water quality No pathway for invasive species. No significant in-combination effects on Milltown River/Dingle Harbour having regard to Dingle Flood scheme, agricultural practices and drainage schemes.	Screened out for need for AA
Castlemaine Harbour SPA 004029	16.4km	Disturbance of over-wintering SCIs utilising Milltown River or Dingle Harbour in the vicinity of the site - a connecting habitat between northern breeding grounds. However considering the substantial distance from the site, the characteristics of the birds of SCI and	Screened out for need for AA

European Site See www.npws.ie for conservation objectives	Distance to proposed development/ source - pathway- receptor	Possible effect alone/in combination	Screening conclusion
		habitat requirements significant effects most unlikely. No likely indirect effects arising from water quality. No pathway for invasive species No significant in- combination effects on Milltown River/Dingle Harbour having regard to Dingle Flood scheme, agricultural practices and drainage schemes.	

9.8. Mitigation measures

9.8.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

9.9. Screening Determination

9.9.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of their Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

- 9.9.2. This determination is based on the location, size and scale of the project, the distances between the European Sites and the proposed development and its impact and considering,
- in the case of the Dingle Peninsula SPA, a lack of meaningful ecological connections to that site in the context of extensive availability of habitats within and outside the SPA and unlikely disturbance /displacement effects to the SCIs arising.
 - in the case of the Blasket Island SAC, the extent of available habitats to SCIs within the SAC and in the general marine environment and unlikely disturbances or displacement effects arising, and
 - in the case of Castlemaine Harbour SPA, the habitats available within the SPA and the intervening 16km and unlikely disturbances or displacement effects arising.

10.0 Recommendation

- 10.1. On the basis of the above planning assessment, screening of Appropriate Assessment and EIAR screening, I recommend that permission should be granted for the retention of development and for the proposed development based on the following reasons and considerations.

Reasons and Considerations

Having regard to the planning history of the site and the established industrial use on the site, the site location and its connectivity with the town and access to public infrastructure, the pattern of development in the area and the provisions of the Kerry County Development Plan in respect of indigenous industry and tourism industry, it is considered that, subject to compliance with the conditions set out below, the retention of development and proposed development would not seriously injure the amenities of the area or property in the vicinity, would not undermine the policies for Dingle town, would not be prejudicial to the environment or public health, would be acceptable in terms of traffic safety and convenience and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th day of April 2021 and further information lodged on 17th day of September 2021 and 1st October 2021 to the planning authority 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The following requirements shall be complied with as part of the proposed development:
 - (a) The dwelling house shall be provided with a defined private curtilage to the front and one car parking space.
 - (b) The bar area shall not be used as a public house without the prior grant of planning permission.
 - (c) The merchandise in the retail area shall be primarily that produced on site or directly related and in this regard at least 55% of the floor area shall be for distillery produce.
 - (d) The visitor facilities including private event space shall operate between the hours of 8am and 10pm and total number of visitors shall not exceed 50 at any one time.
 - (e) The external viewing balcony shall cease at 8pm.
 - (f) The boundary wall and railings and associated gates fronting the site shall be amended with a substantially more subordinate logo incorporated into the design.

Details in this regard shall be submitted for written agreement with the planning authority prior to commencement of development.

Reason: In the interests of clarity and to protect the amenities of the area.

3. Details including samples of materials colours and textures of all the external finishes to the proposed structures and buildings, together with light control measures integrated as part of the design shall be submitted to an agreed in writing with the planning authority prior to commencement of development. In this regard the use of boundary materials/stone shall harmonise with building façade.

Reason: In the interest of visual amenities of the area.

4. The developer shall ensure that all mitigation measures set out in the Ecological Impact Assessment Report submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

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

5. Permission is hereby granted on the basis that the maximum quantity of ethanol or chemicals present on the site at one time can never exceed the relevant lower tier thresholds under the Seveso Directive. Prior to the commencement of development, the developer shall submit details for the written agreement of the Planning Authority that clearly demonstrate compliance with these limits,

Reason: In the interests of clarity and to prevent the facility from becoming an establishment for the purposes of the Seveso III Regulations.

