



An
Coimisiún
Pleanála

Inspector's Report ABP-319722-24

Development	Retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities.
Location	Crohane, Clonkeen, Killarney, Co. Kerry, V93 X2EH
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460099
Applicant(s)	Sunville Construction Ltd.
Type of Application	Retention permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant	An Taisce
Observer(s)	None
Date of Site Inspection	25 th September 2025

Inspector

Suzanne White

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1.0 Site Location and Description

- 1.1. This application relates to the proposed retention of an extension of 1.76ha to a previously existing hard rock quarry of 0.44ha and the continuation of aggregate processing on the enlarged quarry site. The original quarry of 0.44ha was registered under section 261 of the Planning and Development Act 2000 (as amended) in 2007, under reference QY057/81.
- 1.2. The subject site is located in the townland of Crohane, c. 7.5km northeast of the town of Kilgarvan and c. 13km southeast of Killarney. It is bound to the southeast by the R569 which connects Kilgarvan and Kenmare to the southwest, with the N22 (Killarney-Macroom) to the north. The existing quarry is immediately surrounded by forestry lands, while the wider area is a mixture of forestry and agricultural lands. A smaller inactive quarry is located to the north. The area is sparsely populated, with the nearest residential dwellings located c. 845m to the west and c. 1km to the east. Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and pNHA is c. 160metres to the southeast, on the opposite side of the R569. The River Loo, which runs through the SAC, is located c. 180m south of the site boundary. The closest recorded monument is c. 1.46km southwest (KE085-037 Crohane Bridge). There is a designated Prospect on the R569 'both sides' located c. 1.5km to the southwest of the site and shown on Map O of Volume 4 of the CDP 2022-2028.
- 1.3. The site comprises an area excavated from the hillside, with large exposed rock face on the northern side. The quarry floor is relatively level and holds stockpiled material, structures (including storage containers, canteen etc) and plant and machinery associated with the quarrying/processing activities. Aggregate storage bays of blockwork are located on the southwest boundary of the site. A fenced silting pond and open wash areas are located in the western portion of the site. A visitor parking area is located outside the application boundary, to the east.
- 1.4. An existing stream, which is a tributary of the River Loo_010, crosses the site from northwest to southeast and has been piped under the quarry. The stream is open to the north of the quarryface and to the south of the existing access road. There is also an open drain located outside the application boundary to the east, near the existing canteen/storage structures.

- 1.5. Access to the site is from an existing entrance from the R569. The entrance area and initial stretch of the internal access road is sealed, after which it is formed of aggregate. The entrance serves the adjoining forestry lands also. The site is not fenced or gated.

2.0 Proposed Development

- 2.1. The proposed development, as described in the application documents, is for:

i) retention of quarrying works:

- retention of 1.76ha quarry area (as an extension to an existing quarry of 0.44ha which is pre-1963 and was registered in 2007 under section 261);
- retention of 1no. settlement/silting pond, which takes all stormwater runoff;
- the site was hard rock and has been quarried extensively, involving rock breaking, crushing, screening, washing and stockpiling of material on site;
- rock extraction took place between 2007-2023, with a maximum output of 14,000m³ per annum;
- the quarry floor is finished at approximately 115 AOD.

ii) retention of existing site structures, including aggregate storage bays, washing plant and site offices.

iii) permission to carry out aggregate crushing and screening on site:

- stockpiled material to be processed using mobile crushing and screening plant;
- no processed wastewater to be discharged from site. Domestic effluent associated with staff welfare facilities to be collected under contract and treated off site;
- waste oils and fuels to be removed from site using appropriately permitted contractors;
- maximum of 5no. staff members on site at any time;
- output from the quarry is predicted to be c. 110 tonnes per day (six days per week) or 6no. HGV loads.
- Environmental Management System proposed to be operated on site.

- 2.2 The planning application was accompanied by the following documents:

- Application form and relevant plans and particulars

- Letter of consent from landowner (part of the silting pond is located on third party lands)
- Appropriate Assessment Screening Report
- Environmental Report which includes sections relating to: Air Quality, Land (soils, geology, hydrogeology), Hydrology and Noise & Vibration.

2.3 Unsolicited Further Information, comprising of a letter statement, was received by the Local Planning Authority on 15th April 2024, in response to the submission received from Inland Fisheries Ireland (IFI).

3.0 Planning Authority Decision

Decision

3.1. Planning permission GRANTED by Kerry County Council subject to thirteen conditions, by order dated 16th April 2024.

Conditions

Condition 3 limits the permission to the processing of existing stockpiled material only, with no extraction of new material to be carried out. The hours of operation are limited to 7am to 7pm Monday to Friday and 7am to 4pm on Saturdays. All environmental mitigation measures set out in the submitted plans and particulars are to be fully implemented.

Condition 4 requires that the landholding is kept free of invasive species.

Condition 5 requires the submission of a detailed scheme for the restoration of the quarry, prior to its closure.

Condition 6 requires that no surface water discharge from the proposed quarry site shall take place unless in compliance with a discharge license. No discharges to surface water are permitted, all rainfall/storm water runoff shall be retained on site and used for processing, with surplus water returned to the existing settlement pond. All other liquids to be stored within impermeable, bunded, secure areas.

Condition 7 requires the daily monitoring of retention and settlement ponds and management of all storm water drainage on site.

Condition 8 requires the retention of an adequate supply of oil absorbent material at the quarry for the management of fuel/oil spills.

Condition 9 requires that no scrap metal is stored on site.

Condition 10 sets out requirements for management of hazardous and non-hazardous waste generated on site.

Condition 11 limits noise levels generated on site.

Condition 12 sets limits for dust deposition and requirements for management of dust nuisance.

Condition 13 requires the applicant/owner to agree a monitoring programme in respect of noise and dust with the Planning Authority.

Planning Authority Reports

2.4 Planning Reports

The main points of the Planner's Report are set out below:

- The overall site area of the quarry for which retention permission is sought is 2.2ha, of which an area comprising c. 0.44ha is pre 1963 and was registered in 2007 under Section 261 (Reg. no. QY057/QY087).
- Enforcement file open - ref. 8117.
- The quarry is a hard rock quarry with operations comprising of rock breaking, crushing, screening, washing and stockpiling of material on site. The principle of development can be considered.
- Unsolicited Further Information was received on the 15th April 2024 in response to Inland Fisheries report.
- The site is designated Visually Sensitive in the Kerry CDP. The existing quarry is well set back from the public roadway and well screened with existing commercial forestry, therefore the visual impact is low.
- Existing portable toilet. Water brought to site as required. Surface water disposal not applicable.
- No traffic issues/concerns.

- There are approx. 5no. residential properties along the R569 which are not in close proximity to the development. The proposed continuation of aggregate processing activities would not result in negative impacts on neighbouring residential amenities.
- Environmental reports confirm that there are no issues and that mitigation measures can be implemented through conditions.
- The proposed development would not be contrary to the proper planning and sustainable development of the area.

2.5 Other Technical Reports

- *County Archaeologist*: no recorded monuments listed in the Record of Monuments & Places in proximity to the proposed development site which has been disturbed. No mitigation is required.
- *Environmental Assessment Unit*:

Report of 06/03/2024: "Notional screening exercise" for AA and EIA under section 34/12 of the PDA 2000, as amended. The points made are summarised as follows:

- provides an overview of the registration (ref. QY057/81) of 0.44ha of the quarry under S261 and conditions attached. Conditions relate to cessation of activities (by 2032), restoration, hours of operation, quantity of material removed per annum, prohibition of blasting, surface water, noise and dust management.

- enforcement file ref. 8117 relates to purported non-compliance with conditions relating to blasting and surface water management and to purported extension of the quarry.

- the development scope to which the notional screening exercise relates is taken to be: activities within the extended quarry area including stripping of soil and overburden and blasting, hours of operations of 7am to 7pm Monday to Friday and 7am to 4pm on Saturdays, with no significant external lighting; continued use of facilities in the pre-existing quarry including processing, welfare facilities and surface water management measures. Tree felling is ruled out as it was undertaken under licence.

