



An  
Bord  
Pleanála

## Inspector's Report ABP-321713-25

<b>Development</b>	Retention for water recycling system with associated and ancillary site development works.
<b>Location</b>	Clasheen, Killarney, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	2460299
<b>Applicant(s)</b>	Roadstone Ltd.
<b>Type of Application</b>	Permission for Retention
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Peter Sweetman Wild Irish Defense CLG
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> February 2025
<b>Inspector</b>	Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in Clasheen approximately 5km east of Killarney Town Centre and to the north of the N22 National Primary Road. There is an existing working quarry on the site which is accessed via an existing access off the N22. The appeal site, with a stated area of 0.092ha, is located within the western part of the existing quarry. The appeal site contains 4 concrete settlement tanks surrounded by a paladin fence, two wash bays and a concrete ramp.
- 1.2. The closest residential properties to the appeal site are located approximately 100 metres to the north, 200 metres to the south and 200 metres to the east. The nearest water course is the Flesk River located approx. 800m south of the site.

## **2.0 Proposed Development**

- 2.1. Permission for retention is sought for a water recycling system and associated works, comprising four no. concrete settlement tanks; a 2.35m high paladin fencing surrounding the tanks, a wash in ramp; access stairs and prefabricated gantry, chambers and underground pump to water storage tank. The gross area of the works subject of the application is 923m<sup>2</sup>.
- 2.2. The application was accompanied by an Appropriate Assessment Screening Report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 19th December 2024, Kerry County Council issued notification of the decision to grant retention planning permission subject to 2 conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Officers reports can be summarised as follows:

- The site is designated as 'Rural General' and the proposal is acceptable under that zoning.

- Further information is required in relation to the following requirements of the Environment Section:
  - Clarify where the water to be treated through the water recycling system originates; is it water solely from the wash in ramp or will sediment laden water be routed to the water recycling system from other activities within the site.
  - Provide rationale for the size and design of the settlement ponds.
  - Clarify on apparent overflow pipes.
  - Provide information on the water storage(s) that the settlement ponds are connected to and show the location of these storage tank(s).
  - Comment on the management of the settlement ponds during flood events, whether the settlement ponds will become inundated and whether there will be an overflow to surface water.
  - Provide details of how the settlement ponds are to be managed and if desludging is required.

Following receipt of further information the Planning Officers report can be summarised as follows:

- The applicant has clarified the matters raised in the further information request and the Environmental Section Report raises no concerns subject to conditions.
- The development is a positive introduction to the site in terms of water reuse and environmentally sustainable work practices and is therefore in accordance with KCDP 9-69.
- The development is considered appropriate and in accordance with the proper planning and sustainable development of the area.

### 3.2.2. Other Technical Reports

Environmental Assessment Unit:

- It is considered that Appropriate Assessment (AA) is not and would not have been required for the development concerned.

- It is considered that the development concerned, would not have required either an EIA or EIA Screening.

Environment Section:

- Following a request for further information no concerns raised subject to condition.

### 3.2.3. Conditions

The Planning Authority attached two conditions in its decision to grant permission. Condition 2 relates to measures to prevent pollution and waste management in order to protect the environment as follows:

Condition 2:

- a) No polluting matters including sediment laden waters shall be discharged directly or indirectly to any waters from the development.
- b) The storage of any fuel/oil/chemicals shall be appropriately bunded and the applicant shall ensure that no oil, grease or other objectionable matter is discharged into any soakaway, drain or watercourse.
- c) A suitable spill-kit shall be maintained on-site to deal with any spillages potentially arising at the facility. The kit shall include an adequate supply of containment booms and suitable absorbent material to contain and recovery any spillage at the facility. Once used, equipment shall be disposed of at an appropriate facility. All personnel on-site shall be made aware of the location and proper use of this material.
- d) All waste material generated onsite shall be stored in the dedicated waste storage area prior to the offsite removal to an authorised waste facility or transfer to an authorised waste collector. Receipts shall be retained onsite for all waste material removed from the site and made available for inspection upon request by the Planning Authority.
- e) The burning or burial of waste at the site is prohibited.
- f) Any and all hazardous waste generated from the development shall be disposed of in an environmentally safe and appropriate manner and in accordance with the requirements of the appropriate legislation. All records

relating to same shall be made available for inspection at the site office at all times.

