



An
Bord
Pleanála

Board Order ABP-313162-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/438

Appeal by Patrick Henderson of Faha East, Killarney, County Kerry against the decision made on the 2nd day of March, 2022 by Kerry County Council to grant subject to conditions a permission to Mark, George and Zara Hussain care of Moriarty Design and Construction of An Nead, Ardrinane, Annascaul, County Kerry for development comprising retention permission to retain the existing short-term stay camping site within the revised site boundaries, retention permission to retain the alteration and renovation works to the existing toilet and site as constructed, permission to construct an extension to the existing toilets, including alterations to the existing toilets, permission to construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms, permission to construct an access road, parking spaces and eight number glamping pods, including alterations to the gate and fence on the local public road at the rear of the site to create a traffic passing area for the public road, permission to construct additional camping spaces on grass area, including all necessary landscaping and site works and permission to construct two wastewater treatment tanks with puroflo modules and polishing filter, including decommissioning the existing septic tank, all at Inch, Annascaul, County Kerry, as revised by the further public notices received by the planning authority on the 6th day of January, 2022 (which decision was to grant subject to conditions permission to retain the existing short-term stay camping site within the revised site boundaries, retain the alteration and renovation works to

the existing toilet and site as constructed, construct an extension to the existing toilets, including alterations to the existing toilets, construct a camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms and construct additional camping spaces on grass area, including all necessary landscaping and site works and to refuse permission to extend the camping site with access to same, including all necessary landscaping and site works).

Decision

REFUSE permission for the above development for the reasons and considerations set out below.

Reasons and Considerations

The Board noted the following:

- (a) This refers to an application which includes the seeking of permission to retain an existing short-term stay camping site as well as the retention of renovation works to the existing toilets and site as constructed.
- (b) An extensive area of the subject site lies within the boundaries of the Dingle Peninsula Special Protection Area (Site Code: 004153) and also borders both the Castlemaine Harbour Special Area of Conservation (Site Code: 000343) and the Castlemaine Harbour Special Protection Area (Site Code: 004029).
- (c) A Natura Impact Statement has been submitted with the application.

Accordingly, having regard to the provisions of Sections 34(12) and 37(7) of the Planning and Development Act 2000, as amended, and as the development the subject of the current application is for, inter alia, retention of unauthorised development, the Board is precluded from granting permission in this instance, as to do so would frustrate the requirements of both the Habitats and Birds Directives.

In addition, it is not considered appropriate to extract the elements of the proposed development from the associated retention elements in order to issue a grant of permission.

Therefore, the Board decided to refuse permission on appeal.



Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *19TH* day of *February* 2024.