- Notional Appropriate Assessment screening: European sites in the potential zone of influence are listed. A preliminary screening exercise identifies that only two European Sites, The Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and Curraglass Wood SAC could potentially be impacted by the proposed development, having regard to its nature, extent and location and to potential pathways. Overall, the report concludes that Appropriate Assessment would not have been required for the development concerned. The reasons for the conclusion are: the long established nature of quarrying activities at this location; no realistic possibility of impacting/affecting water quality downstream or otherwise affecting conservation interests; separation distance from LHB roost; no realistic potential to effect/impact habitat of value for LHB; no realistic possibility would have significantly affected European (Natura 2000) sites.

- Notional preliminary EIA screening exercise: the site area (2.2ha) is below the threshold for mandatory EIA (5ha). Overall, concludes that there is no realistic pathway for impact or possibility that the development concerned would have significantly affected the environment. Potential for cumulative and in combination effects would likely have been ruled out with certainty. Neither Environmental Impact Assessment Screening nor Environmental Impact Assessment would have been required.

- *Environmental Assessment Unit*: Biodiversity Assessment dated 07/03/2024 - significant effects on wider ecological receptors are not considered likely. No objection subject to conditions.
- *Environmental Section*: no objection subject to conditions.

Prescribed Bodies

- 3.2. Environmental Health Service: no record of any complaints with regard to operation of the facility and not aware of any specific Public or Environmental Health concerns.
- 3.3. Inland Fisheries: proposed activity is in the catchment of the Loo_010 river, part of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC. An extremely important salmonid water. Further information is required

regarding the piping of the watercourse within the quarry site to include a habitat and stock assessment by a competent person. Fishery impacts of piping said watercourse was not assessed, to include loss of habitat, invertebrate drift, or fish migration, including eels if required. If permission is granted, IFI request as part of licencing conditions, that groundwater levels and groundwater quality be reviewed over the lifetime of the development to confirm maintenance of quarry floor separation from ground waters. Capacity of the current silting pond to accommodate ongoing quarrying operations and mitigate climate questioned.

Third Party Observations

- 3.4. None received by the Planning Authority.

4.0 Planning History

- 4.1. The original quarry of 0.44ha was registered in 2007 under section 261 of the Planning and Development Act 2000 (as amended) with the reference QY057/QY081. A separate quarry area located to the north of the application site was also registered at this time. As part of this process, it was accepted by the Planning Authority that quarrying activity had commenced prior to 1963.

5.0 Policy Context

5.1. National Planning Framework – First Revision April 2025

National Policy Objective 30 - Facilitate the development of the rural economy, in a manner consistent with the national climate objective, 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 biodiversity and the natural landscape and built heritage which are vital to rural tourism.

5.2. Section 28 Guidelines

Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25 km of urban areas where most construction takes place. Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry/quarries and recommends best practice/possible mitigation measures in respect of: Noise and vibration; Dust deposition/Air Quality; Water supplies and groundwater; Natural heritage; Landscape; Traffic impact; Cultural heritage; and Waste management. The Guidelines also recommend Environmental Management Systems (EMS) as a quality assurance system to measure a company's operations against environmental performance indicators. Chapter 4 refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

Other relevant national guidelines include:

Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004.

Carrying out Environmental Impact Assessment, Guidelines for Planning Authorities, DoEHLG August 2018.

Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities, February 2010.

Development Plan

The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The relevant policies and objectives pertaining to the proposed development are set out below.

Volume 1 Written Statement

It is an objective of the Council to:

Chapter 5: Rural Housing

KDCP 5-1 Facilitate the development of the rural economy by 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, harnessing technology and opportunities for remote working, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

Chapter 9: Economic Development

KCDP 9-64 Maximise the economic potential and development of natural resources in a sustainable manner.

KCDP 9-65 Maximise the employment potential of the natural resources within the County in a sustainable way through the promotion of associated industries at appropriate locations.

KCDP 9-66 Ensure that the development and exploitation of natural resources does not result in any significant adverse effects on the local community.

KCDP 9-67 Facilitate the sustainable development of the extractive industry and seek to ensure the ongoing availability of an adequate supply of aggregates for the construction industry.

KCDP 9-68 Facilitate and support the development of bitumen plants and reprocessing aggregate facilities within existing quarries subject to environmental assessment.

KCDP 9-69 Ensure all extractive development proposals comply with the objectives of this plan including development management standards, flood risk management requirements and the protection of landscape, biodiversity, infrastructure, water and air quality, built and cultural heritage.

Chapter 11: Environment

KCDP 11-2 Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that

may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

KCDP 11-31 Improve and maintain good air quality and support measures to prevent harmful effects on human health and the environment in our urban and rural areas.

KCDP 11-36 Ensure that any application with the potential to create noise nuisance is appropriately assessed and that suitable measures to mitigate any nuisance are proposed and implemented.

KCDP 11-39 Undertake a strategic approach, where deemed appropriate, to manage environmental noise in order to prevent members of the community being exposed to high noise levels in new developments.

KCDP 11-40 Assess all planning applications with respect to noise and their potential impact on noise sensitive receptors in accordance with the WHO and EPA Guidelines 'Environmental Noise Guidelines for the European Region' 2018, and the UK publication 'ProPG: Planning & Noise, Professional Practice Guidance on Planning & Noise New Residential Development, May 2017'.

KCDP 11-77 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 11-78 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.

11.6.3.1 Visually Sensitive Areas - Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

Chapter 13: Water and Waste Management

KCDP 13-1 Ensure compliance with the Water Framework Directive.

KCDP 13-2 Achieve water quality targets by implementing the national River Basin Management Plan (and associated programmes of measures).

KCDP 13-5 Ensure that planning applications are assessed with regard to the Groundwater Protection Scheme and the potential impacts the development may have on groundwater quality

KCDP 13-8 Protect rivers, streams and other watercourses and where applicable ensure developments follow guidelines outlined in the IFI's Planning for Watercourses in the Urban Environment, 2020.

Chapter 14: Connectivity

KCDP 14-22 Protect and sustainably develop the County's principal transportation assets including ports, Kerry Airport, and strategic road and rail corridors

KCDP 14-25 Seek to protect and safeguard the significant investment made in strategic economic infrastructure, in particular the network of roads, the existing rail line to Tralee and major water and wastewater projects, through the promotion of appropriate development and settlement patterns and the integration of land use and transportation activities.

Volume 6 - Development Management Standards and Guidelines

1.16 Extractive Industry Standards and Guidelines

1.16.1 Extractive Development

The following details shall be considered central to the determination of any application for planning permission for extractive development:

a) Guidelines;

Compliance with the provisions and guidance, as appropriate, contained within Section 261 & 261A of the Planning and Development Act, 2000 (as amended), Section 74 and Section 75 of the Planning and Development (Amendment) Act 2010, the DoEHLG Quarries and Ancillary Facilities Guidelines 2004 and the EPA

Guidelines for Environmental Management in the Extractive Sector 2006. Where extractive developments may impact on archaeological or architectural heritage, regard shall be had to the DAHG Architectural Conservation Guidelines 2011 and the Archaeological Code of Practice 2009 (including any updated/superseding documents) in the assessment of planning applications. Reference should also be made to the Geological Heritage Guidelines for the Extractive Industry 2008 (including any updated/superseding documents) and the Guidance on Biodiversity in the Extractive Industry (NPWS).

b) Land Ownership; The extent of land ownership. Details should be submitted showing the proposed site in relation to all lands in the vicinity in which the applicant has an interest, including date of acquisition.

c) Deposits; The nature of all deposits. Details to be submitted to include depths of topsoil, subsoil, over burden and material, at various points on the site; an indication of the type of minerals, which it is intended to extract; a statement as to whether the parent rock from which the mineral is extracted is suitable for other uses; and the estimated total quantity of rock and mineral, which can be extracted commercially on the site.

d) Methods; The methods of excavation and machinery to be used. Details to be submitted to include all proposed site development works, including the proposed method of working; any existing or proposed areas of excavation; stages of work proposed; locations of any settling ponds, waste material and/or stockpiling of materials; methods for removing and storing topsoil, subsoil and overburden; etc.

