



An
Bord
Pleanála

Inspector's Report ABP-319955-24

Development	Upgrades for noise abatement systems and filtration systems with associated site works. EPA Industrial Emissions (IE) Licence is held by the applicant for activities on site.
Location	Island Macloughry, Listowel, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2460109
Applicant(s)	Kerry Ingredients (Ireland) Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party V Grant
Appellant(s)	Peter Sweetman & Associates.
Observer(s)	None.
Date of Site Inspection	20 th June 2025
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations	9
5.3. EIA Screening	9
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant Response	10
6.3. Planning Authority Response.....	12
6.4. Observations.....	12
7.0 Assessment.....	12
8.0 AA Screening.....	14
9.0 Recommendation.....	14
10.0 Reasons and Considerations.....	14
11.0 Conditions	15
Appendix 1 - EIA Pre-Screening	17

Appendix 2 - EIA Screening Determination	20
Appendix 3: AA Screening Determination.....	30
Appendix 4 – WFD Assessment.....	43

1.0 Site Location and Description

- 1.1.1. The industrial site is located 0.7 kilometres approximately south of Listowel town. On site is the Kerry Ingredients production facility consisting of a milk intake facility, storage facilities including dry storage/warehousing and bulk liquid storage silos, administration/office accommodation, employee facilities (canteen and locker rooms), services/utilities installations, wastewater treatment plant, internal roadways/hardstanding areas and carparking.

2.0 Proposed Development

- 2.1. The proposed development is as follows:

Upgrade to air and noise emission abatement systems for existing process dryers:

the installation of 3 no. external filter units comprising profiled metal clad structures with an overall height of c. 16.1m above existing yard level and including associated plant, duct work and stacks;

(ii) construction of new profiled metal clad building enclosure, located adjacent to the filters, to accommodate ancillary equipment and a new enclosed staircase to facilitate access to the upper level of the filters and ductwork;

(iii) new profiled metal clad building enclosure to provide ladder access and facilitate material transfers to upper level of the filters;

(iv) erection of 3m high acoustic panelled screen fencing;

(v) new above roof ductwork and associated support framework over the roof of the existing process building to facilitate the ducting of the exhaust air from the existing dryers to the new filters;

(vi) completion of associated siteworks including roads, pathways and drainage; and

(vii) removal of the 3 no. redundant exhaust stacks from the roof of the existing process building following the commissioning of the new filters.

This site facilitates activity in respect of which an EPA Industrial Emissions (IE) Licence Reg. No. P0393-03 is held by the Applicant.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission, subject to 4 no. conditions.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The Planner's Report (17/04/2024) sets out nature of proposal, site description, relevant policies and objectives of the Kerry County Development Plan 2022-2028, internal reports, third party submissions, external TII/HSE report and planning history.
- Notes the proposed development is located within an existing production food facility.
 - Notes site is zoned Industrial/Enterprise/Employment.
 - Notes proposal can be considered acceptable in principle.
 - Minimal visual impact envisaged.
 - Reference is made to the report and email sent from Council Ecologist¹, in relation to AA Screening (see summary of same below).
- 3.2.2. Further Information was requested in relation to the following issue:
- AA Screening (i) to outline why River Feale/Lower River Shannon SAC was scoped out as a sensitive receptor in the Air Quality Assessment submitted (ii) Addendum to the AA Screening Report required.
- 3.2.3. Further Information was requested on 17th April 2024.
- 3.2.4. Further Information was submitted on 1st May 2024. This consisted of a cover letter dated 1st May 2024 from MRG Consulting Engineers and correspondence from OES Consulting 'Response to the Request for Further Information' dated 1st May 2024.

¹ I would note there is one report from the Council Ecologist on file which rules out the need for Stage 2 AA. There is also an email from the Council Ecologist which requests FI. (see details in Section 3.2.7 below).

3.2.5. The subsequent Planner's Report refers to the report of the Council's Ecologist (Post FI report dated 13/05/2024), which rules out the need for a Stage 2 Appropriate Assessment (see summary of report below).

3.2.6. A grant of permission was recommended.

3.2.7. Other Technical Reports

Listowel Municipal Roads Office (dated 4th April 2024) – Recommend grant subject to conditions.

Council Ecologist:

Report dated 11/04/24² – Considered a Stage 2 AA is not required.

Email dated 11/04/24 – FI requested - i) to outline why River Feale/Lower River Shannon SAC was scoped out as a sensitive receptor in the Air Quality Assessment submitted (ii) Addendum to the AA Screening Report required which considers the potential effect of emissions on the Lower River Shannon SAC.

Post FI Report (dated 13/05/2024) screens out the need for Stage 2 AA.

Council Archaeologist (dated 06/03/2024): Report received. No further mitigation required.

