

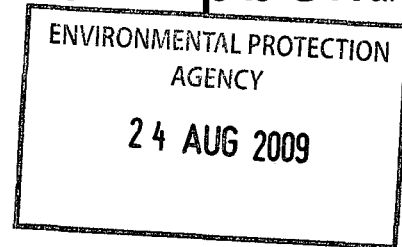
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Subs No. 14.

**o'sullivan  
campbell** architects



Administration,  
Office of Climate, Licensing & Resource Use,  
Environmental Protection Agency,  
Headquarters,  
Post Office Box 3000,  
Johnstown Castle Estate,  
Co. Wexford.

21<sup>st</sup> August 2009.

**Att: Mr. Joe Reilly, Programme Officer**

**Re: Waste Licence Application by Kerry Central Recycling Facility Ltd.  
at Scart/Caherdean, Killarney, Co. Kerry – Your Ref: W0250-01**

Dear Mr. Reilly,

I refer to my letter of 11<sup>th</sup> December 2008 and your reply dated 16<sup>th</sup> December 2008.

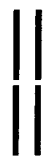
In our letter we urged you not to issue a Waste Licence in this instance, as we, and many other people believed that it was a highly unsuitable location for numerous reasons.

Since that time Kerry County Council, the Planning Authority, have refused to grant permission, on two grounds only, these being inadequate percolation on the site, and traffic safety, but they have expressed satisfaction with numerous things which are contrary to their own Development Plan, and expressed no opinion on many other important matters, such as the effect on tourism and traffic density on this already heavily trafficked road, which will have to serve until the new road is constructed anything up to 10 years from now. They had no comments on the effect of environmental issues on nearby residents, and state that these will be considered in conjunction with the issue of a waste licence. They expressed satisfaction with the proposed surface water disposal and potential flooding on a site which essentially is drained by two tributaries of a small river feeding directly into an area of special amenity, where the survival or not of fish stocks is already marginal.

We enclose a copy of the Planner's report and of the Decision, and our feeling is that however unsuitably located this proposed development is, it would still have been of assistance to Kerry County Council's waste system, and they refused the application with some regret.



Directors: **Liam Waldron**, B.Arch., MRIAI, RIBA, ASSOC. AIA; **Sean MacGillicuddy**, B.Arch, MRIAI, RIBA  
Associates: **Mary O'Connell**, B.Sc., B.Arch., MRIAI; **Stephan Brits**, B.Build, Arts, B.Arch, MRIAI  
Consultants: **Hugh A. Campbell**, Dip.Arch., FRIAI, RIBA; **Patrick J.F. O'Sullivan**, B.Arch, FRIAI  
O'Sullivan Campbell & Company Ltd trading as O'Sullivan Campbell Architects  
Company Registered No. 050851. VAT No. IE8F82971V

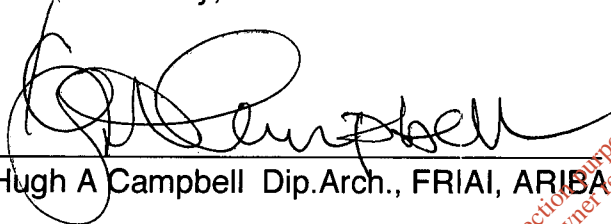


We assume that you already have their EIS, and details of the County Council's request for further information, together with their totally inadequate response to many of these questions.

We are also enclosing copies of our own observations to Kerry County Council on the original application, and our further comments on the further information provided.

There have been something in the region of 160 objections to this development, and we think that it would be deplorable for almost all possible environmental reasons imaginable, and their effect on local people and tourism, if a waste licence were to be issued.

Yours sincerely,



Hugh A Campbell Dip.Arch., FRIAI, ARIBA

c.c. Mr. Thomas Campbell

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**PLANNING AND DEVELOPMENT ACTS 2000 to 2007**  
**NOTIFICATION OF DECISION TO REFUSE TO GRANT PERMISSION**  
**UNDER SECTION 34 OF THE ACT**  
**KERRY COUNTY COUNCIL**

Reference No. in  
 Planning Register: **08/2415**

<b>Siobhan Glynn,          RPS Consulting Engineers,          Lyrr Building,          IDA Business Park,          Mervue,          Galway</b>	<b>Kerry Central Recycling Facility Ltd,          C/O Paudie O'Mahoney and Associates          Ltd., Grosvenor Court,          Upper High Street,          Killarney,          Co. Kerry.</b>
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Documents Recd: **28/10/08, 07/11/08 and on 25/06/09**

In pursuance of the powers conferred upon them by the above mentioned Acts, Kerry County Council have by Order dated **19<sup>th</sup> August, 2009** decided to refuse to grant Permission for the development of land, namely:

**In respect of the construction of (a) a Materials Recovery Facility (MRF) building, (b) an office building, (c) a public recycling centre, (d) an internal access road (e) local road improvement works and associated site works at Scart/Caherdean, Killarney, Co. Kerry as outlined in plans and particulars received on 28/10/08 and further information received on 07/11/08 and on 25/06/09**

for the reasons set out in the Schedule hereto, (**Two** Reasons) and having regard to any submissions received in relation to the application

E.E. Killarney

SIGNED on behalf of  
 the said Council

\_\_\_\_\_  
 A. O. Planning

DATE: **19<sup>th</sup> August, 2009**

SCHEDULE

**SCHEDULE CONTINUED OVERLEAF**

**NOTE:** An Appeal against a decision of a Planning Authority under Section 34 or Section 35 of the Act of 2000 may be made to An Bord Pleanala within *four weeks* beginning on the date of the making of the decision by the Planning Authority. *An Appeal to An Bord Pleanala will be invalid unless it is accompanied by the appropriate fee. (Please refer to the attached guide for fees payable to An Bord Pleanala).* Appeals should be addressed to: *An Bord Pleanala, 64 Marlborough Street, Dublin 1.* An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or structure proposed to be retained and the date of the decision of the Planning Authority should be stated. The acknowledgement of receipt of a valid submission/objection as issued by the Planning Authority should also be submitted with the appeal.

SCHEDULE (Continued)

1. Sight distance for vehicles turning right off the L3023 onto the proposed development is below the minimum stoppage sight distance of 160 metres as set out by Section 1.28 of TD 9/07 of the Design Manual for Roads and Bridges. It is therefore considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements the development would generate, at a point on the public road where sightlines are restricted.
2. Having regard to the soil conditions on site, the Planning Authority is not satisfied, on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. Accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

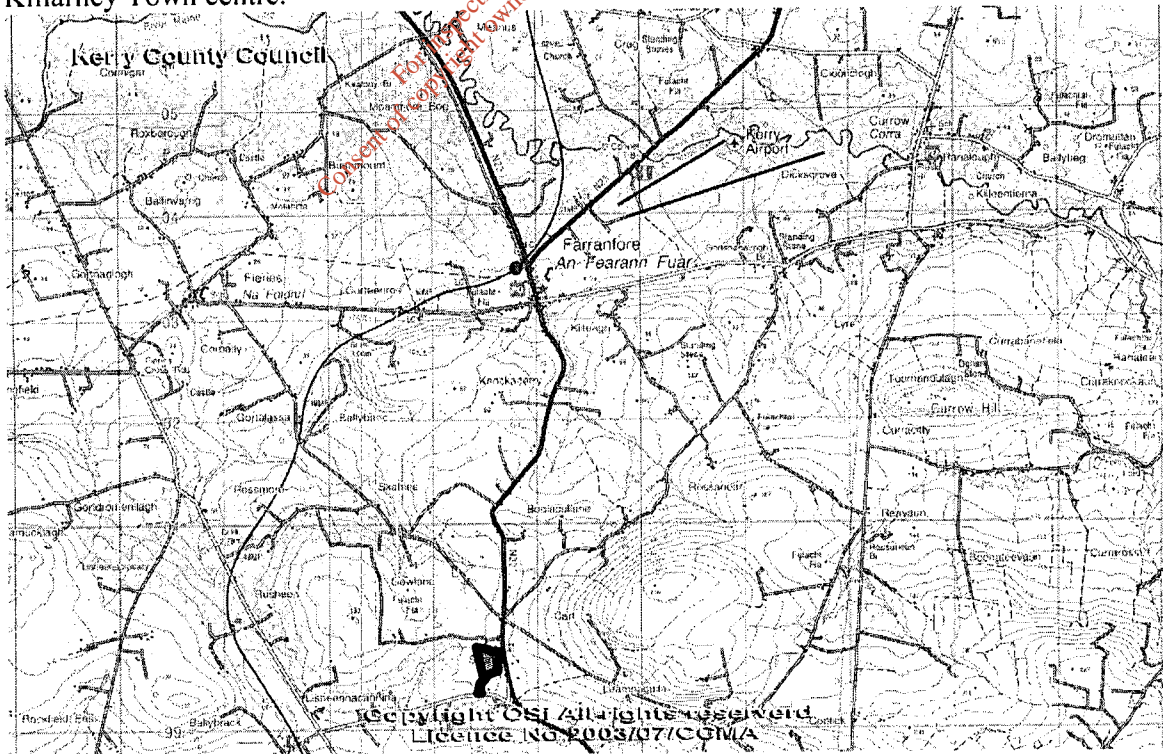
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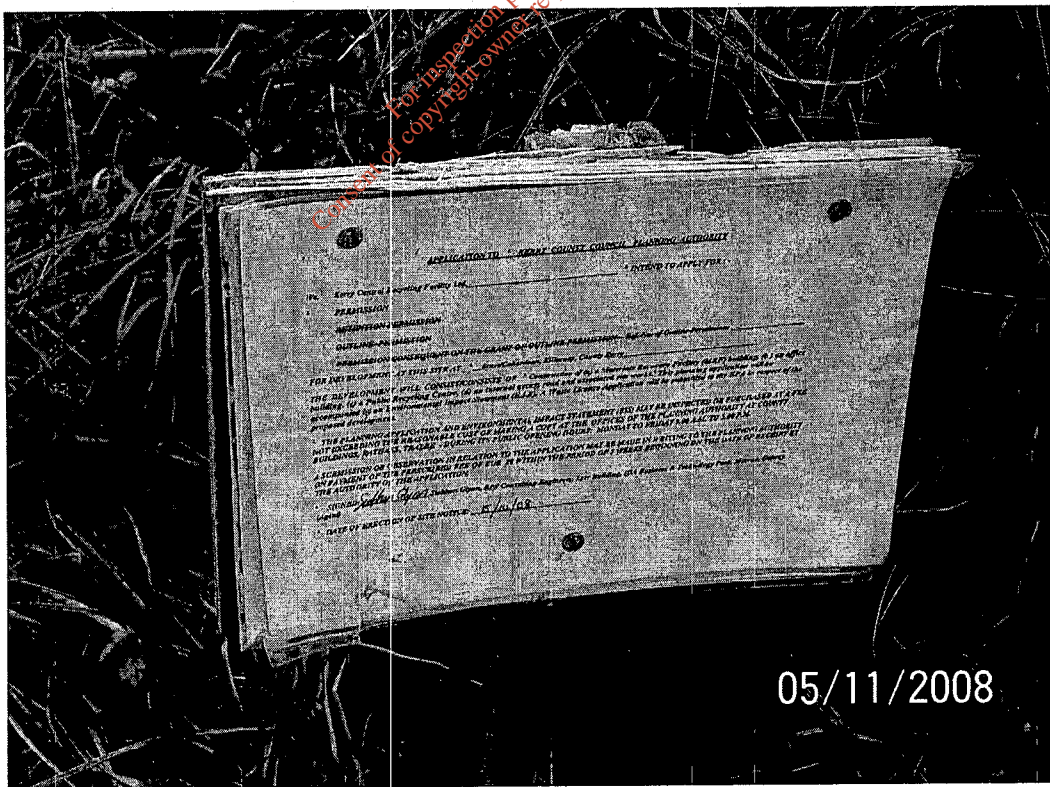
# RECOMMENDATION TO REFUSE

File Number:	082415	Applicant Name:	KERRY CENTRAL RECYCLING FACILITY LTD.
Local Authority:	Kerry County Council	Correspondence Address:	n/a.
Date Received:	28/10/2008	Development Description:	CONSTRUCT (A) A MATERIALS RECOVERY FACILITY (MRF) BUILDING, (B) AN OFFICE BUILDING, (C) A PUBLIC RECYCLING CENTRE. (D) AN INTERNAL ACCESS ROAD (E) LOCAL ROAD IMPROVEMENT WORKS AND ASSOCIATED SITE WORKS. THIS APPLICATION WILL BE ACCOMPANIED BY AN E.I.S. A WASTE LICENCE APPLICATION WILL BE SUBMITTED TO THE EPA IN RESPECT OF THE PROPOSED DEVELOPMENT.
Type:	PERMISSION	Development Address:	SCART/CAHERDEAN KILLARNEY CO KERRY
Submissions By:	n/a.	Planner:	T J Mahoney
Due Date:	19/08/2009		
Decision:	n/a.		
Decision Date (MO):	n/a.		
Application Status:	NEW APPLICATION		
Grant Date:	n/a		
Initial FI Request:	17/12/2008		
Initial FI Received:	07/11/2008		
Number of Appeals:	0		

## SITE LOCATION AND DESCRIPTION

The site, which has a stated area of approximately 5 hectare, is located in the rural area adjoining the N22 Tralee to Killarney National Route which is to the east of the site. The site is approximately 20 km from Tralee Town centre and 9 km from Killarney Town centre.





## PROPOSED DEVELOPMENT

The proposed development is set out in the published notices. The details are given in submitted drawings, in the responses to the planning application form, in the outline specification and in the Environmental Impact Assessment Submitted. Essentially, the development involves the construction of a Material Recovery Facility with associated office buildings and Public Recycling Facility in the townlands of Scart / Caherdean near Farranfore. All of these buildings are relatively conventional in appearance and form for industrial buildings. Due to their height, scale and bulk, the buildings will rise considerably above the public road (existing and proposed). The applicant originally applied for permission on the 28/10/2008. On the 17/12/2008 the Planning Authority sought Further Information on 35 issues. The applicant responded on the 25/06/2009 to the request for further information. That response included, amended public notices and a revised EIS.

The Materials Recover Facility would have a proposed annual intake of 95,000 tonnes as follows:

- 50,000 tonnes of mixed municipal waste
- 3,000 tonnes of organic waste
- 30,000 tonnes of dry recyclables
- 12,000 tonnes of non hazardous construction and demolition waste

A public recycling centre is also proposed for the deposition of recyclables including:

- Timber, metals and cardboard
- paper
- glass
- plastic
- Waste Electrical and Electronic Equipment
- fluorescent tubes
- batteries
- bulky waste
- waste oils
- textiles
- hazardous household waste

The general area is a mixture of farmland and one off rural houses. Immediately to the North of the site there is an existing light industrial facility Independent Irish Health Foods. Across the road to the east there are a number of dwellings in close proximity to the site. In all there are over 40 existing or permitted residential dwellings within 1 km of the site.

It is indicated that water supply would be taken from the Council mains in the public road for both potable and firewater purposes. The site drains to two tributaries of the Gweestin River which is protected under the Quality of Salmonoid Rivers Regulations 1998. The majority of this river is within the Castlemaine Harbour Special Area of Conservation. The SAC is within 300 metres of the site. It is stated that all waste water from process area will be directed to an effluent tank for tankering to a Water Treatment Plant. All uncontaminated water run-off from paved and roof areas will be drained according to Sustainable Drainage Systems SUDS principles will discharge of all water flows to watercourse. Domestic sewage from on site facilities will be discharged to groundwater via a treatment unit and polishing filter.

## ENVIRONMENTAL IMPACT STATEMENT

The planning application is accompanied by an Environmental Impact Statement, which sets out the applicants' estimation of the significant impacts of the proposed development on the environment. It is considered by the applicants' consultants that the proposed development would not, overall, have significant adverse impacts, following mitigation measures as outlined by them, and subject to compliance with the conditions of the future Waste Licence.