6. (a) The odour levels shall be in accordance with the expected levels set out in the Odour Impact Assessment of the further information submitted the planning authority on 17th September 2021, unless otherwise agreed in writing with the planning authority prior to commencement of operations.

(b) An odour management plan, which shall include a monitoring programme together with remediation measures in the event of reasonable complaints, shall be put in place by the developer in respect of the operational phase of the development. The nature and extent of the plan and the monitoring sites

shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The results of the programme shall be submitted to the planning authority on a quarterly basis.

Reason: To protect the residential amenities of the area.

7. (a) The noise levels generated during the operation of the development shall not exceed the following limits; an LArT value of 55 dB(A) during 0700-1800 hours, and an LAeqT value of 45dB(A) during night-time when measured at the nearest occupied house. When measuring the specific noise, the time shall be any one-hour period.
- (b) The developer shall implement all noise mitigation measures as set out in the Noise Survey Report.
- (c) During the night-time period no tonal or impulsive noise from the facility should be clearly audible or measurable at any dwelling.
- (d) The noise from the facility shall not be so loud, continuous, repeated or of a duration or pitch so as to give reasonable grounds for annoyance.
- (e) The applicant shall carry out an annual noise survey at of the nearest sensitive location and submit results to the planning authority.

Reason: In order to protect the amenities of property in the vicinity.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard the following shall apply:
- (a) Prior to commencement of development the developer shall enter into a Connection Agreement with Irish Water to provide for a service connection to the public water main.
- (b) A breakdown of water supply needs shall be provided.
- (c) All water infrastructure shall be constructed in accordance with the Irish Water's Standard Details and Code of Practice.
- (d) The foul waste water disposal shall be via an approved connection to the public foul sewer.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The development shall be managed in accordance with a management scheme which shall be submitted to t and agreed in writing with the planning authority prior to occupation of the extended premises. The scheme shall provide adequate measures relating to the future maintenance of the development including landscaping , entrance access control, controlling disorderly parking, pathways, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance scheduled.

Reason: to provide for the satisfactory future maintenance of this development in the interest of visual amenity.

10. The development shall be operated and managed in accordance with an Environmental Management System (EMS) which shall be submitted by the developer and agreed in writing with the planning authority prior to commencement of development. This shall include the following:
- (a) Proposal for the suppression of on-site noise and monitoring at sensitive receptors.
 - (b) Proposal for the suppression of dust on site and on the surrounding roads.
 - (c) Proposal for the bunding of fuel and any other substance as required by the planning authority and details of emergency action including warning sign in the event of accidental spillage/leakage.
 - (d) Monitoring of surface water quality.
 - (e) Details of Site Manager at entrance.

Reason: In order to safeguard the environment and local amenities.

11. The developer shall implement measures to reduce environmental risks associated with storage and transfer of liquid products , spillages and other activities within the site. Such measures may include the use of spillage mats and catch trays. Such measures shall subject to written agreement of the planning authority prior to commencement of use.

Reason: In order to protect groundwater and surface water

12. The invasive species (Japanese Knotweed) located in the vicinity of the site works shall be contained in accordance with the details of Invasive Species Management Plan which shall be submitted for written agreement with the planning authority prior to commencement of development on site.

Reason: To prevent the spread of invasive species in the interest of ecology of the area.

13. Prior to the commencement of development, and on a bi-annual basis, the developer shall submit a mobility management plan setting out the modal split of visitors, the car parking capacity and delivery routes to and from the site for the agreement of the Planning Authority. The plan shall indicate measures to demonstrate as far as is practicable that visitors are managed to maintain traffic predictions in line with those set out in the Traffic Impact Assessment report and in accordance with the latest Road Safety Audit.

Reason: In the interests of traffic safety and to safeguard the amenities of the area.