3.2.8. Conditions

Condition No. 4: Prior to commencement of development, a Construction and Demolition Resource Waste Management Plan (RWMP) shall be submitted for the written approval of the Environment Section of Kerry County Council. The Plan shall be in accordance with the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D projects (EPA, 2021) or any amending or replacement guidelines, including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. These details shall be placed on the file and retained as part of the public record.

Reason: In the interest of environmental protection and to prevent public and private property.

² The Planning Authority have clarified that the correct date of this report should read 11th March 2024, as per communication on file.

3.3. Prescribed Bodies

TII (dated 25/03/2024) – No observations to make.

HSE (dated 26/03/2024) – recommends that that the proposal complies with all legal limits/necessary control measures using best available technology are undertake/all measures to control waste, water pollution, public health nuisance, light pollution, traffic impacts, interruption to services, access issues and all associated emissions shall be implemented/Measures in relation to dust, rodents shall be implemented. Complaint system to be put in place/All measures set out RWMP, CEMP and Environmental Report to be followed.

3.4. Third Party Observations

1 no. third party observation was submitted. This is summarised in the Planner's Report (dated 17/04/24) and raises the following issues:

- PA must assess the merits of application in accordance with the PDA, 2000 as amended.
- Required to form and record a view as to the environmental impacts of the development.
- PA is the competent authority having responsibilities under the Habitats Directive.
- Development must be assessed for compliance with the requirements of the Water Framework Directive.
- Submits that the application is invalid.

4.0 Planning History

19/989. Permission granted. Construct a single storey extension to an existing laboratory building located within the site of its existing milk processing facility.

17/920. Permission granted. (a) Development works comprising the installation of a combined heat power (chp) plant which shall be located within a fenced compound of approx area 450 sqm at the northern end of existing buildings located adjacent to the western boundary of the site and (b) Demolition works in the removal of the existing solid fuel boiler plant and flue stack located at the north west corner of the

site. The demolition works shall include the demolition of the steel structure on which elements of the solid fuel boiler plant are supported and the demolition of 2 no. coal storage silos located adjacent to the solid fuel boiler. The development works relate to an activity for which a revised integrated pollution prevention and control license is required.

17/764- Permission granted - facilitate connection of a new gas supply main to our existing milk processing plant. the works shall include the provision of 2 no. "above ground installations" (agi's) comprising pipework and monitoring equipment housed within enclosures formed with metal paneling of approximate height 2.3 metres to facilitate the gas main connection together with associated site works comprising construction of hard standing over an approximate area of 770 sqm, fencing of approximate height 2.4m around the agi's and concrete plinths on which the agi's will be seated. the works will be located at Islandmacloughry, Listowel, Co Kerry

17/1185. Permission granted. (1) construct a corridor to facilitate the separation of high care from low care products (2) construct a new loading bay to replace an existing loading bay and (3) associated siteworks. the proposed development is being carried out on a site which comprises of an activity requiring an integrated pollution control licence

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2022-2028

Relevant sections

11.3 Air, Noise and Light Pollution

Relevant objectives.

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 11-32 - Promote the development of energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and

innovative design solutions and promotion of measures that improve air quality including provision and management of green infrastructure.

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'.

Relevant section

11.6 Landscape

Relevant objectives.

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.

5.2. Natural Heritage Designations

- 5.2.1. The site lies directly adjacent to the Lower River Shannon SAC (Site Code 002165) which lies to the north of the site.

5.3. EIA Screening

- 5.3.1. I refer the Board to the EIA Screening Determination (as per Appendix 2 of this report). Therein it is stated that:

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development, on an established industrial site,

- (b) the absence of any significant environmental sensitivity in the vicinity,
- (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended);

2.the results of other relevant assessments of the effects on the environments submitted by the applicant;

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1 no. Third Party Appeal has been submitted on the 17th June 2024 from Peter Sweetman and Associates. The grounds of appeal are as follows:

- EPA has never carried out a valid Appropriate Assessment Screening.
- Environmental Report states that Freshwater Pearl Mussel, as species listed on Annex II of the EU Habitats Directive, occurs abundantly in parts of the Cloon River.
- Council Ecologist applied the wrong test (in order to screen out the need for a Stage 2 Appropriate Assessment)
- Development is within the Zone of Influence of (002165³). Appropriate Assessment is required.
- Planning Authority failed to assess the application according to the relevant law.

6.2. Applicant Response

6.2.1. A First Party response to the appeal was submitted on 15th July 2024. I have summarised same below.

³ While not explicitly referenced in the grounds of appeal, I would note the site code that is referenced in the grounds of appeal is the site code of the Lower River Shannon SAC.

