



An
Bord
Pleanála

Inspector's Report ABP.303177-18

Development	Construct an extension to Ballyseede Castle Hotel (Protected Structure)
Location	Ballyseede, Tralee Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	18917
Applicant(s)	Ballyline Castle Ltd.
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party against refusal
Appellant(s)	Ballyline Castle Ltd.
Observer(s)	None.
Date of Site Inspection	6 th February 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located in the townland of Ballyseede, approx. 4.7km to the east of Tralee Town centre. It is accessed from the N21 (Tralee-Castleisland) Road, via a local road, the junction with which is just opposite the Ballyseede Memorial. The site comprises a 'castle' hotel on a large wooded site, which forms part of a European site, Ballyseede Wood SAC (002112). The site is located on the southern side of the N21 with frontage to the road, but is not accessible from the national road. The hotel is situated in the southwestern section of the site and is approached via a long driveway from the entrance at the southwestern part of the site. The River Lee flows through the woodlands to the north of the hotel. The designated woodlands occupy most of the northern and eastern parts of the site. There are formal gardens to the south and west of the hotel, beyond which lies agricultural farmland to the west and further wooded areas within the site to the south of the hotel.
- 1.2.** The site area is given as 12.1ha. The hotel is a Protected Structure, comprising a mid-18th Century country house, which has had a number of large and smaller extensions. The main building dates from the 1760's but gothic additions were added in the early 19th century and further extensions and alterations were made in the late 19th Century, late 20th Century and in the past decade. The building is listed in Appendix 2(a) of the Record of Protected Structures and is also listed in the National Inventory of Architectural Heritage.
- 1.3.** The existing structure on the site is L-shaped. The original building is located at the southern end of the existing structure with the main entrance on the eastern elevation. The front door is accessed by means of a broad flight of stone steps. It is described as a five bay, three storey over basement with double bow-front, gentry house with service wing. There are two curved bays to the front and one to the south side. The exterior is rendered with cut limestone surrounds, hood mouldings and faux-battlemented parapets. There is a 2-storey, 10-bay 'northern wing' attached to the northern gable which extends over 40 metres to the north, which also has the faux-battlemented parapets, a central turret and two turrets at the northern end. This wing was added in 1821 and originally housed staff accommodation and stables for horses, with a stable yard at the rear. It now houses the Banqueting Hall and bar at first floor with bedrooms at ground floor level. The Banqueting Hall is a long narrow

room, with un-plastered stone walls and 5 no. high-level opes containing timber casement windows.

- 1.4. A large 2-storey extension was constructed in recent years (16/545) which creates a new 'bedroom wing' extending westwards from the northern end of the 'northern wing'. The new 'Bedroom Wing' is a pastiche design with a castellated parapet and extends westwards for approx. 38m. Prior to this, further smaller extensions were added to the rear of the building, to the west of the Banqueting Hall. These include the Orangery behind the 'northern wing' and a small 2-storey bedroom/access core extension with lifts to the north of the Orangery. Subsequently, further to the north, the former stable courtyard (immediately to the west of the Banqueting Hall) was also covered over in the 1980s and a modern kitchen and bar extension/barrel store were added between the '19th century northern wing' and the 'new bedroom wing' (17/787). The current application is located on the flat roof above this single-storey extension.

2.0 Proposed Development

- 2.1. It is proposed to erect a first-floor extension over the barrel store extension. It would have a total floor area of 128.8 sq.m and would be located immediately to the west of the Banqueting Hall and to the east of the 'New Bedroom wing'. It would be bounded to the south by the 2-storey centrally located access core extension to the north of the Orangery. The footprint of the extension is 'S' shaped with recessed areas to the north and to the south.
- 2.2. The intended use of the proposed extension is as an additional bedroom with an ensuite, a store room and a 'break-out' dining room extension. The new bedroom would directly adjoin the 'Bedroom Wing' and would be accessed from there. The 'break-out' area would directly adjoin the Banqueting Hall, but would be accessed from a new lobby (with toilets) to be located between the existing stairwell/lift area contained within the 2-storey central extension and the proposed dining extension. However, the 'break-out' area would also be accessible from an external first floor courtyard, which in turn is accessed both directly from the Banqueting Hall and by means of external stairs from the car park area to the north of the hotel. This area is currently used as an external smoking area adjoining the Banqueting Hall.