## LEGAL PROVISIONS

The legal provisions relating to the treatment of this application are a significant issue. The Planning Authority is precluded from considering the risk of environmental pollution from the activity, the term "activity" meaning the operation of the development that would be the subject of the waste licence from the EPA under the Waste Management Act.

## DETAILS OF WASTE LICENCE APPLICATION

**Reg No.** W0250-01  
**Applicant Name:** Kerry Central Recycling Facility Limited  
**Facility Name:** Kerry Central Recycling Facility Limited  
**Location of Facility:** Scart/Caherdean, Killarney, Co. Kerry, Kerry.  
**Type of Facility:** Materials Recovery Facility  
**Principal Class of Activity:** 4.2  
**Description of Principal Class of Activity:** Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes).  
**Other Classes of Activity:** 3.11, 3.12, 3.13, 4.3, 4.4, 4.11, 4.12, 4.13 \*Please note for the purpose of clarity the classes of activity proposed for this site are highlighted in green below.  
**Application Date:** 12/11/2008  
**Licence Status:** Applied

## **THIRD SCHEDULE**

### **Waste Disposal Activities**

- 11. Blending or mixture prior to submission to any activity referred to in a preceding paragraph of this Schedule.*
- 12. Repackaging prior to submission to any activity referred to in a preceding paragraph of this Schedule.*
- 13. Storage prior to submission to any activity referred to in a preceding paragraph of this Schedule, other than temporary storage, pending collection, on the premises where the waste concerned is produced.*

## **FOURTH SCHEDULE**

### **Waste Recovery Activities**

- 3. Recycling or reclamation of metals and metal compounds.*
- 4. Recycling or reclamation of other inorganic materials.*
- 11. Use of waste obtained from any activity referred to in a preceding paragraph of this Schedule.*



12. Exchange of waste for submission to any activity referred to in a preceding paragraph of this Schedule.

13. Storage of waste intended for submission to any activity referred to in a preceding paragraph of this Schedule, other than

### NATIONAL POLICY

'Waste Management-Changing Our Ways' 1998 by the Department of Environment, Heritage and Local Government.

This policy document is one of the first in a series of comprehensive government policy documents on the management of waste in Ireland. It endorses the integrated waste management approach, based on the internationally adopted hierarchy of options, which places greatest emphasis on waste prevention, followed by minimisation, re-use, recycling, energy recovery and finally, the environmentally sustainable disposal of residual waste.

### REGIONAL/LOCAL POLICY

Waste Management Plan for Limerick/Clare/Kerry Region 2006 - 2011.

Executive Summary: The Local Authorities will support the development of additional Materials Recovery and Waste Transfer capacity where it can be shown to be consistent with the overall objectives of the Plan.

**Section 14.5:** Due to the significant progress made with the increased recycling rates since the implementation for the 2001 plan, it is proposed that the recycling rate be increased to 45% in this plan. The targets to be reached for each treatment option by 2013 are Recycling - 45%, Thermal treatments - 41 % and Disposal - 14%.

**Section 15.3:** Local Authorities will engage with the private sector regarding the provision of public waste recycling amenities where appropriate.

**Section 15.5:** Local Authorities will encourage the development of green waste recycling centres by the private sector.

**Section 15.7:** The Limerick/Clare/Kerry Region is currently served by three private Materials Recovery Facilities / large Waste Transfer Stations. It is anticipated that these facilities will be expanded in the future. At present these facilities generally recover and process dryrecyclables collected from kerbside collections, bring banks and Recycling Centres for transfer on to recycling facilities, generally overseas. Additional facilities may be required in the future to accommodate an expansion of kerbside collection schemes or to transfer waste to biological or thermal treatment facilities. The Local Authorities will support the development of additional MRF and Waste Transfer facilities where these can be shown to be consistent with the overall objectives of the Plan

**Section 15.11:** Conditions attached to some planning approvals for waste infrastructure restrict facilities to handling only waste that arises in the geographic area covered by the Waste Management Plan, the rationale being the

*proximity principle*. The Government's policy document '*Taking Stock and Moving Forward*' (2004), recognises that the proximity principle has been interpreted too severely by some planning authorities and that some planning authorities have been too literal in their interpretation of the Waste Management Plans. The policy statement also states how each region has to take responsibility for its own waste. While it is recognised that some level of regionalisation needs to be maintained, the current system needs to be made more flexible and workable. This is in accordance with the Section 60 Policy Guidance Note as issued by the Minister for the Environment, Heritage and Local Government on May 3, 2005. This states "*the application of the proximity principle does not entail interpreting administrative waste management planning boundaries in such a manner as to inhibit the development of waste infrastructure which will support the attainment of national waste management policy objectives through the rational development and use of such infrastructure*".

## **COUNTY DEVELOPMENT PLAN 2009-2016**

### **8.3 Waste Management**

#### ***National Waste Policy***

The provision of a properly regulated, environmentally sustainable waste management infrastructure is a critical element of the County's infrastructure. Aside from protecting the natural environment it forms an integral part of the infrastructure necessary for industries to operate within the county in an environmentally sustainable manner. The availability of such infrastructure can be an important element of an industries decision to locate in an area.

8.3.1 The Government's policy on waste management is set out in the following documents published by the Department of the Environment, Heritage and Local Government:

- **'A Policy Statement on Waste Management – Changing Our Ways'**.
- **'Preventing and Recycling Waste – a Policy Statement'**.
- **'Taking Stock and Moving Forward'.**(April 2004)
- ***Draft National Biodegradable Waste Strategy'***. (April 2004).

8.3.2 The main thrust of the policy is to promote the waste management hierarchy and to aid local authorities in a transition to a modernised waste system. Government Policy promotes the internationally recognised hierarchy of options:

- **Prevention**
- **Minimisation**
- **Re-use**
- **Recycling**
- **Disposal with energy recovery**
- **Disposal of residual waste which cannot be prevented or recovered.**

8.3.3 The policy sets out the Waste Management National targets. Many of these targets are to be achieved through a regional approach to waste management.

8.3.4 In addition to this, the overriding principles of waste management policy are those of 'polluter pays principle', proximity principle, precautionary principle and the principle of shared responsibility.

### ***Regional Approach to Waste Management***

8.3.5 The Local Authorities of Limerick City Council, Limerick County Council, Clare County Council and Kerry County Council produced a 'Waste Management Plan for Limerick / Clare /Kerry Region', adopted in September 2001. This has subsequently been replaced by The Waste Management Plan for the Limerick / Clare / Kerry Region 2006-2011.

8.3.6 The Waste Management Plan for the Limerick / Clare / Kerry Region 2006-2011 covers all non-hazardous wastes generated within each of the above local authorities. It sets out the policy for integrated waste management over the period of the plan. It includes the planning, regulation, collection, recycling, recovery and disposal of such wastes in accordance with current national and EU waste legislation and policy.

#### **INF 8-43**

- a) Facilitate the implementation of the waste management hierarchy and the regional waste management plan including the maximizing of the diversion of waste from landfill in accordance with current national and E.U. policy.
- b) Encourage and support the development of Biodegradable waste treatment facilities and recycling processing facilities.

### ***Recycling/Recovery***

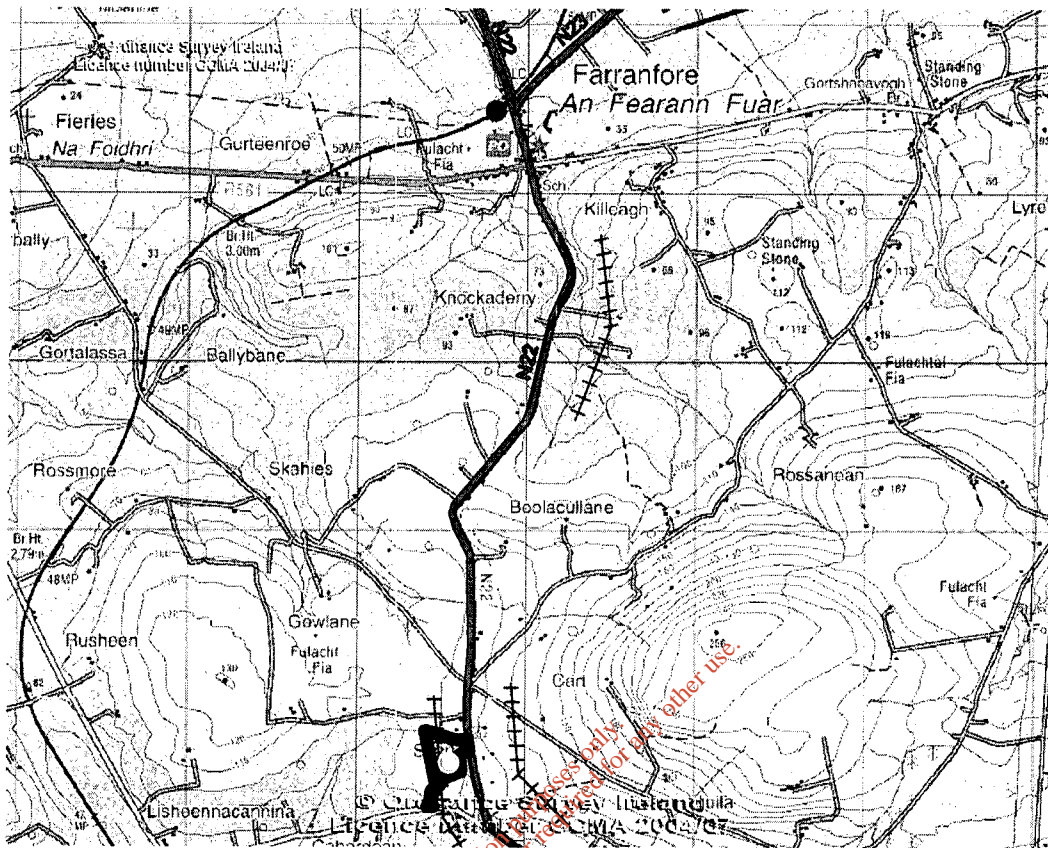
8.3.9 In 2002 5,704 tonnes of material was recycled in Kerry. By 2006 this figure had risen to 11,449 tonnes (including dry recyclables, paper, organic waste, cardboard, glass, aluminium cans, plastic bottles, timber pallets, batteries and white goods). This upward trend is expected to continue.

8.3.10 The collection of recyclable materials is currently achieved through collection of dry recyclables at households, civic amenity sites and a system of bring banks. Kerry County Council operates amenity areas at each of the waste transfer stations, the An Daingean Civic Amenity site and will do so at the proposed Listowel Civic Amenity Site. There are currently 92 bring locations within the county. In 2001 these stations collected a total of 1,393 tonnes of material. By 2006 this figure had risen to 2,260 tonnes.

#### **INF 8-43**

- a) Facilitate the provision of additional waste recycling/recovery facilities, including one in the Listowel Region and one in the Tralee Region.
- d) Facilitate the upgrading and improved design of existing and new waste recycling/recovery facilities and the access to same to accommodate the increasing level of usage of these facilities.

## ZONING AND LANDSCAPE



The site is located in an area zoned rural general in the Kerry County Development Plan 2009-2015

ZL 12-1

Protect the landscape of the county as a major economic asset as well as for its invaluable amenity value and beauty.

ZL 12-7

Preserve the views and prospects as defined on Map No's 12.1, 12.1a – 12.1u

### **Zoning Designations**

12.2.5 The zoning designations for the county are as follows:

- Urban
- Prime Special Amenity
- Secondary Special Amenity
- Rural General
- Industrial

### **Rural General**

12.2.9 Rural landscapes within this designation generally have a higher capacity to absorb development than the previous rural designations. It is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

### View and Prospects

The view and prospects

12.3.1 There is a need to protect and conserve views and prospects adjoining public roads throughout the county. In assessing views and prospects it is not proposed that this should give rise to the prohibition of development along these routes, but development, where permitted, should not seriously hinder or obstruct these views and should be designed and located to minimise their impact.

### PLANNING HISTORY

There is no history of planning applications on this site

## ASSESSMENT

### CLARIFICATION OF RELEVANT PLANNING CONSIDERATIONS

The Planning authority consider that the main planning issues for consideration in this application are as follows:-

1. Compliance with Policy
  - a. National Policy
  - b. Regional Policy
  - c. County Development Plan
2. Proper Planning and (Sustainable) Development
  - a. Site Selection
  - b. Site Suitability
  - c. Impact on Visual Amenity
  - d. Impact on Residential Amenity
  - e. Impact on Protected Structure/Cultural Heritage
  - f. Infrastructure – Roads
  - g. Infrastructure – Sewerage/Storm Water

### PLANNING AUTHORITY REPORTS & SUBMISSIONS

#### Internal Reports

There were a number of internal technical reports on the application. The following internal reports are on file:-

#### **Environmental Department / Site Assessment Unit:**

Requested further information which was responded to by the applicant. Final recommendation of the Site Assessment unit is to recommend a refusal of permission. This recommendation will be dealt with in more detail in the final assessment section of this report.

#### **Water Services:**

The final report from the Water Services Department

(a) No objection to leachate disposal to Tralee Waster Water Treatment Plant, subject to conditions.

(b) Water demand can be accommodated from mains, subject to conditions.

**County Archaeological Officer:**

Report Further information requested prior to a final recommendation. Following an assessment of the further information received a recommendation to grant was made subject to conditions.

**Kerry NRDO:**

The final report states that the development will not conflict with the N22 Farranfore to Killarney Road Improvement Scheme.

**Roads:**

Further information requested prior to a final recommendation and in order to avoid a refusal. Final assessment and recommendation of Roads Department is for a refusal of permission. This recommendation will be dealt with in more detail in the final assessment section of this report.

**Prescribed bodies**

There were a number of submissions from Prescribed Bodies. The following submissions are on file:-

**Health Service Executive:**

Concern about pest / Rodent Control. Site assessment report for proposed treatment unit and P test result. No additional submission to further information received.

**Department of Environment, Heritage & Local Government:**

Agrees with recommendations of County Archaeological Officer. Grant of permission recommended.

**Department of Environment, Heritage & Local Government:  
Environmental Officer:**

Environmental conditions are remit of waste licence. Clarification on waste water treatment tests and proposal. No additional submission to further information received.

**South Western Fisheries Board:**

General best practices to be adhered to are outlined but no observation on whether the proposal should be granted or refused. No additional submission to further information received.

**National Roads Authority:**

No objection to proposed development. No additional submission to further information received.

**Kerry Airport:**

Effect of the facility on the airport needed further consideration. What mitigation measures are proposed needed to be clarified. Final report from Kerry Airport concluded that if the measures outlined by RPS are taken then the facility should not become an attraction for birds and would not therefore present any difficulties for the airport.

## **EPA**

Waste licence application submitted to EPA on November 12<sup>th</sup> 2008 in relation to development proposal. Advises on ability of third parties to comment on the Waste No additional submission to further information received. Application not decided at this stage.

## **An Taisce**

This is a large scale industrial unit and would be more suited to an industrial zone in a Town. Issues raised include traffic generation, impact on residential amenity and pollution of nearby stream. No additional submission to further information received.

