



An
Bord
Pleanála

Inspector's Report ABP-302137-18

Development	Re-development of the existing Cable O'Leary's Hotel site.
Location	Cable O'Leary's, Ballinaskelligs, County Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/508.
Applicant(s)	OS Properties LLC
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	<ol style="list-style-type: none">1. Colm Gleeson & Linda Horgan2. Peter O'Sullivan
Observer(s)	<ol style="list-style-type: none">1. Brendan and Dave Duncan2. Colm Gleeson & Linda Horgan
Date of Site Inspection	23 rd November 2018
Inspector	Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (1.625ha) is located within the development boundary of the settlement of Ballinskelligs in south County Kerry. The site is located east-off the R566, just west of Ballinskelligs Bay and to the south of the N70 Ring of Kerry.
- 1.2. The site is currently occupied by the Cable O'Leary Hotel (incorporating pub, restaurant, accommodation) and car park. The existing hotel comprises of 12 bedrooms, bar and restaurant. The building which has been extended to its side and rear comprises a part two storey, part single storey structure with dormer windows to the front and outdoor seating. The Hotel and car park is located contiguous with the public road, with no definitive front boundary. The site also encompasses a piece of land on the opposite side of the road from the hotel, currently in agricultural use.
- 1.3. There are a number of one off dwellings in the immediate surrounding area. A row of terraced holiday homes is located to the south of the site, adjoining the car parking area which hosts a recycling / bring facility. Street lighting extends to the north, from the proposed development site, along the west side of the R566. A public footpath runs along the west side of the R566, commencing approx. 65 meters south of the proposed crossing location, to the front of the holiday homes. There is currently no public footpath to the front of the Cable O'Leary site. The proposed development includes a footpath along the R566 which would tie in with the existing footpath.
- 1.4. The R566 at this location has a broken yellow line on both sides and no centre line marking. No hard shoulder is provided. The appeal site is located within the 50 kph speed limit zone.

2.0 Proposed Development

- 2.1. The proposal comprises Permission to:
 - Redevelop the existing Cable O'Leary's hotel site.
 - Includes the demolition of the existing hotel
 - Construction of a new 45 bedroom and 3 suite hotel including a bar, restaurant, gym and other hotel uses
 - New entrance / exit,

- Onsite car parking with overflow car parking spaces, bus set down area, bus parking.
- Proprietary waste water treatment plant with connection to the public sewer.
- GFA of existing buildings 1,373 sq. m
- GFA of proposed Works 5,426 sq. m
- GFA of proposed demolition 1,373 sq. m

The proposal consists of the development of a 48 bedroom hotel on the east side of the R566 Regional road at Ballinskelligs, Co. Kerry. The proposed development would replace an existing public house and associated existing parking. The proposed development includes 50 car parking spaces including seven disabled user spaces, with a car and bus drop off zone adjacent to the hotel on the east side of the R566. A further 87 space car parking area with single bus / coach parking space would be provided on the west side of the R566 and would replace an existing 'fast food' premises with existing access to the R566.

3.0 Planning Authority Decision

3.1. Decision

Following a Request for Further Information with respect to 1. Management plan for invasive species 2. Conservation of older parts of the existing building in accordance with requirement of the conservation officer and 3. Revisit design to reduce the overall bulk and scale of the building. Planning permission was granted subject to 16 number conditions:

Conditions of Note include:

C3. (a) The proposed development shall be in accordance with the design drawing received on the 27/04/2018. (b) The roof shall be covered with slates or tiles which shall be either black, dark-grey or blue-black. The colour of the ridge tile shall match the colour of the roof. (c) Proposed paint to external walls shall be neutral in colour, stone which shall be sourced locally. The use of cladding is not permitted.