Reason: In order to protect the environment.

### **3.3. Prescribed Bodies**

3.3.1. None received.

### **3.4. Third Party Observations**

3.4.1. Three no. third party observations were received objecting to the development. In addition to the concerns raised in the third party appeal, the observations raised concerns in relation to the operation and maintenance of the water recycling system, waste generation and contaminants, wastewater treatment and disposal, dust suppression, reuse of recycled water in the wider quarry area, odours, planning compliance at the existing quarry, concerns in relation to residential neighbourhoods and health, reference to legislation in relation to appropriate assessment and environmental impact assessment, and compliance with the Water Framework Directive.

## **4.0 Planning History**

Appeal Site:

2350: Permission refused by Kerry County Council for construction of 2 no. aggregate storage sheds. Permission was refused for one reason relating to impacts of generation of significant traffic impacts arising from the importation of large quantities of material and the potential environmental impacts (noise and air quality) associated with these anticipated traffic movements has not been addressed and the proposal would be prejudicial to public health and residential amenities. The proposal would therefore conflict with Development Objectives KCD 9-69, 11-31 and 11-36 and would be contrary to the protection of the environment, air and noise pollution and the proper planning and sustainable development of the area.

101163: Permission granted by Kerry County Council to install a mobile blacktop plant.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Kerry County Development Plan 2022-2028 is the statutory development plan for the area. The site is located on lands outside of any settlement boundary.

5.1.2. The following objectives contained in Volume 1 in the development plan are relevant to the appeal site:

- Objective KCDP 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.
- 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 9-69 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.

5.1.3. Volume 6 of the development plan includes development management standards and guidelines wherein Section 1.16 relates to extractive industry.

### **5.2. National guidelines**

5.2.1. Quarries and Ancillary Activities: Guidelines for Planning Authorities 2004. These guidelines offer guidance to planning authorities on determining applications for planning permission for quarrying and ancillary activities.

### **5.3. Natural Heritage Designations**

- 5.3.1. The closest designated sites to the appeal site are Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC located c.730m to the south, Sheheree (Ardagh) Bog SAC located c.2.3km to the west, and the Killarney National Park SPA Site Code: 004038 located c.3km to the west.

### **5.4. EIA Screening**

- 5.4.1. See completed Form 1. The 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening assessment.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

One no. third party appeal has been received from Peter Sweetman of Wild Ireland Defence CLG. The grounds of appeal can be summarised as follows:

- As the development is within the Zone of Influence of 000365 Appropriate Assessment is required.
- Reference is made to case law 258/11 and 323/17.
- The decision on Appropriate Assessment was made without the following information:
  - The size of the catchment for rainfall has not been described in the application. It is therefore unclear as to the capacity of the storage system for a large rainfall event. As such, it is not possible to determine if there is sufficient storage for rainfall and concrete to wash out. The discharge location is not shown on the drawings submitted and it is unclear if a 'closed loop system' will be provided.
  - Concern raised regarding waste generation from the water recycling system.

- Unclear as to what processes are taking place outside of settlement.
- Unclear as to how contaminants will be dealt with.
- Kerry County Council carried out Appropriate Assessment of the development without having knowledge of the project.

## 6.2. Applicant Response

A first party response received in relation to the appeal includes a copy of the response to further information issued to the planning authority and can be summarised as follows:

- The Planning Authority made an informed decision and it is refuted that they did not have before them full knowledge of the project when they conducted their AA and issued their decision to grant permission.
- The appeal site is located approximately 0.7km from Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC and the AA Screening Report submitted with the planning application considered this site in full. The closest watercourse is located more than 800m south of the development. The AA Screening Report finds that there is no potential for likely significant effects on any European Sites, including Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, or any other European Site, as a result of the development and there is therefore no requirement for Kerry County Council to undertake Appropriate Assessment.
- The appellant fails to justify the view that the site is within the Zone of Influence of a SAC.
- The nature and scale of the development comprises a closed loop wash down area for quarry trucks, water within this system is recycled with no requirement for discharge.
- All information in relation to the project was provided in the application and the response to further information which provided the following response to the appellants items of concern:



- In an extreme event, the gate valve to be installed with the new pipe at the southernmost settlement tank will be closed to retain and store the additional volume of water.
- Waste generation will be limited to sludge settled within the system which will be desludged which will involve settlement tanks being dug out and deposited on the northern sludge slab to dry and this reused in wider concrete plant operations.
- The development is solely designed to collect wash down water, settle it, and recycle back within the system for further washdowns and no additional processes are required.
- Contaminants will be settled within the sludge settled within the system, and desludged.
- In relation to the 3 no. points of law with regard to AA referred to:
  - The Planning Authority carried out its obligations in respect of AA in full
  - The works for which retention planning permission were sought would not and do not give rise to likely significant effects.
  - The site is not within the likely Zol of the SAC and no mitigation measures were considered during the Screening stage.
  - The competent authority had no doubt following their Notional AA Screening that AA is not and would not have been required for the project with the council giving the following reasons in their Notional Screening: The development is located outside of European Natura 2000 site boundaries; was not likely to have any appreciable effect on water quality downstream; separation distances, the nature of the intervening landscape and the lack of surface water conduits is such that there was no realistic or viable pathway for impact on any European Natura 2000 site, either by itself or in-combination with other plans or projects; and there was no realistic possibility that the development could or would significantly affect European (Natura2000) sites. The case law cited is therefore irrelevant.
- Kerry County Council carried out a robust Notional AA Screening of the project and had all information before them to carry it out.

### 6.3. **Planning Authority Response**

None received.

### 6.4. **Observations**

None received.

## 7.0 **Assessment**

7.1. 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 issue in this appeal are as follows:

- Principle of Development
- Water Quality Impacts
- Other Matters
- Appropriate Assessment

### 7.2. **Principle of Development**

7.2.1. The policies and objectives of the Kerry County Development Plan 2022-2028 support the development of the rural economy and the sustainable development of the extractive industry. I note the development relates to a water recycling system within an existing operational quarry and I consider the development to be retained comprising a closed loop water recycling system complies with Objective KCDP 9-67 and Objective KCDP 9-69 in relation to the sustainable development of the extractive industry and is acceptable in principle.

### 7.3. **Water Quality Impacts**

7.3.1. The application relates to a water recycling and settlement system. Water originates as washout from the existing permitted concrete plant along with rainfall falling on the settlement tank site boundary and a small area of hardstanding to the northwest of the settlement tanks. Following washing out concrete trucks water is directed into the settlement ponds from where it is pumped to an existing on-site water storage

tank for re-use. Following a request for further information the applicant confirmed that the development comprises a closed loop wash down area for quarry trucks, that water within this system is recycled with no requirement for discharge, that adequate storage is available in an extreme rainfall event, that waste generation will be limited to sludge settled within the system, and that desludging will be carried out when required which will involve digging out settlement tanks and deposition to the northern sludge slab to dry and be reused within the wider concrete plant operations. Contaminants will be settled within the sludge settled within the system, and desludged.

- 7.3.2. The applicant's further information response to the planning authority confirmed that two existing pipes located on the southernmost settlement tank will be removed and replaced with one no. 150mm pipe with a gate valve at 1m above the base of the settlement tank which will be connected to an existing 150mm pipe running towards the existing concrete batching plant water tank.
- 7.3.3. In relation to the third party's concerns regarding the capacity of the storage system for a large rainfall event, I note that the further information response submitted by the applicant outlines that there is adequate storage volume of 143.2m<sup>3</sup> in the settlement tanks to accommodate the calculated volume of 127.64m<sup>3</sup> for the 100-year, 24 hour extreme rainfall event for the total drainage area of 1,150m<sup>2</sup>.
- 7.3.4. I refer the Board to the report of the Inspectorate Scientist attached in Appendix 3 of this report which notes that, based on Met Eireann Return Period Rainfall Depths data the volume of rainfall to be collected over the catchment area draining into the tank (1,150m<sup>2</sup>) was calculated to be 168.4m<sup>3</sup> for an extreme rainfall event as described, that the tank will have the capacity to accept 155.1m<sup>3</sup> of water above normal operational volumes which could lead to a deficit of 13.3m<sup>3</sup>. The report notes that in a scenario where extreme rainfall as described occurs the excess rainfall would be captured by the existing stormwater collection system on the site which discharges into a lagoon and that this does not represent an additional risk to surface or groundwater quality based on the lack of connectivity to surface waters and the nature of the water being collected.
- 7.3.5. Having inspected the drawings and details submitted with the planning application, and the further information response, I am satisfied that the development provides for a closed loop system with water contained within the settlement tanks and on site

water storage tank, that any waste arising is in the form of settled sludge related to wash down water from washing trucks and plant associated with concrete manufacturing which will be desludged on site. I agree with the findings of the Inspectorate Scientist in relation to capacity to accommodate an extreme rainfall event and I am satisfied that the development is acceptable in this regard. I am satisfied that sufficient information has been provided to confirm the processes that will take place as a result of the development to be retained.