e) Production; The quantification of production in a given time. Details to be submitted to include the proposed production process to be employed, all requirements for water, electricity and/or other inputs to the production process and any proposals for chemical or other treatments.

f) Mitigation; Methods to reduce environmental impact. Details to be submitted to include an assessment of potential impacts on water resources, residential and visual amenity (including noise, dust and vibration impacts), biodiversity and any other relevant considerations together with appropriate proposals for their mitigation. Proposals for development, where appropriate should be accompanied by:

- A Surface Water Baseline Study of water courses in the vicinity of the site.
- A Hydro-Geological Assessment of the impact of groundwater flows in the area and the impact of well waters supplies in the area.

g) Access; Vehicle routes from site to major traffic routes and the impact on the adjoining road networks. Details should be included on the mode, number and weight of trucks or other vehicles being used to transport materials and any truck sheeting or washing proposals. The Council may require a Traffic and Transport Assessment and Road Safety Audit (to be prepared by an approved assessor) for all new development. The Council may require a Special Contribution in accordance with Section 48 of the Planning and Development Act, 2000, as amended, for upgrade/improvement works along the route corridor of the quarry, to facilitate the proposed development.

h) Rehabilitation; A scheme of rehabilitation and after care. Details to be submitted should include a report with plans and sections detailing: the anticipated finished landform and surface/landscape treatments, both of each phase and the whole excavation; quality and condition of topsoil and overburden; rehabilitation works proposed; the type and location of any vegetation proposed; proposed method of funding and delivery of restoration/ reinstatement works; etc. The Council will require that all proposals for development are accompanied by a detailed restoration plan and aftercare proposals which shall be progressed on a phased basis. The restoration plan shall ensure the landscape is restored to its original character and with reference to the Landscape Review (Appendix 7, Volume 1) of this plan. The restoration plan shall be accompanied by a detailed costing of the work by a qualified quantity surveyor. The Council will apply a bond, as appropriate for the satisfactory completion of the restoration works. The site may be adapted for a variety of uses depending on the level of extraction, this shall be in agreement with the Planning Authority and consideration of the local community.

i) Environmental Impact Assessment Report (EIAR); Any EIAR including any remedial EIAR required by statute, should ensure that all impacts in relation to heritage, environment, biodiversity, groundwater protection, etc are clearly addressed and appropriate mitigation measures are included.

j) Proximity; Proximity to other developments. Details to be submitted to include location of all existing developments in the vicinity of the site that might be affected by site development works, extractive operations and/or traffic movements generated.

k) Landscaping and Screening; Details to be submitted to include an indication of existing trees or other screening to be retained or removed and any proposed screening, grassing or of planting trees or shrubs and proposals for their maintenance.

l) Heritage and Biodiversity; The Council will require an Ecological Impact Assessment or Natura Impact Statement for all proposals within or in the vicinity of an SPA, SAC or NHA. Where a quarry development falls within a conservation designation, the developer is advised to consult with the National Parks and Wildlife Service prior to making an application. As regards the protection of the county's geo-heritage, the developer is advised to consult with Geological Survey Ireland (GSI). Evidence of such consultation should be submitted to the Planning Authority at application stage. The Council will require that the operator of the quarry shall put in place an Environmental Monitoring System, to monitor all environmental standards (noise, dust, blasting etc.) on an on-going basis. It is recognised that quarries offer opportunities for heritage and biodiversity, particularly in less intensively used areas of quarries and as part of site restoration. Heritage and biodiversity enhancement measures, to include consideration of geological heritage, is required to be taken into consideration as part of required site restoration proposals. Such plans need to consider the following geo-heritage mitigation, in consultation with GSI, as appropriate:

1. The facilitation, where feasible, of access to quarry faces by appropriate geo-scientists during quarrying to assess any geologically interesting new stratigraphies / relationships as they might become exposed and to establish if the quarry site is worthy of recognition post extraction and through aftercare/restoration planning, and
2. If deemed appropriate, exploring opportunities for a representative section of the quarry face at the end of the quarry life or inclusion of information panels to promote the geology to the public or develop tourism or educational resources if appropriate

depending on the future use of the site, in consultation within the Geo-heritage Programme of GSI

m) Security of the Site Security; Full details regarding securing the perimeter boundary of quarries shall be submitted and agreed by the Planning Authority as part of the planning process.

Natural Heritage Designations

5.3. The application site is not located within any designated site. The proximity of the site to nearby designated sites is:

c. 160metres north and c. 240m east of the Killarney National Park, McGillicuddy and Caragh River Catchment SAC and pNHA (site code: 000365)

c. 1.8km northeast of Old Domestic Building, Curraglass Wood SAC and pNHA (site code: 002041)

c. 6km northeast of Kilgarvan Ice House SAC and pNHA (site code: 000364)

c. 7.8km east of Killarney National Park SPA (site code: 004038)

c. 10.7km northeast of Glanlough Woods SAC (site code: 002315)

c. 12.4km southwest of Blackwater River (Cork/Waterford) SAC (site code: 002170)

c. 13.6km northwest of St Gobnets Wood SAC (site code: 000106)

c. 13.7km west of Mullaghanish to Musheramore Mountains SPA (site code: 004162)

c. 14.6km north of Derryclogher (Knockboy) Bog SAC (site code: 001873)

c. 15km west of Mullaghanish Bog SAC (site code: 001890)

The site is located at the following distances from these additional NHA/pNHAs:

c. 8.2km northwest of Sillahertane Bog NHA (001882)

c. 3.9km north of Roughty River pNHA (site code: 001376)

c. 7km northeast of Kilgarvan Wood pNHA (site code: 001787)

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
- 6.2. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

Grounds of Appeal

- 7.1. One third party appeal was received, from An Taisce. The grounds of appeal can be summarised as follows:
- The application warranted Prescribed Body circulation under Article 28 Planning Regulations under nature conservation and amenity because of: 1. Location proximity of 160 metres boundary to Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC; and location in a “Visually Sensitive” area in the Kerry County Development Plan 2022-2028. No circulation was carried out under Article 28.
 - The jurisdiction of Kerry Coco as planning authority to determine this application requires adjudication by An Bord Pleanála. A remedial Natura Impact Statement and direct application to the Board is required for the retention and continuation of development of quarry aggregate crushing and other activity.

- The site because of its location sensitivity requires Appropriate Assessment screening.
- The original Section 251 Registration in 2007 of a 0.44ha area of the site for the purported pre 1963 area of extraction activity was adjudicated upon without Appropriate Assessment.
- The conditions attached to this Section 261 were systematically breached with the large-scale removal of trees and retention and continuation of quarry area now being sought. The felling licence granted does not resolve the legal status of the land use change.
 - The Executive Planner and Ecologist report incorrectly states that the Section 261 Registration process was exempt for the AA process. This did not transpire to be the case with the subsequent remedial AA process which was required to be introduced.
 - The principal potential impact on the Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC, as identified in the Executive Planner and Ecologist report, is surface water runoff from the existing unauthorised quarry and any consideration of its continuation.
- No reference is made to any water monitoring data being sought from the quarry operator. No monitoring data was supplied to support the conclusions of the Planner and Ecologist report.
- No information is provided as to whether aggregate processing crushing activity was or had taken place, or any pumping off from the site which would affect water use and run off impact.
 - Question the conclusion of the notional AA screening in the Planner's report that quarrying operations and activities are long established at this location as there is no evidence of post 1963 continuity of the promoted pre 1963 use on which Registration was sought and obtained.
 - The current unauthorised 2.2ha operation required both AA for its retention and continuation and appears to have commenced by the current applicants in 2019.

- Question the conclusion of the notional AA screening in the Planner's report that the development has no realistic of impacting/effecting water quality downstream or otherwise significantly affecting the conservation interests of the SAC as the development, by its nature of activity, quarrying, crushing, aggregate processing and creation of lagoons has surface water outflow impact which needs to be assessed. The Dixon Brosnan report shows the nature and scale of activity, machinery and settlement lagoons which have surface runoff impact requiring assessment.
- The site is located in a Visually Sensitive area. Question the reliance in the Planner's report on the surrounding non-native conifer planting to provide screening, given that it has and will be subject to ongoing felling, as shown in the Dixon Brosnan report. Allowing continued quarrying in this location would be both anomalous and injurious to the proper long term land management of this visually sensitive area.
- Traffic generation - extensive machinery indicated on site for aggregate processing, according to the photographs submitted with the application. Traffic implications have not been addressed or assessed.