- Appeal is without substance or foundation.
- Requests that the Board exercises its absolute discretion under s138(1)(a) of the Planning and Development Act 2000, as amended to dismiss the appeal due to lack of substance or foundation.
- Appellant has not identified any potential gap or lacuna in any of the scientific information submitted by the applicant or in the AA Screening Assessment undertaken by Kerry Co. Co.
- Applicant has confirmed that there will be no discharge of water from the facility as a result of the works, therefore no possibility of a source pathway receptor impact in relation to the Cloon River.
- Appellant has not provided any scientific basis as to why a Stage 2 Appropriate Assessment is required.
- Reference to EPA is so vague and general that it cannot be considered a valid ground of appeal.
- Clear that the legal test is 'likely significant effect' as the necessary assessment to be carried out.
- Notes that the last line of the appeal is unfinished.
- Confirm that the EPA has undertaken valid AA Screenings for Appropriate Assessment in relation to the applicant's IE Licence.
- Cloon River is located within a different sub catchment to the Listowel Facility and accordingly is not hydrologically connected to the suite.
- Cloon River does not form part of the assessment due to its geographical remove from the site.
- Located approximately 27km north/northeast of Listowel on the northern side of the River Shannon Estuary.
- AA Screening Determination took into account all relevant scientific and legal considerations.
- No pathway to the receptor of Lower River Shannon SAC via water, resulting in no likelihood for effect to occur.

- Current air emissions are already licenced under IEL P0393-03
- Proposal reduces the current levels of emissions from the facility.

6.3. **Planning Authority Response**

6.3.1. None.

6.4. **Observations**

6.4.1. None.

7.0 **Assessment**

7.1.1. Having examined the application details and all other documentation on file, after an inspection of the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues on this appeal relate to the following:

- Principle of the Development
- Air Quality and Noise
- Visual Impact/Impact on Landscape
- Other Issues
- Appropriate Assessment (considered in Section 8 and Appendix 2 of this report)

7.2. **Principle of Development**

7.2.1. The site is zoned as 'Industrial/Enterprise/Employment. The proposed development is related to the existing food production facility, which consists of an upgrade to the air and noise abatement systems for existing process dryers, as well as some decommissioning works. As such, the proposed development is acceptable in principle.

7.3. **Air Quality and Noise**

Air Quality

- 7.3.1. I would note an Environmental Report has been submitted and this sets out that the proposal will introduce an additional step after the existing cyclones in the form of fabric filter for particulate removal, and therefore will significantly reduce emissions from the dryers. Section 9.21 of the Environmental Report sets out that there is a reduction in particulate matter of approximately 61% with the proposed fabric filters in place (for both short-term and long-term predictions). As such, the proposal will see an improvement to the quality of emissions from the plant. Therefore, the impacts on air quality will be positive and will be in accordance with Objectives KCDP 11-31 and KCDP 11-32 (as related to air quality - as cited in Section 5.1 above).

Noise

- 7.3.2. The Environmental Report sets out that the proposal involves the removal of existing process exhaust stacks and replacement with modern acoustically attenuated and screen equipment at their new location. There will be an expected 5dBA reduction when compared with current values. Therefore, the impacts on the existing noise environment will also be positive, with the proposals seeing a reduction in noise levels from the plant, when compared to existing levels.

Visual Impact/Impact on Landscape

- 7.3.3. The works are confined to a small area to the south of the existing site, as shown the application drawings. The works will include the installation of 3 no. steel towers and associated ductwork fixed on a concrete base, with an overall height of c16.1m above ground level. A 3m high acoustic screen is proposed at ground level.
- 7.3.4. In relation to the visual impact and the impact on the landscape, the proposed works are set within an existing large scale industrial plant and will not appear incongruous when viewed within this existing context. As such, I am satisfied that the visual impact and the impact on the surrounding landscape will be acceptable.

7.4. Other Issues

- 7.4.1. The applicant, in response to the third-party appeal, has asserted that the appeal is without substance or foundation, for the reasons as outlined in Section 6.2 of this report, and has stated that the Board should utilise its powers under s.138 of the

Planning and Development Act 2000 (as amended) to dismiss the appeal. In relation to same, I am of the view that this is a matter for the Board to determine.

8.0 AA Screening

Finding of no likely significant effects

- 8.1.1. 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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.1.2. This determination is based on:
- Nature and scale of the works proposed.
 - Nature of the existing site which is an existing industrial site which does not support any habitats of ecological value nor habitats associated with the Lower River Shannon SAC.
 - Distance from the Lower River Shannon SAC (specifically in relation to the potential for likely significant effect on Otter resulting from noise and disturbance).

9.0 Recommendation

- 9.1.1. Grant permission.

10.0 Reasons and Considerations

The proposed development, is acceptable in principle, having regard to the zoning objective that applies to the site. The proposed development would not seriously injure the residential or visual amenities of property in the vicinity and would not cause adverse impacts on or result in serious pollution to biodiversity, lands, water, or air. The proposal is considered to be in line with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of May 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Environmental Report shall be implemented.

Reason: To protect the environment.

3. The external materials and finishes of the proposed development shall match the existing structures on site.

Reason: To integrate the structure into the surrounding area.

