



An
Bord
Pleanála

Inspector's Report

ABP-314954-22

Development

Construct an integrated constructed wetland (ICW) for the treatment and management of existing untreated wastewaters from the village of Caherdaniel Co Kerry. A 2-cell ICW treatment system including wastewaters will be pumped for treatment. The treated effluent will discharge to the Coomnahorna River. An NIS has been prepared in respect of this development.

Location

Caherdaniel (Cathair Donall),
Ballycarnhan, Co Kerry.

Planning Authority

Kerry County Council.

Planning Authority Reg. Ref.

2231.

Applicant(s)

Coiste Phobail Cathair Donall.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant(s)	Noel Donnelly.
Observer(s)	None.
Date of Site Inspection	14 th February 2024.
Inspector	Daire McDevitt.

1.0 Site Location and Description

The site, with a stated area of c.0.3hectares, is located on the western edge of Caherdaniel village adjoining but outside the settlement boundary for Caherdaniel identified in the West Iveragh Local Area Plan 2019. The site is bounded to the west and north by the Coomnahorna River which flows through the village and local road (L4103) off the N70 (Ring of Kerry road). To the east at a higher elevation is St. Crohan's Church, c.60m from the site, and to the south is the Caherdaniel Community playground, also at a higher point. The lands fall sharply from south to north. The northern boundary along the L4103 comprises a low stone wall with a gate. The site is in the ownership of Kerry County Council (letter of consent included with the application documentation), issues pertaining to landownership are raised in the grounds of appeal.

2.0 Proposed Development

The proposed development comprises the construction of an integrated constructed wetland (ICW) for the treatment and management of existing untreated wastewaters from the village of Caherdaniel Co Kerry. A 2-cell ICW treatment system including wastewaters will be pumped for treatment. The treated effluent will discharge to the Coomnahorna River. An NIS has been prepared in respect of this development.

The proposed ICW comprises a settlement cell and 2 treatment cells, interconnected by pipework. Collected wastewaters will be pumped to the site and into the settlement cell, from which it will flow through the ICW system by gravity. Final outfall from the system will be fed by gravity to a new outfall and monitoring point into the Coomnahorna River downstream from the village.

ICW Cell Areas

Cell no.	Cell area (sqm)
Settlement Cell & Cell 1	210
Cell 2	390
Total Cell area	600

Proposed works to form the ICW and associated works would comprise of inter alia:

- Stripping of top soil from the wetland area and retained for later use.
- Excavation of sub soil and creation of embankments.
- Layering and compaction of soils for cell liner.
- Creation of embankments.
- Installation of new pipework to intercept existing foul pipes.
- Installation of collection chamber/pump sump.
- Installation of rising main from pump sump to ICW.
- Installation of distribution chamber.
- Installation of ICW (settlement cell, cell 1, cell 2, discharge chamber and outfall point).
- Access (gravel/grass) to and around ICW.
- Fencing.
- Provision of sampling and installation of monitoring equipment.
- Access point for the community to the river for education purposes.
- Wetland cells to be densely planted with appropriate wetland emergent species.

Documentation submitted with the application includes inter alia:

- Letter of consent from Kerry County Council for inclusion of KCC lands within the application site boundaries.
- Planning Report.
- Appropriate Assessment Screening Report
- Natura Impact Statement.

Further Information received 16th August 2022 in an attempt to address matters raised by the Environment Section and Biodiversity Officer in the requested dated 14/03/22. This included inter alia the submission of an Invasive Alien Species Management Plan

- Japanese Knotweed Management Plan and a Construction Environmental Management Plan

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification to grant planning permission subject to conditions. 14 no. conditions which are briefly summarised as:

1. Plans & Particulars.
2. The proposed ICW to be installed and operational within 12 months of the final grant.
3. ICW as per details submitted and to be installed as per requirements of IW.
4. Installation certificate etc.
5. Insurance certificate. ICW shall discharge to the proposed onsite WWTS and not exceed loading population equivalent of 30PE.
6. Maintenance contract.
7. No silt/sediment laden water generated during the construction of the ICW shall be discharged to any water course/drainage system.
8. Odour.
9. Access to ICW.
10. Required separation distance as per EPA Code of Practice for domestic wastewater treatment systems.
11. Trade Effluent Discharge License.
12. Recommendations contained in ISMP to be implemented in full.
13. All environmental mitigation measures set out in the application, including NIS, to be fully implemented.
14. Road opening license.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's report can be summarised as follows:

- Report refer to the Kerry County Development Plan 2015-2021.
- Reports received from the Environment Department and Biodiversity Officer seeking FI.
- 4 no. third party submissions received and reviewed.
- The visual impact is rated as low and acceptable.
- No traffic safety issues/concerns.
- No negative visual impacts.
- EIA Screening, the planning authority concluded that the proposal is a small scale project and is substantially below the (mandatory) thresholds for EIA. There is no likelihood of significant effects on the environment arising from the proposed development.
- Appropriate Assessment. On the basis of the information provided (NIS) it was concluded that adverse effects on the integrity of a European site, namely Kenmare River SAC, cannot be excluded at this stage and FI recommended to consider responses to request by Environment Section.

Further information recommended to address matters raised by 1) Environment Section and 2) Biodiversity Officer.

Planners Report (10/10/22) following submission of further information.

