

# Comhairle Chontae Chill Chainnigh

## Kilkenny County Council

### Planning Report



**Planning & Development Act, 2000 - 2011**  
**Planning & Development Regulations, 2001 - 2012**

**Reg. Ref.** P.13/196  
**Applicant:** William Connolly & Sons

**Due Date:** 23/06/2013

**Development:** Permission to construct an integrated constructed wetlands system and associated site works. The proposed integrated constructed wetlands system shall be located on lands directly opposite the existing Connolly's Redmills facility at Lower Grange, Goresbridge, Co. Kilkenny.

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#### **Planning History:**

P13/111 – Application invalidated  
P13/138 - Application invalidated

#### **Site Location & Description:**

The site is located opposite Connolly's Redmills facility at Lower Grange, Goresbridge, Co. Kilkenny. The site is accessed off of the L2639. The site is located within a larger field with the River Barrow approx 70m to the east and the local road to the west with agricultural fields to the north and south.

#### **Proposed Development:**

Permission is currently sought for an Integrated Constructed Wetlands system and associated site works. The proposed integrated constructed wetlands system shall be located on lands directly opposite the existing Connolly's Redmills facility at Lower Grange, Goresbridge.

The purpose of the proposed Integrated Constructed Wetlands system is to treat potentially organic enriched surface water run-off from the yard area of the Connolly's Redmills facility. Surface water run-off from this area has the potential to become organically enriched during the grain harvest period, which generally occurs during the months of August and September each year.

The current means of surface water disposal from the site is from a drainage pipe to a ditch watercourse on lands opposite the Connollys Redmills facility. In September 2011 Kilkenny County Council issued a Section 12 Notice to Connolly's Redmills in relation to this discharge.

In order to mitigate against any adverse impact to the receiving watercourse from the organically enriched surface water run off, a suitably designed and constructed ICW system is now proposed which it is stated would provide the most economically viable and environmentally sustainable method of intercepting and treating this enriched surface water run-off.

It is proposed to construct this ICW system on lands opposite the facility which are in the ownership of Connollys Redmills and will allow for discharge from the existing surface water outfall pipe and a final gravity discharge to an adjacent drainage ditch watercourse. The ICW system is proposed to have a minimum pond surface area of 8,500sqm (0.85Hectares).

In order to assess any potential impact on the River Barrow an assimilative capacity assessment has been carried out, which it is stated indicates that the proposed ICW system would not have an adverse impact on the water quality of the River Barrow.

A Natura Impact Statement for the proposed ICW system has also been undertaken by Openfield Ecological Consultants which has determined that subject to mitigation measures, the project would not have an adverse impact on the water quality of the River Barrow.

#### **APPROPRIATE ASSESSMENT:**

#### **Appropriate Assessment of the anticipated impact on the River Nore which is a cSAC (River Barrow and River Nore cSAC):**

##### **Introduction:**

The Appropriate Assessment considers the findings of the Openfield Ecological Consultants Natura Impact Statement on the anticipated impact of the proposed development on the water quality of the River Barrow. The report considers whether the project, alone or in combination of others, will have any significant negative impact on the integrity of the River Barrow and River Nore Natura 2000 site.

The Conservation objectives of the River Barrow and River Nore cSAC are “to maintain and restore the favourable conservation condition of the Annex 1 habitats and Annex II species for which the SAC has been selected”. The qualifying interests relate to several aquatic species and the proposal is within the Natura 2000 site.

##### **Impact Prediction:**

The report states that the development will not result in the loss of habitat or direct impacts to habitats that are qualifying interests of the SAC. It will not affect the natural range or area of any of these habitats nor will it affect the conservation status of typical species found therein.

It has been identified however, that the construction phase has the potential to release pollutants into ditches that drain to the River Barrow. It is recommended that the development be carried out in accordance with CIRIA C532 standard ‘Control of Water Pollution from Construction Sites’.