2.3. The northern recessed area would presumably continue to be used as a smoking area, with patio doors leading from both areas of the function room. It is labelled as a fire-escape route. It is proposed to provide a pair of windows and a single window opening onto the southern recessed flat roof area. The flat roof is proposed to be 'butt jointed' against the existing castle wall, but supported entirely by the new extension blockwork. The flat roof would also connect to the castle wall above the first-floor windows. The stated purpose of the extension is to facilitate an additional dining option for guests at a wedding, who might not want to use the larger function room, (e.g. as a quieter space).

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse planning permission for one reason, which was generally in accordance with the recommendation of the Area Planner.

It is considered that the proposed development by virtue of the accumulative effect of the development in terms of its scale, form and bulk would contravene Objectives H38 and H44 of Kerry County Development Plan 2015-2021 as it would not integrate with the adjoining buildings and it would therefore be seriously injurious to the character and integrity of the protected structure and depreciate the value of its contribution to local architectural heritage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Reports

3.2.1. The Planner's Report noted the location of the site in an area designated as **Rural General**. It was further noted that the Protected Structure had been extended in the past and that the current application is supported by an Architectural Impact Assessment which had been carried out for a previous development on the site. It is stated that the newly constructed extension, i.e. the barrel store extension, (17/787) has not been constructed as planned, but no details of how it has deviated from the

permitted drawings were stated in the planning report. It is stated, however, that the impact of the extension under 17/787

“has been considerably injurious with evidence of little regard to original windows or other elements.”

I note that a copy of a letter from the P.A. to the applicant’s agent (dated 14/11/18) states as follows:

“It is clear following....inspection that the structure has not been constructed in accordance with the plans and drawings.....significant detrimental impact to the original architectural integrity has occurred in relation to windows and other features.”

It is also noted that Unsolicited FI was submitted on 3/10/18 which comprised 3D images of the proposed extension, and that it shows the fire escape staircase set back from the wall of the castle.

3.2.2. It was noted that the applicant’s design concept was to adhere to the traditional form of the original building and to avoid injury to its architectural integrity by excluding contemporary elements and form. However, the Area Planner considered that it had neither achieved replication of the character of the original nor avoided a contemporary approach. The Area Planner considered that the exclusion of mock merlons and crenels from both the existing ground floor and proposed first floor extensions results in a feature which is more contemporary and fails to adhere to the character and form of the original building. Furthermore, the accumulation of extensions was considered to have an adverse impact on the character and integrity of the Protected Structure, and in particular, due to the filling in of the gap between the old and the new, which it was considered meant that the building had reached saturation point.

3.2.3. Appropriate Assessment Screening was carried out and it was noted that the site lies adjacent to Ballyseedy Woods SAC. It was concluded, however, that as the proposal is for an extension onto an existing building, there is no likely potential for significant effects to Natura 2000 sites. Reference was made to reports received from the Biodiversity Officer and Inland fisheries Ireland regarding the previous application 17/787 and excerpts from these reports were quoted by the Area Planner. These referred to the on-site WWTP, the habitats within the woodland and to the fact that

the area has a high potential for bat activity. However no adverse impacts were anticipated. It was noted that the IFI had recommended the adoption of good site construction and site management practices to prevent discharge of silt/hydrocarbon contaminated waters to surface waters and that certification should be obtained regarding appropriate connections having been made to foul and surface water drainage systems.

3.2.4. Refusal of permission was recommended.

3.3. Other Technical Reports

Conservation Officer – The pastiche design approach which had been deemed satisfactory under 07/4056 has been carried forward. It was considered that the proposed extension, by reason of its cumulative impact with existing permitted development would result in an undue negative impact on the existing structure by virtue of its design, bulk and massing and would fail to maintain the existing visual separation between the old and new parts of the building. It was further considered that the proposal would materially contravene Policy Objectives H38 and H44 of the CDP.

County Archaeologist – (5/10/18) there are no Recorded Monuments in proximity to the site. No mitigation is required.

Fire Officer – 17/10/18 – no objections.

3.4. Prescribed Bodies

TII (5/10/18) – No observations to make.

3.5. Third Party Observations

None.