14. Grain supply deliveries to the site and transport of outputs from the site shall be confined to between the hours of 0700 to 1900 Monday to Friday and between the hours of 0900 to 1400 on Saturday and Sunday save as may be permitted in writing with the planning authority by prior arrangement.

Reason: In the interest of orderly development and the residential amenity of surrounding dwellings.

15. In respect of traffic safety the following shall apply:

(a) All recommendations of the Stage 1/2 Road Safety Audit shall be implemented in accordance with the written agreement of the Planning Authority

(b) Prior to the commencement of development, the developer shall prepare a Stage 3 Road Safety Audit in accordance with current TII standards, and recommendations if any shall be completed in accordance with the written agreement of the planning authority.

- (c) In order to accommodate a 3m wide footpath /cycleway access approach to the proposed cycle/pedestrian footbridge, the fence proposed at the eastern end of the site shall be set back a minimum of 4m from the masonry parapet wall at the edge of the carriage way.
- (d) A footpath/cycleway shall be constructed by the developer along the entire roadside boundary of the site to link with the proposed cycle/pedestrian bridge. The developer shall liaise with the Roads and Transportation Department of Kerry County Council on the detail design and approval of same for such works.
- (e) Works adjacent to the public road shall not affect the surface water drainage regime of the public road and no surface water within the development shall be allowed to flow onto the public road.
- (f) All works adjacent to or on the public road shall be subject of the necessary road opening licence(s).
- (g) The applicant shall ensure no earth, soil or other material from the site shall be deposited on the public road or footpath.
- (h) All works to be carried out in accordance with Design Manual for Urban Roads and Streets.

Reason: In the interest of traffic safety.

16. Parking (car and bicycle) shall be provided in accordance with a detailed layout which shall be submitted to and agreed in writing with the planning authority prior to commencement of development . One car space shall be reserved for persons with impaired mobility.

Reason: To ensure satisfactory parking layout in the interest of pedestrian and traffic safety and of visual amenity.

17. (a) All recommendations of the Ecological Impact Assessment Report received by the planning authority on 17th April 2021 shall be implemented in full.
- (b) Prior to commencement of any works in and adjacent to Milltown River, the developer shall consult with Inland Fisheries and comply with their requirements.

(c) In stream works shall be carried out only during June- September inclusive or such times as agreed on writing with Inland Fisheries.

(d) Any Damage to the riparian zone of the river arising from the proposed works shall be fully restored immediately on completion of works.

Reason: To protect the ecology and amenities of Milltown River.

18. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include planting of deciduous trees throughout the site and including the site frontage and retention of hedgerows along the site boundaries as far as is practicable and which shall be protected from damage, and enhanced in such a manner as to ensure that their value as a commuting and foraging habitat is protected.

A Landscape Plan clearly detailing proposals in this regard, including the precise extent of existing hedgerow to be retained, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the protection of the hedgerow habitat and in the interest of visual amenity.

19. Site development and building works shall be carried out only between the hours of 0730 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

20. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all the construction stage mitigation measures outlined in the Ecological Impact Assessment, and shall

provide details of intended construction practice for the development, including and not limited to:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) details of site security fencing and hoardings,
- (d) details of 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 abnormal loads to the site if required,
- (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) invasive species management
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (k) details of construction lighting,
- (l) details of key construction management personnel to be employed in the development, and
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan and monitoring results as appropriate shall be kept for inspection by the planning authority.

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

21. 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.

22. All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the Planning Authority. In any case no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the Planning Authority.

Reason: To safeguard the amenities of the area

23. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The scheme shall minimise obtrusive lighting emanating from both the building and the site grounds outside the boundaries of the development at all times and shall comply with the requirement of Inland Fisheries.

(a) Any external lighting shall be properly cowled and directed away from the public road.

(b) No light spill shall be permitted onto Milltown River from either the visitor centre building or on-site public lighting.

Reason: In the interest of public safety, amenity, and local ecology.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance

until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of future road safety work as may be required to be carried out by the local authority. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

26. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Suzanne Kehely

Senior Planning Inspector

25th April 2023