## **Third Party Submissions**

Given the very large number of parties and the level of detail in their submissions in relation to the original submission and the subsequent further information submitted, I propose to outline, in brief, the points raised generally, without attributing any particular point to any particular third party. This is for reasons of brevity. The full texts of the third party submissions are on file

Many of the grounds of objection from third parties relate to the implications of the development on human and animal health and the environment, in terms of potential pollution from the activity. In addition, a very large amount of the accompanying documentation includes impact from the emissions process for the reasons outlined above under "Legal Provisions". I have not summarised these points. The main points raised by the third parties in their grounds of appeal may be summarised as follows:-

### **County Development Plan Policy**

- **Not zoned for this type of use**
- **Conflicts with County Development Plan Policy**
- **Impacts of the Development on Visual Amenity**

### **Infrastructure**

- **Inadequate Roads –Traffic**
- **Flooding**
- **Inadequate Effluent Disposal and Surface Water Disposal.**
- **Impact on Kerry Airport**

### **Impacts of the Development on Residential Amenity**

- **Operating hours 24 hours 6 days a week for commercial waste and 14 hours seven days for recycle centre**
- **Impact on Public Health**

### **Other Considerations**

- **Invalidity of the EIS / Inadequacies in the EIS**
- **Inadequate info EIS**
- **Inadequate pre-planning records**

## **ADDITIONAL INFORMATION SUBMITTED**

The Planning Authority have reviewed the plans, particulars and documentation on file, the Environmental Impact Statements, the revised proposals submitted in the further information response and the revised the objections / observations to the p.a. and the final technical reports. Further site inspections have also been carried out.

1. Please supply details of the peak water demand for the proposed development including for wash-downs, processing and other demands (l/s or m<sup>3</sup>/hr). Further analysis will be required by Kerry Council to ensure that adequate supply is available.

*Further information received was assessed by the Water Services Department and the follow up report states that:*

- *The water usage at the above application proposes a max 5,155 litres per day.*
- *Water Services has no objection in providing a metered water supply to this development provided the water demand does not exceed the max demand given.*

2. The Planning authority considers that the effect of the proposed facility on Kerry Airport has not been adequately addressed. In particular the potential of the facility to attract birds not been considered. What mitigation measures are proposed needs to be clarified.

*Further information received was assessed by Peter Moore of Kerry Airport and the follow up report received on 10/08/2009 concludes that: if the measures outlined by RPS are taken then the facility should not become an attraction for birds and would not therefore present any difficulties for the airport.*

3. Please supply details of the constituents of the waste (quantity and quality) to be connected to:
  - The proposed treatment plant on site.
  - The public treatment facility off site

The applicant is advised to consult with the environment and water service departments of the council in this regard. Also please clarify the location of the proposed public treatment facility to be used.

*The response to the further information request was assessed by the Water Services Department the are willing to consider the acceptance of leachate at Tralee Waste Water Treatment Plant subject to conditions regarding the quantity and quality of leachate.*



4. It is noted that the applicant states that the processing of wastes indoors will mitigate against any impact on human health. However the applicant does not state whether this will completely eliminate any impact or merely mitigate the impact. Please clarify the nature and significance of any impacts and residual impacts after mitigation and provide supporting data and mitigation measures if appropriate.

*Further information received refers to Chapter 3 of the EIS which deals with potential impacts at both construction and operational stage and states that it is not anticipated that there will be any residual impacts on the human environment when mitigation measures are implemented. The nature and extent of the impacts are summaries on table 4.1 attached to the further information received. The Level of detail regarding mitigation of impacts is therefore considered acceptable.*

5. It is noted that the applicant states that operating hours shall be 24 hours per day 6 days a week for commercial waste and 14 hours seven days for recycle centre. Please clarify the nature and significance of any impacts on the residential amenities of existing nearby properties and residual impacts after mitigation and provide supporting data and mitigation measures if appropriate.

*Assessment of further information received: Level of detail regarding mitigation of impacts now acceptable. The applicant proposes a traffic management plan for the development. Odour abatement will be in accordance with best practice..*

6. Submit details of the source of all wastes which are to be processed at this facility and whether it is only proposed to deal with waste from the Kerry Region.
7. A public recycling centre is proposed for the deposition of recyclables. Please clarify proposed level of intake maximum and minimum.
8. Clarify whether only wastes from the applicants own collections will be processed on site or whether that of other operators will also be processed at the site
9. Submit details of the destination of all material processed on site (detailed by type)
10. Submit details of the length of time all material will be stored on site (detailed by type)
11. Clarify whether the administrative building relates to the use of this premises only.
12. Clarify whether there is any outdoor storage of materials on the site. Please show on the site layout plan.
13. Clarify whether the information provided with regard to dust/noise/odour etc takes into account the predicted level of time that the doors of the facility will be opened.

14. Please supply details of the source and treatment of compostables and petricubles on the site and the source and destinations of the same.
15. Please provide details of the materials to be used in the processing of wastes and a detailed description of all processes.

*The Environmental impacts associated with points 6 to 15 are covered by the IPC licence which is currently under consideration by the EPA. The request was made to clarify the nature of the processes involved for the benefit all interested parties.*

16. It is noted that 95,000 tonnes of intake material is proposed per anum. Is this the maximum amount that can be processed in the development. Please clarify whether there is additional capacity on site for the processing of additional larger amount of materials. The applicant are advised that if the site has a capacity of greater than 100,000 tonnes per anum then the planning application is subject to the Strategic Infrastructure Act 2006 and the applicant is advised to withdraw the application and enter into the statutory consultations with An Bord Pleanala.

*The Strategic Infrastructure Act 2006 does not apply as the stated capacity of the facility is 95,000 tonnes per anum*

17. Please provide a contoured site layout (preferably colour coded) showing the levels on the site after construction.
18. Please clearly show all levels of cut and fill on site.

*The submitted contoured layout showing cut and fill proposals indicated that there will be a substantial drop in floor levels from east to west. The site is therefore dropping substantially away from the public road.*

19. The proposed development does not comply with the standards with regard to parking included in the Kerry County Development Plan 2009 with regard to industry, offices or parking for persons with disabilities. It is considered that the inadequate provision for parking may result in a traffic hazard. Please submit revised proposals to comply with relevant standards

*Provision of car parking is clearly shown on site layout submitted. A detailed analysis of parking demand is also submitted. Car parking provision is accepted as adequate based on the case made by the applicant.*

20. Given the scale of the development, pre-development archaeological testing (the presence of drainage trenches and forestry plantations does not prevent testing being undertaken, as suggested in the EIS) should be carried out and report submitted for evaluation.

*County Archaeologist has made a recommendation to grant permission subject to conditions*

21. In relation to the proposed treatment unit on site there is an element of ambiguity which requires clarification. The design figures used by EPS are for a 30 person hydraulic load as well as a 30 person organic load – these figures differ from those quoted in section “1.3 Foul Loadings” – Which of the two is correct.
22. In the table 1.3 “Foul Loadings” the total hydraulic flow appears incorrect – Please clarify.

*Assessment of further information received: Negative indication given by site assessment unit of Kerry County Council.*

*Further information received was referred to the Environmental Department / Site Assessment Unit. Their report states the following:*

- *The 2 trial holes indicate that there is a layer of blue grey clay from 600mm below ground level to an unknown depth but to at least 2 metres (trial hole depth). Blue clay will have no percolation quality.*
- *No T test results submitted. The form says not “T tests not carried out”. It is unlikely that T tests would pass if carried out in blue clay.*
- *The site characterization form estimates the discharge at 4000 litres per day (to groundwater ) which is a substantial discharge and which could easily find its way into surface water due to the impermeability of the blue clay layer.*

*The recommendation of Site Assessment Unit is to refuse permission.*

- *Having regard to the soil conditions on site, the Environment section is not satisfied, on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site.*

23. With regards to surface water attenuation and disposal please submit the following information:

- Study of application site showing the route or routes of surface water run-off from the undeveloped site.
- Calculation of the surface water flows from the undeveloped site including the basis for the calculations.
- Full design details of the proposed attenuation pond showing how adequate storage is to be provided.
- Full design details of flow control structure at the outlet attenuation pond
- Proposal for the disposal route or routes of surface run – off from the developed sites.

*The further information received calculate that based on the drainage system proposed for the site the level of surface water run-off from the site post development will be the same as the level of surface water run-off prior to the development.*

24. It is noted that there is vagueness the terminology used to describe mitigation proposed. Please provide a schedule of proposed mitigation prepared by the consultants and confirmed by the applicants. Where there is uncertainty with regard to mitigation appropriate triggers or thresholds should be provided. The schedule should also identify the person/personnel/body responsible for implementing the measures.

*Mitigation measures have been outlined clearly in Table 24.1. Responsibility for implementation will be with Kerry Recycling facility limited*

25. Please provide details of any difficulties encountered in gathering data including data that it was not possible to attain.

*The applicant states that there were no difficulties encountered in collection data*

26. Please provide confirmation from the all consultants involved in the project that the information supplied as a result of the above requests will not impact on or alter their assessments or recommendations. Where this is not the case and the information should be supplied and revised assessment/data/plans should be supplied as appropriate.

*Relevant confirmations were submitted*

**In order to avoid a refusal**

27. Please provide an accurate and objective visual impact assessment of the proposed development. This should include new photomontages (with accurate building heights and show relevant adjacent buildings and ground levels) and show the visual impact of the proposed development both at time of completion and subsequent to mitigation from relevant strategic viewpoints from both the N22 Tralee to Killarney National Route which is to the east of the site and the proposed Killarney / Tralee route corridor which forms the western boundary of the site. The should be at 200 meter intervals within the visual envelope indicated. The applicant is advised that the planning authority have serious concerns with regard to the visual impact of the proposed development especially with regard to the fact that this is a Protected View and Prospect in the 2003-2009 Kerry County Development Plan.
28. The planting depth proposed is deemed to be inadequate to adequately mitigate impact on the visual amenities of the area and the amenities of adjoining properties. Please supply a revised planting plan to show proposed planting. This should be in the form of a dedicated landscape layout plan and accompanying specification. The applicant is advised that the depth of the buffer should be significantly increased and that mature planting should be provided. The applicant is advised that, in the interests of the amenities of the area, planting should be provided as a buffer on the old N22 in place of the ornamental planting proposed.

29. Set back of any development on site should be a minimum of 50 meters from the existing N22 National Primary Route.

*An accurate and objective visual impact assessment of the proposed development including new photomontages has been submitted. Visual impacts of the proposed development both at time of completion and subsequent to mitigation from relevant strategic viewpoints are estimated at date of completion and 10 and 20 year timescales. Revised substantial planting is proposed. Having regard to the above proposal, to set back from the public road, to the finished floor levels indicated on site and the height and exterior finish of the proposed structures on site the Planning Authority concludes that the visual impact and impact of views in the area has been minimised.*

**Unless the applicant demonstrates that the matters below can be addressed to the satisfaction of the Roads, Transportation and Safety Department, this Department will be recommending a refusal of the proposed development.**

30. The cross section of the existing Local Primary Road L3023 is unsuitable for this type of development as it is 'too narrow to accommodate passing traffic', as stated in section 4.2 of the document 'New access junction to proposed Materials Recovery Facility', Appendix P of the Environmental Impact Statement. The overall road width including verges on a section of this road has been measured on site as being 5.5m, with a carriageway width of 4m. The site layout drawings submitted DG0007/01 and DG008/02 indicate that the road widening proposed on the Local Road L3023 lies outside the land ownership boundary of the applicant. The Roads, Transportation and Safety Department cannot assume that the necessary lands may be acquired to facilitate this proposed road widening and the existing road width is considered totally inadequate to cater for the traffic associated with the proposed development.
31. The cross section proposed for the widened section of the L3023 as outlined in drawing number DG0014/03 is considered inadequate. A minimum carriageway width of 7m with two 2m grass verges (to accommodate roadside drainage and services) is considered the minimum required to service this development.
32. The Local Road L3023 has a bend of radius approximately 15m on the immediate approach to the N22/L3023 junction. This bend would not conform to TD 9/07 of the NRA Design Manual for Roads and Bridges where the minimum horizontal curvature is 255m (two steps below the desirable minimum with superelevation of 7%) for a design speed of 85 kph. As there will be a significant intensification of traffic and particularly HGV traffic on this section of road associated with the development, it is considered that the geometric alignment of the L3023, particularly at this location, is unsuitable to cater for this increase: The tight horizontal curve radius on this bend also results in inadequate forward visibility to the N22/L3023 junction when travelling eastward towards the junction.

33. The drawings submitted do not indicate that 160m of forward sight distance is available for vehicles turning right off the Local Road L3023 into the proposed development.
34. The legend on the Autotrack drawing DG0015/02 states that a 16.5m Articulated Truck was utilised in the analysis. An inspection of the drawings indicates that at the junction of the N22/L3023 a shorter Rigid Truck was used when examining the exit from the junction. An Autotrack Analysis by the Kerry County Council Road Design Office indicates that the swept path of an articulated truck would be likely to conflict with another articulated truck positioned on the right turning lane of the N22 ghost island.
35. The analysis has also not examined the path of an articulated truck turning left from Killarney into the junction. An Autotrack analysis by the Road Design Office has indicated that the swept path of an articulated truck would be likely to conflict with the path of an articulated truck on the L3023 approaching the junction.

Further information in response to the above points was assessed by the Roads, Transportation and Safety Department of Kerry County Council. The report states the following:

- *An analysis of drawing DG0014/06 indicates that forward stopping site distance for vehicles turning right off the L3023 into the proposed development remains significantly less than the required 160m. Section 1.28 of TD 9/07 of the Design Manual for Roads and Bridges specifically states that relaxations below minimum stopping sight distance are not permitted on the immediate approaches to junctions.*

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## **PLANNING ASSESSMENT AND RECOMMENDATIONS**

An application for an IPC licence to the Environmental Protection Agency is running in parallel with this application. No decision on the licence has been made to date. In recommending it is noted that Section 34.2.C of the Planning and Development Act 2000 (as amended by the Protection of the Environment Act 2003) states that where an application is subject to a waste licence the planning authority must take into consideration the fact that the control of emissions arising from the activity is a function of the EPA. Also Section 54 of the Waste Management Act 1996 as amended by Section 257 of the Planning and Development Act 2000 states that the planning authority shall not impose conditions relating to the controlling of emissions from the operation of the activity or related to or following the cessation of the activity

The proposal falls within the scope of Part 2, Schedule 5 – Development for the purposes of Part 10 (Environmental Impact Assessment) of the 2001, Planning and Development Regulations. The application is accompanied by an EIS, as required under these regulations. I have read the EIS and in my view, it complies with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations 2001.

I consider that the proposed development is acceptable having regard to the following:

- *Policy and Principle of Development*
- *Zoning*
- *Visual Amenity*
- *Residential Amenity*
- *Impact on Archaeology / Cultural Heritage*
- *Surface Water Disposal / Flooding*
- *Effluent Disposal*
- *Roads infrastructure / Traffic Hazard*

### **Policy and Principle of Development**

#### ***Waste Management Plan for Limerick/Clare/Kerry Region 2006-2011.***

*'The Local Authorities will support the development of additional Materials Recovery and Waste Transfer capacity where it can be shown to be consistent with the overall objectives of the Plan.'*

National policy (Changing Our Ways), published in 1998, set out targets over a 15-year period to reach a recycling rate of 35 per cent of municipal waste. Subsequent policy documents Preventing and Recycling Waste – Delivering Change (Department of the Environment and Local Government (DELG), 2002) and Taking Stock and Moving Forward (DEHLG, 2004) have proposed ambitious programmes aimed to increase waste recycling, diversion of waste from landfill, waste prevention and improving waste management infrastructure. The thrust of this National policy is reflected in the Regional Waste Management Plan for the Clare/Limerick/ Kerry region and within the waste policy objectives of the Kerry Development Plan 2009-2015.

National policy endorses the integrated waste management approach, which places emphasis on re-use, recycling, energy recovery and finally, the environmentally sustainable disposal of residual waste.

The Waste Management Plan for Limerick/Clare/Kerry Region 2006 - 2011 supports the development of additional Materials Recovery and Waste Transfer capacity where it can be shown to be consistent with the overall objectives of the Plan. Local Authorities will engage with the private sector regarding the provision of public waste recycling amenities where appropriate. Local Authorities will encourage the development of green waste recycling centres by the private sector.

