

Louise Sexton

From: Cathy Fisher
Sent: 14 October 2014 09:44
To: Louise Sexton
Subject: 14562
Attachments: 14562_AA_Screening.doc

Hi Louise

Report attached, and I concluded no significant effects from the construction of the development.

Regards
Cathy

Cathy Fisher
Planning Department
Kerry County Council
Rathass
Tralee
Co Kerry

cathy.fisher@kerrycoco.ie
066 7183521
087 1444593

For inspection purposes only.
Consent of copyright owner required for any other use.

Habitats Directive Screening Report

Planning Reference Number:	14526
Description of the proposed development (including a brief outline of its nature and size):	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
Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site	NO (if yes, following consultation and agreement with NPWS, then proceed directly to 4(a))

1. Proposed development site location relative to that of Natura 2000 Sites	
Description of the development site location, relative to Natura 2000 sites, having particular regard to Natura 2000 sites located within 15Km of the proposed site or within the same water catchment as the proposed site	<p>The following Natura 2000 sites are within or partially within 15km of the development site (distance from Natura 2000 site to proposed development in brackets):</p> <p>cSAC:</p> <ul style="list-style-type: none"> • Lower Shannon (1.70km) <p>SPA:</p> <ul style="list-style-type: none"> • River Shannon and River Fergus Estuaries (1.70km) • Kerry Head (2.60km) <p>Of the Natura 2000 sites listed above all three sites are considered likely to be potentially significantly affected by the development due to the proximity of the sites to the development. These Natura 2000 sites are described in greater detail below.</p>

For inspection purposes only.
Consent of copyright owner required for any other use.

Table 1 The cSAC sites most likely to be potentially affected by way of the current proposal.

cSAC Site Name and Code	Qualifying Interests	Species – Annex II	Conservation Objectives	Environmental conditions necessary to support site integrity
Lower River Shannon 002165	<ul style="list-style-type: none"> Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] *Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonizing mud and sand [1310] Spartina swards (Spartinion maritimae) [1320] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] 	<ul style="list-style-type: none"> Freshwater pearl mussel (Margaritifera margaritifera) [1029] Sea lamprey (Petromyzon marinus) [1095] Brook lamprey (Lampetra plancti) [1096] River lamprey (Lampetra fluviatilis) [1099] Salmon (Salmo salar) [1106] Bottle-nosed dolphin (Tursiops truncatus) [1349] Otter (Lutra lutra) [1355] 	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Large shallow inlets and bays; Estuaries; <i>Salicornia</i> and other annuals colonising mud and sand; Vegetated sea cliffs of the Atlantic and Baltic coasts; Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Coastal lagoons; Mudflats and sandflats not covered by seawater at low tide; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Sandbanks which are slightly covered by sea water all the time; Reefs; Perennial vegetation of stony banks; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae); Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) And</p> <p><i>Lampetra fluviatilis</i>, <i>Lampetra planeri</i>, <i>Petromyzon marinus</i>, <i>Salmo salar</i>, <i>Margaritifera margaritifera</i>, <i>Tursiops truncatus</i>, <i>Lutra lutra</i></p> <p>Source: NPWS (2011) Conservation objectives for Lower River Shannon SAC [002165]. Generic Version 3.0. Department of Arts, Heritage & the Gaeltacht.</p>	<p>Habitat Management (control of drainage, grazing / mowing, burning, fertiliser / lime input, reseeding, fishing, aquaculture dumping, tree felling, killing / removal of significant biological material, pesticide use etc)</p> <p>No significant erosion / trampling associated with human impacts (drainage, fires, livestock grazing, motorised vehicles recreational activities etc).</p> <p>Adequate water supply</p> <p>Adequate water quality (limited sediment input, limited nutrient input etc)</p> <p>Limited alteration of the banks, bed or flow of watercourses</p> <p>No change in land use which would result in significant habitat loss or fragmentation (human activities such as land improvement / reclamation, deforestation, development, track / roadway provision etc)</p> <p>Limited disturbance (light, noise, human activity including recreational pressure etc)</p> <p>Control on fish stocking and introduced or invasive species including Japanese Knotweed.</p> <p>Presence of suitable quiet stretches of river for Otters</p> <p>No artificial barriers significantly impairing adult salmon and lamprey from reaching existing and historical spawning grounds and smolts from reaching the sea</p> <p>Limited dredging activities</p> <p>No physical barriers to significantly restrict movement of sand and communities associated with mobile substrate</p> <p>No significant change in water clarity and average light attenuation</p> <p>No significant change in temperature and salinity of the water</p> <p>Maintain natural regeneration and diverse vegetation structure of woodland</p> <p>No significant aggregate extraction</p>

ISAC Site Name and Code	Qualifying Interests		Conservation Objectives	Environmental conditions necessary to support site integrity
	Habitat – Annex I (Priority Habitat)	Species – Annex II		
	<ul style="list-style-type: none"> *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, <i>Salix alba</i>) [91E0] 			

Table 2 The SPA sites most likely to be potentially affected by way of the current proposal