4.0 Planning History

PA Ref 07/1189 – Develop a constructed wetland system for the treatment of sewage effluent from the existing building.

PA Ref 07/4056 – Erect four bedrooms in the existing courtyard and a new block consisting of nineteen bedrooms, function room, conference room, kitchen, lounge, gym and associated works. This was subsequently extended to end August 2019.

PA Ref 15/904 – Construct an extension containing an orangery, entrance lobby, toilets and ancillary services. This included a two-storey castellated square extension adjoining the northern end of the orangery (conservatory).

PA Ref 16/545 – Construct a 2-storey, 16-bedroom extension including all ancillary services. This is the ‘Bedroom Wing’, which was constructed to the west of the ‘19th Century Northern Wing’.

PA Ref 17/787 – Demolish existing storage area and fire escapes and construct a single-storey extension comprising a storage area, staff room and external fire escape stairs. This was constructed immediately to the north of the 2-storey castellated extension (part of 15/904). It is sited between the ‘Bedroom Wing’ and the ‘Northern Wing’.

It should be noted that 07/4056, as extended, was superseded by the three subsequent permissions (15/904, 16/545, 17/787). These were implemented in the order that they were granted. However, as noted previously, the P.A. has issued a letter to the applicant stating that this extension has not been constructed in accordance with the permitted plans as it has resulted in significant detrimental impact to the architectural character and integrity of the PS in respect of the windows.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines 2004

5.1.1. These guidelines provide advice regarding appropriate alterations and extensions to protected structures. Chapter 6 provides Development Control Advice including extensions to protected structures (6.8). The Conservation Principles contained in Chapter 7 include Protecting the Special Interest; Promoting Minimum Intervention; Respecting Earlier Alterations; Use of Appropriate Materials and Methods; Ensuring Reversibility of Alterations; and Avoiding Incremental Damage. Chapter 13 provides

advice regarding development within the curtilage or attendant grounds of a Protected Structure, which should not damage important views to/from the P.S.

5.2. Kerry County Development Plan 2015-2021

5.2.1. Chapter 3 Settlement policy - Section 3.3.2 relates to development in Amenity Areas. The site is located within a **Rural General Area**, which are described as constituting the least sensitive landscapes which can accommodate a moderate amount of development, without significantly altering its character. **Chapter 12 - Zoning and Landscape** – states in relation to Rural General (12.2.1) “it is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.”

5.2.2. Chapter 11 - Built and Cultural Heritage. The most relevant policy objectives are as follows:

H-38 - Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting:-

- Is appropriate in terms of the proposed materials, scale, density and layout.
- Addresses the issue of reversibility.
- Respects the original design plan and form.
- Demonstrates an understanding of the historical importance of the building and its setting and does not detract from the special character/interest of the protected structure.
- Deal sensitively with historically important features and fittings.
- Takes account of any protected species that may utilise the structure and accordingly mitigate any impacts on the species.

H-39 – Ensure that the special interest of a protected structure is not gradually eroded by minor alterations.

H-44 – Ensure a balanced approach to maintenance and development of the architectural heritage, having regard to both the qualities of the given architectural context and the modern requirements to safety, comfort and usage, thus facilitating continuity of the use of the architectural heritage in a sustainable manner.

5.2.3. Chapter 10 Environment – Relevant policies include:

NE-11 – ensure that all projects likely to have a significant effect on a Natura 2000 site will be subject to Habitats Directive Assessment prior to approval.

NE-12 – Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives shall be permitted on the basis of this plan.

NE-13 Maintain the nature conservation value and integrity of all NHAs and pNHAs, Nature Reserves and Killarney National Park.

5.3. Natural Heritage Designations

The site is within 15km of seven European Sites. These are

- Ballyseedy Wood SAC (Site Code 002112), within site.
- Slieve Mish Mountains SAC (Site code 002185), approx. 3km to southwest.
- Tralee Bay & Maharees Peninsula, West to Cloghane SAC (Site Code 002070) approx. 5km to west;
- Tralee Bay Complex SPA (Site code 004188), approx. 5km to west.
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site code 004161), approx. 6km to northeast.
- Castlemaine Harbour SAC (Site code 000343), approx. 13km to southwest.
- Castlemaine Harbour SPA (Site code 004029), approx. 13km to southwest.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is a first-party appeal against the decision to refuse planning permission. It was submitted by Hickey Design on behalf of the applicants. The main points raised may be summarised as follows:

1. **Siting of extension** - The proposed extension is situated on the western side and is designed not to be seen from the front of the original building and to minimise the impact as the building is approached. It is situated between the rear wall of the 19th century castle extension and the later extensions.
2. **Physical intervention is minimised** - by ensuring that the connection points are kept to a minimum and are located where no permanent or irreversible physical damage is done to the existing fabric and character of the building. Reference is made to Drawing No. 13/090/J13/P04 to illustrate how the proposed extension will be tied into the wall of the existing structure with lead flashing, which will be attached to the castle walls. This will involve cutting into the castle walls by 25mm and will require minimum alteration to the fabric. It is pointed out that the flat roof is supported by the blockwork and not by the castle walls and that there will be no visible downpipes or gutters.
3. **Policy objectives H38 and H44** – this small scale first floor extension which will be constructed over an existing extension will not contravene these objectives due to its appropriate scale, density, layout and use of materials. The extension is the final section of a four-phase plan, is essentially a “back-of-house” structure required to complete the choice of facilities available to guests which will be interconnected and fully accessible to meet current building regulation standards. It is pointed out that the structure “has been taken from the grips of dereliction 12 years ago to be renovated and extended to become a highly successful four-star hotel.” The extension is smaller in scale than the original structure and the more recent extensions and is fully reversible. It will not detract from the special character or interest of the PS as it deals sensitively with the historically important features and respects the original design plan and form.

4. **Design of extension** – the design refers to the early/mid-19th Century extension in order to minimise the visual impact and character of the protected structure. A modern structure in a contemporary style would have a greater impact on the character of the PS, as accepted under previous planning permissions.
5. **Materials** – the proposed materials finish is of a high quality and is to remain in keeping with the existing structure.
6. **Architectural Impact Assessment** – reference is made to a detailed AIA submitted with 07/4056. This had set out the rationale for the proposed development and detailed records of the existing structure (including photographic record) etc. It is submitted that the current proposal has taken into account the recommendations and mitigations contained in that report.
7. **Landscaping** – the landscaping around the castle will not be affected by the proposed development.
8. **Ecological Impact Assessment** – reference is made to the ecological survey by Aardwolf Wildlife Surveys and it is confirmed that the mitigation measures in this report will be complied with.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 7th January 2019, with a memo from the Executive Planner (Conservation) dated 21/12/18. The following comments were made:

The approach to development undertaken and the potential loss of integrity of the protected structure was identified as of concern in the original planning reports. The development as constructed is a visually separate entity to the protected structure. It is considered that the addition of the extension will essentially remove this separation and will result in a merging of the new and old. It is imperative that this break between the existing structure and that of the new building (particularly within the context of the design of the new structure), is maintained. I have serious reservations about the potential loss of the existing protected structure to be seen as the dominant building in its own right.

7.0 Assessment

7.1. It is considered that the main issues arising from the appeal are

- The impact on the character and setting of the P.S.
- The impact on the historic fabric of the building.
- The cumulative effect of the extensions on the character, integrity and setting of the Protected Structure.
- Appropriate Assessment.
- Environmental Impact Assessment.

7.2. Character and Setting of Protected Structure

7.2.1. The Architectural Heritage Protection Guidelines state that it will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and to keep them in viable economic use. However, the guidance implies that where possible, the new functions or services should ideally be incorporated into the existing envelope, rather than to extend. Some of the main conservation principles are to promote minimum intervention and to protect the special interest of the P.S. This requires that interventions, such as extensions and alterations, are low key and do not adversely affect the historic features of the P.S. (such as walls, windows etc.). It is further required that any intervention would indicate respect for the historical importance, integrity and special character of the protected structure, and for its setting.

7.2.2. Ballyseede Castle Hotel has been extended to a significant extent in the past four years. The stated floor area prior to the construction of the first of the recent extensions, the orangery and access core lobby, was 1,480m². The GFA of the existing buildings in the current application is given as 3,305.37m². This represents well over a doubling of the floor area of the original historic building, (i.e. original house and the 19th century extension or northern wing). Thus, the interventions undertaken to date, in order to facilitate modern living standards and viable economic use, could not be described as low key. However, the extensions are all located to the rear of the main historic building. The orangery is single-storey, flat-roofed and lightweight in design and has the appearance of an annexe or

conservatory. The 2-storey access core, with its castellated parapet, however, is more imposing, but is relatively small in area and appears as an annexe.