The County Development Plan 2009-2016 acknowledges that the provision of a properly regulated, environmentally sustainable waste management infrastructure is a critical element of the County's infrastructure.

The Planning Authority therefore concludes that the location of the proposed development at this particular site would comply with the above policies and is suitable and appropriate to the prevailing land use and accords to the proper planning and sustainable development of the area.

### Zoning

The zoning of the lands in this area is Rural General does not preclude this materially significant use in this particular area and permission of such would comply with the proper planning and sustainable development of the area. Permissions may be granted where the proposed development does not adversely affect the amenities in the vicinity, generally complies with the particular use zoning objectives.

### Visual Amenity

The site of the proposed development is located adjoining the Main Tralee Killarney National Route. However given the vegetation in the area combined with the topography of the landscape and proposed landscaping this view would not be significantly impacted on by the proposed development. The landscape is classified as Rural General. The views enjoyed by the private dwellings in the area will be altered in some of the situations but it should be noted that the right to a particular view from a private dwelling is not protected in Irish planning legislation. I therefore consider that the proposed structures and proposed mitigation measures would not constitute a visually incongruous feature on the landscape.

### Residential Amenity

While concerns are raised in the submissions from third parties regarding the stated associated negative implications that the proposed development and its industrial processes will have on their properties in the vicinity many of the issues raised are relevant only to the consideration of the waste permit application currently with the Environmental Protection Agency. With regards to opening hours it is the opinion of the Planning Authority that there will not be no excessive negative impact subject to



good management practice and compliance with conditions attached to any waste permit for the site.

#### Impact on Archaeology / Cultural Heritage

Report from the County Archaeologist states that the proposal is acceptable.

#### Surface Water Disposal / Flooding

All uncontaminated water run-off from paved and roof areas will be drained according to Sustainable Drainage Systems SUDS principles will discharge of all water flows to watercourse. This is considered acceptable.

#### Effluent Disposal

The proposed waste water treatment unit does fall under the remit of the Planning Authority and Environmental Department of Kerry County Council. Based on the site assessment report submitted and subsequent site visits and evaluations the current proposal for the disposal of treated effluent is considered unacceptable by the Environmental Department of Kerry County Council.

#### Roads infrastructure / Traffic Hazard

Traffic Safety was raised as a concern at further information stage and detailed discussion were held on site and guidance given by the Roads Department of Kerry county Council. However relevant DMRB standards have not been achieved by the revised proposals submitted and therefore a grant of permission can not be recommended on traffic grounds.

### A REFUSAL IS THEREFORE RECOMMENDED FOR THE FOLLOWING REASONS AND CONSIDERATIONS

- Sight distance for vehicles turning right off the L3023 into the proposed development is below the minimum stoppage sight distance of 160 metres as set out by Section 1.28 of TD 9/07 of the Design Manual for Roads and Bridges. It is therefore considered that the proposed development would endanger public safety by reason of a traffic hazard because of the additional traffic turning movements the development would generate at a point on the public road where sightlines are restricted.
- Having regard to the soil conditions on site, the Planning Authority is not satisfied, on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. Accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.

REPORTED:

EP \_\_\_\_\_

SEE \_\_\_\_\_

DATE: 20 August 2009

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Tel: 066 712 1522. Fax: 066 712 1363.

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o'sullivan  
campbell architects

Planning Department,  
Kerry County Council,  
County Buildings,  
Rathass,  
Tralee.

5<sup>th</sup> August 2009.

**Re: Proposed Recycling Facility at Scart Cross, Farranfore, Killarney –  
Planning Ref: 082415**

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Dear Sirs,

This letter, with attachments, is in response to your letter, dated 2<sup>nd</sup> July 2009, informing us that you had received further information requested, and that we should submit to you any comments which we may wish to make at the earliest opportunity, in order that they may be fully considered by the Planning Authority before the Decision issues on the 19<sup>th</sup> August 2009.

We attach a copy of your letter of 5<sup>th</sup> December 2008 which confirms that we have already submitted comments on the original application, and have paid the appropriate fee.

Further information/clarification was sought under 26 headings, together with some more general remarks on the proposal, site notices, etc. In their response, the Applicants have described these as *items*, and we shall continue to use the same description and numbering. As many aspects come up under several headings, some duplication is inevitable.



Directors: **Liam Waldron**, B.Arch., MRIAI, RIBA, ASSOC. AIA; **Sean MacGillicuddy**, B.Arch, MRIAI, RIBA  
Associates: **Mary O'Connell**, B.Sc., B.Arch., MRIAI; **Stephan Brits**, B.Build, Arts, B.Arch, MRIAI  
Consultants: **Hugh A. Campbell**, Dip.Arch., FRIAI, RIBA; **Patrick J.F. O'Sullivan**, B.Arch, FRIAI  
O'Sullivan Campbell & Company Ltd trading as O'Sullivan Campbell Architects  
Company Registered No. 050851. VAT No. IE8F82971V

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For the moment however we have restricted our comments to those which we believe demand further immediate comment, and the remainder, which we have marked **NC**, are those which we will leave to others more expert in the particular fields, or on which we do not wish to comment at the moment, or which we wish to research further in the event of an appeal to An Bord Pleanala.

Most of the questions and responses provided are in relation to expansion or clarification of the original material provided in the EIS, submitted with the application. As such, we believe that responses should comply with the full requirements of an EIS, that is to say, that nothing can be left open-ended, and the final conclusions/proposals, together with their long and short-term impacts, must be reached. In the Applicant's responses, we find that in many instances this is not the case and problems or potential problems are left hanging with vague suggestions about finding other unspecified solutions, if they should prove necessary. We believe that such responses should be treated as unacceptable.

Our Clients, and presumably others, have had recent approaches from the Developers, offering to discuss anything which they consider unacceptable. They feel that it is rather too late for this, and that their overall view is unlikely to change. Had they been consulted and provided with the information which is now available, at an early stage, they would have made their feelings known. As it is, they feel that at this point, from the documentation already on record, the Developers should be in no doubt as to how they and a huge number of other people throughout Kerry, and indeed Ireland, feel about this outrageous proposal, with its mind-boggling contempt for local peoples lives, homes, financial plans and ambitions, for almost all aspects of the environment, tourism, business, as well as foolproof air and traffic safety. In their responses, for example in the revised road and traffic proposals, the Applicants also show contempt for reasonable views expressed by the Objectors, and in many instances there are no meaningful responses, or the proposals have been amended so as so be even more offensive.

**The following are responses to the further information provided.**

### **Item 1 Water Supply/Demand**

From the figures provided, the average daily anticipated water consumption is 5155 l/d, comprising 705 l/d process water, 3,450 l/d domestic, toilets etc., and 1000 l/d for "incidental use". A figure of 705 l/d for process, which equates to about four 60 gallon domestic hot water cylinders, does seem surprisingly low. However, the latter 1000 l/d is to cover floor and yard washing, vehicle washing down, misting, damping down certain materials stored externally including builder's rubble, and watering thousands of trees in their first few years, as well as other incidental uses, including washing of sorted wastes, in some instances, seems to be an astonishingly low volume for all this, and does not bode well for cleanliness, landscaping, air quality, etc. It is less than one-third of the volume of water to be used on employee hygiene and comfort, and is rather less than the volume of a small 300 gallon domestic oil tank.

### **Item 2 Kerry Airport**

The Applicants appear to miss one of the major points, in that it is not just the air space immediately above and around the facility that creates a risk, but the level of risk relates to a combination of distance and location from the main runway/flight paths. Coupled with this is that where there is a proliferation of refuse handling facilities anywhere, the birds create their own flight paths when flying from facility to facility, as scavengers do, and that some of these flight paths will cross those of the airport and aeroplanes at a point when both birds and planes are at low altitude.

It is stated that the details of the proposal were issued to the management of Kerry Airport and to Irish Aviation Authority, at an early stage, and that neither Body officially responded with a submission or objection. We would suggest that this is rather less than the truth as although neither may have objected at the time, at least the airport did respond, effectively reserving it's position until the Developers safety



proposals were more fully known. This was the point of the request for further information, which remains largely unanswered.

We have been unable to locate the response from the Irish Aviation Authority, but Kerry Airport, in a letter from its General Manager, Mr. Peter Moore, dated 19/11/2008 (copy attached), which date was after the full application was made, is unequivocal in its position.

It states that he could not find, in the EIS, any reference to the possible effects that the operation of the facility would have on the airport, particularly in relation to bird activity. It then refers to some specific concerns, and asks what mitigation measures will be taken to ensure that they do not become a hazard to aviation. He refers to scavenging birds and to the proposed attenuating pond.

The Applicant's response has, essentially, been to state that there are no risks, and they do not put forward any mitigation proposals other than that all refuse will come only in sealed containers, (which is impossible to enforce), and that they will consult with others, if and when problems are encountered.

From Figure 2.1 it is clear that the Milltown and North Kerry sites are both totally outside the danger zone, while the existing and proposed two, both owned by the Applicant, are both inside the danger zone, the proposed development being only approximately one-third of the required distance away for proper safety.

Birds travelling from either the Killarney or the proposed new development to North Kerry, will all cross the main flight path and, from either location to Milltown, will still be very much within the danger zone. Milltown, being nearest the sea, will attract most sea birds, which are noted scavengers and which will undoubtedly move on to the new location.



There may or may not be recorded complaints for instances involving the existing transfer stations, all of which are outside the danger zone, with the exception of Killarney, but the proposal introduces a new factor of a station very close to the most sensitive part of the danger zone, creating new bird traffic crossing the runway and flight paths.

The Applicants state that flight paths do not cross the site, but our own Clients inform us that this is incorrect, as they have experience of flights crossing the site. Also, it should not be forgotten that the airport is also used by small light aircraft which, for much of the time, do not follow the same flight paths or altitudes of a larger commercial aircraft, as well as coastguard and private helicopters transporting golfers and other tourists from Killarney, Kenmare and elsewhere to golf courses and hotels elsewhere in Kerry.

There are references to all organic material leaving the site being covered. This will certainly not be true of much of that arriving, which will be in open pickups and car trailers, as is the common situation at all the existing dumps. The Applicants cannot possibly effectively police third party licensed operators, builders, and the public vehicles bringing materials to the site.

We find the mitigation proposals and conclusions vague, illogical and not up to EIS requirements.

How can a statement that there is no identifiable impact on the airport as the facility is not located on any of the “commercial” flight paths when, although it is only one-third of the preferred distance from the main flight paths and runway, will unquestionably generate additional bird activity in that location, (stated as being unlikely). At what point does “impact” become a collision – when a bird strike actually takes place?



The Applicants also state that because there are no recorded incidents relating to birds interfering with the operations of the airport (again having used irrelevant reference points), there is no potential in the future either, for any incident. This seems to suggest that the 13km "bird hazard zone" does not apply to this application, and therefore exempts them from this restriction.

It goes on to say that if there should be increased bird activity in the immediate vicinity of the site (unspecified) bird control measures will be discussed with the (unspecified) relevant Authorities. Is the Applicant unaware that Kerry County Council, in spite of their best efforts, have had to abandon most of their bird control measures (overhead netting) at their North Kerry site, because of injury to birds. In other words, future consultation with Kerry county Council is unlikely to resolve the matter, as there is no effective nuisance control, except greatly increased distance from residential areas and other accumulations of refuse.

The claim that to date neither of the Airport and Aviation Authorities have responded with submissions or objections is simply untrue. The Airport, at least, has put the matter back into the Applicant's court and has had no meaningful response

We believe that everyone concerned should think very carefully of the risk to aircraft, due to this facility. It is a vital component of our tourist and business survival, now clearly under serious and increasing pressure from many directions, almost certainly for many years to come. Any avoidable accident will, in addition to human considerations, put all of this at serious risk.

### **Item 3 Wastewater**

If it is proposed that 705 l/d waste water will be "tankered" to Tralee WWTP. The 1000 l/d polluted "incidental" and cleaning water has been omitted from their calculations, and we have already mentioned that we feel this figure appears



inadequate. Can it be that after all that has been said, the Applicants still intend to put this water, through an attenuating pond, into the local stream and river system. The tankers, not mentioned in the traffic figures, will also contribute to the traffic on the N22 and it's congested junction.

There will be much greater quantities of wastewater than suggested in the Further Information (FI) if we take into account the surface water run-off from areas of the site which might become contaminated as a result of the handling or storage of wastes. If all wastes are handled indoors, the quantities of waste-water would be less.

There will be additional quantities of contaminated water from the wheelwash (if one is installed). I would suggest that any facility handling waste must have a wheelwash as vehicles entering and leaving may become contaminated by waste; and vehicles leaving the site must have their wheels cleaned before travelling on the public road. The accumulated water in the wheelwash, which will be contaminated by waste, must be replaced at regular intervals.

#### **Item 4 Indoor/Waste Processing (Impacts)**

Processing is to take place 24 hours every day except Sundays.

Waste acceptance is to take place 13 hours Monday to Friday, and 10 hours on Saturday.

Public recycling centre is to operate 12 hours daily, every day.

Therefore there is no day when the plant is closed down and neighbours must live with vehicles of varying types coming and going for a minimum of 12 hours every day, and 13 hours on most. Meanwhile the processing runs for 24 hours daily for 6 days weekly. i.e. The premises will be operating for all but 12 hours a week.

If the plant were to operate successfully, we can assume that during these acceptance periods, totalling about 90 hours weekly, or rather more than double the length of most people's working week, the doors will be opening and closing on a





regular basis to permit the entry of vehicles. This will release noise/odour/dust/ light pollution etc. intermittently all day, and much of the night, to the detriment of those living in the neighbourhood and the environment generally. Even the intermittent nature of the escaping noise, will be extremely irritating.

The alternative of temporarily holding material outside the building, and opening the doors perhaps four times daily, is clearly unacceptable, for nuisance and bird reasons.

The Applicants variously describe the impact of these effects as slightly negative, temporary, of slight impact and negligible!

The handling and processing of waste indoors, especially C&D waste, will undoubtedly give rise to dust, odour and other atmospheric emissions. In order to maintain a reasonably safe working atmosphere within the building, the operator would have to install a ventilation system, resulting in local emissions of dust. Other sources of dust would be the movement of vehicles on hard surfaces; and the applicant has not indicated any proposals for mitigating these dust emissions.

Even though it is proposed to handle only recyclable materials in the facility, there will undoubtedly be many occasions when organic materials will find their way into the waste stream. The presence of these organic materials, and recyclable materials contaminated by organic wastes, will give rise to noxious or unpleasant odours which will also be released to atmosphere. Organic materials which cannot be recycled would have to be stored before being sent to landfill; and the applicant has not indicated how it is proposed to store these wastes and to prevent odour emissions.

Therefore in our view it will be almost impossible to contain the nuisance within the building and we would consider many of the impact levels and durations described as wishful thinking.



As a comparison, we visited the Applicant's other facility, near Killarney, in the afternoon of 30<sup>th</sup> July 2009, intending to hand in refuse and some items for recycling. We were advised that there was no facility for the public and directed elsewhere, to the Kerry County Council dump. However, we did notice a number of people working and sorting materials in the yard, and there was a strong odour. We were unable to see whether the shed doors were open or not.

### **Item 5 Operating Hours**

We have partially discussed this under our response to Item 4.

However, we would like to further comment on noise, and in particular in relation to these opening/operating hours.

As already stated, our Clients property is approximately only 75m from the nearest boundary of the development, at which point is situated the sewage treatment plant and percolation area. Can one imagine what this will be like with almost continuous bleeping and traffic movements by vehicles coming and going and outdoor handling of recyclables, the background processing noise, when the doors open, with no let-up. Most of this applies equally to numerous other families and individuals living nearby. There will be heavy trucks and cars with revving engines and headlights penetrating all these houses from 15.00 hours onwards in winter, as vehicles negotiate the junction.