Applicant Response

7.2. A response was received from the first party, which may be summarised as follows:

- The subject of the Appeal is incorrect. The subject application relates to retention of a previously quarried area and the continuation of processing operations only at that location. An Taisce refer to the development as "retention and continuation of 2.2ha quarry". No continuation of quarrying activity is sought in the application.
- The referral of the application under Article 28 is a matter for Kerry County Council.
- An Appropriate Assessment Screening was undertaken and provided as part of the planning application. The application was fully considered in light of the requirements of the Habitats Directive and the requirements of Section 177U of the Planning and Development Act 2000, as amended and it was concluded that Appropriate Assessment is not required. In respect of the 2007

S261A Quarry Registration Process, the planning authority have considered that, as the development within this quarry was carried out under pre-1964 authorisation, the development therefore was considered exempt from the EIA Directive and the Habitats Directive.

- The applicant denies any allegation of systematic breaching of the conditions attached to Section 261 Registration. No evidence offered in support of this allegation. There is no condition prohibiting felling. A Felling Licence was obtained (details provided) and all felling activities were carried out in full compliance with the conditions attached.
- The Dixon Brosnan AA Screening Report and KCC internal memo both conclude that there is no discharge or runoff from the site to local watercourses (as all rainfall is retained on site) there are no potential pathways to the designated areas and accordingly screened out the requirement for AA.
- The submitted Environmental Report describes the hydrological environment of the site and confirms that there are no discharges to surface water. Condition 6 of the Planning Authority decision requires that there shall be no discharges to surface water. The ER also details groundwater on site, noting that the quarry floor is situated a minimum of 50m above the water table.
- The Section 261 Registration process established the quarrying status of the site. There was no challenge to the Section 261 determination.
- The proposed activity does not have a surface water discharge from the site and there can be no effect on water quality downstream. There is no surface water outflow from the lagoon and the ER submitted confirms the absence of any discharge from the site. There is no need for Appropriate Assessment in light of the conclusions reached in the AA Screening assessment undertaken. There is no need for a remedial NIS.
- The site is located in a very extensive area within south Kerry designated as a Visually Sensitive area. The nearest view or prospect is a section of the R569 approximately 2km southwest which is a prospect. The site is not visible from this location. The site is shielded from views owing to local topography and

vegetative screening. There is a significant difference in levels between the quarry floor and R569 regional road to the south and the intervening space is heavily vegetated. There is no evidence to support the view that future land management for nature restoration would be injurious to the proper long term land management of this visually sensitive area. The adjoining forest plantation is under the control of Coillte Teoranta. See site visibility images included at Appendix A of the Applicant's Response.

- The traffic implications of the proposal have been assessed, in the submitted ER. Condition 3(i) of the Planning Authority's decision limits the permission to the processing of existing stockpiled material only with no extraction of new material. HGV movements are not expected to be significant.

Planning Authority Response

7.3. None.

Observations

7.4. None.

Further Responses

7.5. None.

8.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Appropriate Assessment
- Impact on the visual amenity of the area
- Traffic generation
- Modification of watercourse – new issue

- Compliance with Development Plan standards – new issue

I note that consideration was given to other relevant matters as part of the Local Planning Authority's assessment of the application, including: residential amenity, water supply and wastewater treatment. The Planner's Report considered that the proposed development was acceptable in reference to the objectives of the Development Plan regarding these matters, subject to conditions, and I concur with that assessment.

8.1. Principle of development

- 8.1.1. The proposed development seeks retention permission to retain a previously quarried area and associated structures as well as permission for continuation of aggregate processing activities at an existing quarry site. The NPF and the County Development Plan 2022-2028 recognise quarries as a national resource that are of key importance in their provision of aggregates to the construction sector and in their provision of employment within the rural economy. They also recognise that aggregates are a finite resource, which needs to be safeguarded. The Quarries and Ancillary Activities Guidelines recognise, too, the land use reality that "aggregates can only be worked where they occur" and the economic reality that, in order to limit transportation costs, quarries need to be excavated throughout the country.
- 8.1.2. The Kerry County Development Plan 2022-2028 is the operative Plan. Section 9.7.6.2.1 sets out the relevant policies and objectives for extractive industries, these include: KCDP 9-67 to facilitate the sustainable development of the extractive industry and seek to ensure the ongoing availability of an adequate supply of aggregates for the construction industry. KCDP 9-68 to facilitate and support the development of bitumen plants and reprocessing aggregate facilities within existing quarries subject to environmental assessment and KCDP 9-69 to ensure all extractive development proposals comply with the objectives of this plan including development management standards, flood risk management requirements and the protection of landscape, biodiversity, infrastructure, water and air quality, built and cultural heritage.
- 8.1.3. Having regard to the provisions of the County Development Plan and the provisions of the Quarry Guidelines, 2004, I am satisfied that the principle of the proposed

development is acceptable at this location. This is however, subject to further consideration of the likely impacts of the proposed development on the amenity of the area, the environment and traffic, as well as the broader principles of proper planning and sustainable development. These issues are addressed in the following sections of this report.

8.2. Appropriate Assessment

- 8.2.1. The 3rd Party Appellant maintains that a remedial Natura Impact Statement is required for the retention and continuation of development of quarry aggregate as proposed under the current planning application. They note that the principal potential impact on the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, is surface water runoff from the existing unauthorised quarry and any consideration of its continuation. They put forward that the nature of the quarrying activity, involving quarrying, crushing, aggregate processing and creation of lagoons has surface water outflow impact which needs to be assessed. They observe that no water monitoring data has been utilised to support the conclusions of the Applicant's Screening Report and that of the Planning Authority that Appropriate Assessment was not required.
- 8.2.2. The Applicant, in response to the grounds of appeal, notes that their submitted AA Screening Report (Dixon Brosnan, December 2023) and the report of the Local Authority's Planner and Ecologist conclude that there is no discharge or runoff from the site to local watercourses (as all rainfall is retained on site) and no potential pathways to the designated areas. Consequently, they considered that the need for AA could be screened out.
- 8.2.3. The Planner's Report concluded, in respect of AA that, given the distance of the site from the Lesser Horseshoe Bat Roost associated with Curraglass Wood SAC and the existing surface water management measures in place, that AA was not required for the project.
- 8.2.4. It is an objective of the Kerry County Development Plan 2022-2028, under Objective KCDP 11-2, to maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs).

- 8.2.5. The Site Layout Plan submitted with the application shows the existing Mountain Stream which enters the site in the northwest corner and is piped through the quarry area before re-emerging to the southeast of the application boundary. The Environmental Report submitted with the application states that there is no hydrological connection between the quarry and the stream.
- 8.2.6. This appeal was referred to the Commission Environmental Scientist and the Commission Senior Ecologist. Their reports, titled TN1 and TN2 respectively, form part of the case file. The Commission Environmental Scientist carried out a site visit on 17th November 2025 during which they observed that where the pipe carrying the watercourse emerged from under the quarry floor there was evidence of moderate levels of silt present in the watercourse, which was not noted on the upstream side. On the basis of site observations, the Commission Environmental Scientist in their report, concludes that some fine particulate matter may be carried by rainwater which flows through the quarry floor and into the pipe which traverses the site. They noted the silt ponds are not directly linked to any surface waters adjacent to the site and there is no pumped connection to any surface waters from the large settlement pond to the east of the site. The only issue arising in terms of surface water therefore, is the potential for sediment laden surface water to enter the piped stream.
- 8.2.7. I note that no information on the type of pipe (perforated or solid walled) or its depth below the quarry floor was provided as part of the application documentation. Also, no monitoring of water quality directly upstream and downstream of the quarry was carried out by the applicant in support of their conclusion that there is no pathway between the site and the River Loo. The River Loo flows through Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment SAC downstream of the application site. The most recent macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022 has shown that the status of the LOO_010 waterbody has dropped from Good to Moderate due to the Q-Value at LOO Bridge (downstream of the quarry) dropping from Q4 to Q3-4. The Q-Value at Aughananus Br. (upstream of the site) remained at Q4, which suggests a potential source of contamination between these 2 sampling points, a stretch of approximately 5km. The EPA Q-Value report does not identify a probable cause for the observed drop in quality.