- C4. Relates to invasive species
- C5. Relates to road opening licence.
- C6. Relates to vehicular access
- C7. Relates to external lighting
- C8. Relates to landscaping
- C10. & C11. Relates to foul sewer and requirement for a readily and safely accessible monitoring chamber and discharge to the local sewer network in accordance with requirement of Irish Water (IW).
- C12. Requirement for a waste management plan
- C13. Dust measures to be put in place.
- C14. No polluting matters including sediments shall be discharged directly or indirectly to any waters.
- C15. Operational noise
- C16. Storage of potentially hazardous liquids such as oils

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report considers having regard to the nature, extent and location of the site within the development boundary of Ballinskelligs, the mixed use zoning of the land and to any submissions received, that subject to compliance with condition the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

3.2.2. Other Technical Reports:

Irish Water: No objection

Environment Department: No objection subject to condition

Fire Authority: No objection subject to condition

Bio-diversity: Further information requested with respect to invasive species.

HSE: Further information Requested

Conservation Officer: Report recommends refusal for demolition of the existing structure. The report concludes that the rationale for the demolition of the existing premises has not been proven.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

A number of letters objection were submitted to the planning authority. One letter of support was submitted. The issues raised in the objections / submissions received are similar to those raised in the two third party appeals, summarised in detail below.

4.0 **Planning History**

Reg. Ref. 08/2793 Permission Granted to carry out coastal protection works consisting of graded rock armour, underlay and geotextile, the provision of access steps to the beach in lieu of existing beach access and associated civil works to be carried out on existing site known as Cable O'Learys.

5.0 **Policy Context**

5.1.1. Development Plan

The site is governed by the policies and provisions contained in the Kerry County Development Plan 2015-2021 and the Ballinskelligs Local Area Plan (LAP) as contained in the Caherciveen, Waterville & Sneem Functional Areas LAP 2013 – 2019.

The site is located in an area zoned 'Mixed Use' which it is stated: 'is intended to cater for a mix of uses outside of the town centre including local shops, petrol stations, offices, visitor accommodation and other commercial uses that are

acceptable outside the town centre. These sites shall be developed with a complementary mix of uses where possible. Development on such sites shall not detract from the vitality and viability of the town centre. Small scale retail uses are acceptable on these sites in the form of local neighbourhood shops with a GFA of not more than 500 sq. m Any residential development on these sites shall be secondary to the primary commercial / retail use. The site and any residential development shall be compatible with the primary use'.

The following Objectives are of relevance:

Objective No. 00-1 Promote the sustainable development of year-round facilities providing increased services to the local area and increasing added value of the tourism product.

Commercial / Retail Facilities

Objective No. CR-1: Promote the sustainable development of commercial / retail outlet serving the local community at an appropriate location.

Vehicular and Pedestrian Traffic

Objective T-1: Improve pedestrian connectivity within the settlement by the provision of pedestrian routes at appropriate locations.

The following sections of the Development Plan are also of relevance:

Chapter 12 Zoning and Landscape

Objective ZL-1 Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to people's lives.

Section 10.2 Environmental Designations

Objective NE-11, Objective NE-12 and Objective NE-13

5.2. Natural Heritage Designations

The site is located within 15Km of the following natural heritage designations:

- Ballinaskelligs and Inny Estuary SAC (000335) The site is located 0.1 km north of the SAC
- Iveragh Peninsula SPA (004154) The site is located 1.6 km north of the SPA
- Killarney National Park, McGillucuddy Reeks & Caragh River Catchment SAC (000365). The site is located 6.8 km west of the SAC
- Puffin Island SPA (004003) The site is located 8.5km east of the SPA
- Kenmare River SAC (002158) The site is located 8.6 km north of the SAC
- Deenish Island and Scariff Island SPA (004175) The site is located 9.3 km north of the SPA

5.3. **Environmental Impact Assessment (EIA)**

- 5.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two third party appeals submitted. Summarised jointly as follows:

- **Concerns with respect to traffic safety**
 - Access to the car park proposed on opposite side of the roadway is problematic and dangerous.
 - Level of traffic generation would give rise to a traffic hazard on such narrow roads.
 - Pedestrian safety is of concern, no footpaths proposed.
- **Appropriate Assessment Screening**
 - The site is located within 10m of the coast and overlooks Ballinskelligs Bay.