Noted submitted FI that addressed items requested and reports from Environment Section and Biodiversity Officer which included AA, a decision to grant permission should be made subject to 14 no. conditions. Noted no levies apply. Report counter signed by SEE and SP on the 10/10/22.

3.2.2 Other Technical Reports

The main points of department technical reports can be summarised as follows:

Biodiversity Officer (10/03/22):

The assessment was undertaken in the knowledge that untreated wastewater from Caherdaniel village is presently discharging directly into the Coomnahorna _10 River. The river passes through the village, flows around the proposed ICW site discharging downstream into Derrynane Bay. The aim of the ICW is to treat wastewater from the village before discharging the treated water downstream of the ICW.

AA Screening concluded that there is potential for significant effects on a European site (Kenmare River SAC), in view of the sites' conservation objectives, and an appropriate assessment is required. In order to complete the appropriate assessment, the FI requested by the Environment Department is required.

With regards to ecological receptors, the main one is the Coomnahorna_10 River. The ICW site is otherwise of lower ecological value and there are no terrestrial habitats of significant ecological value. In terms of ecology, satisfied in principle with the location of the development on site.

FI required as follows: Invasive Species management Plan, detailed CEMP, clarity on location of proposed discharge piping from the ICW to the Coomnahorna_10.

AA Screening and AA Report dated 9/03/22.

Biodiversity Officer (6/10/22) following review of further information:

- Satisfied with CEMP and ISMP received.
- All items of FI addressed to the satisfaction of the Biodiversity Officer.
- AA Report dated 6/10/22 concluded that the proposed development shall not have an adverse effect on the integrity of an European site, namely Kenmare River SAC.
- A grant of permission is likely and recommended that conditions be attached relating to 1) recommendations contained in the ISMP, 2) Mitigation measures contained in the NIS and 3) IFI are consulted prior to any works on site.

Environment Section (3/03/22): Queries need to be addressed in relation to: more details on the extent of network connection, additional screens required and evidence required that wastewater/effluent from the pumping chamber is managed to ensure odours are not generated.

The Planners report refers to report from Water Services Dept stating no objection. No copy of report on file and no report noted on the KCC online Planning portal and online documentation for 2231. A copy of said report was requested, no response received to date. I wish to highlight that the absence of said report is noted but having regard to available reports on file I am satisfied that the absence of same does not have a material bearing on my assessment.

3.3. Prescribed Bodies

The following responses were received to the application prior to the issuing of the Request for Further Information from the planning authority.

Heath Service Executive (14/02/22): Recommend that the proposal comply with all the legal limits, as appropriate, and ensure that all necessary control measures using the best available technology are undertaken during the proposed development. Measures to control all waste, water pollution, public health nuisances, light pollution, traffic impacts, interruption to services and emissions. Recommended that a system or procedure be provided by the applicant to effectively deal with complaints during the development. Important that best practice measures in terms of on-site environmental impact control, mitigation measures and appropriate monitoring are implemented during development.

Inland Fisheries Ireland (IFI) (10/02/22). IFI raised concerns in relation to the proximity of the proposed development to the Commnahora River, which would be of significant fisheries interest as the river would be a spawning and nursery ground for Salmonids. The wetlands must improve the quality of effluent to the level that would not adversely impact on the quality of the water in the Commnahora River.

FI required in relation to the lack of details relating to the management of Japanese Knotweed, water courses and buffer zones and management measures for machinery movement.

Uisce Eireann (8/02/22). No objection. Existing water connection and new wastewater treatment unit as per applicant.

Transport Infrastructure Ireland (TII) (2/02/22). TII have no observations to make.

No additional response received following further information submitted and received by the planning authority on 16th August 2022.

3.4. Third Party Observations

4 no. third party objections were received to the application. Concerns raised related to on potential impact upon public health, ICW are relatively new and question reliability. private water supply, air pollution and odours, toxic gases, impact on tourism

The current appellant submitted an objection to the planning authority. Matters raised reflect similar issues set out in the grounds of appeal as summarised in section 6.

No additional response received following further information submitted and received by the planning authority on 16th August 2022.

4.0 Planning History

None as per Kerry County Council Planning Register.

5.0 Policy Context

5.1. National

National Guidance

‘Code of Practice, Domestic Waste Water Treatment Systems, (Population Equivalent ≤ 10)’, Environmental Protection Agency, March, 2021.

‘Wastewater Treatment Manual, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels’, Environmental Protection Agency, 1999.

‘Integrated Constructed Wetlands, Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications’, Department of the Environment, Heritage and Local Government, 2010.

The National Planning Framework – Project Ireland 2040

The National Planning Framework 2018-2040 (NPF) sets ten strategic outcomes.

National Strategic Outcome 9 'Sustainable Management of Water and other Environmental Resources' states the need to 'Eliminate untreated discharges from settlements in the short-term, while planning strategically for long-term growth'.

Climate Action Plan

5.2. Regional

Regional Spatial and Economic Strategy (RSES) for the Southern Region

This sets out the Regional Spatial and Economic Strategy for the Southern Region. Section 2 of the strategy relates to 'Protecting conserving and enhancing our natural capital', RPO 112 concerns 'Water Quality'. Section 8 concerns 'Water & Utilities' and objectives of relevance include RPO 210 'Drinking Water Protection Plans', RPO 214 'Eliminating Untreated Discharges and Long-term Planning', RPO 213 'Rural Wastewater Treatment Programmes'

5.3. Local

West Iveragh Local Area Plan 2019-2025

Caherdaniel is designated a small village in the LAP.