3. Prior to commencement of development, a Construction and Demolition Resource Waste Management Plan (RWMP) shall be submitted for the written approval of the Environment Section of Kerry County Council. The Plan shall be in accordance with the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D projects (EPA, 2021) or any amending or replacement guidelines, including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. These details shall be placed on the file and retained as part of the public record.

Reason: In the interest of environmental protection and to prevent public and private property.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Rónán O'Connor
Senior Planning Inspector

12th August 2025

Appendix 1 - EIA Pre-Screening

Case Reference	ABP-319955-24
Proposed Development Summary	Upgrades for noise abatement systems and filtration systems with associated site works. EPA Industrial Emissions (IE) Licence is held by the applicant for activities on site.
Development Address	Island Macloughry, Listowel, Co. Kerry
	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.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Schedule 5, Part 2:</p> <p><i>4. Food Industry (c) Installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.</i></p> <p>The proposal involves the upgrading of abatement on existing process dryers and as such is independent of milk processing activity on site. The existing plant produces dairy products on site (milk processing). The proposal does not involve the installation of any additional milk processing capacity, nor are there any changes in raw materials used or products produced. No additional milk processing activity is occurring as a result of this proposed development.</p> <p><i>13 (a) - Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-</i></p> <p><i>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</i></p>

	<p>(ii) result in an increase in size greater than –</p> <ul style="list-style-type: none"> - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, <p>whichever is the greater</p> <p>The proposal involves the upgrading of abatement on existing process dryers and as such is independent of milk processing activity on site. The existing plant produces dairy products on site (milk processing). The proposal does not involve the installation of any additional milk processing capacity, nor are there any changes in raw materials used or products produced. The proposal does not involve an expansion of milk processing capacity.</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 checked="" type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Appendix 2 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference		
Development Summary		
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report prepared by OES (Dated February 2024)
3. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report by DixonBrosnan Environmental Consultants (Appendix B of Environmental Report) which considers the content of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	Yes	No request made to the EPA for comment.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		An Environmental Report (with associated appendices) which considers the contents of the Habitats Directive (92/43 EEC), the Birds Directive (2009/147/EC), the Water Framework Directive (2000/60/EC) and the Clean Air For Europe (CAFÉ) Directive (2008/50/EC).

		A Strategic Environmental Assessment (SEA), an Appropriate Assessment (AA) and a Strategic Flood Risk Assessment (SFRA) was undertaken by Kerry County Council in respect of the Kerry County Development Plan 2022-2028.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal will take place within the curtilage of an existing dairy processing facility.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	In relation to surface water, the closest watercourse is the River Feale located c218m north of the proposed site. The small scale of the proposed development means that there is no significant risk of severe silt levels being generated or of major spills of hydrocarbons or other chemicals. The works will be at a remove from the River Feale itself so no surface water will flow directly from the site to the river.	No

		<p>All works will take place within the existing developed footprint of the facility, within the areas of paved hardstanding and buildings. Surface water from the construction stage will be diverted to a surface water system, and subsequently to the WWTP where discharge is treated before being released to the River Feale.</p> <p>Notwithstanding, the Environmental Report does identify potential for suspended material to be washed into the surface water drainage system. The risk of same is not identified as significant within the report and any associated risk will be managed by the measures as set out in the Construction and Environmental Management Plan (CEMP)</p> <p>There is no change to operational surface water discharge as a result of the proposed development.</p> <p>In relation to groundwater, the Environmental Report sets out that there is potential for ground contamination at construction stage due to possible leakages of fuel and oils. Potential effects are not considered to be significant. Notwithstanding, mitigation measures are set out in the Construction and Environmental Management Plan (CEMP) in relation to same and include, but are not limited to, proper handling and storage of materials on site. No significant residual effects are anticipated.</p>	
--	--	---	--

		As set out in the Environmental Report, the proposed will not result in a significant change of levels of the site.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	<p>The Environmental Report sets out that the proposal will result in the excavation of a small quantity of subsoil, and where reuse is not practicable, such material will be removed off site. It is not anticipated that significant volumes of material would be transported off site.</p> <p>The Environmental Report sets out that there is potential for soil contamination at construction stage due to possible leakages of fuel and oils. Potential effects are not considered to be significant. Notwithstanding, mitigation measures are set out in the Construction and Environmental Management Plan (CEMP) in relation to same and include, but are not limited to, proper handling and storage of materials on site. No significant residual effects on soil are anticipated.</p>	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	The use of fuel and oils at construction stage could potentially have an impact on human health or the environment although the risk of same is not considered to be significant. Notwithstanding, mitigation measures are set out in the Construction and Environmental Management Plan (CEMP) in relation to same and include, but are not limited to, proper handling and storage of materials on site. No significant residual effects to human health or the environment are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>The Environmental Report has considered impacts on air quality at construction and operational stage. At construction stage, impacts relate to dust, and the report identified that there is a low risk of dust soiling relating to construction works, and there is a negligible risk to human health. Notwithstanding, mitigation measures are set out in 9.5.1 of the report and include but are not limited to appropriate site management and storage. No significant residual effects related to dust are expected.</p> <p>In relation to potential operational stage effects, the Environmental Report has utilised the 'AERMOD' atmospheric dispersion model in accordance with EPA AG4 Guidelines, which considers impacts of particulate matter (as PM₁₀) emissions, noting that the main potential air quality impacts relate to 'emissions to atmosphere of particulate matter'. Section 9.21 of the Environmental Report sets out that there is a reduction in particulate matter of approximately 61% with the proposed fabric filters in place (for both short-term and long-term predictions)</p> <p>Table 9.22 sets out that the maximum Ground Level Concentrations (GLC's) of Particulate Matter (PM) (as PM₁₀ – 24hr and Annual Average and PM_{2.5} – Annual Average) does not exceed the relevant limit value for each parameter.</p> <p>No mitigation is therefore required.</p>	<p>No</p>
---	-------------------	--	-----------