In our earlier comments we highlighted this, but the Promoters' response has been to actually move the access road, with it's near continuous traffic, from it's original proposed distance of approximately 250m from Mr. and Mrs. Campbell's bedroom windows to a distance of approximately 106m. This aggravates the engine noise and headlight problem.

They now say, interestingly, that the new access road will mitigate traffic noise when in fact this new road will be substantially nearer to most noise receptors. The mitigations are generally superficial and unenforceable, and the physical mitigating proposals will take half a lifetime to come to fruition, and then only if the planting is assiduously managed.

Processing waste for 24 hours per day seems excessive – this is not the type of operation where machinery must be kept operating continuously, e.g., as in a power station, paper manufacturing mill, etc. I have not heard of any other waste handling facility operating for 24 hours per day, and you might query why this is required by the applicant. In a quiet area such as the proposed location, 24-hour operation will give rise to significant noise nuisance, even if noise levels are comparatively low.

The companies operating hours at the Killarney (Aughacurreen site) are restricted by the EPA to the hours of 07:00 to 20:00 Monday to Saturday inclusive, and waste may be accepted at or despatched from the facility only between the hours of 07:30 to 19:30 Monday to Saturday inclusive. The facility is not allowed to operate or to accept or despatch waste on Sundays or bank holidays. The applicant had appealed this condition, and had requested the EPA to allow the hours be extended to include Sundays and Bank Holidays, but this amendment was refused by the agency.

Two significant sources of noise, especially at night, will be the fans extracting air from the building and the reversing warning “bleepers” which are a required safety feature of loaders and other mobile equipment working within the building. These noise sources can be extremely disturbing at night.

### **Item 6 Source of All Wastes**

The proposed facility is to be plonked in between, and within a few metres of each of two of Kerry’s designated scenic tourist roads, one of which is residential at this point, and the other to be operating in perhaps 10 years or more. During this time,



the facility is served by the existing heavily trafficked road, and dangerous junction, and although it is not nearly central, it is to be host to refuse from all corners of Ireland, and is not even therefore only for the benefit of Kerry people.

The proposal contravenes the “proximity principle” as agreed in the Limerick / Clare / Kerry Waste Management Plan 2006 up to 2011. The name of the plant is misleading, as it appears that little of the materials arriving will emanate from Kerry, and it is far from being central in Munster or Ireland.

How can any reasonable person even consider this?

#### **Item 7 Intake of Public Recyclables**

The question and the answer refer only to the public recycling centre.

#### **Item 8 Operators who will be entitled to use the Site**

It would appear from the answer that virtually anyone with a waste collection permit, anywhere in Ireland, will be permitted to use the facility, thus absolving other Counties of having to provide facilities in their prime tourist locations.

As you might imagine, a waste handling and sorting facility of the type proposed will try to get business from any waste collector, and the most common way to attract such business is by keeping the “gate fees” as low as possible. If the proposed facility can operate viably with low gate fees, wastes could be attracted from any part of Munster; and this is seen by the public authorities as “competition”, with an economic benefit to waste producers. Unfortunately, with every benefit comes a cost, and the cost (in the form of reduced environmental quality) falls on people living in the vicinity of the facility.



### **Item 9 Destination of Processed Materials**

The details of the destinations of processed wastes are given, and will have to be examined in more detail. At present most recyclable materials derived from the sorting of wastes are exported.

Interestingly, refuse derived fuel is the only category without a destination stated, reinforcing the view that an incineration application may follow. All, or part of Munster Wholefoods property immediately to the north, although it is equally conspicuous, might seem to the Applicants to be an excellent location for a second phase, which the Applicants have stated as their ambition, and it's expansion has effectively been throttled by planning permission refusals, mainly based on lack of safe access to the N22.

### **Item 10 Length of Time for Material Storage on Site**

It is difficult to understand why mixed municipal waste could be stored for up to 3 months, and organic waste stored for up to a week. Only inert non-hazardous wastes should be stored, and any other wastes removed either daily or 3 to 4 times weekly. The proposed storage durations would certainly give rise to extremely noxious odours, and the working conditions indoors would become very unhealthy, as well as becoming a huge attraction to rodents.

The public "drop off" area will also attract people who will drop off waste when the gates of the facility are closed, leading to local "fly-tipping" and littering.

Mixed municipal up to 3 months is of concern where rodents will almost certainly be imported along with the waste, bearing in mind that as each load of material is processed, another load will take it's place, therefore giving an abundant supply of rodents and of fresh food for them. It has been stated that the public drop-off area is



not covered or enclosed, and therefore it is inevitable that vermin will have sanctuary at this facility. Organic waste up to a week gives concern for air pollution during hot weather, and it is widely acknowledged that this type of waste is also attractive, particularly to vermin for which no mitigation measures are specified. It is also acknowledged that organic waste processing is not economically viable / cost effective, and therefore by extension, it's storage on site must be questionable.

**Item 11 Use of Administrative Building**  
**NC**

**Item 12 Outdoor Storage of Materials**

The storage of rubble externally will, particularly in dry or windy weather, cause dust in nearby gardens and houses, particularly as the prevailing wind is usually northwest to southwest. This will be at it's worst when the rubble is disturbed. This will be at it's worst when rubble is disturbed or added to. It will also blow across tourist and other traffic on both the old and new N22 roads.

There are also potential run-off risks, with danger of hazardous wastes being mixed with or inherent in timber and rubble.

**Item 13 Opening and Closing of Doors for the Facility**

We have already indicated our reservations that if they are not to be stood open for long periods, these doors will be opening and closing almost continuously during periods of reception of materials.

Is a trucker, on a round trip of perhaps 200 miles, going to be turned away if he arrives unexpectedly late or early and outside scheduled door opening times?

The response notes that the emitted noise from processing will be contained within the building when the doors are closed. This implies that it will not be contained within the building when the doors are open. We believe that elsewhere in the EIS it

is stated that the noise within the building is of a very low level. With heavy process machinery – shredders, conveyor belts, heavy electric motors, etc., this sounds improbable.

We note that a mist air system is to be installed within the building to reduce the amount of dust and odours, but this is internal only.

#### **Item 14 Compostables and Putrescibles**

Putrescible materials should be removed for disposal very quickly, otherwise very foul odours will be produced. Compostables could be left on the site for longer, if stored away from heat and moisture. Piles of wet compostable material will soon become anaerobic, mouldy and will begin to rot.

The non-viability of handling compostable waste gives rise to concern for how well this waste stream will be handled. In addition it is recognised that compostables are an attraction to vermin, with unspecified mitigation proposed.

#### **Item 15 Volume of Material**

The question of the facility's limit is simply not answered. As the threshold for this type of application is 100,000 tonnes, it seems more than likely that an increase will be proposed soon after the operational phase.

As reported in "The Kerryman", the Applicants have already stated at a public meeting that this is only a first phase, and that the only reason incineration is not incorporated is lack of site space.

As they have also stated that this is only a first phase, we must assume that the probability is that second phase will incorporate incineration, and that a second stage is virtually certain.



### **Items 16(2) Contoured Site Layout and Item 17 Cut and Fill Levels**

Comparing the new structure height with that of a neighbouring building is invalid as the neighbouring building is on higher ground. The neighbouring building was also constructed prior to the current much stricter planning process, in the 1970's. The scale of the buildings ignores the aesthetics of other nearby properties, particularly private dwellings. This is irreversible and will devalue adjoining properties.

### **Item 18 Materials for Processing and Details of Processes**

The Applicants have not stated which landfill or landfills they propose to send material to. This is very relevant in terms of road network and road safety.

The submission describes the treatment, processing and sorting of received materials before they are despatched elsewhere, and discusses the impacts of the processes.

It makes no mention of diesel and petrol converted into carbon monoxide and other noxious health hazards, gases created by the high number of heavy goods vehicles, private cars and trailers, etc. which will be arriving and departing virtually continuously for 10 to 13 hours daily, as well as the gases produced on site by materials handling vehicles, dumper trucks, generators, forklifts, teleports, etc.

Since the operators say that they wish to minimise the stand open duration of the doors in the building, many of the trucks will have to wait for varying periods, and it is a proven fact (by observation, anywhere) that most handling equipment operators, and truck drivers, do not switch off their engines during relatively short waiting period, often up to 20 to 30 minutes long.

This will be like living on a busy city street for neighbours in their houses and gardens, only a few metres away. There are other environmental effects of this in respect of flora, fauna, insects, birds and other wildlife.





### **Item 19 On Site Parking**

The Applicants state that the most viable existing boundary, in relation to botanical, bird and other ecological features, is that to the west.

It would appear that approximately the northern half of this is to be totally removed to make way for the new section of the N22 in due course, and that the other half is to be subjected to having an almost continuous line of cars, waste trucks and other vehicles parked against it. Their noise, dust and emissions and almost certain to be heavily detrimental to this feature.

### **Item 20 Archaeological Survey**

It would normally be preferable to have an archaeological survey as a first consideration, but given the nature of the land, this may not be feasible.

### **Item 21 Hydraulic/Organic Loads Treatment**

The Applicant's calculations and predictions must be thoroughly checked by a Hydraulic Engineer or Hydrologist in due course.

### **Item 22 Foul Drain Loadings**

The Applicant's calculations and predictions must be thoroughly checked by a Hydraulic Engineer or Hydrologist in due course.

### **Item 23 Surface Water Drain Loadings**

Rainwater storage via attenuation pond is proposed, and although Kerry Airport has reservations about such a pond, no mitigation proposals are offered. Elsewhere it has been made clear that if this is to be the method of dealing with rainwater, much of which will be contaminated, it must not be put into the eco-system, but be tankered away.



We consider that the figures provided should be thoroughly checked by a Hydraulic Engineer or Hydrologist in due course., due to the very high rainfall in the area, which will fall on a 12.5 acre site, approximately 7 acres of which are hard surfaces.

Global warming is a fact, and as of now there can be no reliable projections for the calculation of future rainfall, adequate for calculation of storage requirements.

Therefore the proposals must be examined in detail lest prolonged heavy rain or flash flooding will cause an excess of run-off to that provided for in the pond and the tankering arrangements. If such an occurrence should take place, and in the event of interceptors / attenuation ponds / lagoons being flushed out, and getting polluted, there is a serious danger that this water will end up in the Gweestin River and the Castlemaine Harbour SAC with potentially disastrous repercussions on Salmon, Lamprey and Trout.

#### **Item 24 Mitigation**

##### **Traffic (Construction)**

It seems improbable that in a project of this magnitude, construction traffic can realistically and economically be stopped between the hours of 08.00 to 09.00 and 17.00 to 18.00. In addition to staff and workers, it is likely that this traffic will comprise that of the main contractor and many sub-contractors, of differing size, and often on differing work schedules. The morning in particular is the time when major deliveries commence, and when small sub-contractors arrive, having gone to their own premises to collect materials, vans, etc., and their day's instructions.

Similarly, in the evenings, if they are not ready to finish work at 17.00, and finish at 17.30, must they hang around until 18,00?

Furthermore, when the traffic is "released" at 09.00, it will be released straight into the middle of the "school run" which variously operates from around 08.30 until 09.30, by the time most parents get home again.

We understand that other objectors have made detailed submissions on this.



### **Traffic (Operational)**

How can the operators prevent vehicles from coming from the west. This is unenforceable. Will there be cameras, or a full time watchman to spy on customers using the public road, or will they be sent away again? If this were enforceable, it would result in traffic from the west having to detour and create problems on other small local roads so as to first get on the N22, thus increasing the traffic/danger/noise on all these roads, with every vehicle coming or going having to negotiate the junction with the L3023, already acknowledged as dangerous and at a blind bend and junction, on a stretch of road officially regarded as dangerous by the Gardai.

This proposal is convenient only to the operators in that it absolves them from having to provide proper road widths in a westerly direction from the site entrance. It would also, like moving the site access road to the east, further increase the discomfort and risk to the people living on the main road. Our Clients have recently had two dogs killed on this road by vehicles that did not even stop.

A recent enquiry seems to suggest that under the current and foreseeable financial situation, the N22 is likely to remain the main Tralee/Killarney road for at least 6 and probably nearer 10 years. It is already heavily over-trafficked.

We understand that other objectors have made detailed submissions on this.

### **Air Quality/Climate/Odour**

No mitigation of external dust from all sorts of sources is proposed in the operational stage.

It is probable that no meaningful mitigation is possible in respect of the exhaust fumes and noise emitted by the large number of items of plant, both internal and external, and vehicles coming and going or standing at the site.



## **Comment**

We are extremely concerned at the increasing number of incidences which are emerging in the material provided, where serious actual and potential damage to the environment, and to people's health, happiness and safety, are to be prevented, simply by monitoring, or by rules laid down by the Company, which are unenforceable. We have not counted the number of items to be monitored continuously or regularly, but it does appear that a vast army of monitors will be required. The documents do not say who is to provide them, or to whom they report, so that effective and immediate remedies are put in place before accidents actually take place.

## **Item 25 Data Collection**

**NC**

## **Item 26 Impact of Further Information on Earlier Assessments etc.**

Included is a certificate issued by RPS and dated 23<sup>rd</sup> June 2009 concerning the effect of further information on earlier assessments and recommendations forming part of the original EIS process.

It states that the modified proposals will have no further effect on a number of aspects listed in the letter.

We cannot agree with this.

The moving of the access road substantially to the east would have huge further effects highly detrimental to the human environment and material assets, as well as, at the least, landscape and visual, light pollution, air quality, noise, vibration and traffic.



Similarly, the proposal that the N22 should in effect be the only means of access to the development would also have substantial detrimental effects on the human environment and material assets, air quality, noise, vibration and traffic.

### **Aquatic Ecology Report**

There follows a substantial report on the potential impact of the development on the aquatic ecology of the area, running to some 63 pages, followed by a number of appendices, as follows: -

1. Submissions
2. EPA Monitoring Data.
3. MPWS c SAC Synopsis.
4. Habitat Assessment at Invertebrate Sampling Sites.
5. Photographs.
6. Fish Survey Data.

We do not propose to comment extensively on these at this stage, except on items which demand an immediate reaction as follows: -

The comprehensive report covers existing surface water drainage, the condition of streams and rivers in regard to habitat and fish stocks, conclusions and mitigation measures.

It also outlines the legal responsibilities of the County Council, the Fisheries Boards, under the Wild Life Acts, Habitat Directives and Water Framework Directives to ensure that the streams and rivers maintain a high quality habitat and appropriate level of fish stocks.

The Report outlines the stream and river system which broadly collects the existing site run-off and connect with the Gweestin River which is within the Castlemaine Harbour special area of conservation.



The Report notes the presence already of serious pollution and inhibiting culverts along the length of the western tributary, with a resulting scarcity of fish. However, the tributary is classified as having good potential salmonid habitat and is classified as of high local value.

Likewise, the eastern tributary is classified in a similar manner, and the nearby Castlemaine Harbour SAC into which both of these eventually drain are classified as international importance.

Section 4 identifies six potential significant impacts arising from the proposed development at both construction and operational times, together with loss of stream habitat due to the construction of the proposed development road and obstruction of up stream movement of fish due to upgrading of the existing L3023 road, adjacent to the development. These impacts occur both during the constructional period and in operation, and are described as being both short and long term.

The Report concludes that in the absence of mitigation the potential impact of the proposed facility on the streams and rivers would be major during both the construction phase and the operational phase.

It then describes possible mitigation measures in general terms and in more detail in relation to the construction process. This will require a high awareness and diligence as well as knowledge of the potential problems, by the Contractors.

It then suggests mitigation measures in regard to the operation of the plant, and essentially these form a complete and separate sealed drainage system which collects and separates roof water and pollutants from roofs, external hard and soft areas as including wash down liquids both internally and externally, it also includes



inevitable liquids from spillages, leaks, and many other sources together with effluent from toilet, washing facilities, canteens etc.

Culverting of existing streams etc is to be severely limited.