It has also been identified that the development could result in the disturbance of the alien invasive Water Fern however this is unlikely to negatively affect the main channel of the Barrow. Mitigation measures are however proposed such as cleaning all parts of equipment that come into contact with water, removing all visible plant matter and mud, etc.

To ensure no damage is caused to the treeline during construction, no works, storage or movement of machinery should occur within the root protection zone. Prior to construction the RPZ shall be clearly marked out as a buffer zone.

**Conclusion:**

The NIS concludes that no significant impacts are predicted on Annex I habitats or Annex II species. Some impacts are highlighted which relate to the construction phase only with no impacts likely during the operational phase.

Having regard to the NIS and the predictions outlined in the report, it is the opinion of the Planning Authority that the proposed development will have no adverse impact on the River Barrow and River Nore cSAC and can accordingly proceed subject to the mitigation measures as recommended strictly being adhered to.

**Third party submissions:**

None on file

**Referrals:**

- Inland Fisheries – No objection subject to conditions
- Environment – No objection subject to conditions
- DoAHG (Wildlife) – Report received recommends that an AA be carried out – however an Appropriate Assessment (NIS) has been submitted with this application. I emailed the DAU in this regard on 10/06/2013 and rang on the 12/06/2013 and was informed that the NIS was received by the DAU and that further comment from the relevant person would be requested before 13/06/2013 – However there was no response at time of writing.
- Roads – No objection subject to conditions.

**Development Contributions:**

Class 19

**Recommendation:**

Having regard to the policies and objectives of the current Kilkenny County Development Plan, the reports submitted with this application and the referral reports received, it is considered that the proposed development, if constructed in accordance with the attached conditions, would accord with the proper planning and sustainable development of the area.

I recommend that **Permission be Granted** subject to the following conditions.

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**Deirdre Breen**  
**Executive Planner**

I agree with the above report and recommend that **Permission be granted** subject to the following conditions.

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**N. Louw,**  
**Senior Executive Planner**

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**A.M. Walsh,  
Senior Executive Officer**

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**First Schedule**  
**Reasons and considerations for Decision on Planning P.13/196**

Having regard to the policies and objectives of the current Kilkenny County Development Plan, the reports submitted with this application and the referral reports received, it is considered that the proposed development would not seriously injure the amenities of the area and if constructed in accordance with the attached conditions the proposed development would accord with the proper planning and sustainable development of the area.

**SECOND SCHEDULE**  
**11 NO. CONDITIONS ATTACHED TO PLANNING REF. P.13/196**

1. The development shall be carried out strictly in accordance with:
  - i. the conditions of this permission
  - ii. the documents lodged with this application on the 29<sup>th</sup> April 2013, except as otherwise required by the conditions of this permission.

**Reason:** To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

2. All mitigation measures outlined in the Natura Impact Statement report prepared by OPENFIELD Ecological Services received on the 29<sup>th</sup> April 2013, shall be implemented in full, to include the following:
  - Fuels, oils, greases and hydraulic fluids shall be stored in bunded compounds well away from drainage ditches. Refuelling of machinery, etc. shall be carried out in bunded areas.
  - Run-off from machine service and concrete mixing areas must not enter drainage ditches.
  - Stockpile areas for sands and gravel shall be kept to minimum size, well away from the drainage ditches.
  - Run-off from the above shall only be routed to the watercourse via suitably designed and sited settlement ponds/filter channels.
  - Settlement ponds should be inspected daily and maintained regularly.
  - No works, storage or movement of machinery shall occur within the root protection zone of the treelines. Prior to construction this area shall be clearly marked and instruction given to construction personnel not to disturb this buffer zone.
  - To prevent the spread of invasive species the Developer shall;
    - Clean all parts of equipment that comes into contact with water
    - Remove any visible plant matter and mud

- Do not move fouled equipment from one area to another without thoroughly cleaning it
- Watch out for hitchhikers on ropes and chains.