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	As per discussion in Section 1.2 above.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The proposal will take place within the curtilage of an existing dairy processing facility and not result in additional release of light, heat, energy or electromagnetic radiation. In relation to Noise and Vibration, the Environmental Report has carried out an assessment in relation to same, at both construction and operational stages. Predicted noise levels at sensitive receivers, at construction stage, are lower than the 65dB noise limits contained within BS5228, and are lower than the noise levels in TII Guidance (Good Practice Guidance for the Treatment of Noise during the planning of National Road Schemes (TII, 2014). Vibration levels were considered to be imperceptible. Operational noise levels will be compliant with the relevant criteria as set out in NG4. ⁴	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	No. As per discussion in Sections 1.2, 1.3, 1.4, 1.5 and 1.7 above.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	It is not considered that there is a risk of a major accident as a result of the development proposed here.	No

⁴ EPA – Guidance Note for Noise: Licence Applications. Surveys and Assessment in relation to Scheduled Activities (NG4)

1.10 Will the project affect the social environment (population, employment)	No	There will be no impact on the population or employment levels as a result of this proposed development.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposed development is not part of a wider large scale change.	No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>The proposed development is located c218m from the Lower River Shannon SAC. I have ruled out likely significant effects on same as per the Appropriate Assessment Screening contained in Appendix 3 of this report.</p> <p>The site does not lie within or close to any other designated sites or other sites of relevance here.</p>	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	<p>The Environmental Report, and the AA Screening Report, contains a description of the existing habitats on site and it is set out that the site is dominated by industrial buildings and concrete yards. There is no extant vegetation within the proposed study area.</p> <p>There are no wetland or suitable grassland which could provide foraging or roosting habitat for wading birds within or in immediate proximity to the proposed site boundary. There is no habitat for otter within the proposed development site</p>	No

		<p>boundary. The buildings are of negligible potential for bats.</p> <p>In relation to otter, the closest waterbody which supports Otter is the River Feale which is located 218m from the proposed development site. There are no otter Holds within 150m of the proposed development. It is set out that the construction phases of the project will temporarily increase noise and disturbance. However this is in the context of an existing industrial facility, and the AA Screening Report rules out impacts of noise and disturbance on otter for the reasons of the existing noise environment, the screening from existing structures and the distance from the River Feale.</p>	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no such features on or in proximity to the site which could be impacted by the proposed development.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Yes	See discussion in Sections 1.2 and 2.1 in relation to potential impacts on same.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	See discussion in Sections 1.2. In addition, I note that no flood risk arises as a result of the development as proposed here noting the site as existing consists of hardstanding and man-made structures, and the development as proposed will not result in an increase in the amount of hardstanding on site.	No

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence on file that the location is susceptible to subsidence, landslides or erosion.	No.
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The proposal will not result in an increase in traffic volumes.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No.	There are no such uses that could be affected by the project.	No.
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	There are no significant cumulative impacts predicted.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	The proposal will not lead to any transboundary effects.	No.
3.3 Are there any other relevant considerations?	No.	There are no other relevant considerations.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed development, on an established industrial site,
 - (b) the absence of any significant environmental sensitivity in the vicinity,
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	A detailed description of development is set out in Section 2.1 of this report. In summary the proposal is for upgrades for noise abatement systems and filtration systems with associated site works.
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development lies within an existing industrial food production facility. The site lies adjacent to the Feale River, which lies within the Lower River Shannon SAC.</p> <p>All works will take place within the existing developed footprint of the building within areas of paved hardstanding and building.</p> <p>At construction stage, surface water will be diverted to the existing WWTP on the site, which discharges to the River Feale.</p> <p>There is no change to the procedure for the disposal of surface water at operational stage/</p> <p>In terms of air emissions, it is set out that particulates are the main air emissions, with particulates from the new fabric filters on dryer exhausts being reduced in comparison with current levels. There are no combustion emissions.</p>
Screening report	Y. AA Screening Report by DixonBrosnan Environmental Consultants (Appendix B of Environmental Report).
Natura Impact Statement	No.
Relevant submissions	<p>The Third-Party Appeal has set out the following grounds:</p> <ul style="list-style-type: none"> • EPA has never carried out a valid Appropriate Assessment Screening. • Environmental Report states that Freshwater Pearl Mussel, as species listed on Annex II of the EU Habitats Directive, occurs abundantly in parts of the Cloon River.