All drainage as referred to is to be taken to a holding tank or attenuating pond for tankering to a waste treatment facility, and all storage tanks to be of double skin construction or bunded above ground, and provided with leakage detection systems.

It is noted that some of the streams are already in a "borderline condition for trout survival".

There follows a number of Appendices, and Appendix 1 which is stated to contain correspondence with the various Environmental Agencies contacted, does not appear to be included in these. The remainder of the Appendices deal with required standards, survey data etc.

### **Our Conclusion (on this section)**

This is a detailed and comprehensive survey/report which points out the fact that these waters are already polluted in places and in places are marginal in respect of their sustaining habitat and fish. In other words this is already a fragile situation, which is legally required to be protected by a number of State Agencies.

There is no doubt that without serious mitigation, the effect of the run-off liquids from this facility would have potentially fatal consequences for the existing aquatic system which is graded as being from local to international importance.

Although in theory the provision of sealed systems for run-off water etc., with storage and tankering might solve the problem, the effective operation of this is entirely subject to human error, and monitoring, and does not take into account current



rapidly increasing rainfall in the area generally, the eventual extent of which is not, and cannot be accurately gauged.

We would consider it to be folly to have this whole eco system wholly dependent on constant monitoring and human frailty/ethical commercial behaviour. Simply, this has not proved sustainable in many other places.

The proper solution is, for this reason and many others, to locate this facility elsewhere other than in one of our high amenity spaces.

### **Further Documentation**

The response continues with revised drawings, reports on drainage and sewer calculations, waste water treatment plan, storm drain calculations, etc.

We note that Appendix F describes a Flow Control Unit which is described by the manufacturers as being a flow control device for controlling storm water flow to a specific rate for discharge into a local storm drain or water course. This is totally at variance with the migration proposals which effectively eliminate any surface water, potentially contaminated or not to enter the natural drainage system

### **Item 27 Landscape and Visual - General**

We would consider it to be a largely futile exercise in trying to hide a building of this magnitude and height, in this elevated location within a realistic time frame, as the screening consists almost entirely of planting in this quite exposed location with poor soil especially when it will "occupy the foreground of the view shed" as stated in the EIS. It is also stated that "views will not be obscured in a significant manner". This raises the question as to whether there is any point in designating special views on any road, whether tourist or not if this designation can be swept aside by a commercial lack of sensitivity, especially by a development of such large scale. We



do not believe that any obscuring of the view should be permitted. Would several four storey houses, which would be much less intrusive, be considered acceptable in this location? We hardly think so!

Also ongoing management of the planting is mentioned, to be effective, and to remain effective requires the management to continue, more or less for ever, and the record of such continuation at sites of this nature in Kerry, is not encouraging. Even if really effective screening could be achieved, the time scale to do so would be enormous. This road is the main tourist route between Killarney and Tralee, North Kerry and beyond. Even when the new N22 is completed it will continue to be the "scenic route" for those not in a hurry. It will certainly remain the route for new arrivals at Kerry Airport going to Killarney or the South, and the logic of having a largely unscreened new and huge building in the eye of an officially protected view, even for 10 or 15 years, will be difficult for many people, including our visitors to comprehend. If this permission is granted, will the designation of this view be removed from the County Plan? If so, the door is open for this to happen elsewhere.

This is at a time when our Tourist Industry is buckling at the knees, and will continue to do so for many years, while we are advised from all directions that we must improve our product, which we are all trying to do by, for example, the reactivation of the Swansea/Cork Ferry, in order to bring as many visitors along these roads as possible.

It is hardly necessary to describe the anguish of those who have made their homes close by, many of whom will look straight into the warehouse type building for the next 10 or 20 years, a lifetime, waiting for the screening to become effective or even partially effective, after which they will be looking into a wall of trees. We have pointed out elsewhere that if this building should be constructed, it will have a devastating effect on property values for some distance around, and many of the property owners are already in a negative equity situation, from which it will take



them many years to recover, so that they will effectively be financially destroyed. We believe that Kerry County Council, having granted permissions for all of the newer houses along this stretch of road have an obligation to protect those people who put faith in the Council, from such wanton degradation.

A 50m building line from the national primary road N22 seems adequate, but on the western side, parts of the building are between approximately 7m and 40m of the reservation for the new road. This would be unacceptable, even for a small private dwelling, and also contravenes the County Plan. If constructed the building would tower over the road which is proposed to be in a cutting at this point. We trust that the alignment of this new road is not to be moved westward to facilitate this and that the Applicant's stated intention of further development.

#### **Item 27 Landscape (Photo Montages)**

The protected view to the southwest of the N22 is, or should be of particular concern to the Council. This is a protected view in the County Development Plan. The Applicant proposes a tall tree roadside screen. This does not protect the view, but obliterates it. The view is the first sight of the Gap of Dunloe when travelling south towards Killarney. Photo montages are provided for 10 different view points, 200m apart. View point 1 is engineered cleverly, so as to suggest the facility will not be visible. View points 2 and 3 which currently look down the valley to mountains and coast will now look at a solid tree screen. View point 4 totally obscures the existing views. These are described as "slight change" to the view. View points 5 to 10 are irrelevant.

Our Client points out that view point 2 is at his front gate. The Applicants state that in 10 years the facility will not be seen, and the proposed planting will be visible, and also in 20 years the facility will not be seen, and the planting will be visible. This is described as "slight change", after 20 years. The planting may protect him from



seeing the view, but it is hardly the view that the Council had in mind, when they listed it for protection. This is an instance where the cure is worse than the disease as the "mitigation measure" would in fact destroy the protected view.

### **Item 28 Roads and Traffic**

We propose to leave detailed analysis of the alterations to the junction etc. to others more qualified to comment, but we would like to make some remarks of a more general nature.

Irrespective of detailed road design requirements being acceptable or not, this proposal provides only sufficient road widening on the L3023, as far as a point just west of the entrance to the site. Therefore the proposal simply does not work, in regard to road widths unless access to the site is restricted as being from the N22 only. This is the current new proposal, which has a knock-on effect which aggravates numerous undesirable features of the development in relation to increased problems of traffic safety, noise, vibration, light pollution and serious discomfort of those living close by.

This is already a highly dangerous junction and stretch of road, and would become a nightmare if this were to go ahead.

During our visit to the Applicant's other premises near Killarney, which is located just off a similar rural road, when turning off the main road, onto the smaller road, both of which are public roads, we encountered one of the Applicant's trucks emerging onto the main road. It proved necessary for both the Writer and the truck to back, so as to leave each other more room. The driver then moved onto the main road. During this entire process, the driver was talking into a handheld mobile phone, and was therefore executing the 90 degree turn from one narrow road to another, with one hand. If this is the standard of traffic management by the Company, which can be anticipated, then traffic safety will be even worse than we had anticipated.



Seemingly not included in the heavy HGV traffic figures are the trucks tankering the polluted water to Tralee.

Our Client states the following:

When the Council required further information on the L3023, they did not distinguish whether this was from the Junction N22 / L3023 to the entrance of the facility only, or for an unspecified distance in both directions (i.e. turning towards Ballybrack Cross or turning upwards towards the N22, from the entrance). There remains the issue of independent operator HGVs using the narrow L3023 west of the site. It has been clearly stated that anyone with a waste licence will be able to use the facility, how and who will police this aspect? This route will with certainty become a "Rat Run" to South and West Kerry.

The Council in their request for further information has clearly stated that the existing L3023 is too narrow. As it is, the public water main is exposed in places, proof that the ditches are being undermined. People will simply not be safe on this road. In the event of an accident, will the Council be open to Litigation, as they have clearly identified a safety hazard.

The option to purchase / purchase of additional land and the repositioning of the access road counters some of the problems with the original proposal. However, the N22/L3023 junction remains the concern regarding the volume of HGV traffic, traffic speed, and the sightlines along the road.

It is quite clear from revised drawings submitted that the existing junction between the N22 and the L3023 will need to be re-designed to accommodate the new road layout, and by extension, the ghost island on the N22 will also have to be



re-designed. As it is, this ghost island is just 21.5 metres from the entrance to our house. Due to the anticipated high level of HGV activity, will the slip lane in this ghost island be adequate or will it have to be extended to accommodate trucks queuing to turn right? (If there is not enough space on this ghost island, there will be tailbacks and a danger of pile up type accidents). Will this ghost island then encroach on the exit/entrance to our house and is so, is this safe? We already very frequently have to wait several minutes before being able to exit from our house onto the N22. At best this will further delay us leaving our house especially when turning right. In addition, given the large volume of HGV traffic turning right off the N22 on the ghost island, coming from the Farranfore direction, will this diminish our view when turning right coming out of our entrance? Will this be a safety hazard?

Due to the acute angle from the N22 to the L3023, trucks will need to turn quite sharply when coming from the Farranfore direction. Will there be a risk to vehicles undertaking the ghost island due to 'tail swing from these trucks turning right'?

The proposed new access road is considerably closer to most residents, and therefore will create greater nuisance. There will be a constant stream of HGV traffic creating light and pollution, noise, emissions and traffic chaos.

The existing N22 from Killarney to Farranfore is described as dangerous by the NRA and the Gardai.

There is a requirement for the facility to be 50m from the N22. This is accomplished but the proposed N22 replacement road would abut the facility – this is not addressed. It should also be appreciated that the (now temporarily shelved) replacement N22 initiative was to address traffic levels on the current N22.



## Conclusion

This proposal is flatteringly described as Kerry Central Recycling Facility. It is none of these things, but is mainly another transfer station, with refuse and recyclables sent elsewhere. It's stated intention is to serve Kerry, Munster and in some respects, the whole of Ireland. It is not central to any of these.

The proposal, by it's nature is anti-social in almost every respect in regard to pollution or potential pollution of all sorts, traffic and road safety, and effects on property and on the lives of people who are already struggling at this time.

The documentation contains much incorrect and misleading information, as well as a failure, in the EIS, to follow through numerous issues in regard to impacts and real mitigation measures. In this sense, we believe the EIS to be inadequate.

This is not surprising, because, as Planners and ordinary people, we do not see how such a development, with the stated intention of increasing in size in the future, can possibly be put down and jammed between two present and future main tourist roads, as well as virtually in the front gardens of the residents of the area.

On the 29<sup>th</sup> of July 2009 (last week) the Irish Times, in an article, drew attention to the forward of new planning guidelines, published by Kerry County Council to protect the remaining landscape. It referred mainly to rural housing and stated that foreign tourists have commented widely upon the damage caused by the failure to integrate some of the 34,000 houses into the landscape.

The Senior Planning Engineer, Mr. Paul Stack, stated "it is clearly evident from travelling around the county that significant damage has already been done to the landscape". He goes onto say "we should heed the warning and address the integration issue going forward". The landscape in Kerry could only accommodate a




certain number of houses before irreversible damage was done to it and water sources, he warned.

This is a timely article. How much more damaging would this proposal be to the landscape and to tourism than one or two rural houses? Apart altogether from almost certain environmental pollution, sooner or later, and devastating effect on local people, it is highly improbable that this proposal could ever be properly integrated into the landscape, particularly located, as it is, in the eye of a preserved view.

The proposal massively contravenes a great deal of the County Development Plan as well as any reasonable persons wishes to live at peace with their neighbours.

Among the unacceptable aspects of the proposal are:

- Creation of local pollution in virtually all it's forms – air, odour, noise and light as they affect human beings.
- Similar effects on flora, fauna and most aspects of the environment, almost certainly including the natural drainage system with consequent potential wipe-out of fish here and in the nearby SAC.
- Greatly increased overloading of N22 by heavy vehicles, with or without trailers, and consequential increased danger at a junction on a blind bend, already considered dangerous by various Authorities.
- Potential for causing hazards around Kerry International Airport.
- Damage to bird life and breeding.
- Massive visual damage on two (existing and proposed) N22 roads, including wiping out the protected view to a large extent.
- Consequent damage to tourism in the region with spin-off damage on most businesses in the area.
- Outrageous operating hours.

- 
- The concept of importing waste material from all corners of Ireland to a conspicuous hilltop location close to Ireland's premier tourist town, in a tourist county, and then re-exporting most of them to Europe.
  - Using heavy road vehicles to do this instead of locating close to rail or sea facilities.
  - In many instances, poor or no mitigation procedures.

In our view, such an ill-advised development should never be permitted in such a conspicuous and generally unsuitable location as this, either in Kerry, or elsewhere, and we trust that the Planning Authority will take the same view.

Yours faithfully,

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HUGH A. CAMPBELL, Dip. Arch, FRIAI, ARIBA

HAC/MC/08081

**Encls.**

Copy of letter from Mr. Peter Moore, Manager, Kerry County Airport.  
Copy of Kerry County Council's confirmation of receipt of earlier comments.  
Copy of Irish Times article dated 29<sup>th</sup> July 2009.



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Planning Department,  
Kerry County Council,  
County Buildings,  
Rathass,  
Tralee.

28th November 2008.

**Re: Planning Ref: 082415 - Application for Permission for Kerry Central  
Regional Recycling Facility at Scart/Caherdean, near Farranfore.**

Dear Sirs,

We act on behalf of the writer's son, Thomas Campbell and his wife and family. Their home is as indicated on the attached map, and we wish to object to the proposal, on their behalf.

We enclose a cheque for €20.00.

We would like to make a number of general points relating to the area, the development, and our own previous experience of such developments, as follows.

### General Observations

- A. We propose to deal with the points roughly in the order in which they appear in the EIS Study.



Directors: **Liam Waldron**, B.Arch., MRIAI, RIBA, ASSOC. AIA; **Sean MacGillicuddy**, B.Arch, MRIAI, RIBA  
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- B. We are broadly familiar with the process, as the writer lives within a short distance of the two other transfer facilities mentioned by the Applicant, i.e. Higgins and Garry Dillon, one of which is within sight from his house, and both of which he passes and encounters the traffic which they generate every day.
- C. The new section of the N22 is critical to certain aspects of noise and traffic safety etc.

Traffic on the existing N22, 9% of which are HGV, has been increasing daily so that it is now well over loaded and this, of course is the reason for the necessity to replace it. This trend will continue until the new road is in operation, even without the additional traffic generated from the proposed development. Kerry County Council have projected substantially increased figures for the year 2010, (exclusive of additional traffic generated by the proposal), by which time presumably they had hoped to have the new road in operation. However, construction of this section of road is now indefinitely suspended for economic reasons, nor is it regarded as very high priority in the County, when compared to certain bypass roads etc. The route is only a preferred one which, when funds become available, will have to be formally agreed, land purchased, detailed designs prepared, tenders sought, and then constructed.

In the current climate, it is clear that there will be no funding for *at least* two or three years, and a similar period will then be required for approval of the route, land acquisition, design and tendering etc, followed by a further period for construction. It seems probable that this road will not be in use for, *at the very earliest*, six or seven years. Given that the new road from near Shanahan's Nursery running almost into Killarney will not be based on an existing road being upgraded, a short section at a time, but that the route generally will be at some distance from the existing N22, it is clear that most of this new section cannot come into use until the completion of practically all of it.

This means that all existing and all 'natural' and 'generated' increases in traffic are going to have to continue using the existing road for an almost certain minimum of at least six or seven years.

- D. With the exception of some plastic, metal and timber waste, by its nature, the transportation, handling and storage of refuse is a dirty process, and no matter how well done, it will tend to be an antisocial operation, not to be mixed with other cleaner and light industrial and domestic developments.

This includes soiling of surrounding roads by foul liquids, leaking from trucks, and refuse which has fallen off or been dragged off by birds.

The process generates toxic liquids, odours, dust and litter, while it also causes heavy vehicular traffic, noise and pollution, as well as the presence of scavenging birds and other animals, including vermin, and damage to pavement and verges of typical rural roads, where they have to be utilised.