**Reason:** To mitigate any possible impact on the River Barrow and River Nore cSAC.

3. Prior to the commencement of the development, the Developer shall prepare and submit for the agreement of the Planning Authority a detailed method statement for the construction phase of the development. The method statement shall in particular focus on the protection of waters from any potential construction phase impacts and shall, where appropriate, have mitigation measures in place prior to construction.

**Reason:** To provide for the protection of the Environment.

4. Prior to the commencement of the development, the Developer shall submit for the agreement of the Planning Authority a detailed construction phase water monitoring programme which shall be designed to demonstrate, or otherwise, that the works are not adversely impacting on water quality.

**Reason:** To provide for the protection of the Environment.

5. The Developer shall notify the Environment Section of Kilkenny County Council immediately prior to the commencement of construction works.

**Reason:** To provide for the supervision of the works.

6. During the grain harvest period monitoring shall be undertaken as proposed in the *Summary Planning Report* submitted with the application documentation. However, unless subsequently agreed with the Environment Section of Kilkenny County Council, the monitoring shall also include for BOD and Suspended Solids on a fortnightly basis. Monitoring results shall be submitted to the Environment Section of Kilkenny County Council on a fortnightly basis during the harvest period.

**Reason:** To provide for the protection of the Environment.

7. Outside of the grain harvest period, monitoring shall be undertaken on a monthly basis at the inlet to Pond 1 and the outlet from Pond 4. Parameters to be monitored shall include: BOD, COD, Ammonia, Ortho-Phosphate and Suspended Solids. The monitoring under this condition shall be submitted to the Environment Section of Kilkenny County Council on a quarterly basis for the first 12 months of operation, following on from which the requirements of this condition shall be reviewed having regard to the results theretofore.

**Reason:** To provide for the protection of the Environment.

8. For the first 3 years following commissioning, the Developer shall arrange for the preparation and submission of an annual report summarising how the overall system is functioning and in particular how the actual operation compares with that predicted at the planning stage. The report shall also include a summary of all monitoring for the previous 12 months and shall be submitted after each grain harvest period but before the end of the calendar year. The requirement for on-going annual reports shall be reviewed following the submission of the first 3 reports.

**Reason:** To provide for the protection of the Environment.

**Footnote:** The information collated in relation to conditions 7, 8 and 9 above shall be used by the Environment Section of Kilkenny County Council to make a determination as to whether the discharge from the ICW is subject to a discharge licence under the Water Pollution Acts. In the event that the discharge is licensable the monitoring requirements set out under this permission shall be superseded by the requirements as may be set out in a discharge licence.

9. The constructed wetland shall be planted with native species from native stock only. No non native species shall be used.

**Reason:** To prevent the introduction of non native species.

10.
  - a. The Developer shall construct a dwell area at the entrance to the subject site, in accordance with the National Roads Authority, Road Geometry Handbook. This work shall be completed in full prior to the commencement of works within the site.
  - b. The Developer shall put a maintenance programme in place to ensure that the roadside boundary hedges/verges are maintained so as not to obstruct visibility from the entrance.

**Reason:** In the interests of traffic safety.

- 11 Prior to the commencement of any works, the Developer shall submit to the Thomastown Area Engineer for formal written agreement, a Roads Maintenance Programme for the construction phase of the development including street sweeping/cleaning in order to prevent muck/debris, excavated materials and construction materials interfering with the safe operation of the road. No materials either excavated or for construction purposes, shall be stored on the public road.

**Reason:** In the interests of orderly development and traffic safety.

## **FOOTNOTES**

Section 34 (13) of the Planning & Development Acts, 2000 – 2011 states:

“A person shall not be entitled solely by reason of a Permission under this section to carry out any development.”

Developers are obliged to comply with other legislation and to avoid infringement of third party rights

If there is no appeal against this decision, a Final Grant of Permission in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See attached).

**It should be noted that until a Final Grant of Permission has been issued, the development in question is NOT AUTHORISED.**

**Please note that the Site Notice shall be removed by the applicant following the notification of the planning authority decision under Article 31.**

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