- There are a number of Natura 2000 sites within a 15 Km radius
- The screening report acknowledges that there is some potential for habitat loss or alteration impacts to this Natura 2000 site due to the potential for adverse water quality impacts. Mitigation measures at the screening stage is problematic and inappropriate.
- The site is located in the 'Kerry International Dark Sky Reserve' and issue of detailed design, landscaping, public lighting etc. need to be further considered.
- Surface water is to be disposed of to a soakaway.
- A stage 2 NIS should have been submitted, considering the extent of the works and proximity to a Natura 2000 site
- **Coastal erosion concerns.**
 - Proximity of the proposed development to the cliff edge
 - The development will extend within 30m of the cliff edge
- **Visual Impact & Architectural Expression**
 - Bulk scale and design inappropriate and out of character with the surrounding area.
 - The design seems to be almost pattern-book led and bears no relationship to historic settlement patterns of this crossroads village.
 - The buildings scale is exacerbated by its design.
 - A previous development at Reen Roe beach was too large and unsustainable and is currently derelict and a blight on the landscape.
 - Such a development of the scale proposed (also 3 storeys) would have a similar outcome.
 - A more sustainable year-round size hotel would enhance the local community and provide year-round rather than seasonal employment.
 - The design ignores the advice of the conservation officer that the important historic structure on site should be retained.

- **Waste Water**
 - Concern that there is capacity in the existing system to cater for such a large development.
- **Compliance with the Kerry County Development Plan (CDP), The Cahersiveen, Waterville & Sneem Functional Areas LAP 2013 – 2019 and Ballinskelligs LAP**
 - Scale of the development inappropriate and contrary to policy.
 - CDP Objective T-68 encourages the sensitive redevelopment and or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development while having regard to ecological constraints and architectural heritage requirements.
 - The alternative of redevelopment of the existing vacant hotel building has not been considered
 - Objective T-70 of the CDP requires that proposals be an appropriate scale to the settlement in which it is to be located.
 - Objective of the Ballinskelligs LAP that new development shall reflect existing vernacular design.
 - Sustainable redevelopment of the Cable O’Leary’s hotel is welcomed not the scale, mass and design of that proposed.
- **Development Description**
 - Does not include a request for retention permission for the extension to the pub on the coast-side.
 - The extension was built without planning permission and is unauthorised.

6.2. Applicant Response

A First Party Response was received it is summarised as follows:

- The appeals are focussed primarily on architectural and environmental issues.

- They fail to give due consideration to the planning policy context which strongly supports reinvestment in established tourist accommodation and facilities within an existing settlement.
- The architectural grounds of appeal fail to have due regard to the mixed-use zoning objectives for the site and the commercial nature of the structure for which permission is sought.
- The benefits of a niche marketing strategy will not be achieved unless there is good quality hotel accommodation available in the local area throughout the year.
- There is an imbalance of tourist / hotel accommodation in the County. There is a need for the development.
- This is a commercial hotel development which requires an integrated floorplan and relatively large footprints and building heights.
- The p.a. was entitled to have regard to the applicant's conservation assessment report
- The amendments made in response to the F.I. involved the omission of the function room and a reduction in a number of bedrooms. Any further reductions in floorspace would undermine the viability of the project.
- The revised architectural report demonstrates that the permitted design as amended is the most appropriate. The design captures the local, historic artistic philosophy the design incorporates slate roofing, pebble dash finish of the façade and the road facing windows have been designed in the same character as the original Cable Station.
- The alleged mitigation measures are in fact an integral part of the design of the project.
- The p.a. have concluded that no significant effects on the Ballinskelligs Bay and Inny Estuary cSAC have been identified and that a stage 2 AA is not required.
- The applicant will submit a stage 2 AA if it is required by the Board.

