



COMHAIRLE CONTAE CHIARRAÍ  
KERRY COUNTY COUNCIL

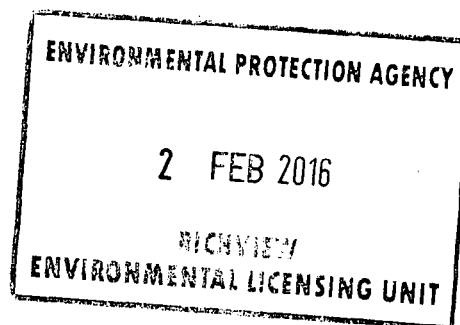


\* 1 5 8 2 5 \*

LB/AH

1<sup>st</sup> February, 2016

Jenifer Cope,  
Inspector,  
Environmental Licensing Programme,  
Office of Environmental Sustainability,  
Environmental Protection Agency,  
Regional Inspectorate, McCumiskey House,  
Richview, Clonskeagh Road,  
Dublin 14.



Planning and Development Acts 2000 – 2015

Your Ref: P0957-01

Our Ref. 06/3080, 14/562 and 15/825

Dear Ms. Cope,

I refer to your correspondence of 21<sup>st</sup> January, 2016 regarding the above mentioned planning references, the contents of which have been noted.

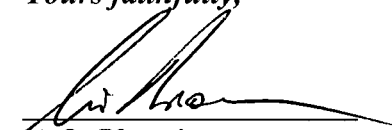
The following is the position in respect of the planning status of Brandon Products Ltd., Kilcolman, Asdee, Co. Kerry.

Planning Ref	EIS Required	Development Description
06/3080	No	DEMOLISH EXISTING ANNEX TO REAR OF EXISTING CREAMERY AND EXISTING TOILETS, TO EXTEND EXISTING WAREHOUSE INCORPORATING EXISTING CREAMERY AND OFFICE BUILDING, THIS NEW EXTENSION WILL BE A STORE AND PRODUCTION BUILDING. CONSTRUCT NEW ROOF OVER EXISTING OFFICE BUILDING, TO CONSTRUCT A BUNDED YARD TO THE REAR OF NEW EXTENSION, CHANGE USE OF EXISTING CREAMERY TO BOILER HOUSE AND STORE. CONSTRUCT NEW TOILET FACILITY IN EXISTING OFFICE BUILDING, CHANGE FRONT ELEVATION OF EXISTING CREAMERY BUILDING. CONSTRUCT PERIMETER FENCE AND NEW ENTRANCE GATES



14/562	No		CONSTRUCT A 25 METRE HIGH STACK TO REPLACE EXISTING 15 METRE STACK. THIS APPLICATION RELATES TO DEVELOPMENT WHICH COMPRISES OR IS FOR THE PURPOSES OF AN ACTIVITY REQUIRING AN INTEGRATED POLLUTION, PREVENTION AND CONTROL LICENCE
15/825	Yes	Decision not made on application, FI requested on 12/11/15, (copy attached fyi), which includes the following paragraph " <i>It will therefore be necessary to submit an EIA for the proposed development. You are advised to liaise with the Planning Authority and the EPA prior to the submission of same.</i> "	FOR 10 YEARS : (1) DEMOLISH EXISTING OFFICE BUILDING AND STORE, (2) CONSTRUCT A NEW TWO STOREY OFFICE BUILDING, FINISH PRODUCT STORE/WAREHOUSE WITH GROW ROOMS, ENCLOSE EXISTING TANK FARM, (3) CHANGE OF USE OF EXISTING STORE TO PRODUCTION FACILITY, (4) EXTEND EVAPORATOR BUILDING, (5) CONSTRUCT NEW ELECTRICAL SUB-STATION, (6) CONSTRUCT NEW INTERNAL SITE ACCESS ROADWAY WITH VEHICULAR CIRCULATION AND PARKING WITH ASSOCIATED SITE LIGHTING, (7) DEVELOP HARD AND SOFT LANDSCAPING ELEMENTS AND ALL ASSOCIATED ANCILLARY SITE WORKS AT THEIR SITE. THE DEVELOPMENT REQUIRES AND EPA INDUSTRIAL EMISSIONS LICENCE (FORMERLY INTEGRATED POLLUTION PREVENTION AND CONTROL LICENCE)

Yours faithfully,

  
A.O. Planning



MB/PG

12<sup>th</sup> November, 2015

Malachy Walsh & Partners,  
Reen Point,  
Blennerville,  
Tralee,  
Co. Kerry

cc: *Brandon Products Ltd., copy for information*

cc: *Dev. Apps. Unit, copy for information*

*Further Information Request  
Planning and Development Acts, 2000 to 2015  
Planning Reg. No. 15/825*