The bulk of the site is located on lands zoned P1 Agriculture. Primary Sector.

I note the Planner's Report refer to the Kerry County Development Plan 2015-2021. The operative County plan is the **Kerry County Council Development Plan 2022-2028** was adopted in July 2022 and was the subject of a Ministerial Direction

The following relevant sections and policies/objectives under the Development Plan are noted (not an exhaustive list):

Section 13.2.1.3 'Wastewater Treatment Systems and Private Wells' of the Development Plan states that 'Many private wells are at risk of contamination from sources such as wastewater treatments systems. Recommended separation distances are specified in Table B.3 of the EPA Code of Practice. Distances may be increased where the bedrock is shallow, preferential flow paths are present or the effluent and bacteria enter the bedrock rapidly.' This refers to the document '2009 Code of Practice: Wastewater Treatment Systems for Single Houses'. The EPA also set out guidance in the document 'Code of Practice: Domestic Waste Water Treatment Systems 2021'.

Objective KCDP 13-16 'Facilitate and support Irish Waters Investment Plan 2020-2024 and Small Towns and Villages Growth Programme (STVGP) and any other successor capital plans / strategies in the county including the consideration of Integrated Constructed Wetlands (ICW), at appropriate locations, which have the added benefits of providing any amenity area for the public and enhance biodiversity.'

5.4. Natural Heritage Designations

The site is not located within or adjacent to any European designated site or NHa, pNHAs.

SAC:

- Kenmare River SAC c.800m to the southwest.
- Killarney National Park, Macgillycuddy's Reeks and Carah River Catchment SAC (site code 000365) c. 540m to the east.
- Ballinskelligs Bay and Inny Estuary SAC (site code 000335) c.5.8km to the northwest.
- Glanmore Bog SAC (site code 001879) c.13.5km to the southeast.

SPA:

- Iveagh Peninsula SPA (site code 004154) c.1.5km to the southwest.
- Deenish Island and Scarrif Island SPA (site code 004175) c.7.8km to the southwest.
- Beara Peninsula SPA (site code 004155) c.11.3km to the south.

An Appropriate Assessment was carried out by KCC Biodiversity Officer at application stage. I refer the Board to section 7.5 of this report where I have carried out my assessment.

pNHA/NPA:

- Derrynane Islands and Marsh, Lamb's Head pNHA.

5.5. Preliminary Environmental Impact Assessment (EIA) Examination

The requirements for Environmental Impact Assessment (EIA) are outlined in Part X of the Planning and Development Act 2000 (as amended) and Part 10 of the Planning and Development Regulations 2001, as amended. Schedule 5 of the Regulations sets out the various classes and thresholds of development which require mandatory EIA. Part 1 of Schedule 5 lists projects for which mandatory EIA is required on the basis of their type while Part 2 of the same schedule lists projects on the basis of their relevant scale/size threshold that requires EIA.

There are no classes of development within Schedule 5 of the Regulations, that are applicable to the proposed development.

Schedule 5, Part 2, Class 1(c) of the Regulations, which concerns 'Agriculture, Silviculture and Aquaculture', and relates to 'Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.' The proposal includes the removal of approximately 0.3 hectare of wet grassland habitat. The Regulations define 'wetlands' as meaning 'natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water'. With reference to Fossitt, wet grassland habitat (GS4) is defined as grassland occurring 'on wet or waterlogged mineral or organic soils that are poorly-drained or, in some cases, subjected to seasonal or periodic flooding...includes areas of poorly-drained farmland that have not recently been improved, seasonally-flooded alluvial grasslands such as the River Shannon callows, and wet grasslands of turlough basins'. With reference to the preceding definitions, I am satisfied that the subject site does not comprise wetland area for the purposes of Schedule 5.

The proposed development which constitutes the provision of an Integrated Construction Wetland at this location, does not fall into a class of development contained in Schedule 5, Parts 1 or 2. Class 15 of the Schedule 5 states that EIA can be required in the case of a development listed in Part 2 that does not exceed a limit specified if it is considered that it that would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Regulations

(Sub-threshold EIA). As the proposed development is not of a class listed there is no threshold for EIA and accordingly a subthreshold EIA is not applicable.

Furthermore, having regard to the nature and scale of the proposed development it is considered that any issues arising from the proximity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment).

I refer the Board to Form 1 attached as appendix to this report.

6.0 The Appeal

A third party appeal by Noel Donnelly of the planning authority's notification of decision to grant permission has been submitted.

6.1. Grounds of Appeal

The main points of the appeal are summarised as follows:

- Objects to the construction of what in his opinion is in effect is an open sewer c.80m from his dwelling.
- The site does not have direct access to the Coomnahorna river as set out on the plans. At the point of entry of the discharge to the Coomnahorna river there is c.5-6m minimum from the centre of the boundary stone wall to the edge of the river in the appellant's ownership and the applicants do not have permission to include this within the site boundaries or have permission to use this land.
- The appellant has corresponded with Kerry County Council via solicitor on matters relating to damages/works to the boundary without his consent.
- No demand/requirement for ICW within the village. Demand in the village equates to c.5PE.
- ICWs are not designed to work with inconsistent loading. Stagnant water will become a breeding ground for flies, mosquitos and other pests.
- Concerns regarding air pollution and foul odours.
- Unsightly visual impact of railings and barriers.