8.2.8. An AA Screening Determination is attached as Appendix 3 to this report. Having regard to the Commission Environmental Scientist's observations on site that increased siltation was evident in the stream which is culverted under the quarry downstream compared with upstream, combined with the results of the most recent monitoring by the EPA of water quality on the section of the River Loo to which the stream discharges, it is my opinion that significant effects resulting from the extension of quarrying activity and proposed processing of existing material at the subject site on Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment SAC cannot be ruled out. Therefore State 2 Appropriate Assessment is required. I note that the report of the Commission Senior Ecologist Inspector reaches the same conclusion. For this reason, I consider that the proposed development would be contrary to Objective KCDP 11-2 of the Development, which seeks to maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs).

8.2.9. I also note, as per Section 34(12) of the Planning and Development Act 2000 (as amended), that a planning authority shall refuse to consider an application to retain unauthorised development of land where it decides that an appropriate assessment was required or is required in respect of the development. The Commission is therefore precluded from granting retention permission for the proposed development. A refusal of permission is recommended on this basis.

8.3. Impact on the visual amenity of the area

8.3.1. The 3rd Party Appellant raised as a second issue in their grounds of appeal, the potential impact of the proposed development on the visual amenity of the area. They note that the site is located in a Visually Sensitive area, they question the reliance in the Planner's report on the surrounding non-native conifer planting to provide screening, and state that allowing continued quarrying in this location would be both anomalous and injurious to the proper long term land management of this visually sensitive area.

8.3.2. In response, the Applicant notes that the site is located in a very extensive area within south Kerry designated as a Visually Sensitive area. They consider that the

local topography and vegetative screening shield the site in views from the nearest prospect, which is c.2km to the southwest on the R569, and in views generally from the surrounding road network. Site visibility images are included at Appendix A of the Applicant's Response.

- 8.3.3. The Planner's Report notes that the site is located within an area designated in the County Development Plan as a 'Visually Sensitive Area' and observes that the quarry is set well back from the public roadway and is well screened with existing commercial forestry.
- 8.3.4. Development Plan Objectives KCDP 11-77 and KCDP 11-78 seek to protect the landscapes of the County by ensuring that any new development does not impact detrimentally on their character, integrity, distinctiveness or scenic value. The subject site is located within a designated Visually Sensitive Area, which Section 11.6.3.1 of the Development Plan describes as the outstanding landscapes throughout the County which are particularly sensitive to development.
- 8.3.5. The quarry site is set back c.150m from the R569 Regional Road and is elevated relative to it. The level of the R569 parallel to the site is c. 85m AOD, while that of the quarry floor is c. 115m AOD and the top of the quarry face varies between c. 132.8m and 136m AOD. The intervening lands between the quarry and R569 comprise commercial forestry which is presently planted but is subject to a current felling licence application.
- 8.3.6. From my observations on site, I note that the site is not visible from the R569 directly parallel to the site or on approach from the east and west, given the intervening screening. The site is also not visible from an existing prospect (shown on Map O of Volume 4 of the CDP 2022-2028) which is located c. 1.5km to the south west of the site, at its closest point. From my site observations, I note that an existing road to the southeast of the site, off the R569, which is elevated and may afford views of the quarry, is signposted as being private and therefore not a publicly accessible viewpoint.
- 8.3.7. I note that the applicant has submitted, as part of their grounds of appeal, an indicative cross section showing the quarry site relative to the R569. As the drawing is indicative only, I place limited weight on it for assessment. Nonetheless, based on my site observations and review of the submitted documentation, I consider that,

notwithstanding the elevated position of the quarry, given its distance from the public road and the designated Prospect to the southwest, and to the presence of intervening forestry lands, that the proposed development would not result in a detrimental impact on the character, integrity, distinctiveness or scenic value of this visually sensitive area. The proposed development would there be acceptable with regard visual impact and would be in accordance with Development Plan Objectives KCDP 11-77 and KCDP 11-78.

8.4. Traffic generation

- 8.4.1. The Appellant raises as an issue, in their grounds of appeal, that the traffic implications of the proposed development have not been addressed or assessed in the application. In this regard, they point out the extensive machinery indicated on site for aggregate processing, according to the photographs submitted with the application.
- 8.4.2. The Planner's Report identifies no traffic issues or concerns associated with the proposal, noting that the site is accessed off the R569 approximately 4.2km west of the N22 National Primary Road. There are no comments on file from any internal departments of the County Council in relation to traffic or access.
- 8.4.3. In response to the grounds of appeal, the Applicant states that the traffic implications of the proposal have been assessed, in the submitted Environmental Report. They note that Condition 3(i) of the Planning Authority's decision limits the permission to the processing of existing stockpiled material only with no extraction of new material. They add that HGV movements are not expected to be significant.
- 8.4.4. Section 4.14 of the Environmental Report submitted with the application refers to the issue of traffic. In relation to the processing of existing aggregate on site at a maximum rate of 14,000m³ per annum, operating 6 days per week and 300 days per annum, the daily output is estimated at c. 110 tonnes or 6 HGV loads. Noting that demand may fluctuate over the year, the report states that, based on previous experience, 2-4 loads may leave the site during the morning and peak periods. The report does not provide an assessment of the traffic levels associated with the quarrying activities already carried out and for which retention permission is sought. However, the Environmental Report states that output from the quarry has not

exceeded 14,000m³ per annum. On this basis, I am satisfied that HGV trips would be similar to those associated with the processing activity, i.e. an average of 6 trips per day. I note that there would be other trips associated with the proposed development, including staff trips, deliveries etc. In this regard, the Environmental Report states that a maximum of 5no. people would be working on site, including 2no. HGV drivers. The applicant lists in their Environmental Report the machinery that will be used to process the existing material, including 2no. tipper trucks, a front loader, an excavator and crushing/screening/washing plant. This machinery would be used on site for the aggregate processing and would not add to daily trips to/from the site. Based on the information on file, I consider that the traffic generation associated with the proposed development would be limited and would not result in significant pressure on the R569. Also, from my observations on site, I note that there is good sightline visibility in both directions from the junction of the forest/access road and the R569. Overall, therefore, I consider that the proposed development is acceptable in terms of traffic impact and access.

8.5. Modification of existing watercourse – new issue

- 8.5.1. The Environmental Report submitted with the application states that a small surface watercourse which runs from higher ground to the north of the site, to the River Loo south of the site, is piped beneath the quarry. This watercourse is indicated on the Site Layout Plan submitted with the application and, during my site visit, I observed the stream where it enters the pipe.
- 8.5.2. A submission from Inland Fisheries Ireland (IFI), received by the Planning Authority on the application, noted potential fishery impacts resulting from piping the onsite watercourse including loss of habitat, invertebrate drift and fish migration. They sought further information on the piping of the watercourse, which they indicate was not undertaken in consultation or agreement with IFI. The further information sought included a habitat and stock assessment of the watercourse, upstream and downstream of the pipe.
- 8.5.3. The applicant submitted unsolicited further information to the Planning Authority in response to the IFI submission. Their response stated that the stream runs “dry” for approximately 6-8 months of the year and that, when the applicant purchased the

quarry in 2019, part of the stream (from the bottom of the quarry face, under the access road, to the southeast corner of the site) was already piped. They indicate that the applicant extended the piped section of the stream to prevent any contamination of the watercourse as a result of quarrying operations. They also stated that the outlet of the pipe has a vertical drop of approx. 5m, which fish are not able to navigate.