### ***Groundwater Water Framework Directive Impact***

- 7.3.6. I refer the Board to the report of the Inspectorate Scientist attached in Appendix 3 of this report which provides an assessment of Water Framework Directive (WFD) impact and which is summarised below.
- 7.3.7. The assessment of groundwater WFD impacts notes that the quarry is located within two groundwater waterbodies: the Laune Muckross groundwater waterbody (IE\_SW\_G\_048) and the Scartaglin groundwater waterbody (IE\_SW\_G\_073).
- 7.3.8. The current status of the Laune Muckross Groundwater waterbody (IE\_SW\_G\_048) is 'Good Status' based on the monitoring period 2016-2021. However, the waterbody has been characterised as being "At Risk" of not meeting the Environmental Objective (Good Status) for the WFD Cycle 3.
- 7.3.9. Groundwater contribution of phosphate from this waterbody to associated surface water bodies which are already "At Risk" (Deenagh\_020 and Owneykeagh\_010) pose a risk to these waterbodies achieving their Environmental Objectives. The operation of the water recycling system will not have any impact on the ortho-phosphate concentrations in groundwaters as phosphates in any form are not imported or employed for any purpose on the site.
- 7.3.10. For the period 2016-2021, the Laune Muckross Groundwater waterbody (IE\_SW\_G\_048) passed all the Chemical and Quantitative tests and was assigned an Overall Groundwater Status of "Good".
- 7.3.11. The current status of the Scartaglin groundwater waterbody (IE\_SW\_G\_073) is 'Good Status' based on the monitoring period 2016-2021 and the waterbody has been characterised as being "Not at Risk" of not meeting the Environmental Objective (Good Status) for the WFD Cycle 3.

- 7.3.12. For the period 2016-2021, the Scartaglin groundwater waterbody (IE\_SW\_G\_073) passed all of the Chemical and Quantitative tests and was assigned an Overall Groundwater Status of “Good”.
- 7.3.13. Based on reviewing the information supplied and observations made during the site visit, it is the opinion of the Inspectorate Scientist that the development is not likely to have a significant impact on the quality or quantity of groundwater in either the Laune Muckcross (IE\_SW\_G\_048) or the Scartaglin (IE\_SW\_G\_073) waterbodies. I agree with the findings of the Inspectorate Scientist in this regard.

#### ***Surface Water Water Framework Directive Compliance***

- 7.3.14. The quarry is located within the Flesk (Kerry)\_060 waterbody (IE\_SW\_22F020310) which has a current status of “Good Status” based on the monitoring period 2016-2021. The waterbody has been characterised as being “Not at Risk” of failing to achieve the Environmental Objective (Good Ecological Status) for the WFD Cycle 3.
- 7.3.15. An assessment of the current status of the Flesk (Kerry)\_060 waterbody (IE\_SW\_22F020310) shows that the monitoring programme demonstrates that Good Ecological Status is being achieved, and the supporting oxygen, acidification, nutrient and thermal conditions exist to support this objective.
- 7.3.16. The quarry has registered an abstraction of water from the river Flesk with the EPA in accordance with the requirements of S.I. No. 419/2024 - Water Environment (Abstractions and Associated Impoundments) Regulations 2024. The abstraction data was accessed on the publicly available register located at <https://leap.epa.ie/abstractions/>. The maximum daily abstraction rate (600m<sup>3</sup>/day) from the river Flesk represents approximately 0.44% of the daily 95%ile flow at this location, which indicates a negligible impact even during low flow conditions.
- 7.3.17. It was estimated that up to 60m<sup>3</sup>/day (~30m<sup>3</sup>/day for concrete manufacturing and ~30m<sup>3</sup>/day washing water) will be recycled within the site which will reduce the need to abstract from the river Flesk by a minimum of 10%. This could result in a net improvement in surface water quality due to additional dilution available and quantity in the river Flesk resulting from the operation of the water recycling unit.
- 7.3.18. There is no direct hydrological connection between the development site and any nearby watercourses (ditches, streams, or rivers). The site is located in an area of sand and gravel deposits which have had the topsoil removed and aggregates

extracted. This means that rainfall which lands within the site either percolates through the ground and recharges into groundwaters or is collected and sent to a lagoon for reuse within the site.