Dear Sir,

I refer to planning application submitted by you on behalf of **Brandon Products Ltd.**, in respect of a 10 year planning permission to (a) demolish existing office building and store (b) construct a new two storey office building, finish product store/warehouse with grow rooms, enclose existing tank farm (c) change of use of existing store to production facility (d) extend evaporator building (e) construct new electrical sub-station (f) construct new internal site access roadway with vehicular circulation and parking with associated site lighting (g) develop hard and soft landscaping elements and all associated ancillary site works at site at **Kilcolman, Asdee, Ballylongford, Co. Kerry.**

*In order to assess this application, further information is requested as follows:  
Please submit **FOUR COPIES** of the appropriate particulars / drawings etc.,*

1. On the basis of an EPA submission received and the Industrial Emissions (IPPC) Licence application made, the EPA has noted that the activity to which the licence application relates is of the following type listed in Schedule 5 of the Planning and Development Regulations 2001:

Part 1: 6. *Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are-*

*(c) the production of phosphorous, nitrogen or potassium based fertilisers (simple or compound fertilisers).* The EPA therefore determined that an EIA was required for the activity.

It will therefore be necessary to submit an EIA for the proposed development. You are advised to liaise with the Planning Authority and the EPA prior to the submission of same.

2. The application is in proximity to the Lower Shannon cSAC and the River Shannon and River Fergus Estuaries SPA. The applicant is required to prepare an Article 6 Habitats Directive Screening Report to assess the potential of the proposed development to significantly affect Natura 2000 sites. Depending upon the findings of the screening report and need for mitigation measures, a Stage 2 NIS may be required. The applicant should address the likelihood of the development to directly and indirectly affect Natura 2000 sites at construction and operational stage, **including possible effects from discharges/emissions associated with the operational phase of the development.**

The report should be presented in accordance with guidance provided by the Department of Environment, Heritage and Local Government 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009' and 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC'.

3. The applicant shall submit details to confirm that all the conditions of Planning Reg. No. 06/3080 have been adhered to (particularly condition No: 1.).

4. The applicant shall confirm in writing if the same production process is taking place on site at present and intended to continue on site as that permitted under Planning Reg. No. 06/3080.

5. The developer shall submit drawings of the junction of the access road and the public road, showing its layout and sight lines achieved at this location. (Min. sight distance required = 120m).

6. In respect of the existing effluent treatment system on-site the applicant is requested to submit a certificate from a suitably qualified person, the holder of

professional indemnity insurance, confirming that the effluent treatment system installed on site –

- Complies fully with the requirements of S.I. No. 223 of 2012 [*Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012*];
- Has been installed fully in accordance with the terms of the relevant grant of planning permission;

This will require a survey of the effluent treatment system installed on site. A suggested survey format is attached:

The site assessor / effluent treatment system surveyor is requested to liaise with Site Assessment Unit prior to submitting the requested information.

7. Please identify on floor plans the area of the existing building on site proposed for change of use from existing store to production facility, as stated in the public notices (specific floor area to be provided).

8. Please show the location of the new electrical sub-station on plans.

9. Please provide details of the materials proposed for the roof finish to proposed new office building.

*Please note that a balance of fees may be due in respect of this application. Kindly contact the Planning Authority who will advise you with regard to same.*

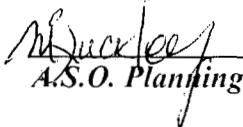
*This information is requested pursuant to Article 33 of the Planning & Development Regulations 2001 (as substituted by Article 33 of the Planning & Development Regulations 2006) and is considered necessary to enable the Planning Authority deal with the application. On receipt of the further information, as specified, the application will receive further attention.*

*The above requested information should not be submitted in a piecemeal fashion, but should only be responded to when all queries are being answered in full.*

*Please be advised that on receipt of the above requested information, same will be assessed and if deemed significant additional data within the provisions of the Planning & Development Regulations 2001 to 2006, a formal request to submit further public site and newspaper notices will issue to you. Revised public notices*

should not be submitted, unless same have been requested by the Planning Authority. Where same are submitted, they will be returned to you, pending an assessment of the information.

Yours faithfully,

  
A.S.O. Planning

**NOTE TO ALL APPLICANTS / AGENTS**

Where the further information requested herein is not submitted within the period of six months from the date of issue of this notice, the planning application shall be declared to be withdrawn, pursuant to Article 33(3) of the Planning & Development Regulations, 2001, (as substituted by Article 33(3) of the Planning & Development Regulations 2006).

**OR**

If the Planning Authority requires clarification on the further information received, please note that a complete response on the clarification sought must also be received within the 6 month prescribed period which begins on the date of issue of the initial request for further information.