The process is continuous, with fresh quantities of material endlessly replacing that which is dealt with or taken away. As such it poses continuous health and safety, noise, visual and a variety of other environmental pollutants, which must be endlessly fought.

None of these antisocial spin offs can be totally eliminated, whether the entire process is indoors, outdoors, or partially outdoors. This is borne out by the vocabulary used in the EIS report in regard to the proposed manner in dealing with the problems. The words used are "minimising, limiting, mitigation, abatement", the word "eliminate" does not seem to occur.

Achieving the lowest level of nuisance is dependent on immaculate management, maintenance of equipment etc, and of course this cannot extend

beyond the gates, in controlling trucks and private cars and trailers making use of the facility.

- E. It is clear from paragraph 6 on page 36 where it is indicated that as the Plant will generate its own electricity for heating and process purposes, it does not need to be located in a developed or partially developed area, but can stand alone at a distance from other development, so as to show some consideration for other people's property and lives. The location of the Kerry County Council dump at Muingnaminnane would be an example of this.
- F. The full function of the development is less than transparent in the documents submitted. It is described as a Central Recycling Facility, whereas in fact it appears to be largely a transfer station with the bulk (50,000 tonnes) of its 95,000 tonne intake comprising mixed municipal waste, most of which will be sorted and sent elsewhere. It is not clear whether, after sorting, any recycling actually takes place on the premises or whether this is basically another transfer station for recyclable and non-recyclable materials, processed elsewhere.

Volumes of tonnages of commercial waste are given in two places and in each, almost as an afterthought, it is mentioned that it is also a public recycling centre for household and other waste materials, some of which are seriously hazardous. No figures are given for the anticipated tonnage or traffic associated with this part of the intake, which could well generate more traffic movements than the commercial waste, i.e. hundreds of small cars/trailers daily, on double trips, with additional heavy vehicle trips taking this away again, after sorting.

- G. The documentation describes the proposal as being the first phase of the development.

There is no mention of the purpose or location of the next phase. Rumour suggests that this may be an incinerator. Such a development in this location, adjacent to existing development, would be nothing short of criminal.

- H. The EIS Report describes the surrounding land use as being mainly agricultural. Although technically this is a rural location, and while the statement might be true at some points of the compass, in this instance there are almost 40 occupied private residences within 1km, and several within 50 to 100m.

The EIS states that the Developers have purchased the existing dwelling on the access roadway to the site. Presumably this is intended to imply that this house will be barely habitable but they have not been so considerate as to offer to purchase a number of other existing houses which are considerably closer to the site than the one they refer to.

This is in an area where the EIS states there to be an increasing population and where airport expansion etc. is expected to create a higher demand for housing in the vicinity. It notes that Farranfore is not developing to the extent expected because of high traffic volumes. Such a development will not help this area.

Taken with the adjoining Munster Food premises, the immediate area would more correctly be described as a hamlet.

- I. On the front page of the North Kerry edition of 'The Kerryman' (26.10.1008) in an article concerning the development, a Mr. Willie Madden, representing the Applicant, makes some extraordinary statements, in response to questions asked.

When asked if an incinerator was proposed, he stated that it was not, as there is no room on the site for one, and that it would mainly deal with municipal waste. Two things arise from this. Firstly that the emphasis on recycling is an

exaggeration, as we have suggested elsewhere, and secondly that the absence of an incinerator is due only to current site size. There is no reason in the world why additional nearby land should not be acquired for the purposes of an incinerator, probably from the same Vendor as the existing site.

He states that there are EIS measures to ensure there is no negative impact. Again, as we have stated elsewhere, there are a great many negative impacts which the Company hopes to "minimise, limit, mitigate and abate". The word "eliminate" does not occur. In fact, the EIS admits to a multitude of negative impacts of all sorts.

He states that ground water would not be effected. How can one dispose of, in an environmentally friendly manner, the run-off of almost 12 acres of hard surfaces, much of which will be contaminated without effecting existing ground water and drainage systems?

Mr. Madden also states that the N22 can easily cope with increased traffic, when it is barely coping now. Is he aware of the anticipated vast increase of traffic which it is going to have to take over at least the next 6 or 7 years, even without the addition of his development?

- J. The EIS in Section 1.3 (Consultation Process) states, as does the application form, that three consultation meetings were held with various sections of Kerry County Council. The form does not describe these, as required.

The consultation process provides for a record of the discussions, and conclusions to be made, and signed by both parties. We can find no such records on either the County Council file or elsewhere in the EIS.

## Site Selection

At an earlier stage the Developers requested a rezoning of land near Farranfore, but this was refused on the grounds of amenity and access through residential areas. The current proposal should be refused on the same grounds, together with a great many more, as it is in conflict in numerous respects with the Current and Draft County Development Plans.

The only justification which the Applicants have put forward in support of this particular location is that it is central and convenient within the hub formed by Tralee, Killarney and Castleisland. There are numerous other suitable and more isolated locations which do not grossly interfere with the amenity. This may be central and convenient for the refuse industry, but it is not so for numerous other people, tourism prospects, and the environment.

The EIS states, inter alia in regard to legislation, that it is Government and Local Authority policy to support and encourage development of recycling facilities at suitable sites, for example in disused quarries. It recommends the involvement of the private sector, so as to ensure that waste does not cause environmental pollution. Presumably the policy intends that the treatment of the waste will not cause environmental pollution either.

In our opinion, there are many reasons, almost any one of which would disqualify this location as suitable for such an operation. We note a few of these.

**3. Human Environment (Note sections 1 & 2 of the EIS concern format and summaries of the document etc.)**

**(i) Existing Developments**

It is unacceptable planning to locate such an industry, with the traffic and other pollution which it will generate, cheek by jowl, with existing residential development, particularly as there is no particular reason why it should be in this location. It is contrary to most of the principles laid down in the current and Draft County Development Plans, relating to the location of industry.

The presence of the adjacent Munster Food premises, which is relatively small scale, adds no logic to the selection of this site. The existing development is entirely different in concept, and has been for many years a retail operation dealing with food and health products, which may now be contaminated by various environmental pollutants. That property would be condemned to an industrial use, permanently.

*These are important health issues.*

**(ii) Vermin**

It would be difficult to find a less suitable neighbour for natural and health food products. Such items are a magnet to vermin, including rats, and rats must be regarded as endemic in refuse processing, sorting and storage. Even if efforts are made to control such rats, the nature of much refuse is that each truck load may bring in more, and many of these will take up residence in adjoining residential properties, as well as populating the new development and the health food premises.



The inevitable presence of scavenging birds will also be a health risk and certain birds, such as seagulls and grey crows, can be a physical danger to small children and family pets living, in some cases, within a few metres of the site.

*This is a serious physical and health risk.*

### **(iii) Operational Hours**

Operational hours are stated to be 24 hours daily, six days a week, with commercial waste acceptance 10 hours daily in the week, and the public recycling centre open 14 hours for seven days a week.

Can the Promoters imagine what it would be like to live within a few hundred yards of this development, as many people do, with their families? Coupled with the existing and increasing traffic noise for at least 6 or 7 years on the existing main road, will be machinery noise, light, dust and other pollution, which the EIS admits cannot be eliminated, for 24 hours a day, a short distance from their homes, together with traffic specific to this development coming and going for 14 hours a day.

How long will it be before permission is sought for 24 hour delivery, so as to match the operating times of the plant and be more convenient for some deliveries and customers?

This will entail people living and sleeping in their houses with the windows permanently closed, summer and winter, while in winter, heavy vehicles, including private cars, often with unlit trailers, carry out manoeuvres on this already dangerous road, after dark from mid-afternoon onwards, when children are returning from school.

There will be constant glare within peoples homes, from reflected light. Most of these people chose to live in a rural area to get away from street lighting, industry and traffic, and to have a better quality of life.

It is noted that in the EIS, while there is detailed discussion on full compliance with "official" environmental restrictions, such as the Castlemaine Harbour Conservation area, salmon and trout rivers, and preservation of views, most matters concerning the admitted deterioration of other peoples' environment and health, being treated dismissively. This deterioration is now denied by the Company's representative, contrary to his own EIS.

We believe that to permit this would be appallingly bad planning, and again contrary to much of the current Draft and County Development Plans.

*This too is a very serious health, safety and environmental issue.*

#### **(iv) Depreciation of Property Values**

It is obvious that this development, if permitted, would seriously reduce the value of adjoining properties, which will become virtually unsaleable, and into which many of the occupants have put large parts of lives and resources. It may well force people into a negative equity situation, particularly at a time when, for the foreseeable future, with reducing employment and credit restrictions, many people are already going to have great difficulty in continuing to meet their obligations. We believe that the Planning Authority has an obligation to protect citizens from being so unnecessarily trampled upon by the Developers.

*This is a serious economic factor in the locality.*

**(v) Kerry Airport**

In common with other airports, Kerry County Airport operates a number of exclusion zones, with distances measured to the centre line of the runway, some of which would be applicable to this development.

There is an elliptical zone of 6 km radius, and this proposed development lies well within this. Within this zone, buildings must not exceed 10m in height above ground level. Although the proposed buildings are stated to be 12m in height, because of lower formation levels, they are of similar height to the existing adjacent buildings, and, we understand, may not be effected by this restriction.

Additionally there is a bird hazard restricted area of 13km radius within which any development which might attract birds would have to be scrutinised and among the facilities specifically mentioned as being within this category are those intended for the handling, compaction, treatment or disposal of household and/or commercial wastes.

The development is approximately one third of the required safety distance from Airport.

We understand that Kerry Airport has already sought clarification in regard to the development proving attractive to migratory birds, and this would partly depend on the extent of outdoor skips and waste. Even a small amount of sorting or storage of organic waste even for a few minutes would prove attractive to birds, which will travel long distances without regard to flight paths of aircraft, etc.

The extent of outdoor tipping, sorting, storage in open skips or on the ground, however briefly, of organic or mixed waste, is not clear from the EIS, but it

seems probable that there will be some, if only in open car trailers near to or on the site. This will undoubtedly attract birds, in large numbers.

In certain locations, such as the County Council tip at Muingnaminnane, this would not be particularly important, as it is far away from the Airport and from residential or other development. However, it is notable that whereas at the inception of that dump, side and overhead nets were provided to discourage birds, the overhead nets have now been abandoned, as being impracticable, for some time. Birds got entangled in these, as did long or high reach machinery working on the refuse. The side nets remain to protect the countryside from wind blown rubbish, but they are no deterrent to birds.

An open pond is also indicated on the site, and such a feature is normally attractive to birds.

A reputation for bird strikes, or near bird strikes, would almost certainly be fatal to the continued existence of Kerry Airport, with a hugely detrimental effect on tourism and business in the County. Such strikes get reported worldwide, and it is noted that only two weeks ago, reports of a strike on a Ryan Air plane in Eastern Europe, although it did not actually result in an accident, was headline news throughout Europe within a few minutes.

We believe that this matter should not just be left to the Airport Authorities, but that the Planning Authority too, has a responsibility in the matter.

*This is a very serious health, economic, pollution and safety issue, of an International nature.*

## vi) Employment

It is stated that in terms of employment, Killarney and this part of Kerry is relatively well provided for in terms of employment. It is also stated that the development will provide employment in the area at both construction stage and in operation.

Therefore, apart from in the fairly immediate vicinity of the development, the population is currently relatively low, and there cannot be a lot of local people looking for employment of this type. It has to be kept in mind that at time of writing, we are currently entering into a recessionary period, but we are assured that we will come through this within about 2 years, and it is probable that by the time planning procedures might be completed and construction under way, we would have passed through most of this period to fuller employment again.

A number of points arise.

During construction, most labour will have to come from around the surrounding towns of Killarney, Tralee, Castleisland and Farranfore. This will not make a significant difference to employment in the vicinity, and will of course in itself generate more traffic. Such employment would take place no matter where, in the hub or close to the hub, a development such as this takes place.

In operation, the situation will be similar, with few employees coming from the immediate vicinity. A large proportion of the work force will be truck drivers, who will remain similarly employed no matter where in, or close to the hub, the development takes place. These people too will generate more traffic when coming and going to work.

In addition to the very doubtful significant additional local employment in the area which is projected by the Developers, they also offer the carrot of being able to use a local dump. Considering the short and long term detriment to peoples lives, in the immediate area, this is a poor trade off.

*This is an important economic and traffic consideration.*

#### **4. Ecology**

It has to be taken that, in view of almost the entire site being covered in buildings and hard surfaces, existing wildlife and vegetation ecology within most of the site will be wiped out, and that on neighbouring property, severe damage will occur from noise, dust, light and air pollution and additional traffic on the country roads within the vicinity of the development.

No reference is made to the fact that this will equally effect the gardens of the adjoining dwellings, but with an increase in vermin and scavenging birds.

*This is a serious environmental matter.*

#### **5. Surface Water**

Most of the 5 hectare (in excess of 12 acres) site will be hard surface, resulting in a huge runoff into these streams and river, at a time when they are already frequently overloaded. Holding this surface water in a pond for days, or weeks, when necessary, in the changing climate is not a realistic option, for reasons of water volume, due to the higher and more continuous rainfall, and the contaminated nature of the water.

There are currently problems with flooding in this area, both at Caherdean and in the Gweestein River area. This has caused recent distress to some householders, and their objections to this development, for that reason, are already on your file.

Because of much higher and continuous rainfall over the last few years, areas prone to flooding generally have been severely and increasingly hit, and there is no reason to believe that this trend will not continue.

To add the surface water off most of a 12 acre site will unquestionably aggravate the situation, with further volumes arising from the fact that much of this site is to be made lower than the adjoining property to the north so that much of the runoff from that site will also have to be catered for.

The EIS states that to mitigate potential pollution of surface waters, which will have to be disposed of, all waste delivery, storage and processing areas should be fully roofed and bunded against rain, accidental spillages, etc. There are large parts of the development where delivery areas for both trucks and the public are not roofed, and which contain skips and other open storage facilities.

The extension of the buildings to include these delivery, storage and processing areas, would increase their bulk enormously, and make the whole development even more prominent, particularly from the south and from the existing N22 where it almost touches the site.

The tributaries feeding water from the vicinity of the site to the Gweestein River are classified as salmonoid, and the most eastern one is already described in the EIS as suffering from some pollution, just below the site. Because of its location and level, this is the one which is going to take the greatest volume of surface water. Any more pollution would be catastrophic not only for the tributary, but for the Gweestein River.

One can describe the results of surveys, statistics, minimum objectives and conservation levels etc., as the EIS does, but the fact remains that this system is currently precariously balanced on a knife edge.

It is proposed that surface water, much of which doubtlessly will be contaminated, will be put into this river directly, or after storage, various types of filtration/interceptors, etc., while other seriously contaminated liquids, and fuel oil etc. are stored in bunded tanks, with alarm systems etc.

All of this depends on these systems being continuously monitored, and kept in proper working order at all times. Unfortunately, this is rarely the case, and accidents / spillages etc. do happen with inevitable consequences.

We do not believe that any such plant should be allowed to discharge it's surface water into any salmonoid river, in the County or elsewhere.

It is stated that there will be a substantial number of employees. This will generate a substantial amount of sewage, which is to go through a treatment plant and polishing filters, before going to ground, and ultimately into these streams. This is another potential source of pollution which relies on a mechanical, and therefore fallible, plant.

It is noted that the location chosen for the polishing filters is about as near as it is possible to get to a number of the existing dwellings on the main road.

*This is a serious environmental matter, also important to tourism.*



## 6. Soil, Geology and Hydrogeology

Pollution of the aquifer and local streams and rivers is likely to occur for a number of reasons. These involve the disposal of a large quantity of mainly contaminated surface water, effluent percolating from a sewage treatment plant, and possibly some process water. Additionally, there are potential risks from various liquid storage facilities in regard to fuel, seriously contaminated process water, and probably toxic liquids leaking from certain types of waste.

Generally we have discussed these under Chapter 5.