- The site is within an existing settlement which is outside of the core area of the Dark Sky Reserve.
- The proposal is the replacement of an existing facility and would not introduce new lighting into a previously dark sky.
- Details of lighting can be resolved by way of condition.
- The proposal would not have an impact on peak traffic movements which are primarily generated by daytime trips to local beaches.
- Hotel vehicular traffic is mainly in the morning and evening and much of the pedestrian movements generated by the hotel would be to and from the adjoining beach.
- Response accompanied with:
 - Architectural Report
 - Photomontages
 - Photo of the original cable station
 - Ecological Report
 - Traffic Report

6.3. **Planning Authority Response**

- None received

6.4. **Observations**

Two observations have been submitted. They are summarised as follows:

- **Questions the sustainability of a large hotel in this location.**

- A hotel is wanted and needed in Ballinskellig and would be good for the community but developers should be prepared to abide by LAP's and to give consideration to the nature of the established settlement.
- The Dingle Peninsula Hotel, is an example of a well-designed hotel in a rural setting along the Wild Atlantic Way. The Shannon Springs Hotel Co. Clare and the Merriman Hotel in Kinvara are representative of local heritage and design and built environment.
- Development needs to be sensitive to its local environment.
- **Concerns of traffic safety:**
 - Problems of increased traffic,
 - Roads around the hotel are very narrow with few footpaths.
 - Roads into and out of Ballinskelligs are unsuitable for this level of development.
 - Turning from the N70 Ring of Kerry road onto the R567 leads onto a very narrow stretch (along the Inny estuary), there are dangerous bends plus a very narrow stone bridge.
- **Negative Visual Impact.**
 - Proposed hotel is very large, too big for the site and the architectural style is not in keeping with its village setting.
- **Loss of amenities for the Community and Tourism**
 - There would be a risk of losing the garden area for tourists and locals
 - Negative environmental impact, coastal erosion and impact upon the cliff above the beach.
 - Ballinskelligs beach is a major resource in the area.
- Concern with respect to capacity of water and sewerage services. The public sewer is old and unlikely to be reliable.
- **Observation accompanied with:**
 - Map denoting narrow roads and key locations

- Photographs

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of the Proposed Development and Compliance with Planning Policy**
- **Visual Impact, Scale and Design**
- **Ecology and Environmental Impact**
- **Waste Water Disposal**
- **Traffic**
- **Appropriate Assessment (AA)**

7.1. Principle of the Proposed Development and Compliance with Planning Policy

- 7.1.1. The appeal site is located in the town land of Ballinskelligs, in the Electoral Division (ED) of Baile An Sceilg. It is stated in supporting documentation on file that the districts population, in 2011, consisted of 375 residents with a total of 452 houses, 290 of which were vacant.
- 7.1.2. The site is governed by the policies and provisions contained in the Kerry County Development Plan 2015-2021 and the Ballinskelligs Local Area Plan (LAP) as contained in the Caherciveen, Waterville & Sneem Functional Areas LAP 2013 – 2019.
- 7.1.3. The site is located within the designated settlement boundary for Ballinskelligs village, in an area zoned 'Mixed Use'.

- 7.1.4. The site is currently occupied by the Cable O’Leary’s Hotel, a 12 bedroom hotel, bar and restaurant. Originally constructed in 1884 and named Haren’s Hotel. The site underwent several extensions in the intervening years and was renamed ‘The Sigerson Arms’ and ‘Main’s Hotel’. The hotel site was expanded to include a grocery shop and a post office. The Post Office is now located across the road in a separate premises. The current owners purchased the hotel in 2003 and renamed it Cable O’Leary’s Hotel. The building was unoccupied at the time of my site inspection (November 2018). It is not a protected structure or listed for protection on the National Inventory of Architectural Heritage (NIAH). The conservation officer’s report which recommends refusal of planning permission has no objection to the demolition of the recent additions to the existing structure along with the renovation and / or extension of the existing premises. The matter is discussed further, in detail, below.
- 7.1.5. I note that the development strategy for the Caherciveen/ Waterville / Sneem Functional Area LAP states: ‘The overall vision for Baile an Sceilg is to ensure that it develops as an attractive location for residents and tourists alike and that future development preserves the village’s character and reinforces it where necessary.’
- 7.1.6. Objective No. 00-1 set out in the Caherciveen LAP aims to ‘Promote the sustainable development of year-round facilities providing increased services to the local area and increasing added value of the tourism product’.
- 7.1.7. I agree with the planning authority that the principle of redevelopment of the hotel building on this site, is acceptable in terms of land use subject to an assessment of its potential impact on visual amenity of the area, scale and design, ecology and environmental impact, traffic and waste water disposal. These matters are discussed in detail, below.