- 8.5.4. The Planner's Report noted the unsolicited further information received from the applicant in response to the IFI report. Further information was not sought by the Planning Authority. The Planner's Report concluded that the proposed development would not seriously injure the amenities of the area or be otherwise contrary to the proper planning and sustainable development of the area.
- 8.5.5. There is no record of a planning application in respect of the piping or diversion of the watercourse. The submitted site location plan (Dwg. No. 19-024-01A) indicates that the original quarry area of 0.44ha (registered under S261) was located to the west of the stream. The documents submitted for the S261 application state that there was no stream near the quarry. The Local Authority accepted that the original 0.44ha quarry was present in 1963 and, in their decision on the S261 application, attached conditions limiting the extent of the quarry, requiring details to be submitted in respect of surface water management and requiring that no contaminated water was discharged outside the site boundaries. From review of the current application file and that of the S261 application, I therefore conclude that the piping of the watercourse occurred since 1963 and does not benefit from planning permission.
- 8.5.6. The description of development for the subject application does not include the piping of the watercourse and no details of the depth, diameter or type of pipe have been submitted. Based on the plans and reports submitted by the applicant, the piping of the watercourse was undertaken in order to enable the extension of quarrying activities on site (2019 onwards). I therefore consider that the diversion and culverting of the stream forms an integral part of the quarrying proposal for which retention permission is sought. To grant retention permission for the quarry extension would, in my view therefore, result in the consolidation of unauthorised development on site. A refusal is recommended on this basis.

8.6. Compliance with Development Plan standards – new issue

- 8.6.1. Objective KCDP 9-69 seeks to ensure that all extractive development proposals comply with the objectives of the Development Plan including development management standards, flood risk management requirements and the protection of landscape, biodiversity, infrastructure, water and air quality, built and cultural heritage. Section 1.16 of Volume 6 (Development Management Standards) of the Development Plan sets out standards and guidelines for extractive development. This section sets out a list of details which will be central to the determination of any application for planning permission for extractive development. These include: compliance with provisions and guidance; land ownership; deposits; methods; production; mitigation; access; rehabilitation; EIAR; proximity to other developments; landscaping and screening; heritage and biodiversity; and site security.
- 8.6.2. I note that the requirements of Section 1.16 are set out in the Planner's Report but are not discussed in the assessment section of that report.
- 8.6.3. Having regard to this list, I consider that the level of information submitted as part of the application does not meet the requirements of this section with regard to deposits, methods, production and rehabilitation, particularly with regard to the additional area of extraction for which retention permission is sought. In respect of deposits, Section 1.16 requires details of the depths of topsoil, subsoil, over burden and material on site and an estimate of the total quantity of rock and mineral which can be extracted commercially from the site. These details were not submitted.
- 8.6.4. In respect of methods and production, Section 1.16 requires details of the methods of excavation and machinery, methods of working, methods for removing and storing topsoil etc, quantification of production and production processes employed including inputs. The submitted Environmental Report states that a maximum of 14,000m³ aggregate was removed in any one year, however the actual amount of material extracted is not stated. The submitted Environmental Report states that operations comprised rock breaking, crushing, screening, washing and stockpiling however no details are provided.
- 8.6.5. Section 1.16 also requires a scheme of rehabilitation and after care to be submitted, to include the anticipated finished landform and surface/landscape treatments. No details of site rehabilitation were submitted.

8.6.6. Notwithstanding the limited details submitted in reference to some of the criteria set out in Section 1.16, significant impacts relating to noise, dust and vibrations have been ruled out in the Planner's Report and reports from Council Departments and the HSE. TN1 similarly raises no concerns in this regard. Given the significant minimum separation distance of 845m to the nearest residential occupier, I am satisfied that the methods and production processes would not have impacted significantly on the amenity of residential occupiers. In respect of rehabilitation, proposals could be secured by condition in the event of a grant of permission. Having regard to the relatively modest size of the quarry and the maximum stated yearly output, traffic movements generated by the proposed development are not significant. Overall, although not all of the details sought by Section 1.16 have been submitted, I consider that there are sufficient details on file to enable assessment of the impacts of the proposed development. I therefore do not consider that a reason for refusal would be warranted on this issue.

9.0 AA Screening

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on Killarney National Park, McGillycuddy's Reeks and Caragh River Catchment SAC (000365) in view of the site's conservation objectives. Appropriate Assessment is required. This determination is based on:

- The Report in Support of Appropriate Assessment Screening (Dixon Brosnan, December 2023) submitted as part of the application.
- The Local Authority Planner's Report and Notional (preliminary) Screening Exercise Report.
- The Technical Notes (R319722_TN1 & R319722_TN2) prepared by the Commission Environmental Scientist and Senior Ecologist Inspector.
- The results of macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022.
- The lack of any water quality monitoring data for the on-site stream directly upstream and downstream of the quarry.
- The lack of details submitted with the application in respect of the culverted stream.

- The proximity of the application site to the SAC.
- The qualifying interests and conservation objectives of the SAC.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located c. 35m west and c. 195m north of the River Loo, as mapped by the EPA. An existing tributary of the River Loo is culverted through the site.
- 10.2. The proposed development comprises retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities.
- 10.3. The 3rd Party Appellant raised water quality issues arising from surface water runoff from the quarry in their grounds of appeal.
- 10.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. The WFD Screening Determination is attached at Appendix 4 below.
- 10.5. Having considered the nature, scale and location of the project, I consider that it cannot be eliminated from further assessment because there is conceivable risk to the River Loo_010IE_SW_22L040400 qualitatively.
- 10.6. The reason for this conclusion is as follows:
 - the nature of the proposed works, comprising the retention of an extended quarry area and processing of existing material on site;
 - the proximity of the River Loo_010IE_SW_22L040400 and the presence of a watercourse (culverted) on site which is a tributary of the River Loo;
 - site observations of moderate levels of silt present in the watercourse downstream of the quarry, which were not evident at the point where the stream enters the culvert; and
 - the results of the most recent macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022 which shows that the status of the LOO_010 waterbody has dropped from Good to Moderate due to the Q-Value

at LOO Bridge (downstream of the quarry) dropping from Q4 to Q3-4. The Q-Value at Aughananus Br. (upstream of the site) remained at Q4, which suggests a potential source of contamination between these 2 sampling points, a stretch of approximately 5km.

Conclusion

- 10.7. I conclude that, on the basis of objective information, the risk of qualitative deterioration of the River Loo_010IE_SW_22L040400 as a result of the proposed development, either on a temporary or permanent basis, cannot be excluded.
- 10.8. Having regard to my conclusion above that the potential of the proposed development contributing to the deterioration of the status of the River Loo_010IE_SW_22L040400 and to its failure to achieve 'Good' status by 2027 cannot be excluded, and to Development Plan Objective KCDP 13-1 which seeks to ensure compliance with the Water Framework Directive, a refusal is recommended.

11.0 Recommendation

I recommend that permission is refused.

12.0 Reasons and Considerations

1. Having regard to the documentation provided with the application, to observations made on site, to the most recent water quality sampling results available for the River Loo_010 and to the absence of any water quality monitoring data for the watercourse which flows through the site (piped) and is a tributary of the River Loo, the Commission cannot be satisfied that the development for which retention permission is sought and the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on the Killarney National Park, McGillicuddy's Reeks and Caragh River Catchment SAC (site code: 000365) in view of the site's conservation objectives, and thus cannot be satisfied that a Natura Impact Statement would not be required. In such circumstances, the Commission is precluded from granting planning permission.

2. On the basis of the information submitted with the application and following review of the planning history for the site, it appears to the Commission that the proposed development would represent consolidation of unauthorised development on this site, having regard to the piping of an existing stream through the site, for which no permission exists. Accordingly, it is considered that it would be inappropriate for the Commission to consider the grant of a permission for the proposed development in such circumstances.

3. Having regard to the documentation provided with the application, to observations made on site, to the most recent water quality sampling results available for the River Loo_010 (IE_SW_22L040400) and to the absence of any water quality monitoring data for the watercourse which flows through the site (piped), the Commission cannot be satisfied that the proposed development would not result in the risk of qualitative deterioration of the River Loo_010, either on a temporary or permanent basis. The proposed development would therefore be contrary to Development Plan Objective KCDP 13-1, which seeks to ensure compliance with the Water Framework Directive, and to the proper planning and sustainable development of the area.

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.