- Presence of invasive species (Japanese Knotsweed) and risk would compete with the proposed reed bed system.
- Disrespectful to Catholic Church due to proximity to the Church. Recreational use of the site would be more appropriate for the setting.
- A more localised small scale solution to the sewerage disposal would be more appropriate.

Documentation submitted with the appeal includes inter alia: copy of Kerry County Council planner's reports, copy of Kerry County Council notification of decision, labelled photographs.

6.2. Planning Authority Response

None.

6.3. Applicant Response

None.

7.0 Assessment

I consider that the main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Justification for Integrated Constructed Wetland (ICW)
- Amenity impact: odour and noise
- Invasive Species
- Other Matters
- Appropriate Assessment

7.1. Principle of development

The proposed development is for an Integrated Constructed Wetland for the village of Caherdaniel. An 'Integrated Constructed Wetland' (ICW) is a series of shallow, interconnected, emergent-vegetated, surface-flow wetland compartments that

receive/intercept waterflows from a variety of sources, allowing effective treatment of polluted water while promoting biodiversity (DEHLG ICW Guidance Document 2010).

Caherdaniel does not have a wastewater treatment plant and untreated wastewater from the village is presently discharging directly into the Coomnahorna _10 River. The river passes through the village, flows around the proposed ICW site discharging downstream into Derrynane Bay. The aim of the ICW is to treat wastewater from the village before discharging the treated water downstream of the ICW.

National, regional and local planning policy all support the elimination of untreated discharges from settlements. As such, the proposed development to improve wastewater treatment in Caherdaniel and remove untreated discharges through operation of an ICW for the village is supported in principle and in accordance with Objective KCDP 13-15 of the plan, if its construction and/or operation does not result in adverse environmental or amenity impact as considered further below.

7.2. Justification for Integrated Constructed Wetland (ICW)

I have undertaken an Appropriate Assessment of the proposed development in section 7.6 below which also considers potential impact upon water quality with respect to European sites, and that section should be read in conjunction with this part of my planning assessment.

The appellant has highlighted that there is no demand for an ICW in Caherdaniel as the total demand from the village is 5PE not 30PE and based on this demand an ICW would not work efficiently and result in stagnant waters etc. And therefore it is submitted that alternative solution to the treatment of effluent would be more appropriate.

At present there is no WWTP serving Caherdaniel and untreated wastewater from the village is presently discharging directly into the Coomnahorna _10 River. The current proposal before the Board is construct an integrated constructed wetland (ICW) for the treatment and management of existing untreated wastewaters from the village of Caherdaniel Co Kerry. A 2-cell ICW treatment system including wastewaters will be pumped for treatment. The treated effluent will discharge to the Coomnahorna River.

Section 13.2.1.3 'Wastewater Treatment Systems and Private Wells' of the Kerry County Council Development Plan 2022-2028 refers to recommended separation distances specified in Table B.3 of the EPA Code of Practice. This refers to the document '2009 Code of Practice: Wastewater Treatment Systems for Single Houses'. The EPA also set out guidance in the document 'Code of Practice: Domestic Waste Water Treatment Systems 2021'.

The Department of the Environment, Heritage and Local Government Integrated Constructed Wetlands Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications 2010 states on page 28 restrictions on construction of an ICW, which include that a proposed ICW should not be considered for sites within 60m up-gradient of any well or spring used for portable water; in the inner protection zone of a public groundwater supply source where vulnerability rating is extreme; or within 300m up-gradient of a public supply borehole. Table 6.2 of the EPA code of Practice for Domestic Waste Water Treatment Systems (DWWTS) 2021 sets out minimum distances between domestic wells and DWWTS, which range between 30m and 60m. Separation distances for the proposed ICW conform with the EPA Code of Practice and the DEHLG Guidance Document. I consider that the proposed integrated design measures ensure that the proposed ICW will not contaminate existing private wells proximate to the site.

ICW are required to comply with EPA (2021) Code of Practice Section 8 or Section 10 for secondary or tertiary treated effluents respectively and/or SR CEN/TR 12566 Part 5- Pre-treated effluent filtration systems.

The commissioning phase for the full maturity of the ICW i.e. the point where optimal treatment is occurring. The proposed ICW with a design capacity of 30PE would address the immediate risk of untreated wastewater being currently discharged into the Coomnahorna River.

The proposed ICW will discharge from the second cell to the Coomnahorna River downstream of the village, which flows towards Derrynane Beach. The applicants have set out in their application documentation that the final discharge from the ICW will be of good surface water quality prior to discharging to the receiving river at the final discharge point. Any surface water discharge from the ICW would be a licensable activity under Section 4 of the Local Government (Water Pollution) Act

1977, as amended. An assimilative capacity study would be necessary to demonstrate that the receiving waters can cater for the nutrient load without having a negative impact on the water quality, this matter can be addressed during the licence application stage with the local authority.

The submitted NIS considers the potential impact of the proposed development upon water quality and has informed my assessment. As outlined in section 7.6, drainage mitigation measures and construction management measures are intended to protect the quality of surface waters. The proposed ICW itself also forms a water quality management measure in itself and will improve the quality of receiving waters.