However, we note that in the EIS report, under residual impacts, it is stated that "should" sufficient mitigation measures be implemented, it is not indicated there will be any residual impacts. etc. etc. Are the Developers regarding mitigation measures as being optional?

*This is a serious environmental matter.*

## 7. Visual and Landscape

The development is placed close to the point at which the current County Development Plan and Draft states, in our view quite correctly, that views must be maintained.

The second paragraph in page 35 states that there will be a negative visual impact of the proposed development and that landscaping is to be proposed as screening, to minimise this.

From some directions, this development will be seen for miles, and this is also the point where visitors, coming from a northerly direction, or arriving at Kerry Airport and travelling south, first see an opening up of the view, in this case, of the McGillicuddy Reeks, as well as the view down through Brennan's Glen.

Permission for this development would be a re-run of the disastrous granting of permission by Tralee Town Council for the two transfer stations on the western side of Tralee, Higgins and Dillons, referred to in the EIS.

These were placed at the highest point on the western side of Tralee, overlooking the entire town and Lee Valley, and visible from the town and for miles. As one nears the top of the hill on which they are situated, one of them eliminates the very fine view of Tralee Bay and its mountain and backdrop, and of Fenit, just as it comes within sight.

At the time they were constructed, like Scart, there were a few houses in the vicinity, but new residential development and views are now compromised by the heavy and dirty vehicles using them, and the continuing expansion, nuisance and environmental pollution of their operations.

We believe that the Planning Authority have an obligation to foresee and to prevent such clashes of use and spoliation of the landscape.

The EIS provide Tables, 7.7 and 7.8, which purport to describe the degree of impacts created by the development on adjoining properties and on the views and prospects from the existing N22. These are described as long term, i.e. about as good as the mitigation is going to get after perhaps 20 years. Presumably, this also applies to the new section of N22 which almost runs through the western side of the site.

Table 7.8 describes the impact as being moderately negative. This view is based on an assessment which states that the proposed development will cause a significant change in the foreground of the view, which mainly motorists travelling northwards will experience, as from this direction development will be perceptible as a separate component in the landscape. "Existing and proposed vegetation at the north east field boundary will help to line up development with existing Munster Food structures, creating larger but already existing component in the landscape. Proposed boundary planting will screen the proposed development for motorists travelling this drive, however due close proximity and massive development impact will be still moderate".

It is absolutely clear from this that the Developers anticipate that even if their planting is successful, the buildings will be visually prominent, when viewed from the south and the tourist routes which also lead from the south. At some points, it relies on future planting to diminish, but only diminish the effect.

The EIS states that it is possible that the proposed new planting might not grow or mature, and that it is an important component of the landscape and visual impact mitigation measures. If this should happen, the situation would remain as described in Table 7.7 which states that "the proposed development will cause a significant change in the foreground of the view, which mainly motorists travelling northwards will experience". In other words, there will be virtually no mitigation and the building/development will be highly visible and prominent from the south.

The method of classifying the degree of impact on adjoining properties, as indicated in Table 7.7 is, in some respects, meaningless and misleading.

Our Client owns and resides in property no. 22, as shown in this Table.

The dwelling is described as being 170m from the centre of the development, which may be the case, but in fact it is approximately only 75m from the nearest boundary of the development, at which point is situated the sewage treatment plant and percolation area. All other site activities are proportionately closer, to existing dwellings, than the chart suggests. Nor do these figures take into account distances and impact on peoples front gardens and play areas.

No. 22 is classified as being only moderately negatively effected, and that it is protected by it's on existing planting. In fact, the tall coniferous trees on the roadside boundary, between the house and garden and the development, are old and decaying. Some are in danger of falling onto the roadway, and they are due for removal and replacement.

Most of the other trees in this garden were planted about 9 years ago, and are still relatively small, as weather conditions here are not particularly conducive to rapid growth of deciduous trees. The photo montage dates suggests that residents must expect to wait for up to 20 years for the scars to heal, and for what the Developers hope to achieve in maturity of planting etc. This would seem to comply with our Clients experience.

We are also concerned to note that although this is an application for full permission, there is no schedule of planting / landscaping, but only computer generated plan forms of new planting with, in every location, a note stating that the planting will be decided by the Architect.

Of course the same applies as with the views from the N22 in that the planting around the development may fail to provide adequate screening, and in this case, residents and tourists will be left looking into what is effectively a dump.

It should be kept in mind that a great many tourists travel in coaches, where their eye level is well above that of anyone on the ground, or in a car. This

means that only the very best and successful planting will produce effective mitigation.

Of particular concern is the northeast corner of the development, where it comes within 2 or 3 metres of the road. There is simply not enough space between the road within the site, and the public road, after allowing for a safety verge, to provide effective planting of several rows of trees, so as to produce a dense barrier, so as to reduce pollution from the site, and views into the site.

The layout of this corner also suggests that at some time in the future, when the N22 is completed, and the traffic reduces on the existing N22, that the Developers will seek an entrance or exit at this point, and this will bring a great many more traffic movements, both within and outside the site, closer to existing residences, as well as opening up a view into the site, and reducing protection from pollution. Such an entrance would be particularly unacceptable.

The EIS states that of 27 receptors which will be impacted by the proposed development, 7 would suffer an imperceptible – negative impact, 9 will suffer a slight negative impact, 9 will suffer a moderate impact, and 2, a significant impact. It goes on to state that new mitigation measures, such as tree lined hedgerows and native woodlands, will reduce these impacts, so that, although these measures are going to take up to 20 years to mature, receptors are actually going to be environmentally better off than they were without this development, as all of the categories listed above will suffer a reduced impact.

It is also pointed out that the proposed planting, which is intended to achieve these results, might fail, and that in this case, residents would still have to rely on their own existing defences, as described in Table 7.7.

*These are serious environmental matters.*

## 8. Archaeological & Historical Background

The EIS states that it is not possible, because of afforestation, to carry out normal archaeological pre-development testing, and a field walking by two Archaeologists had to suffice.

It states that there are no recorded monuments located within the site, and that no unrecorded monuments were noted.

It also states that it is possible that archaeological deposits, stratigraphy or artefacts are present within the site, and that these would be destroyed during ground disturbance works at the construction phase. It also states that there is the possible presence of *fulachta fiadh*, which are generally found in marshy environments, close to water, stones, woodland and wildlife.

As a result, the Developers propose to commence work on the site without the benefit of any trial digging, when they have already conceded that archaeological deposits may be present. They propose to rely on monitoring, during the course of construction, empowering an Archaeologist to halt the ground disturbance works in the vicinity of the archaeology, and a suitable buffer established, until such deposits are assessed.

We would submit that this could turn out to be a fatal approach. The history of unexpected archaeological items encountered on large construction sites throughout the State is dismal, with major standoffs between business interests and preservation, more often than not resulting in loss of the archaeological deposits or artefacts, and prolongation of construction time to the detriment of neighbours and travellers.

*This is an unacceptable approach.*

## 9. Air Quality Assessment

The EIS notes that the residential areas adjacent to the site are sensitive receptors in relation to potential airborne pollutants and odours derived as a result of the construction phase and the operational phase of the development.

It also states that odorous air pollutants are important primarily for their nuisance value, rather than adverse health impacts. We would have serious reservations about this. Exhaust fumes from diesel vehicles, for which there is going to be a substantial fuel dump on the site, are not only unpleasant, but are certainly unhealthy. Similarly, sulphuric and other emissions from boiler plants etc. are not only unhealthy, but can cause serious damage to soil and vegetation.

Dust is a different type of pollutant, but can cause untold nuisance in peoples houses, and can be a serious health problem to those with respiratory problems, as well as irritation to the eyes.

It should not be forgotten that some of the existing dwellings are little more than 50m from the development, and that the current quality of the air is excellent, and typical of a rural area.

It is noted from Table 9.1 that activities involving putrescible waste, of which a proportion of the municipal refuse will consist, fall into the highest risk category in regard to odours.

It is also noted that the operation of a wastewater treatment plant also falls into the high risk category, yet this has been placed at one of the closest points to the existing dwellings.

During the construction phase, there will be high petrol and diesel exhaust emissions, as well as dust. The EIS lists a number of measures to reduce this, but we feel that much of this is wishful thinking, and that it would be very difficult to persuade Contractors and Sub-Contractors to adhere to some of these good practice measures. Similarly, the short term switching off of site vehicles and machinery when not in use, is not a common practice in the construction or haulage industry.

Similarly, many of the suggested work practices in relation to odour control will be difficult or even too inconvenient to enforce, and some will depend on outside Contractors/Drivers etc.

Table 9.6 and the text on page 172 incorrectly concludes that the quality of air at the existing dwellings will scarcely be altered, and this is not credible. Several houses are closer to the development than the one which the Company has purchased. Several of the dwellings are within 50m to 100m of this operation, where, it should be added, the screening at the northeast side of the site will be poor. On the site, during construction and operation, there will be large volumes of dust generated, odours from the process and waste, and from vehicles. It is noted that in this chapter oil, as a fuel for heating purposes, has been added to the use of timber chips. None of these figures take into account the large increase in traffic, which is already predicted for 2010, irrespective of whether this development takes place or not, and which will continue to increase for a minimum of 6 or 7 years, until the new road is completed. We appreciate that this particular additional traffic is not caused by the proposed development, but to add development traffic to this, adds insult to injury.

*We believe that the County Council should protect people from having to undergo this degree of persecution, much of it permanent.*



## 10. Noise and Vibration Assessment

It is noted that the existing predominant traffic noise on the N22 is 60 db, which is rather above the figure which makes communication difficult.

The predicted increase in traffic on this road by 2010, and beyond, for another 5 or 6 years, will largely mean that the existing noise level will be more continuous. However, the additional traffic, caused by vehicular movements on and around the site, will be on top of to this, as it is largely concentrated in one place. This applies in both the construction phase, when heavy traffic and construction machinery will be operating, and during the operational phase when there will be process noise, during both of which periods HGV and car/trailer traffic will be targeting this site.

People are entitled to a reasonable noise level in their gardens, as well as within their houses, and their bedrooms, at night.

The sound levels in both gardens and houses will undoubtedly increase during all stages.

The process machinery, although indoors, produces very high levels of noise, and although lists of mitigating measures to deal with this and noise during construction are given, we again feel that many of these are wishful thinking. Taken with the proposed measures to reduce odours and dust, monitor trucks, effluents and boundaries, it would seem that on over 12 acres (first phase) that several employees would be required to do nothing else, full time, other than police these matters, which seems improbable.

The EIS concludes that the proposed development will not result in a significant increase in noise levels, at any of the dwellings beyond the site boundary.

This is hard to believe.

*We believe that the County Council should protect people from having to put up with this degree of persecution, most of it permanent.*

## 11. Traffic

The likely timetable for the construction of the new dual carriageway section of the N22 is outlined elsewhere, and as generally speaking no new connections to this road will be permitted in respect of industry, except when such is tied to a particular location by availability of raw materials etc. No such necessity exists and we understand that no connection will be provided for this development at any point. There is therefore no necessity to locate the development at any point close to this new section of the N22, and indeed in doing so, the Developers have precluded its use, and caused the situation whereby customers have to make a commitment to leave the N22 at Farranfore, or near Killarney, to go onto an obsolete road, thus aggravating the existing problems on that road. It should be located where it can access the new N22 within a reasonable distance.

Pending construction of the new section, the portion of the N22 running from Farranfore towards Killarney will remain the most over trafficked of the entire existing route from Tralee to Killarney as well as the least capable of carrying steadily increasing volumes of traffic over *at least* the next six or seven years. To locate this development as proposed will only increase this traffic, passing the front gates of a large number of private dwellings in the locality.

This is currently a dangerous portion of the road to live on, particularly for those with small children and pets. It is currently almost impossible, at times, to exit

in safety from a number of the dwellings adjacent to the proposed site due to bends and short sight distances and traffic speed down the hill. To add to this, with further heavy vehicles and private cars and trailers crossing, against the traffic flow, day and night, would be inviting inevitable frequent serious accidents. A road safety analysis in the Irish Times on 21st November pointed out that accident statistics show that over 40% of serious accidents result from traffic turning right into side roads, or emerging from side roads, in order to turn right.

A large number of staff carparking spaces is shown and, as discussed elsewhere, most of these people will be travelling from elsewhere, and will be a further addition to the traffic using the existing N22 and junction, over and above that generated by refuse vehicles and cars/trailers.

On page xvii, the EIS states that there will be an imperceptible increase in traffic, and one would have to take issue with this.

Kerry County Council forecast an increase to 13,000 vehicles a day in 2010, of which 1,170 would be heavy goods vehicles. This does not include traffic generated by this development. According to figures in the EIS, this will add a further 448 HGV's, i.e. a further 38%, and probably a similar number of around 500 private cars/ trailers, all on round trips. This amounts to a further 1,000 additional vehicle movements per day, concentrated in and around this site, which is hardly imperceptible when one is trying to live less than 100m from the development.

*This is a very big Health and Safety issue for all of the road users and owners and families of the houses on this road, particularly those adjacent to the development, together with visitors arriving at Kerry Airport, who are unfamiliar with left-hand driving, and right-hand drive cars.*

## 12. Conclusion

This development, apart from its appalling effect on its neighbours, would be an environmental and visual disaster of a massive scale.

While the Promoters may state (on page 26 of the EIS) that where conflicts arise between the County Development Plan and the Waste Management Plan, the latter takes precedence. If this is true, it can only apply to physical planning and location, and common sense must still prevail. It cannot, under any circumstances, supersede matters of Health, Safety and Pollution, contained within Irish and European Standards, which exist independently of the County Development Plan and which, in fact, take precedence over planning matters, as do the Building Regulations. The County Council, and in many cases the State, does not have the power to waive these.

There is no doubt that as well as impinging on the health, safety and property of local people, this will have a devastating impact on the visual environment and therefore tourism, particularly as is stated in the EIS, when travelling northwards from Killarney direction, where it would be highly visible from both the old and new N22 roads, and this will not heal, as it is due to the bulk and height of the buildings.

The existing Munster Food premises building is bad enough, and rather than extend the prominence of this development, encouragement should be given to its screening and camouflage, when viewed from this direction.

To grant this permission will really be shooting oneself in the foot, after over 40 years of planning control and effort in the interests of protecting the environment and encouraging tourism. What is the point in having refused permission for one-off houses to people, on their own land, or who want to return/retire/holiday, near to their roots, if this is permitted.

If this development is as immediately necessary as the Promoters suggest, then they should be well capable of finding another lower profile and isolated location.

At a human level, as an absolute and direct result of this proposal, the 'quality of life', to which our clients have enjoyed and become accustomed to and are entitled to expect in the future, will be totally ruined, notably through no fault of theirs, and this ruination will be irreversible.

It is our belief that Councillors, of all political persuasions, who are the Planning Authority, would not wish to be responsible for sanctioning such an intrusive, unhealthy and unsuitable development in this location, and we also believe that the County Council, and the Town Councils of Tralee and Killarney, should be combining to resist this development.

The Celtic Tiger has been severely shaken, and although the recessionary times which confront us will not last forever, it is unlikely that the boom times will return to the same level as hitherto. With Ireland, UK and the rest of Europe relying more and more on the East, these countries will have to rely more and more on tourism, and in turn, on their environments, and Kerry will have to fight harder and harder for our share of that.

We have, for the moment, restricted ourselves to analysing the more obvious faults in terms of planning in regard to this development, but if an appeal to An Bord Pleanála should arise, we will wish to put forward further analysis of many of the figures and much of the data given in the EIS, and more specifically, a list of the proposed contraventions of the Current and Draft County Development Plans.

Yours faithfully,

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HUGH A. CAMPBELL, Dip.Arch., FRIAI, RIBA

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c.c. Mr. and Mrs. Thomas Campbell, Scart, Farranfore, Co. Kerry.