SPA/SPA Site Name and Code	Special Interest	Conservation	Conservation Objectives	Environmental conditions necessary to support site integrity
River Shannon and River Fergus Estuaries 004077	<ul style="list-style-type: none"> • Cormorant • Whooper Swan • Light-bellied Brent Goose • Shelduck • Wigeon • Teal • Pintail • Shoveler • Scaup • Ringed Plover • Golden Plover • Grey Plover • Lapwing • Knot • Dunlin • Black-tailed Godwit • Bar-tailed Godwit • Curlew • Redshank • Greenshank • Black-headed Gull • Wetlands & Waterbirds 		<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p> <p>Source: NPWS (2011) Conservation objectives for River Shannon and River Fergus Estuaries SPA (004077). Generic Version 4.0. Department of Arts, Heritage & the Gaeltacht</p>	<p>Habitat Management (control of aquaculture, fishing, grazing, fishing etc)</p> <p>Adequate water quality</p> <p>No significant erosion associated with human impacts (livestock grazing, motorised vehicles, recreational activities etc).</p> <p>No change in land use which would result in significant habitat loss or fragmentation (human activities such as land improvement / reclamation, development (aggregate extraction, coal extraction, wind farm development, track / roadway provision)) etc</p> <p>Limited disturbance (noise, human activity including recreational pressure, boating etc)</p> <p>The control of introduced or invasive species including Cord-grass (<i>Spartina anglica</i>)</p>

SPA/psPA Site Name and Code	Special Interest	Conservation	Conservation Objectives	Environmental conditions necessary to support life integrity
Kerry Head 004189	<ul style="list-style-type: none"> • Fulmer • Chough 		<p>To maintain the special conservation interest for this SPA at favourable conservation status</p> <p>Source: NPWS (2011) Conservation objectives for Kerry Head [004189] Generic Version 4.0. Department of Arts, Heritage & the Gaeltacht</p>	<p>Habitat Management (control of grazing and stocking rates, dumping; peat extraction)</p> <p>No significant erosion / rampling / accretion associated with human impacts (fires, grazing, motorised vehicles, recreational activities etc).</p> <p>No change in land use which would result in significant habitat loss or fragmentation (land improvement / reclamation, dumping; peat extraction, development etc)</p> <p>Limited disturbance (light, noise, human activity including recreational pressures such as motorised and non motorised vehicle use, walking, horse riding etc)</p>

For inspection purposes only.
Consent of copyright owner required for any other use.

2. Specialist reports, advice and recommendations received (if any)	
Brief overview of specialist reports, advice, and recommendations received from NPWS / Heritage Officer / other Specialists (where appropriate)	The applicant provided an AA screening report with the application. Although the AA screening report did not follow best practices in the undertaking of an AA screening report, where relevant, information from the consultants' assessment was used to inform this report.

3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites

Potential significance indicators include:	Potential significance impacts on Natura 2000 sites
<ul style="list-style-type: none"> Reduction / erosion / fragmentation of key habitat(s) 	<p>SAC The development is outside the cSAC designation. There will be no direct loss of habitats in the cSAC site listed above in Table 1. The annexed habitats listed for the cSAC are unlikely to be indirectly impacted by the development at construction or operational stage. There is a considerable distance for any hydrological impacts on annexed water dependent habitats and species.</p> <p>Kerry Head SPA The SPA is designated for Fulmar and Chough. Fulmar is a seabird that nests on high cliffs. Chough tend to forage within 300m of cliffs in semi-improved coastal grassland with a tight grazed sward. The site of the proposed works is outside the SPA and does not contain supporting habitat. No likely impacts from the proposed development are considered likely.</p> <p>River Fergus and River Shannon Estuaries SPA. This large SPA is designated for wintering waterfowl and wetlands. Again the habitat of the proposed development site is not supporting habitat for these species and it is outside the SPA.</p>
<ul style="list-style-type: none"> Disturbance / mortality / harm of key species (e.g. noise or light pollution, trampling, general disturbance) 	<p>cSAC The works relate to development within an existing site – no direct impacts are considered likely from the development on annexed species.</p> <p>SPAs As above, no significant effects are considered likely from the extension of an existing stack from 15m to 25m.</p>
<ul style="list-style-type: none"> Alteration of key environmental conditions (e.g. water quality, water supply, air quality) 	<p>The development relates to the extension of an existing stack from 15m to 25m. Construction works could impact on water quality however, considering the scale of the works and the fact there is no major watercourse near the site, it is unlikely to significantly affect water quality.</p> <p>Emissions from the stack are existing and relate to air that has an odour. Emissions will be assessed under the IPCC licence application and do not form part of this assessment. However it is noted that the extension of the stack aims to improve odour emissions from the site.</p>
<ul style="list-style-type: none"> Facilitation of the introduction / spread of exotic invasive species within Natura 2000 sites 	No evidence of invasive species onsite.

