

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kerry County

Planning Register Reference Number: 14/134

An Bord Pleanála Reference Number: PL 08.244505

APPEAL by of An Taisce, Kerry Association of 5 Glenashee, Killorglin, County Kerry and by others against the decision made on the 29th day of January, 2015 by Kerry County Council to grant subject to conditions a permission to The National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht care of Frank Coffey of Daly's Lane, Killorglin, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (i) Construction of a public (western) access road to the Killarney National Park in the townlands of Tomies West and Gortadirra, Beaufort and (ii) construction of a car park at Gortadirra, Beaufort, County Kerry as amended by the revised public notice received by the planning authority on the 6th day of October, 2014.

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 replacement nature of the access proposed, the limited size of the proposed car-park and the submissions made in connection with the application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would represent a carefully considered approach to providing an appropriate means of access to the existing public amenities at this part of the Killarney National Park, would be acceptable in terms of traffic safety and convenience, would not seriously injure amenities of the area or of property in the vicinity and would not result in any significant effect on the ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stage 1 Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

The Board had regard to the Natura Impact Statement submitted including the further supplemental and additional information received in relation to the Natura Impact Statement/planning application, the planning authority's analysis in respect of Natura 2000 sites within or partially within 15 km of the development site, the submissions on file and the the Inspector's report and completed a screening for Appropriate Assessment. The Board accepted and adopted the screening assessment carried out by the planning authority's Biodiversity Officer in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites- Sheheree (Ardagh) Bog Special Area of Conservation (Site Code 000382), Eirk Bog Special Protection Area (Site code 004108) or Castlemaine Harbour Special Protection Area (Site Code 004029), in view of the sites' Conservation Objectives.

The Board agreed with the screening assessment and conclusion carried out by the Planning Authority, and as supported by the Inspector, that the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365), Castlemaine Harbour Special Area of Conservation (Site Code 000343) and Killarney National Park Special Protection Area (Site Code 004038) are the European sites on which there is a likelihood of significant effects.

Stage 2 Appropriate Assessment

The Board considered the Natura Impact Statement submitted including the further supplemental and additional information received in relation to the Natura impact statement/planning application/appeal, the planning authority's Appropriate Assessment Report in respect of Natura 2000 sites, the submissions on file and the Inspector's report and carried out an appropriate assessment of the implications of the proposed development for European Sites where there is a likelihood of significant effects. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures and schedule of commitments which are included as part of the current proposal and the Conservation Objectives for these European Sites. The Board concurred with the Inspector's view that design and mitigation measures intended to lessen the impact on Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code 000365) will function to lessen any impact on Castlemaine Harbour Special Area of Conservation (Site Code 000343) given that it is located further down river.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites' Conservation Objectives.

Consideration in respect of the need for an Environmental Impact Statement

The Board concurred with the Inspector's analysis and conclusion that the proposed development comprising the construction of a public (western) access road and car park is not of a class which would require the submission of an Environmental Impact Statement under Article 109 of the Planning and Development Regulations, 2001, as amended. The Board further agreed with the Inspector that, notwithstanding the Natura impact statement submitted, the proposed development would not be likely to have a significant effect on 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 to the planning authority on the 18th day of September 2014, and by the further plans and particulars received by An Bord Pleanála on the 6th day of October, 2014 and the 18th day of November 2015, 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. All of the environmental, construction and ecological mitigation measures set out in the Natura Impact Statement, the Schedule of Commitments – Mitigation and Monitoring Measures, the Outline Construction Method Statement, the Ecological Reports, associated documentation, and contained within the further information submitted to the planning authority on the 18th day of September, 2014 and to An Bord Pleanála on the 18th day of November, 2015, shall be implemented in conjunction with the timelines set out, except where conditions hereunder specify otherwise.

Reason: in the interest of orderly development and environmental protection.

3. All surface water run-off from the car-park area shall be routed through a hydrocarbon interceptor. The device shall be fitted with an alarm to ensure that the unit is emptied when necessary.

Reason: In the interest of public health and nature conservation.

4. The developer shall install the system of access control to the car-park as outlined in the additional information submitted to An Bord Pleanála on the 18th day of November, 2015.

Reason: In the interest of residential amenity and of proper planning and sustainable development.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

Dated this day of 2016.