Suzanne White
Planning Inspector

30th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-319722-24
Proposed Development Summary	Retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities.
Development Address	Crohane, Clonkeen, Killarney, Co. Kerry, V93 X2EH
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 Class 19. of Part 1 Schedule 5 is "Quarries and open-cast mining where the surface of the site exceeds 25 hectares". The proposed development is far below the stated threshold in the regulations.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	<p>Class 2(b) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 as amended, relates to 'Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.'</p> <p>The development, which relates to a site area of 2.2ha is therefore sub-threshold.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Suzanne White

Date: 30th December 2025

Form 2 - EIA Preliminary Examination

Case Reference	ABP-319722-24
Proposed Development Summary	Retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities.
Development Address	Crohane, Clonkeen, Killarney, Co. Kerry, V93 X2EH
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The development comprises the retention of an extraction area of c. 1.76ha, as an extension to an pre-existing quarry of 0.44ha, together with aggregate storage structures and the proposed processing of existing aggregate on site. The total site area is 2.2ha. The size of the development is not exceptional in terms of the type of development or in the context of the existing rural environment. The development has increased the quarry operations at this location and associated potential impacts.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is located in the townland of Crohane, c. 7.5km northeast of the town of Kilgarvan and c. 13km southeast of Killarney. The existing quarry is immediately surrounded by forestry lands, while the wider area is a mixture of forestry and agricultural lands. The area is sparsely populated, with the nearest residential dwellings located c. 845m to the west and c. 1km to the east. Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and pNHA is located c. 160metres to the southeast, on the opposite side of the R569. An existing stream on site, which is piped under the quarry floor, is a tributary of The River Loo, which runs through the SAC. The closest recorded monument is c. 1.46km southwest (KE085-037 Crohane Bridge).
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	I have identified in Appendix 4 below and Section 8 of my report above that significant effects on the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC arising from sedimentation carried from the quarry via the onsite piped stream to the River Loo cannot be ruled out. A refusal reason is recommended on this basis. I note also that the onsite stream has been piped

cumulative effects and opportunities for mitigation).	<p>through the quarry, however this does not form part of the application proposals. Notwithstanding these issues, given the nature and scale of development proposed, I do not consider that this would trigger the need for further EIA assessment.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from existing surrounding developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: Suzanne White **Date:** 30th December 2025

Standard AA Screening Determination Template
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities. Please refer to Section 2 of the Inspector's Report for a more detailed description.
Brief description of development site characteristics and potential impact mechanisms	<p>The development comprises the retention of an extraction area of c. 1.76ha, as an extension to an pre-existing quarry of 0.44ha, together with aggregate storage structures and the proposed processing of existing aggregate on site. The total site area is 2.2ha.</p> <p>Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC is located c. 160metres to the southeast, on the opposite side of the R569. An existing stream on site, which is piped under the quarry floor, is a tributary of The River Loo, which runs through the SAC.</p>
Screening report	Y
Natura Impact Statement	N
Relevant submissions	An Taisce
<p><u>Additional information:</u></p> <p>A felling licence ref. TFL00443419 was granted for clearfell and thinning for a site of 3.98ha which includes the appeal site.</p> <p>A felling licence ref. KY14-FL0058 granted for a site of 5.92ha located c. 60metres to the east of the appeal site was subject to a screening determination and subsequent Appropriate Assessment determination by the Minister. The screening determination concluded that significant effects on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC IE0000365 could not</p>	

be excluded due to the direct hydrological connectivity between the project area and this European site.

A live application ref. KY14-FL0073 for a felling licence for 134.78ha of forestry lands surrounding the application site is currently being processed by the Department of Agriculture, Food and the Marine.

A decision is pending on a felling licence application, ref. KY14-FL0060, relating to a site of 1.15ha located c. 80m to the northwest of the appeal site. A NIS has been submitted for the project.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The proximity of the site to nearby designated sites is:

c. 160metres north and c. 240m east of the Killarney National Park, McGillycuddy and Caragh River Catchment SAC and pNHA (site code: 000365)

c.1.8km northeast of Old Domestic Building, Curraglass Wood SAC and pNHA (site code: 002041)

c.6km northeast of Kilgarvan Ice House SAC and pNHA (site code: 000364)

c. 7.8km east of Killarney National Park SPA (site code: 004038)

c. 10.7km northeast of Glanlough Woods SAC (site code: 002315)

c. 12.4km southwest of Blackwater River (Cork/Waterford) SAC (site code: 002170)

c. 13.6km northwest of St Gobnets Wood SAC (site code: 000106)

c. 13.7km west of Mullaghanish to Musheramore Mountains SPA (site code: 004162)

c. 14.6km north of Derryclogher (Knockboy) Bog SAC (site code:001873)

c.15km west of Mullaghanish Bog SAC (site code: 001890)

European Site (code)	Qualifying interests ¹ Link to proposed conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further screening ³ Y/N
Killarney National Park, McGillycuddy and Caragh River Catchment SAC (000365)	Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC National Parks & Wildlife Service	160metres	A source-pathway-receptor link exists between the development and the SAC via potential pathways of water quality, disturbance/loss existing foraging habitat and spread of invasive species.	Y

Old Domestic Building, Curraglass Wood SAC (002041)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	1.8km	A source-pathway-receptor link exists between the SAC via potential pathways of water quality, disturbance/loss of existing foraging habitat and spread of invasive species.	Y
Kilgarvan Ice House SAC (000364)	Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	6km	Located over 5km from development site. No pathway for loss of/disturbance to ex situ habitats	N
Killarney National Park SPA (004038)	A098 Merlin (Falco columbarius) A395 Greenland White-fronted Goose (Anser albifrons flavirostris)	7.8km	No habitats suitable for these species within the development site. No pathway identified.	N
Glanlough Woods SAC (002315)	1303 Lesser Horseshoe Bat (Rhinolophus hipposideros)	10.7km	Located over 5km from development site. No pathway for loss of/disturbance to ex situ habitats	N
Blackwater River (Cork/Waterford) SAC (002170)	Blackwater River (Cork/Waterford) SAC National Parks & Wildlife Service	12.4km	No hydrological or other pathway identified.	N
St Gobnet's Wood SAC (000106)	91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	13.6km	No hydrological or other pathway identified.	N
Mullaghanish to Mushera more Mountains SPA (004162)	A082 Hen Harrier (Circus cyaneus)	13.7km	No habitats suitable for these species within the development site. No pathway identified.	N
Derryclogher (Knockboy) Bog SAC (001873)	7130 Blanket bogs (* if active bog)	14.6km	No hydrological or other pathway identified.	N

Mullaghanish Bog (001890)	SAC	7130 Blanket bogs (*if active bog)	15km	No hydrological or other pathway identified.	N
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¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Killarney National Park, McGillicuddy and Caragh River Catchment SAC (000365) QI list: 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 Isoetes-Nanojuncetea [3130] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Juniperus communis formations on heaths or calcareous grasslands [5130]	<u>Direct:</u> None. <u>Indirect:</u> 1) Negative impacts on aquatic habitats due to emissions to surface waters arising from quarry activities, including increased sedimentation in surface water runoff and spillages of hydrocarbons. An existing mountain stream runs culverted through the quarry site from northwest to southeast. The Applicant's Screening Report states that there is no hydrological connection between the extraction site and this stream and that water quality levels for the River Loo downstream are 'Good' and 'Not at Risk'. However, the Environmental Scientist observed moderate	Discharges of water containing fine particulate matter (suspended solids) can cause significant ecological impacts on macroinvertebrate and fish life in surface waters. The possibility of significant effects arising from quarry activities on siltation levels in the stream flowing under the quarry to the River Loo cannot be ruled out without further analysis and assessment. Diesel at the site is noted to be stored in a self-bunded mobile bowser