- Council Ecologist applied the wrong test (in order to screen out the need for a Stage 2 Appropriate Assessment)
- Development is within the Zone of Influence of (002165). Appropriate Assessment is required.
- Planning Authority failed to assess the application according to the relevant law

In relation to same I note the following:

EPA has never carried out a valid Appropriate Assessment Screening.

I am of the view that matters relating to the EPA, and AA Screening, are matters for the EPA itself, and are outside the scope of this appeal.

Environmental Report states that Freshwater Pearl Mussel, as species listed on Annex II of the EU Habitats Directive, occurs abundantly in parts of the Cloon River.

In relation to same, and with reference to the applicant's response to the appeal, I would note that the Cloon River is located 27km north east of Listowel on the northern side of the River Shannon Estuary and is located within a different sub catchment to the Listowel Facility and is not hydrologically connected to the site.

However, and notwithstanding the above, the Freshwater Pearl Mussel is a QI of the Lower River Shannon SAC and I have considered the potential for likely significant effects on same below.

Development is within the Zone of Influence of (002165). Appropriate Assessment is required.

Site Code 002165 refers to the Lower River Shannon SAC. I concur that the Lower River Shannon SAC falls within the Zone of Influence of the proposed development. I have considered the potential for likely significant effects on the Lower River Shannon SAC below.

Planning Authority failed to assess the application according to the relevant law

I would note that the Planning Authority carried out an AA Screening Exercise and determined that a Stage 2 AA was not warranted. The lawfulness of the Planning Authority's assessment of the application is beyond the scope of this appeal, in my opinion.

In addition to the applicant’s AA Screening Report, I have also had regard to the following publicly available information/documentation/assessments:					
NPWS Website EPA Appropriate Assessment Tool Environmental Report prepared by OES as submitted with the application. Response to Request for Further Information - Letter dated 1 st May 2024 prepared by OES.					
Step 2. Identification of relevant European sites using the Source-pathway-receptor model					
European Site (code)		Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lower Shannon (002165)	River SAC	As per NPWS website ⁵ and as per Table 1 of the AA Screening Report. <u>Conservation Objectives⁶:</u> To restore the favourable conservation condition of: Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> Sea Lamprey <i>Petromyzon marinus</i> Atlantic Salmon <i>Salmo salar</i> (only in fresh water) Coastal lagoons	218m north	A potential source-pathway-receptor has been identified by way of a hydrological connection. Potential for disturbance on terrestrial qualifying interests i.e. Otter.	Y

⁵ <https://www.npws.ie/protected-sites/sac/002165>

⁶ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002165.pdf

	<p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>Otter <i>Lutra lutra</i></p> <p>To maintain the favourable conservation condition of:</p> <p>Brook Lamprey <i>Lampetra planeri</i></p> <p>River Lamprey <i>Lampetra fluviatilis</i></p> <p>Sandbanks which are slightly covered by sea water all the time</p> <p>Estuaries Mudflats and sandflats not covered by seawater at low tide</p> <p>Large shallow inlets and bays</p> <p>Reefs</p> <p>Perennial vegetation of stony banks</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Bottlenose Dolphin <i>Tursiops truncatus</i></p>			
--	---	--	--	--

<p>Moanveanlagh Bog SAC (002351)</p>	<p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Conservation Objectives:⁷ Restore the favourable conservation condition of Active Raised Bogs.⁸</p>	<p>4.8km north-east</p>	<p>No. The proposed development is not hydrologically connected to this SAC. The proposed development will improve air quality.⁹ There is no viable pathway to the terrestrial QI habitats.</p> <p>Air Quality</p> <p>In terms of air emissions, it is set out that particulates are the main air emissions with particulates from the new fabric filters on dryer exhausts being reduced in comparison with current levels. There are no combustion emissions associated with the proposal. As noted above, the 'Response to Further Information Cover Letter dated 1st May 2024' sets out such combustion emissions can be of concern in the context of nitrogen deposition on</p>	<p>No.</p>
--------------------------------------	---	-------------------------	--	------------

⁷ https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002351.pdf

⁸ Separate conservation objectives are not set out for Degraded raised bogs still capable of natural regeneration and 'Depressions on peat substrates of the Rhynchosporion' as these habitats are inherently linked to 'Active Raised Bogs'