7.2. Visual Impact, Scale and Design

- 7.2.1. The proposal before the Board is to demolish the existing Cable O’Leary’s building on site and to redevelop the site with a substantially larger hotel structure (c. 48 bedrooms), The scale and size of the development was reduced by way of further information to omit a function room. It is submitted that further reductions in overall scale would make the scheme commercially unviable. The distance between the proposed hotel building and the holiday cottages to the south of the development

has been increased from 10.7m to 25m. Following redesign at F.I. stage the structure now proposed measures some 78m in length addressing the R566 and between 17m and 36m in width with a ridge height of some 12.1m. (2.27 m higher than the existing structure).

- 7.2.2. The applicant submits that the existing buildings are in very poor condition. That much of the external and internal original fabric of the building has been lost over the years due to deterioration and refurbishment. It is submitted that given its room sizes and in particular the low ceiling heights throughout and changes in levels that no meaningful alteration or extension could be applied without substantial, if not complete demolition.
- 7.2.3. Notwithstanding the amendments to scale and massing made by way of further information (the length of the building addressing the public road was reduced by 17m), the zoning, redevelopment aspect of the site within a village setting, I have serious concern regarding demolition of the original structure, the sheer mass and scale of the proposed development and how the structure would integrate with existing developments in the vicinity. I would describe the proposed structure as monolithic, in such close proximity to the local public road and have serious concern that the proposed development would constitute a visually discordant feature that would materially affect the character of Ballinskelligs settlement.
- 7.2.4. Objective T-70 of the Kerry County Development Plan 2015 – 2021 is of significance, it states: 'Ensure that where the development of facilities for commercial accommodation for tourists and visitors is proposed, that these facilities are encouraged to locate within settlements. Such proposals will be required to be of an appropriate scale to the settlement in which it is to be located in order to retain the vibrancy and sustainability of the settlement when such accommodation is not occupied.
- 7.2.5. As noted above the Development Strategy for Baile an Sceilg LAP seeks to ensure that it develops as an attractive location for residents and tourists alike and that future development preserves the village's character and reinforces it where necessary.
- 7.2.6. I note and agree with the third party's argument that the proposed hotel is far too big for the site and for the locality and is unlikely to be sustainable all year round.

Although centrally placed in the village Cable O'Leary's Hotel and pub is not currently open full time through the winter. The appeal refers to the ruin of a large hotel approx. 2/3 Km down the coast at Reenroe Beach. I observed this abandoned and derelict complete eye sore of a large hotel structure on my site visit. Third parties submit that this hotel has lain abandoned for some years.

7.2.7. The conservation officer states that concerns in relation to demolition of the existing hotel are not addressed and recommendations to refuse planning permission stands. I note the p.a. conservation officers report dated 13th July 2017 which states: 'I do not concur with the rationale for demolition put forward in the conservation assessment report. I consider the existing premises has significant character within the Ballinskelligs area to warrant its retention. The continuing erosion of our vernacular heritage from our tourist towns and villages will undermine the established character of these areas, will negate the tourist experience and will indeed serve to erode our sense of place as residents of these towns and villages. The report submitted to justify the demolition does not in my opinion offer any insurmountable challenge to renovation and retention. I therefore recommend that the demolition of this structure be refused. I have no objection to the demolition of recent additions to the existing structure along with the renovation and / or extension of the existing premises.'

7.2.8. I note for the attention of the Board the applicants Conservation report received on the 27/04/2018 which sets out various shortcoming in relation to the existing hotel / bar restaurant in terms of its condition and layout. Also the Planners report which relies on this report and agrees that the restoration of the existing building is not a practical solution. I quote the planning officers opinion that 'the fabric of the existing building is very poor with widespread evidence of structural and dampness issues. In addition, the layout of the building with its narrow corridors and varying floor levels would not lend itself to conversion to hotel accommodation that would meet current standards. The existing building on site is not a protected structure and the reinstatement of this building would compromise the re-development of this site which is zoned Mixed Use'.