Overall, I am satisfied that the proposed ICW meets Government and EPA standards as set out in relevant Guidance documents highlighted above and is designed appropriately, specifically in consideration of existing private wells serving dwellings proximate to the site.

7.3 Amenity impact: odour and noise

The appellant has raised concerns regarding odours and air pollution arising from the ICW.

The Department of the Environment, Heritage and Local Government Integrated Constructed Wetlands Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications 2010 states that there is the potential for minor odours associated with the wetland and that this impact should be assessed (table 2.2). Table 3.2 of the Guidance identifies possible odours as a key issue, to be addressed through set back distances and design features. The Guidance outlines minimum separation distances, which the proposed ICW complies with.

I also note the planning authority's recommended condition no.8 which states that in the event of complaints being received regarding alleged odour nuisance, these will be investigated with remediation measures implemented if necessary. I have included a relevant condition in my recommendation below.

With respect to the potential for adverse impact arising from air pollution the operation of the proposed ICW does not in itself generate potential for significant air pollution levels. There is however the potential for dust and general disturbance

during the construction of the proposed ICW, such impact can be appropriately mitigated through construction management and I draw the Board's attention to the submitted CEMP.

With respect to the potential for adverse impact arising from noise levels, the operation of the proposed ICW does not in itself generate potential for significant noise levels. There is however the potential for noise and general disturbance during the construction of the proposed ICW, such impact can be appropriately mitigated through construction management and I draw the Board's attention to the submitted CEMP.

Overall, I am satisfied that the proposed development details conform with minimum separation distances set out in Guidance and incorporates design features to limit the potential for odour nuisance. In addition, planning conditions can also be incorporated to ensure appropriate mitigation of noise/air during construction (which would be for a short-term temporary period) and the implementation of any necessary remediation should the need arise with respect to noise, odour or air pollution.

7.4 Invasive Species

Japanese Knotweed is recorded on site. An Invasive Alien Species Management Plan, Japanese Knotweed Management Plan dated June 2022 submitted with the application concludes that the guidance set out in the Management Plan will ensure that the proposed ICW does not facilitate the spread of the highly invasive Japanese Knotweed. And it is not a solution to the total eradication of the species within the locality. The Plan focused on avoidance with some direct intervention if needed. However it is the responsibility of Kerry County Council to develop a management plan for the total eradication of Japanese Knotweed along the Coomnahorna River in Caherdaniel. I concur with this as the eradication of Knotweed outside the application boundaries is beyond the control of the applications and a holistic approach is required to address the matter.

I have reviewed the Japanese Knotweed Management Plan and consider its findings and recommendations robust. I also note that Kerry County Council Biodiversity Officer reviewed the Plan and considered it acceptable, noting no objection to the proposal subject to conditions. .

7.5 Other matters:

7.5.1 Legal

The issue of land ownership has been raised by the appellant (Noel Donnelly) and has stated that a portion of the site includes lands that are in his ownership without his consent.

The applicants in response to Q.10 of Kerry County Council Planning Application Form have stated "lands are owned by Kerry County Council and consent has been given for the development of the lands for an ICW for wastewater treatment". A letter of consent from Kerry County Council accompanies the application with reference to folio details. The application site has been outlined in red in the documentation submitted with the application to Kerry County Council which is now before the Board. I note the information set out above and I further note that it is not for the planning system to resolve matters relating to landownership.

Section 5.13 of The Development Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that *the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.*

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 34(13) of the Act. In other words the developer must be certain under civil law that he/she has all the rights in the land to execute a grant of permission. I am of the view that it would be unreasonable to refuse permission in relation to this matter. The question of ownership of land is a legal matter and outside the scope of a planning permission.

7.5.2 Impact on adjoining Church

The appellant has raised concerns that the location of the proposed ICW is not appropriate and disrespectful to the adjoining Church and potential nuisance from odours etc could arise. I have addressed the matter of odours previously in this report. The proposal would not have a detrimental visual impact not affect the

character and setting of St. Crohan's Church. If the Board is of a mind to grant permission I am of the view that subject to compliance with the requirements set out in the schedule of conditions the proposed development would not have an adverse impact on the operations of the adjoining St Crohan's Church.

7.6 Appropriate Assessment

This section of the report considers the likely significant effects of the proposal on Natura 2000 European sites with each of the potential significant effects assessed in respect of each of the European sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening Report & Natura Impact Statement (NIS) submitted with the application.

I have had regard to the submissions of the appellant, prescribed bodies and the Planning Authority in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.

The Project and Its Characteristics

See the detailed description of the proposed development in section 2.0 above.

The European Sites Likely to be Affected (Stage I Screening)

The subject site is situated in County Kerry and rural in character, located to the south and east of the L4103 accessed off the N70 in the village of Caherdaniel, Co. Kerry. The surrounding area comprises one-off dwellings, agricultural lands and concentrations of single dwellings dispersed on approaches to Caherdaniel and within the village. The site is approximately 0.3 hectares in total with the Coomnahorna River running along its western and northern boundaries. The closest European site is the Kenmare River SAC c.800m to the southwest and Killarney National Park, Macgillycuddy's Reeks and Carah River Catchment SAC (site code 000365) c. 540m to the east.