⁹ The Response to Further Information Cover Letter dated 1st May 2024 sets out that combustion emissions can be of concern in the context of nitrogen deposition on certain sites i.e. heathlands/bog. There are no combustion emissions associated with the proposed development.,

			certain sites i.e. heathlands/bog. However, this is not the case with the current proposal.	
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	<p>As per the NPWS website¹⁰ and as per Table 1 of the AA Screening Report.</p> <p>Conservation Objectives:</p> <p>To restore the favourable conservation condition of hen harrier</p>	4.3km	<p>No potential source-pathway-receptor link has been identified. The works are within an existing industrial facility. No viable pathway identified. There is no potential foraging habitat for Hen Harrier, which is listed as an SCI for the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA.</p>	No.
River Shannon and River Fergus Estuaries SPA	<p>As per the NPWS Website¹¹ and as per Table 1 of the AA Screening Report.</p> <p>Conservation Objectives¹²:</p> <p>To maintain the favourable conservation condition of the SCI species and wetland habitat associated with the SPA.</p>	12.3km north.	<p>A Hydrological connection (water quality during works) is identified in the AA Screening Report. However, this is not clarified in the report. With reference to EPA mapping¹³ there does not appear to be any downstream hydrological connection to this site. As such likely</p>	No

¹⁰ <https://www.npws.ie/protected-sites/spa/004161>

¹¹ <https://www.npws.ie/protected-sites/spa/004077>

¹² https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004077.pdf

¹³ <https://gis.epa.ie/EPAMaps/>

			<p>significant effects on surface water quality within River Shannon and River Fergus Estuaries SPA arising from the development proposed here can be ruled out.</p> <p>The works are within an existing industrial facility. No viable pathway for disturbance of <i>ex-situ</i> foraging birds has been identified.</p> <p>No other ecological connection identified.</p>	

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
Lower River Shannon SAC (002165)	<p>Direct: None</p> <p>Indirect:</p>	<p>Loss of Habitats</p> <p>The AA Screening Report contains a description of the existing habitats on site and it</p>

	<p>Loss of Habitats</p> <p>Noise and Disturbance</p> <p>Surface Water Run Off</p> <p>In-Combination Impacts</p>	<p>is set out that the site is dominated by industrial buildings and concrete yards. There is no extant vegetation within the proposed study area.</p> <p>There are no wetland or suitable grassland which could provide foraging or roosting habitat for wading birds within or in immediate proximity to the proposed site boundary. There is no habitat for otter within the proposed development site boundary.</p> <p>It is concluded within the AA Screening Report that there will be no significant impact on European Sites from loss of habitats. I concur with this conclusions, noting that there is no evidence on file that would support a different conclusion on same.</p> <p>Noise and Disturbance</p> <p>The AA Screening Report sets out that the birds listed as qualifying interests for the River Shannon are strongly associated with estuarine shoreline areas or wetlands, habitats which are absent from the proposed development area.</p> <p>It is noted that Otter is listed as a QI for the Lower River Shannon SAC, with an conservation objective to 'restore the favourable conservation condition of same'. The closest waterbody which supports Otter is the River Feale which is located 218m from the proposed development site. There are</p>
--	--	---

		<p>no Otter Holds within 150m of the proposed development. It is set out that the construction phases of the project will temporarily increase noise and disturbance. However this is in the context of an existing industrial facility, and the AA Screening Report rules out impacts of noise and disturbance on otter for the reasons of the existing noise environment, the screening from existing structures and the distance from the River Feale.</p> <p>I concur with the conclusions of the AA Screening Report, in relation to the potential for likely significant effects on otter, noting that there is no evidence on file that would warrant a different conclusion, and no evidence on file that the proposed development would preclude the restoration of the favourable conservation condition of otter, as per the conservation objective relating to same.</p> <p>Surface Water Run Off</p> <p>Surface water impacts from the construction phase could include increased silt levels in surface water run-off, inadvertent spillages of hydrocarbons from fuel and hydraulic fluid and spillage of cementitious materials, as well as impacts from hazardous waste.</p> <p>The closest watercourse is the River Feale located 218m north of the proposed site, which lies within the boundary of the Lower River Shannon</p>
--	--	---

		<p>SAC. The AA Screening Report sets out that the small scale of the proposed development means that there is no significant risk of severe silt levels being generated or of major spills of hydrocarbons or other chemicals. It is set out that all works will take place within the existing developed footprint of the facility, within the areas of paved hardstanding and buildings.</p> <p>Surface water from the construction stage will be diverted to a surface water system, and subsequently to the on-site WWTP where discharge is treated before being released to the River Feale.</p> <p>It is concluded within the AA Screening Report that there is no significant risk of silt or hydrocarbon within the Lower River Shannon SAC and therefore no impacts on water quality, during construction or operation, is likely to occur.</p> <p>I would note that the conservation objectives for the following species and habitats is the 'restore the favourable conservation condition of same':</p> <ul style="list-style-type: none"> • Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> • Sea Lamprey <i>Petromyzon marinus</i> • Atlantic Salmon <i>Salmo salar</i> (only in fresh water) • Coastal lagoons
--	--	---

