



## Memorandum

**To:** Brendan Wyse, Assistant Director of Planning.

**From:** Andrew Boyle, Senior Planning Inspector.

**Re:** Construction of a 25 metre high chimney stack to replace an existing 15 metre stack at Kilcolman, Asdee, County Kerry.  
Applicant – Brandon Products Limited

**Date:** 12<sup>th</sup> January, 2015

The proposed development would take place at an existing manufacturing plant. It seems that the plant processes seaweed to fertiliser. On the IPPC application form the activity is stated to be fall under the description "the production of phosphorous based, nitrogen based or potassium based fertilisers (simple or compound fertilisers)". This appears to have the benefit of planning permission under Kerry County Council Reg. Ref. 3080/06. While the drawings under Reg. Ref. 3080/06 do not show the existing stack and its planning status is queried by the third party appellant, it appears likely that this would have constituted exempted development under class 21(a) (iii) of Schedule 2, Part 1 of the Planning and Development Regulations, 2001.

Under the 2013 Amendment of the EPA Act, the activity at this location is an Industrial Emissions Directive (IED) activity and is therefore being processed under the IE Licensing Regime. The EPA determined that an EIA was

required for the activity and, accordingly, the applicant was requested to submit an EIS (see EPA letter on file).

The present application is for the purposes of replacing the existing 15 metre stack with a 25 metre stack. The higher stack appears to have evolved as a result of the ongoing consideration of the IPPC licence application by the EPA. The purpose of the new stack is to secure an improved dispersal of odours. There would be no additional emissions to atmosphere.

The EPA has deemed that the original plant requires the submission of an Environmental Impact Statement, as it would fall under paragraph 6(a) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, i.e. it is an "Installation for treatment of intermediate products and production of chemicals using a chemical or biological process". It follows that the original plant is not sub-threshold and the present proposal should be considered under paragraph 13 of Part 2 of Schedule 5 which relates to changes, extensions, development and testing. The proposed development would constitute a change or extension of development which would result in the overall development being of class listed in paragraphs 1 to 12 of Part 2 of Schedule 5, but would not, as also required under paragraph 13, result in an increase in size greater than 25% or an amount equal to 50% of the appropriate threshold, whichever is the greater.

Having regard to the foregoing, I conclude that an environmental impact assessment is not mandatory in this instance. Furthermore, on the basis of the characteristics of the proposed development, its location and the characteristics of its potential impacts, taking into account the conclusion of the air dispersion modelling assessment lodged with the planning application, I do not consider that it would be likely to have a significant effect on the environment which would require the submission of an Environmental Impact Statement.



Andrew C. Boyle