<p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnus incana</i>, <i>Salix alba</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Geomalacus maculosus</i> (Kerry Slug) [1024]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p> <p><i>Alosa fallax killarneyensis</i> (Killarney Shad) [5046]</p> <p><i>Vandenboschia speciosa</i> (Killarney Fern) [6985]</p>	<p>levels of silt present in the watercourse downstream of the quarry, which were not evident at the point where the stream enters the culvert. Their report also notes that the most recent macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022 has shown that the status of the LOO_010 waterbody has dropped from Good to Moderate due to the Q-Value at LOO Bridge (downstream of the quarry) dropping from Q4 to Q3-4. The Q-Value at Aughananus Br. (upstream of the site) remained at Q4, which suggests a potential source of contamination between these 2 sampling points, a stretch of approximately 5km.</p> <p>2) Potential negative effects on Lesser Horseshoe Bat due to removal of linear vegetation features within 2.5km of a qualifying roost.</p> <p>3) Potential negative effects on Otter due to habitat clearance.</p> <p>4) Noise and disturbance associated with the quarrying and processing activities.</p>	<p>There is no qualifying roost in the SAC within 2.5km of the application site.</p> <p>The submitted Screening Report states that no signs of Otter were recorded during site surveys and that the site does not provide habitat for Otter, noting the lack of wetland habitat or suitable watercourses/waterbodies.</p> <p>The submitted Screening Report states that no signs of Otter were recorded during site surveys and that, although Otter may be present in the vicinity of the River Loo nearby, the hours of operation, noise and lighting associated with</p>
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		operation of the quarry would not be of a level likely to disturb Otter.
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Impacts	Effects
Site 2: Old Domestic Building, Curraglass Wood SAC (002041) QI list: Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]	<u>Direct:</u> None. <u>Indirect:</u> The application site is located c. 1.8km from the SAC. Potential negative effects on Lesser Horseshoe Bat due to removal of linear vegetation features within 2.5km of a qualifying roost.	A conservation objective for the SAC states that there should be no significant decline in the extent of foraging habitat within 2.5km of a qualifying roost. The Applicant's Screening Report states that the habitat (coniferous forestry plantation) which existed on the site prior to the extension to the quarrying area was of low ecological value. The Report states that the optimal foraging habitats for this species are deciduous woodlands, riparian vegetation and mature hedgerows. The report does not identify a likely significant effect on Lesser Horseshoe Bat arising from removal of trees on the application site. A felling licence ref. TFL00443419 was

		granted for clearfell and thinning on the application site and wider landholding on 19th July 2021. There are no documents available online relating to the licence application decision, however it would have been subject to a screening determination for AA. No further felling is proposed as part of the current planning application.
	Likelihood of significant effects from proposed development (alone): N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N A felling licence and two felling licence applications for surrounding lands are noted above. Given that a felling licence was granted for the subject site and no further trees are proposed to be felled as part of the current planning application, there is no likelihood of significant effects occurring in combination with other plans or projects.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Killarney National Park, McGillycuddy and Caragh River Catchment SAC (000365) from effects associated with deterioration in water quality arising from increased siltation via surface water runoff from the quarry. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		
Screening Determination		

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on Killarney National Park, McGillycuddy and Caragh River Catchment SAC (000365) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The Report in Support of Appropriate Assessment Screening (Dixon Brosnan, December 2023) submitted as part of the application.
- The Local Authority Planner's Report and Notional (preliminary) Screening Exercise Report.
- The Technical Notes (R319722_TN1 & R319722_TN2) prepared by the Commission Environmental Scientist and Senior Ecologist Inspector.
- The results of macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022.
- The lack of any water quality monitoring data for the stream directly upstream and downstream of the quarry.
- The lack of details submitted with the application in respect of the culverted stream.
- The proximity of the application site to the SAC.
- The qualifying interests and conservation objectives of the SAC.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiun Pleanála ref. no.	ABP-319722-24	Townland, address	Crohane, Clonkeen, Killarney, Co. Kerry
Description of project		Retention permission to retain previously quarried area and associated structures and permission for continuation of aggregate processing activities. Please refer to Section 2 of the Inspector's Report for a more detailed description.	
Brief site description, relevant to WFD Screening,		The application site is an existing hard rock quarry situated within an area comprising mainly of commercial forestry. The site is elevated relative to the R569 and River Loo to the south. The quarry floor is relatively level and holds stockpiled material, structures (including storage containers, canteen) and plant and machinery associated with the quarrying/processing activities. Aggregate storage bays of blockwork are located on the southwest boundary of the site. A fenced silting pond and open wash areas are located in the western portion of the site. An existing stream crosses the site from northwest to southeast and has been piped under the quarry.	

	<p>The stream is open to the north of the quarryface and to the south of the existing access road. There is also an open drain located to the north of the access road, near the existing canteen/storage structures.</p> <p>The existing bedrock is part of the Glenflesk Chloritic Sandstone Formation, which consists of green sandstone and purple siltstone. The site is located above a Locally Important Aquifer. The groundwater vulnerability is classed as 'Extreme'.</p>
Proposed surface water details	The Applicant's documents state that the proposed activity does not have a surface water discharge from the site and there is no surface water outflow from the lagoon. It is stated that rainwater infiltrates to ground.
Proposed water supply source & available capacity	Not applicable
Proposed wastewater treatment system & available capacity, other issues	Domestic effluent associated with staff welfare facilities to be collected under contract and treated off site.
Others?	Not applicable

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Existing tributary of the River Loo is culverted through the site. The River Loo as mapped by the EPA is located c. 35m east and c. 195m south of site	River Loo_010 IE_SW_22L040400	Moderate (2019-2024)	Not at risk (based on monitoring data to end 2018)	Unknown	Surface water run-off from the site entering the tributary stream culverted through site and connecting

							to The River Loo_010. The River Loo flows northeast to the River Flesk (Kerry)_040
Groundwater waterbody	Underlying site	Cahersiveen IE_SW_G-022	Good	Not at risk	Unknown		Poorly productive bedrock.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination

1.	Surface	River Loo_010 IE_SW_22L040400	Surface water run-off from site via tributary stream within site	Deterioration in water quality	None	Yes - macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022 has shown that the status of the LOO_010 waterbody has dropped from Good to Moderate due to the Q- Value at LOO Bridge (downstream of the quarry) dropping from Q4 to Q3-4. The Q-	Screened in
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						Value at Aughananus Br. (upstream of the site) remained at Q4, which suggests a potential source of contamination between these 2 sampling points, a stretch of approximately 5km.	
2.	Ground	Cahersiveen IE_SW_G-022	Drainage	Rainwater, Hydrocarbon Spillages	Standard Construction Measures / Conditions	No – based on a borehole installed on site, the floor of the quarry is at least 50m above the water table.	Screened out
OPERATIONAL PHASE							

3.	Surface	River Loo_010 IE_SW_22L040400	Surface water run-off from site via tributary stream within site	Deterioration in water quality	None	Yes - macroinvertebrate (Q-Value) sampling of the LOO river undertaken by the EPA in 2022 has shown that the status of the LOO_010 waterbody has dropped from Good to Moderate due to the Q- Value at LOO Bridge (downstream of the quarry) dropping from Q4 to Q3-4. The Q-	Screened in
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						<p>Value at Aughananus Br. (upstream of the site) remained at Q4, which suggests a potential source of contamination between these 2 sampling points, a stretch of approximately 5km which includes the application site. In the absence of evidence to the contrary, e.g. water sampling data directly</p>	
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						upstream and downstream of the quarry, the potential for the proposed development to contribute to the deterioration of the status of this waterbody and failure to achieve 'Good' status by 2027 cannot be excluded.	
4.	Ground	Cahersiveen IE_SW_G-022	Drainage	Rainwater, Hydrocarbon Spillages	Standard Construction Measures / Conditions	No – based on a borehole installed on site, the floor of the quarry is at	Screened out

						least 50m above the water table.	
DECOMMISSIONING PHASE							
5.	No proposals for decommissioning submitted.						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	Objective 1:Surface Water Prevent deterioration of the status of all bodies of surface water	Objective 2:Surface Water Protect, enhance and restore all bodies of surface water with	Objective 3:Surface Water Protect and enhance all artificial and	Objective 4: Surface Water Progressively reduce pollution from priority	Does this component comply with WFD Objectives 1,		

		aim of achieving good status	heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	substances and cease or phase out emission, discharges and losses of priority substances	2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Development Activity 1					
Development Activity 2					

Development/Activity 3 e.g. Creation of a transport crossing of watercourse.					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 :</u> <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1	N/A	N/A	N/A	N/A
Development Activity 2	N/A	N/A	N/A	N/A