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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 18/377**

**Appeal** by Peter Sweetman and Greg Casey care of Peter Sweetman and Associates of 113 Lower Rathmines Road, Dublin and by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 10<sup>th</sup> day of August, 2018 by Kerry County Council to grant subject to conditions a permission to the Department of Culture, Heritage and the Gaeltacht care of Malachy Walsh and Partners of Reen Point, Blennerville, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Extend existing bus parking area, upgrade/extend existing overflow car park, provide additional car park lighting, removal/translocation of landscaping trees, inclusive of all associated drainage, ancillary site works and landscaping at Muckross House (a protected structure); The National Park, Muckross, Killarney County Kerry as amended by the revised public notice received by An Bord Pleanála on the 13<sup>th</sup> day of February, 2019.

## **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 condition(s) 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 limited nature and extent of the proposed development within a managed demesne landscape associated with Muckcross House (Protected Structure RPS 74-2) and visitor centre which are served by the coach and overflow car parks, and to the provisions of the current Kerry County Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of location at this part of the Killarney National Park, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or the setting of protected structures in the vicinity and would not result in any significant effects on the trees and ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) is the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for this European Site in view of the site's detailed Conservation Objectives (Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365)). 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 had regard to, in particular,

- (a) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically waste water treatment plants that drain to Lough Leane,
- (b) mitigation measures during the construction and operational phases which are included as part of the current proposal, and
- (c) detailed conservation objectives for the European site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Inspector and set 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 site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site or any other European site in view of the site's conservation objectives.

## 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 particulars submitted to the planning authority on the 17<sup>th</sup> day of July, 2018, 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 construction and operational mitigation measures set out in the Natura impact statement submitted to the planning authority on the 17<sup>th</sup> day of July, 2018 shall be implemented in full. The applicant shall appoint a person with appropriate ecological and construction expertise to ensure that the mitigation measures identified in the Natura impact statement are implemented in full.

**Reason:** In the interest of orderly development and to protect the environment during the construction and operational phases of the development.

3. The recommendations of the Tree Survey and Arboricultural Impact Assessment lodged with the application shall be implemented in full.

**Reason:** In the interest of orderly development.

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**Maria FitzGerald**

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

**Dated this            day of            2019.**