I have had regard to the submitted Appropriate Assessment Screening Report & Natura Impact Statement which identifies sites within its zone of influence, there are a number of other European sites sufficiently proximate or linked to the site to require consideration of potential effects, including in consideration of hydrological

connections. These are listed below with approximate distance to the application site indicated:

SAC:

- Kenmare River SAC c.800m to the southwest.
- Killarney National Park, Macgillycuddy’s Reeks and Carah River Catchment SAC (site code 000365) c. 540m to the east.
- Ballinskelligs Bay and Inny Estuary SAC (site code 000335) c.5.8km to the northwest.
- Glanmore Bog SAC (site code 001879) c.13.5km to the southeast.

SPA:

- Iveragh Peninsula SPA (site code 004154) c.1.5km to the southwest.
- Deenish Island and Scarrif Island SPA (site code 004175) c.7.8km to the southwest.
- Beara Peninsula SPA (site code 004155) c.11.3km to the south.

The specific qualifying interests and conservation objectives of the above sites which have potential links to the application site are described below. Kenmare River SAC and Iveragh Peninsula SPA. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, as well as the information on file, including the appeal grounds, appeal submissions and observations on the application made by prescribed bodies, and I have also visited the site.

The qualifying interests of all European sites considered are listed below:

Site (site code). Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS) Conservation Objectives	Distance from development site
Kenmare River SAC (site code 002158) Large shallow inlets and bays [1160] Reefs [1170]	c.800m to the southwest

<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>European dry heaths [4030]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p> <p>This SAC overlaps with Iveragh Peninsula SPA (004154), Beara Peninsula SPA (004155) and Deenish Island and Scariff Island SPA (004175). It also adjoins Old Domestic Building, Dromore Wood SAC (000353), Cleanderry Wood SAC (001043), Cloonee and Inchiquin Loughs, Uragh Wood SAC (001342), Mucksna Wood SAC (001371), Glanmore Bog SAC (001879) and Drongawn Lough SAC (002187).</p> <p>These conservation objectives should be used in conjunction with those for overlapping and adjacent sites as appropriate.</p>	
<p>Iveragh Peninsula SPA (site code 004154)</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	<p>c.1.5km to the southwest.</p>

<p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>	
--	--

Potential Effects on Designated Sites

The submitted report identifies any pathways or links from the subject site to European Sites considered in this screening assessment, and I summarise this below.

In terms of hydrology, the subject site is located in the Behaghane sub-catchment (BEHAGHANE_SC_010) of the Dunmanus-Bantry-Kenmare catchment (catchment IO:21). Discharge from the proposed ICW is directly to the Coomnahorna River which discharges into the North Atlantic Ocean at Derrynane Beach.

Due to the nature of the proposed development there is a considerable risk to surface and groundwater during site work. Contaminants such as suspended solids, concrete/cement, hydrocarbons and other compounds have the potential to pose significant risk to local surface water features during construction works. And in the absence of mitigation measures, could result in a deterioration in water quality from decreased dissolved oxygen levels to altered pH levels.

Potential impacts arising from hydrological connectivity as there is a direct surface pathway between the proposed development and Kenmare River SAC and the Iveragh Peninsula SPA. Given the distance from the site to the SAC and SPA and the potential for contaminants to travel downstream to the sites there is potential for significant negative impacts on the sites as a result of the proposed development.

For the remaining European sites highlighted above, there is no direct hydrological connection, or any other connection as they are either located upstream or lack hydrological connectivity. Or they refer to Island or Coastal areas where there is considerable distance between them and any potential contaminants would be

diluted to negligible concentrations and there is there is no potential for adverse negative effect on the conservation objectives of these SAC and SPAs as a result of the proposed development having regard to the conservations objectives attached to Killarney National Park, Macgillycuddy's Reeks and Carah River Catchment SAC (site code 000365), Ballinskelligs Bay and Inny Estuary SAC, Glanmore Bog SAC (site code 001879), Deenish Island and Scarrif Island SPA (site code 004175) and Beara Peninsula SPA (site code 004155). Furthermore, at present untreated effluent etc discharges into Coomnahorna River, once fully operational the ICW will work to actively improve the surface water entering the Coomnahorna River by removing the untreated discharges.

AA Screening Conclusion

I concur with the conclusion of the applicant's screening, with respect to the possibility for significant effects on the European site at Kenmare River SAC with respect to the following:

Due to hydrological connection, the potential for contaminants to enter the SAC during construction and result in negative impact upon the Otter in particular, which have the potential to be negatively impacted by changes to the aquatic environment.

The conservation objectives for the Otter in the Kenmare SAC is to restore its favourable condition. Potential effect is highlighted arising from the potential for emissions associated with the proposed development and impact upon feeding habitat, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interest of the European site identified. As such, likely effects on Kenmare River SAC cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

In relation to the remaining European sites considered, taking into consideration the distance between the proposed development site to these designated European sites, the lack of a direct hydrological pathway with the potential to facilitate significant effect, or any other pathway or link to these European sites, or dilution and dispersal effects, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the

construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interest of the Iveragh Peninsula SPA. Therefore, I agree with the applicant's submitted screening report that a Stage 2 Appropriate Assessment is not required with respect to these aforementioned European sites.

Stage 2 – Appropriate Assessment

The submitted NIS identifies the potential for negative effects upon the Kenmare River SAC (site code 002158) as a result of the proposed development and I concur that an Appropriate Assessment of the proposed development is required with respect to these aforementioned European site.