- 7.3.19. Based on reviewing the information supplied and observations made during the site visit, it is the opinion of the Inspectorate Scientist that the development is not likely to have a significant impact on the quality or quantity of surface water in the Flesk (Kerry)\_060 waterbody (IE\_SW\_22F020310). I agree with the findings of the Inspectorate Scientist in this regard.

### ***Conclusions Regarding Water Quality***

- 7.3.20. I am satisfied that there is no direct hydrological connection between the development site and any nearby watercourses (ditches, streams, or rivers). I concur with the findings of the Inspectorate Scientist and I am satisfied that the development to be retained is acceptable with regard to potential water quality impacts and I consider the development is a positive introduction to the site in terms of water reuse and environmentally sustainable work practices in accordance with KCDP 9-69 of the Development Plan.
- 7.3.21. I have assessed the development to be retained having regard to the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or ground waterbodies arising as a result of the development.

The reason for this conclusion is as follows:

- Nature of works, being of relatively small in scale, with minimal excavation required;
- The project includes no abstraction from or emission to any water body.

- 7.3.22. I conclude that on the basis of objective information, that the development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis and consequently can be excluded from further assessment in this regard.

- 7.3.23. In the event that the Board decides to grant permission I consider the condition no. 2 attached to the Planning Authority's grant of permission is relevant having regard to the nature of development to be retained and I consider that a condition to this effect should be attached to any grant of permission.

#### **7.4. Other Matters**

- 7.4.1. I note that the applicant has sought permission to retain the development as described in the public notices. Having inspected the site I note that the works that have been carried out include four no. concrete settlement tanks, a 2.35m high paladin fencing surrounding the tanks, two no. truck bays, and a wash in ramp. I note that an access stairs and prefabricated gantry as described in the public notices and indicated on drawings have not been installed and that as noted on drawings the gantry is on site and not in position. I note that this matter was not raised in the grounds of appeal and that the Planning Authority did not raise this matter and granted permission to retain the development. I do not have any concerns in relation to this proposed development, I am satisfied that no issues arise in relation to Appropriate Assessment and EIA Screening and I am satisfied that the proposed works are acceptable.
- 7.4.2. I note that the Planning Authority did not attach a condition requiring a Section 48 development contribution and that a previous application on the site (planning authority reference 101163) included a condition requiring a development contribution. Kerry County Council's Development Contribution Scheme 2017 requires a contribution for quarries which is levied on the potential volume of material to be extracted and I note that the development to be retained does not relate to extraction. I am therefore satisfied that a condition requiring the payment of a Section 48 development contribution is not required if the Board decides to grant permission.

#### **7.5. Appropriate Assessment**

- 7.5.1. The third party appeal raises concerns in relation to appropriate assessment. I refer the Board to screening for appropriate assessment contained in Appendix 2 attached to this report.

#### ***AA Screening Determination***

7.5.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening carried out (attached in Appendix 2), I conclude that the development to be retained, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC 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:

- The nature and extent of the works within an existing operational quarry.
- The location of the application site at circa 730m from, and without meaningful ecological connection to, the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC.
- The exclusion of a source or pathway for the project to impact on the SAC or any other European site.

## **8.0 Recommendation**

I recommend that permission to retain is granted in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

Having regard to the objectives of the Kerry County Development Plan 2022-2028, and to the established use of the site, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would be in compliance with the provisions of the Kerry County Development Plan, would not affect the amenities of the area, and would be acceptable in terms of environmental sustainability. The development to be retained would therefore be in accordance with the proper planning and sustainable development of the area.