		<ul style="list-style-type: none"> • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Otter <i>Lutra lutra</i> <p>There is no evidence on file that the proposed development would preclude the restoration of the favourable conservation condition of the above species and habitats.</p> <p>I concur with the conclusions of the AA Screening Report, in relation to the potential for likely significant effects on the Lower River Shannon SAC, noting that there is no evidence on file that would warrant a different conclusion</p> <p>In-Combination Impacts</p> <p>Section 7.6 of the AA Screening Report considers In-Combination Impacts and no potential combination impacts are identified.</p> <p>I concur with the conclusions of the AA Screening Report, in relation to the potential for In-Combination Impacts, noting that there is no evidence on file that would warrant a different conclusion</p>
	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	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on The Lower River Shannon SAC (002165). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>	

Screening Determination

Finding of no likely significant effects

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 the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Shannon SAC (002165) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature and scale of the works proposed.
- Nature of the existing site which is an existing industrial site which does not support any habitats of ecological value nor habitats associated with the Lower River Shannon SAC.
- Distance from the Lower River Shannon SAC (specifically in relation to the potential for likely significant effect on Otter resulting from noise and disturbance).

Appendix 4 – WFD Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING**Step 1: Nature of the Project, the Site and Locality**

An Bord Pleanála ref. no.	319955-24	Townland, address	Island Macloughry, Listowel, Co. Kerry
Description of project		A detailed description of development is set out in Section 2.1 of this report. In summary the proposal is for upgrades for noise abatement systems and filtration systems with associated site works.	
Brief site description, relevant to WFD Screening,		The proposed development lies within an existing industrial food production facility. The site lies adjacent to the Feale River, which lies within the Lower River Shannon SAC.	
Proposed surface water details		<p>Surface water from the construction stage will be diverted to a surface water system, and subsequently to the on-site WWTP where discharge is treated before being released to the River Feale.</p> <p>The proposed installation will be situated within an area which is currently connected to the storm water drainage network. There will be no additional</p>	

	<p>storm water generated through the proposal, nor any change to the volumes or characteristics of runoff.</p> <p>All storm water generated on site is collected centrally and passed through the existing on-site wastewater treatment plant prior to discharge to the River Feale. There will be no change to this arrangement.</p>
Proposed water supply source & available capacity	<p>Uisce Eireann mains water connection.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Existing on-site wastewater treatment plant which discharges to the River Feale. There is no evidence on file that there are capacity issues in relation to same. In relation to the operational stage, the Environmental Report sets out that the abatement process is a dry one and does not involve the use of water. There will be no process wastewater generated in operation or maintenance of the installation</p>

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	c218m	River Feale_090	Moderate	At Risk	Hydromorphology (channelisation), urban wastewater (combined sewer overflows), domestic wastewater (wastewater discharge	Surface water at construction stage diverted to on-site WWTP which discharges to the River Feale.

Groundwater Waterbody	Underlying site	Ballybunnion IE_SH_G_027	Good	At Risk	Nutrients/Agriculture	Potential for ground contamination at construction stage due to possible leakages of fuel and oils.	
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	Waterbody 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** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain'

							proceed to Stage 2.
1.	Surface	River Feale_090	On site WWTP discharges to the River Feale.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices as set out in the CEMP and on site WWTP.	No.	'Screened in' noting proximity and current WFD status of 'At Risk'.
2.	Ground	Ballybunnion IE_SH_G_027	The site is underlain by a regionally important aquifer – bedrock which is productive and capable of supplying regionally	Potential for ground contamination at construction stage due to possible leakages of fuel and oils.	Standard construction practices as set out in the CEMP	No	Screened in noting aquifer is a regionally important aquifer and current WFD status of 'At Risk'..

			important water supplies. However, groundwater was not encountered during site investigation works and the bedrock aquifer generally underlying the development site is categorised by GSI as “Low Vulnerability” (L).				
OPERATIONAL PHASE							
3.	NA						

4.							
DECOMMISSIONING PHASE							
5.	NA						
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	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface	<u>Objective 4:</u> <u>Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	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)		

			water chemical status		
	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:	
Construction works	Site specific construction mitigation methods described in the CEMP including appropriate measures in relation to concrete works and measures to prevent accidental spills and leaks.	Site specific construction mitigation methods described in the CEMP including appropriate measures in relation to concrete works and measures to prevent accidental spills and leaks.	NA	NA	YES
Details of Mitigation Required to Comply with WFD Objectives – Template					

Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1:</u> <u>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:	
Construction Works	Site specific construction	Site specific construction	N/A	N/A

	mitigation methods described in the CEMP including appropriate measures in relation to concrete works and measures to prevent accidental spills and leaks.	mitigation methods described in the CEMP including appropriate measures in relation to concrete works and measures to prevent accidental spills and leaks.		
--	--	--	--	--