7.2.9. Cognisance being had to the foregoing I have serious concern with respect to the architectural design, scale and massing of the proposed hotel structure. I am of the opinion that the size and scale of the proposed development on a restricted site, in a

very prominent location overlooking the Coastline, at Ballinskelligs in such close proximity of the local road R566 is inappropriate and visually jarring. The advanced building line along the R566, its height and the bulk of the development is in complete contrast to all other development in Ballinskelligs and would, if permitted, be an unsightly intrusion to this coastal settlement, and not in keeping with the zoning objectives, in particular Objective T-70 of the Caherciveen LAP.

7.3. Ecology and Environmental Impact

- 7.3.1. The grounds of the existing hotel back onto a sandy vegetated embankment occurring adjacent to the beach with Ballinskelligs Bay and Inny Estuary Special Area of Conservation (SAC) adjoining a further 20m east of the site boundary. The site of the proposed overflow carpark is on the opposite side of the R566 within an agricultural field which has recently been cleared and is currently utilised for storage.
- 7.3.2. There is no spatial overlap between the development site and any Natura 2000 site. The proposal in the main relates to redevelopment of an existing hotel / pub / commercial brownfield site. Proximity to the coastline and Ballinskelligs Bay is noted. The access walkway / steps to the beach from the north eastern corner of the site is to remain in-situ. A grassed / green area is to be maintained to the rear / east of the proposed new hotel structure. A wire post and rail fence is proposed along the boundary with the beach / eastern boundary.
- 7.3.3. The screening for AA identified a tenuous potential source impact pathway through a field drain located to the north of the development site and the Ballinskelligs Bay, which links to two Natura Sites.
- Ballinskelligs Bay and Inny Estuary SAC
 - Iveragh Peninsula
- 7.3.4. Water quality impairment, most notably siltation and fuel and oil spills reaching the Ballinskelligs Bay from the development site was identified as an impact pathway to the Qualifying Interest (OI) habitats and species designated in the SAC/SPA.
- 7.3.5. The first party submits that standard best practice water quality controls were incorporated into the design of the project to safeguard water quality. These water quality controls included in the project design and in the planning drawings, are

standard good practice measures applicable to all construction sites to comply with statutory regulations for safeguarding water quality.

- 7.3.6. The Appropriate Assessment screening found that the design of the project and the nature of the development negates the potential for significant water quality impacts and therefore negates the need for mitigation measures. A stage 2AA (Natura Impact Statement) was therefore not deemed necessary. This being said the applicants appeal response sets out that the applicant is willing to carry out and submit an NIS if the Board decides that a stage 2 AA is required.
- 7.3.7. Given the information on file I am of the opinion that significant effects on European Sites are not considered likely, an AA is not required.
- 7.3.8. In relation to other constraints on the site, an invasive species management plan was submitted in response to a request for further information. The Biodiversity Officer's follow up report recommends conditions to be applied regarding treatment of invasive species on the site. I agree this matter can be dealt with by way of condition.
- 7.3.9. Third party concern is expressed with respect to the potential impact of the development on the Kerry International Dark Sky Reserve. The site is within an existing settlement which is outside the core area of the Dark Sky Reserve. As the proposed development involves the replacement of an existing facility I consider the first party's argument valid that it would not introduce new lighting into a previously dark site. The applicant has indicated that they are willing to ensure that the lighting system would be designed to comply with the objectives for the Dark Sky Reserve. I agree this matter can be dealt with by way of condition.

7.4. Waste Water Disposal

- 7.4.1. The foul discharge from the hotel will be discharged to the public sewer via a waste water treatment system (WWT) which will be constructed in the overflow carpark. A foul sewer primary treatment plant in Ballinskelligs is known to be at capacity. This primary treatment plant discharges to the sea to the south of the development. The local area plan states that there are no plans to upgrade the treatment plant at this time. Following discussions with Kerry County Council it has been agreed with the developer to construct a temporary WWT system on-site to treat foul drainage from

the hotel to a 25/35 standard. This it is submitted is a standard discharge requirement from waste water treatment. From the WWT system the 25/35 standard effluent will discharge to the public sewer as agreed with Kerry County Council. The first party submits that the removal of direct, untreated discharge from the existing bar and restaurant will reduce the demand on the existing system.