## 10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received on the 28<sup>th</sup> day of November 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 within three months of the grant of permission and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer/operator shall comply with the following:
  - a) No polluting matters including sediment laden waters shall be discharged directly or indirectly to any waters from the development.
  - b) The storage of any fuel/oil/chemicals shall be appropriately bunded and the applicant shall ensure that no oil, grease or other objectionable matter is discharged into any soakaway, drain or watercourse.
  - c) A suitable spill-kit shall be maintained on-site to deal with any spillages potentially arising at the facility. The kit shall include an adequate supply of containment booms and suitable absorbent material to contain and recover any spillage at the facility. Once used, equipment shall be disposed of at an appropriate facility. All personnel on-site shall be made aware of the location and proper use of this material.
  - d) All waste material generated onsite shall be stored in the dedicated waste storage area prior to the offsite removal to an authorised waste facility or transfer to an authorised waste collector. Receipts shall be retained onsite for all waste material removed from the site and made available for inspection upon request by the Planning Authority.
  - e) The burning or burial of waste at the site is prohibited.
  - f) Any and all hazardous waste generated from the development shall be disposed of in an environmentally safe and appropriate manner and in

accordance with the requirements of the appropriate legislation. All records relating to same shall be made available for inspection at the site office at all times.

Reason: In order to protect the environment.

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.

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Bernadette Quinn  
Planning Inspector

14<sup>th</sup> April 2025

## Appendix 1

### Form 1

#### EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321713-25		
<b>Proposed Development Summary</b>	Retention for water recycling system with associated and ancillary site development works.		
<b>Development Address</b>	Clasheen, Killarney, Co. Kerry		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>		State the Class here.	Proceed to Q3.
<b>No</b>	X		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

No			
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes			

<b>5. Has Schedule 7A information been submitted?</b>		
No	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
Yes		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2

### Screening for Appropriate Assessment Test for likely significant effects

Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	Retention permission is sought for a water recycling system and associated works, comprising four no. concrete settlement tanks; 2.35m high paladin fence; wash in ramp; access stairs and prefabricated gantry, chambers and underground pump to water storage tank. The gross area of the works the subject of the application is 923 sq.m.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site area measures 923 sq.m. and is located within the confines of an existing operational quarry in a rural location at Clasheen, approximately 5km east of Killarney town. Beyond the boundary of the quarry the area is characterised by agricultural fields and detached residential properties. There are no watercourse within or adjacent to the site. The nearest water course is the Flesk River located approx. 800m south of the site. The nearest European site is Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC which includes the River Flesk. This SAC is located approx. 730m south and 820m southwest of the appeal site. The N22 national primary road and the Kerry to Cork rail line are located between the site and the nearest European Site.
<b>Screening report</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• Applicant AA Screening Report prepared by MKO Consultants and submitted with the planning application.</li> <li>• AA Screening Report prepared by Kerry County Council environmental Assessment Unit in the assessment of the planning application.</li> </ul>
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	Third party appellant is of the view that the development is within the zone of influence of SAC 000365, that Appropriate Assessment is required and that the decision on AA was made without relevant information in relation to the project.
<p>A Stage 1 Screening Report attached to this application concluded that the development proposed to be retained, alone or in-combination with other plans and projects, is not likely to give rise to any significant effects on any European Site.</p> <p>A Stage 1 Screening Report prepared by Kerry County Council concluded that the development, alone or in-combination with other plans and projects, is not likely to give rise to any significant effects on any European Site and that AA is not and would not have been required for the development concerned.</p>	
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

The AA Screening Report submitted with the planning application and Kerry County Council's AA Screening Report identified European Sites that could potentially be affected using a source-pathway-receptor model and included sites within 15km of the appeal site.

I consider two European sites are potentially within a zone of influence of the development proposed for retention. I note that the applicants screening report considered a further four sites in a wider area including the Castlemaine Harbour SAC and Sheheree (Ardagh) Bog SAC (both these sites were also considered in the Screening Report of Kerry County Council), Old Domestic Building, Curraglass Wood SAC and Blackwater River (Cork/Waterford) SAC and Bog. I am satisfied that these sites can be excluded from further consideration due to absence of meaningful ecological pathways.