The site-specific conservation objectives and qualifying interests / species of conservation interests of Kenmare River SAC are summarised above in the table above. A summary of this European sites' characteristics as set out on the NPW website (accessed 21 February 2024) is set out in the subsequent paragraph. The NIS provides a description of the potential effects of the proposed development, alongside any required mitigation to avoid adverse effects. A conclusion on residual impact is then provided. A summary of this assessment is set out below.

Kenmare River SAC (site code 002158):

This SAC traverses two counties (Cork and Kerry). Site Synopsis and Conservation Objectives are attached to the file for reference (accessed via NPWS website on the 21 February 2024). Kenmare River SAC contains an exceptional complement of marine and terrestrial habitats, many of which are listed on Annex I of the E.U. Habitats Directive, as well as four species that are listed on Annex II of this Directive. The presence of populations of rare Red Data Book species, in particular of Kerry Lily, together with the ornithological interest of the area, adds to the conservation significance of the site.

Impacts arising from aquaculture, fishing, dumping of wastes and water pollution are the principal threats to the nature conservation interests of Kenmare River. There are several resorts for water sports and a number of popular beaches within this large coastal site and impacts associated with such recreational activities may also pose a threat. Bait digging is also a potential threat in some areas. Housing developments

within the areas of dry heath present another possible threat to the integrity of the site. The seals and bats may be vulnerable to disturbance. Grazing at Derrynane is managed for the conservation of the dune habitats and the rare species they contain.

The submitted NIS identifies that there is a direct hydrological connection between the appeal site and Kenmare River SAC. Otters are widespread in Ireland and will be found near most river systems that provide aquatic prey and safe refuge. The submitted report highlights that it is not considered that the subject site provides suitable habitat for Otter. While Otters are known to utilise freshwaters from estuaries to headwaters, it is expected that the presence of a busy road and culverted sections of the system would act as significant barriers, rendering the surface water features within the proposed development unsuitable.

Potential effects:- The potential for a pollution event resulting from construction activities could result in localised fish kill, reducing food availability for Otter. Negative impact upon Otter habitat is also possible through nutrient enrichment and sedimentation due to construction activities. In terms of physical habitat, there is limited potential for limited disturbance during construction, as a result of the distance from the designated site and by extension, into potentially suitable Otter commuting habitat.

In-combination/Cumulative effects:- Page 22 of the submitted NIS addresses in-combination effects. The report concludes that based upon a review of planning applications within the vicinity of the proposed development, there is no risk of a cumulative / in-combination effect on the receiving environment as a result of the proposed development. I am satisfied that in consideration of surrounding plans and project activity in the area, and in light of the characteristics of the proposed development, with the application of mitigation to control potential effects during construction of the proposed development (as set out below), there is no potential for cumulative negative impact upon European sites in combination with the proposed development and surrounding projects/plans.

Mitigation:- Pages 13-17 of the NIS set out proposed mitigation measures grouped under the following categories:

- Safety & security.
- Drainage.

- Setbacks & Exclusion Zones.
- Machinery Maintenance.
- Materials.
- Invasive Species.
- Timing Operations.
- Planting.
- Storage.
- Other

Mitigation measures also highlight that the ICW itself due to the nature of the proposed development it is envisaged that when operational, the ICW will not only compensate for any potential environmental disturbance but work to improve environmental quality through increased water quality, habitat provision and enhanced biodiversity. It is expected that the net positive impact of this system will have on the local environment will far outweigh any potential impacts its construction could have.

With the application of the mitigation measures outlined in the NIS, the NIS concludes that the project will not, alone or in-combination with other plans or projects, result in adverse effects to the integrity and conservation status of Kenmare River SAC. I am satisfied with the data presented in the submitted NIS and concur with the conclusions reached with regard to the proposed mitigation measures and the overall potential significance of impact to Kenmare River SAC. I note that during operation, the proposed development of an ICW forms a water management feature in itself. As a result, positive impact upon the hydrological-regime in the area would be expected to result due to an improvement in the quality of wastewater discharges, with associated positive effect upon Kenmare River SAC

AA determination – Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out a Stage 1 Appropriate Assessment Screening of the proposed development, it was concluded that likely adverse effects on Kenmare River SAC (site code 002158) could not be ruled out, due to proximity to that European site and potential hydrological links. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that European site in light of its conservation objectives.

Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) relating to measures to control construction impact, relating primarily to measures to control and manage potential emissions and biodiversity enhancement, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site at Kenmare River SAC (site code 002158), or any other European site, in view of the sites Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

8.0 Conclusion

National, regional and local planning policy all support the elimination of untreated discharges from settlements. The proposed development is for an Integrated Constructed Wetland (ICW) for Caherdaniel Village, comprising the treatment of wastewater while promoting biodiversity. The proposed development will remove untreated discharges in accordance with Objective KCDP 13-15 of the Kerry County Council Development Plan 2022-2028.

The proposed development conforms with the separation distances set out in the Department of the Environment, Heritage and Local Government Integrated Constructed Wetlands Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications 2010 and EPA code of Practice for Domestic Waste Water Treatment Systems (DWWTS) 2021.

The proposal is designed to limit the potential for odour nuisance and planning conditions can also be incorporated to ensure appropriate mitigation of noise during construction (which would be for a short-term, temporary period).