3. Consideration of the potential for significant impacts on Natura 2000 sites, having particular regard to potential significance indicators and to qualifying interests and conservation objectives for Natura 2000 sites

<ul style="list-style-type: none"> Interference with the movement of key species within, between or in the vicinity of Natura 2000 sites 	Not applicable, no coastal habitats in the vicinity of the site.
<ul style="list-style-type: none"> Interference with the movement of mobile dune and intertidal Natura 2000 habitats 	
<ul style="list-style-type: none"> Interactive / cumulative / in combination impacts including potential climate change impacts and those with other plans and projects <p>In line with the precautionary principle, where doubt exists, it should be assumed that effects could be significant.</p>	As noted the development requires an IPCC licence from the EPA. That application will be screened for significant effects in relation to emissions by the EPA. An IPCC licence can not be granted if significant effects from emission are not ruled out.

4. Conclusion (a, b, c or d)

(a) The proposed development is directly connected with or necessary to the nature conservation management of a Natura 2000 site ¹	
(b) There is no potential for significant effects to Natura 2000 sites ¹	No significant effects on Natura 2000 sites are envisaged from the construction of the proposed development.
(c) The potential for significant effects to Natura 2000 sites cannot be ruled out ²	
(d) Significant effects to Natura 2000 sites are certain or likely or where potential for significant effects to Natura 2000 sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010 ³	

¹ Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

² In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document '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. This guidance document is available on at: http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf Alternatively, where other planning concerns arise the proposal could be refused planning permission.

³ The proposed development must either be refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate

assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

Stage 1 Habitats Directive Screening Report Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of information provided with application 14562 it is concluded that the development individually or in combination with other plans/projects is not likely to have a significant effect on a European site (Natura 2000 site). An appropriate assessment, under Section 177V of the Planning and Development Act 2000 (as amended), is not required.

Reasons for conclusion

Following the screening of the proposed development for possible significant effects on the Natura 2000 sites detailed in this report, no significant effects were identified.

Signed: _____

Cathy Fisher

13/10/14

Cathy Fisher

Biodiversity Officer

Approved _____

For inspection purposes only.
Consent of copyright owner required for any other use.



Kerry County Council
Comhairle Contae Chiarraí
Áras an Chontae, Trá Lí, Co. Chiarraí.
Guthán: (066) 7183582 E-mail: plan@kerrycoco.ie Faics: (066) 7120328

PLANNING AND DEVELOPMENT REGULATIONS, 2001-2013

**ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION
on a PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT!

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. THIS IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

26/09/2014

Jerry & Marie Quane
Kilcolman
Asdee
Listowel
Co Kerry

PLANNING AUTHORITY NAME: **Kerry County Council**

PLANNING APPLICATION REFERENCE NO: **14/562**

APPLICANT'S NAME: BRANDON PRODUCTS LTD

DEVELOPMENT ADDRESS: KILCOLMAN, ASDEE, CO KERRY

DEVELOPMENT DESCRIPTION: 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

A submission/observation in writing has been received from **Jerry & Marie Quane** on **23/09/2014** in relation to the above planning application.

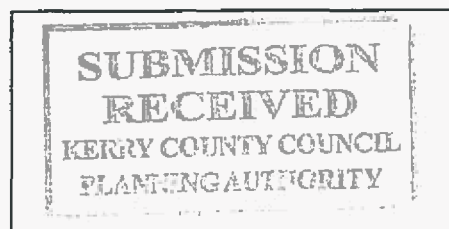
The appropriate fee of €20 has been paid. (Fee not applicable to prescribed bodies).

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 - 2013 and will be taken into account by the Planning Authority in its determination of the planning application.

C. Fealy
Liam Brosnan
A.O. Planning
Kerry County Council

Date: 26/9/14

Planning Authority Stamp



R. 62590

Kilcolman,
Asdee,
Listowel,
22nd. September, 2014

Subs by
24/9/14

Re: Planning Application No.14562.

Dear Sir/Madam,

We wish to object to planning no. 14562 as submitted by Brandon Products on the following grounds.

On track record of this facility to date in cognisance on their approach to malodour, local residents have been ignored and treated with contempt. In the original planning application [ref. 063080 2006] it was stated there was no need for an EPA licence for the operation evidently not the case since they are now applying for one.

Brandon products have operated their current guise for the past six years, five of which they completely denied there was any malodour emanating from the plant and dismissed local householders concerns with ridicule.

We believe Brandon products are in breach of their original planning

Condition no. 9 [V1]

Condition no. 12 [11].

Also letter from Paul Mullins to Planning Dept. 1st March 2007

Odour prevention: stated that the plant was designed in such a way that there would be no risk of malodours, obviously not the case.

In the present application they are looking to increase the stack from 15 meters [which we believe there was no planning for] to 25 meters. We believe this is not a solution to malodour as it would carry it further into the atmosphere.

In addition the stack is a visual pollution on the skyline. The pictures included in the planning application is from a convenient location where it does not appear noticeable, however if one moves 100 meters in any direction this monstrosity will be clearly visible from all angles.

Signed:

Jerry Quane
Marie Quane

RECEIVED

Scanned *DT*

23 SEP 2014

PLANNING AUTHORITY

PLANNING PUBLIC COUNTER



★ 1 4 5 6 2 ★

For inspection purposes only.
Consent of copyright owner required for any other use.