The following table sets out a list of European sites which I consider fall within the potential zone of influence of the development for the purpose of step 2 of this screening:

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365	Various habitats and species including freshwater ecology species. <a href="#">Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC</a>   <a href="#">National Parks &amp; Wildlife Service</a>	730 metres	Potential indirect hydrological connection to River Flesk	Y
Killarney National Park SPA Site Code: 004038	Merlin & Greenland White-fronted Goose <a href="#">Killarney National Park SPA</a>   <a href="#">National Parks &amp; Wildlife Service</a>	3km	Having regard to the nature of the site which is an operational quarry, and which does not present suitable habitat for mobile QI species I consider there are no feasible impact pathways.	N

I have attached link to site details which outlines the Conservation Objectives and qualifying interests of the above two listed European sites of relevance in this case, as provided by NPWS.

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

The submitted AA Screening Report concludes that by virtue of the project not requiring extensive foundations or excavation that there is little likelihood of significant amounts of sediment escaping

the site to the adjacent water courses and that there is no likelihood that this development will have a significant effect on any European Site.

The construction of the water recycling system took place in an existing quarry and the small-scale works were not located in close proximity to any watercourse which could provide connectivity to the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC. I refer the Board to the planning assessment in Section 7.3 of this report which relates to water quality impacts and finds that the development is not likely to have a significant impact on the quality or quantity of groundwater or surface water bodies and will not result in a risk of deterioration on any waterbody. No potential pathway for Likely Significant Effects to occur or to have occurred on the SAC, due to deterioration of water quality during the construction or operation of the water recycling system, were identified. Given the small scale nature of the works and the location of the water recycling system in an existing quarry, no potential for Likely Significant Effects on the SAC due to disturbance or displacement of QI species was identified.

No pathway or mechanism for the development works to result in or have resulted in any significant effect on any European Site, was identified when considered on its own during the assessment process.

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>Site 1: Name (code)</b> Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365.</p> <p><b>Habitats:</b> Oligotrophic Waters containing very few minerals, Oligotrophic to Mesotrophic Standing Waters, Floating River Vegetation, Wet Heath, Dry Heath, Alpine and Subalpine Heaths, Juniper Scrub, Calaminarian Grassland, Molinia Meadows, Blanket Bogs (Active), Rhynchosporion Vegetation, Old Oak Woodlands, Alluvial</p>	<p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Possible negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Having regard to the location of the site within an existing operational quarry and existing surface water controls in operation within the quarry, and to the distance from European Sites and intervening habitats, any such impacts are considered unlikely.</p> <p>Operational Stage: The intervening habitat between the appeal site and the SAC and nearest watercourse of c.800m provides a buffer.</p>	<p>Site is located approx. 730m from this SAC and within an existing operational quarry which is not suitable for species associated with this SAC.</p> <p>The development will not result in the loss of any habitat.</p>

Forests, Yew Woodlands. <b>Species:</b>  Kerry Slug (Geomalacus maculosus), Freshwater Pearl Mussel (Margaritifera margaritifera) Marsh Fritillary (Euphydryas aurinia) Sea Lamprey (Petromyzon marinus), Brook Lamprey (Lampetra planeri), River Lamprey (Lampetra fluviatilis), Twaite Shad (Alosa fallax), Atlantic Salmon (Salmo salar), Lesser Horseshoe Bat (Rhinolophus hipposideros), Otter (Lutra lutra), Killarney Fern (Trichomanes speciosum), Slender Naiad (Najas flexilis)	Surface water will be attenuated within the settlement tanks. Whilst there is potential for an overflow from the settlement tanks in an extreme rainfall event, excess rainfall would be captured by the existing stormwater collection system on the site which discharges into a lagoon and no additional risk to groundwater is likely based on lack of connectivity to surface waters and the nature of water being collected.	
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No other effects of magnitude that could add to other plans and projects.</b>	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* <b>No</b>	
	<b>Impacts</b>	<b>Effects</b>
	<b>Likelihood of significant effects from proposed development (alone):No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the development proposed to be retained (alone or in combination with other plans and projects) would not result in likely significant effects on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, Site Code: 000365).		
No mitigation measures are required to come to these conclusions.		



## **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 development to be retained, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC 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:

- The nature and extent of the works within an existing operational quarry.
- The location of the application site at circa 730m from, and without meaningful ecological connection to, the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC.
- The exclusion of a source or pathway for the project to impact on the SAC or any other European site.

## **Appendix 3 Technical Report to Inspector**