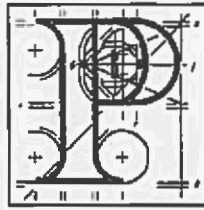


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kerry County

Planning Register Reference Number: 14/562

An Bord Pleanála Reference Number: PL 29S.244100

APPEAL by Jerry and Marie Quane of Kilcolman, Asdee, County Kerry against the decision made on the 15th day of October, 2014 by Kerry County Council to grant subject to conditions a permission to Brandon Products Limited care of AWN Consulting of The Tecpro Building, Clonsaugh Business and Technology Park, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 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, all at Kilcolman, Asdee, County Kerry.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the existence of the factory unit on site and its 15 metre high stack, the slender nature and limited height of the proposed new chimney stack, the location of the site in a broad valley, the proposals to screen the factory and chimney stack using trees and shrubs and the proposal to mitigate odour nuisance through increase in height of the chimney stack, it is considered that, subject to compliance with the conditions set out below, the proposed development will not be detrimental to the visual amenities of the area and will not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Appropriate Assessment Screening Report submitted with the application, the Habitats Directive Screening Report prepared by the planning authority, and the screening assessment carried out by the Senior Planning Inspector. The Board agreed with the Inspector's conclusion that the proposed development, which is not directly connected with or necessary to the management of a European site, would not give rise to a significant effect on a European site, having regard to the separation distance of the proposed development from the nearest European sites - the River Shannon and River Fergus Estuaries Special Protection Area (site code 004077) and the Lower River Shannon Special Area of Conservation (site code 002165) - the nature of the development and the lack of connection between the site and these European sites. The Board adopted the Inspector's report and assessment in this regard and concluded, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites.

Determination in respect of Environmental Impact Assessment.

The Board noted that the industrial development on the site relates to an activity that is subject to Industrial Emissions licensing by the Environmental Protection Agency, and noted that an application for such a licence had been submitted, with an Environmental Impact Statement, to the EPA. The Board noted the stack, that is the subject of this present planning application, would be included in the EPA's Assessment. The Board noted the report by the Senior Planning Inspector in respect of the need for an Environmental Impact Statement in this planning application, and concurred with the Inspector that the submission of an Environmental Impact Statement was not warranted as the proposed development would not be likely to have a significant effect of the environment.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of October, 2014, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall carry out landscaping on site, as outlined in Appendix 1 of the Visual Impact Assessment Report submitted to the planning authority as part of the planning application, within one year of the date of commencement of development.

Reason: In the interest of visual amenity.



3. No advertising shall be applied, or advertising structures affixed, to the proposed chimney stack.

Reason: In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Philip Jones

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 23rd day of March 2015.