7.4.2. The Environment Department of Kerry County Council and IW have no objection to the proposed development subject to condition.

7.4.3. It is proposed to deal with all storm water generated by the new development on site in the form of designed natural infiltration to the gravel subsoil by way of a soakpit. From car parking areas storm water will be collected by means of traditional road gullies. All of this storm water will pass through a bypass interceptor prior to infiltration.

7.4.4. Regard being had to the foregoing and information on file I do not consider that the proposed development would give rise to a public health hazard or should be refused planning permission on grounds of inadequate waste water disposal.

7.5. **Traffic**

7.5.1. Third party concern is raised with respect to access to the car park proposed on the opposite side of the roadway, the level of traffic generation on such narrow roads and absence of footpaths.

7.5.2. The first party submits that the Road Safety Audit (RSA) was carried out in accordance with the TII guidelines by independent certified auditors. The scheme was updated to take account of the findings of the RSA. The safety of the junctions has been assessed in accordance with the TII guidelines. The Road Safety Audit recommended modifications to the scheme to enhance the safety of the junctions and have been incorporated into the current proposal.

7.5.3. It is proposed to extend the existing public footpath north along the eastern side of the R566 public road, across the site frontage, to serve the subject appeal site.

7.5.4. Regard is had to the applicant's response to the appeal which sets out the argument that the roads in south Kerry and indeed throughout the Ring of Kerry are narrow, typically in the order of 4.0m to 4.5m wide. The road widths limit traffic speeds and at

many locations require vehicles to stop to allow coaches to pass. While the road width is narrow, it is functioning. It is submitted that traffic movement associated with the proposed development will be outside of peak traffic times.

- 7.5.5. The p.a. have concluded that adequate sight distances can be provided at the proposed entrances. Satisfactory provision is made on the main site and on opposite side of public road for car and bus parking to serve the development.
- 7.5.6. With respect to construction traffic I am of the opinion that the impacts of same would be short lived and could be resolved by way of condition should the board be mindful to grant planning permission for the proposed development
- 7.5.7. Regard being had to the foregoing and information on file I do not consider that the proposed development would give rise to a traffic hazard or should be refused planning permission on grounds of traffic safety.

7.6. Appropriate Assessment

- 7.6.1. The AA screening report submitted with the application concludes that the 6 Natura 2000 sites within 15 Km of the proposed development (set out in section 5.2 above) are not likely to be significantly impacted by the proposal to demolish and redevelop Cable O'Leary's Hotel in Ballinskelligs.
- 7.6.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. No Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1. I recommend that the decision of the planning authority be overturned and planning permission be Refused for the proposed development.

9.0 Reasons and Considerations

1. The proposed development, by reason of its excessive height relative to surrounding buildings, its bulk and massing, its building line and its design, would be

out of character with the pattern of development in the vicinity and would constitute a visually discordant feature that would materially affect the character of the settlement of Ballinskellig. The proposed development would be contrary to Objective T-70 of the Kerry County Development Plan 2015 – 2021 which seeks to ‘Ensure that where the development of facilities for commercial accommodation for tourists and visitors is proposed, that these facilities are encouraged to locate within settlements. Such proposals will be required to be of an appropriate scale to the settlement in which it is to be located in order to retain the vibrancy and sustainability of the settlement when such accommodation is not occupied’. The proposed development given its scale is unlikely to be sustainable all year round and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development strategy for Baile an Sceilg, as set out in the Caherciveen, Waterville & Sneem Functional Areas LAP 2013 – 2019, seeks ‘to ensure that it develops as an attractive location for residents and tourists alike and that future development preserves the village’s character and reinforces it where necessary’. Having regard to the proposed scale, massing and density of development, it is considered that the proposed development would not preserve or enhance the character of Baile an Sceilg more than the retention of the original structure. The proposed development would be contrary to Objective No. 00-1 set out in the Caherciveen, Waterville & Sneem Functional Areas LAP 2013 – 2019 which aims to ‘Promote the sustainable development of year-round facilities providing increased services to the local area and increasing added value of the tourism product’. The proposed development would result in overdevelopment of this site and would set an undesirable precedent. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector

05.02.2019