Treatment of Invasive Species shall be in accordance with the measures contained in the Invasive Alien Species Management Plan Japanese Knotweed Management Plan. No significant adverse impact with respect to ecology are identified, and short-term adverse effect at the local level, will be suitably compensated through provision of the ICW on the site and the inherent biodiversity benefits this will bring. Following a Stage 2 Appropriate Assessment, it has been determined that subject to mitigation the proposed development would not adversely affect the integrity of the European sites.

9.0 Recommendation

I recommend permission be GRANTED for the reasons and considerations set out below and subject to conditions set out hereunder.

10.0 Reasons and Considerations

Having regard to:

- a. The 'Code of Practice, Domestic Waste Water Treatment Systems, (Population Equivalent ≤ 10)', Environmental Protection Agency, March, 2021 and 'Integrated Constructed Wetlands, Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications', Department of the Environment, Heritage and Local Government, 2010.
- b. The governments Project Ireland 2040 National Planning Framework.
- c. The Regional Spatial and Economic Strategy for the Southern Assembly.
- d. The West Iveagh Local Area Plan 2019-2025
- e. The Kerry County Council Development Plan 2022-2028.
- f. The nature, scale, and extent of the proposed development.
- g. Documentation submitted with the proposed application including further information received on 16th August 2022, as well as submissions and observations from prescribed bodies, the planning authority and any third parties.

- h. The separation distances between the proposed development and dwellings or other sensitive receptors.
- i. The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European Sites.

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the environment or ecology, it would not seriously injure the residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of water quality, traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment – Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, zoning of the site, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European site in view of the conservation objectives of such sites, other than Kenmare River SAC (site code 002158), which was a European site where the likelihood of adverse effects could not be ruled out.

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on Kenmare River SAC (site code 002158), in view of that sites conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction and operation phase, and measures to limit disturbance during construction phase.

11.0 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 January 2022 including further information submission received on the 16 th day of August 2022, 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
----	--

	<p>development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, the Invasive Alien Species Management Plan Japanese Knotweed Management Plan and Construction Environmental Management Plan submitted with this application, shall be carried out in full.</p> <p>Reason: In the interest of protecting the environment.</p>
3.	<p>The proposed ICW shall be installed and operational within 12 months of the final grant of permission.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>a) The ICW system shall be installed as per the details submitted with this application and as per the requirements and specifications of Uisce Eireann.</p> <p>b) Within four weeks of completion of installation and subsequent commissioning of the ICW, the applicant/developer shall submit a certificate from a suitably qualified person (and holder of up to date indemnity insurance), stating that the onsite treatment system, final effluent discharge location and all sundries have been installed in accordance with the terms of the planning permission and in compliance with Uisce Eireann specifications and requirements.</p> <p>Reason: In the interest of public health.</p>
5.	<p>Prior to the commencement of development the applicant/developer shall submit for the written agreement of the planning authority details of a maintenance contract or service contract for the on going maintenance of the onsite wastewater treatment system to include all aspects of the ICW, including collection chambers, distribution chambers and settlement tanks.</p>

	<p>This service contract must be held with the manufacturer or such suitably qualified person in perpetuity.</p> <p>Reason: In the interest of public health.</p>
6.	<p>No silt/sediment laden water generated during the construction of the ICW shall be discharged to any watercourse/drainage system.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Access to free water surface wetlands (ICW) shall be controlled and the wetland are effectively closed except for maintenance. Details of fencing and boundary treatment to be agreed in writing with the planning authority prior to eh commencement of development.</p> <p>Reason: In the interest of visual amenity and public safety.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, including Construction Stage Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) The appointment of a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project, responsible for implementation of environmental control measures. b) The appointment of a full-time, appropriately qualified project ecologist to oversee the construction and development phases of the project, including pre-construction surveys. c) A Noise Management Plan identifying the potential noise impacts and mitigation of the same. d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and a site-specific water management plan providing details of measures to in accordance with the submitted NIS;

	<p>e) A Construction and Demolition Resource Waste Management Plan as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D projects (EPA 2021);</p> <p>f) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>g) Details of the management of construction traffic accessing the construction site;</p> <p>h) In the event that complaints are received regarding noise, measures to facilitate investigation by Kerry County Council and abate the nuisance;</p> <p>i) Details for the suppression of dust;</p> <p>j) Details of site hoarding;</p> <p>k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained;</p> <p>l) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, environmental protection and safety.</p>
9.	<p>In the event of complaints being received regarding odour nuisance arising from the development to which this permission relates, and upon investigation by the Kerry County Council such complaints are found to be justifiable, the applicant shall upon written advise by the Council, retain the services of a specialist to establish the cause of the odour nuisance and outline remediation to abate the nuisance, to be implemented and maintained at the operators expense.</p> <p>Reason: In the interest of residential amenity and public health.</p>
10.	<p>Landscaping and retention of boundary screening (hedgerows/treelines) to be carried out in accordance with the details which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Dáire McDevitt
Senior Planning Inspector

26th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314954-22		
Proposed Development Summary	Construction of an integrated constructed wetland (ICW) for the treatment and management of existing untreated wastewaters from the village of Caherdaniel Co Kerry. A 2-cell ICW treatment system including wastewaters will be pumped for treatment. The treated effluent will discharge to the Coomnahorna River. An NIS has been prepared in respect of this development		
Development Address	Caherdaniel (Cathair Donall), Ballycarnhan, Co Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	<input checked="" type="checkbox"/>	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____

Date: _____