7.2.3. The 16-bedroom extension with its castellated parapet is a much more imposing structure, which has a very strong presence. However, its location to the west and rear of the historic building, together with physical and visual separateness from it, allows it to be read as an extension and to exist without dominating the protected structure. The most recent extension (barrel store) has reduced the physical separation somewhat, but as it is single storey, the visual separation remains above the flat roof. The proposed first-floor extension would, however, eliminate the physical and visual separation between the large bedroom wing and the 19th Century extension to the castle.

7.2.4. Although sited at the rear of the castle, the maintenance of a gap between the old and the new in this location is considered to be of critical importance to the appreciation of the character and integrity of the protected structure for two reasons. Firstly, it prevents continuity between the two largest extension wings, and in its absence, the merger into one continuous block would create confusion regarding the historical record and would detract from the visual integrity of the building. Secondly, the existing gap maintains views of the 19th century northern wing, which forms a historically important and integral part of the castle. Although the rear elevation, it is still considered to be a principal elevation which contributes to the historical development and special interest of the castle and should not be obscured. It is considered that the view of the castle walls from the northern car park would be adversely affected. The view from the formal gardens of this part of the castle walls is already obscured by the access core extension, but the existence of a gap is still evident with views through to the round turret feature maintained at present. The proposed extension would close this gap and eliminate these views. It is considered, therefore, that the setting of the protected structure would be adversely affected by the proposed extension.

7.2.5. The justification for the proposed extension (128.8m²) is to facilitate a smaller area for guests during a function, such as a wedding, where a quieter space can be found which is close to the main venue. However, this element of the proposed extension represents just c.37m², with the remainder of the floor area to be used as a new bedroom and ensuite (c.61m²) a store room (14.7m²) and a lobby and toilets. The

case for an additional bedroom and store room in this location has not been made and it is conceivable that the additional quiet guest area could be accommodated within the existing building envelope. Thus, it is considered that there is insufficient justification for the first-floor extension in this location.

7.2.6. I would agree, therefore, with the P.A. that the proposed development would remove the visual separation between the historic building and the recent extensions and would result in a merging of the old and the new, which would detract from the special character and interest of the structure and fail to provide for an appreciation of its setting. The proposed extension would, therefore, contravene policy objectives H38, H39 and H44 of the County Development Plan.

7.3. Impact on historic fabric

7.3.1. The applicant's agent has advised that the interventions to the historic fabric would be kept to a minimum and refers the Boards to Drawing No. 13/090/J13/P04. This is a part section which shows that the flat roof of the proposed extension would intersect with the castle wall below the string course and above the first-floor windows. It is further stated that the flat roof would be butt jointed against the castle wall but will be supported entirely by the new extension. Detailed specifications with large scale details have not been provided. However, similar methods were used in the construction of the previous extensions. For example, it can be seen that the top of the northern wall of the 2-storey access core extension is cut around the string course and that it is not supported by the existing structure.

7.3.2. The existing single-storey barrel store extension with external fire escape staircase, however, appears to have cut through windows and window mouldings and resulted in windows being blocked up, with what looks like cement. It would appear from the correspondence provided by the P.A. that this matter is the subject of ongoing discussions between the parties regarding alleged unauthorised works. Notwithstanding this issue, the proposed extension would cover over the windows of a principal elevation and even if the proposed works would ultimately be reversible, it is questionable as to whether the combined effect of the extensions would not adversely affect the fabric of the protected structure. The Architectural Heritage Protection Guidelines stated that even if alterations are reversible, this is not sufficient justification for inappropriate interventions.

7.4. Cumulative effect of extensions and alterations

7.4.1. The proposed extension is described in the grounds of appeal as Phase Four of a four-phase development to renovate and bring the building up to an appropriate standard to operate successfully as a four-star hotel. It is considered that the combined effect of the proposed extension together with the previous three extensions would overwhelm the Protected Structure and would erode the character and integrity of the building as originally conceived. The cumulative effect would also have a damaging effect on the setting of the Protected Structure.

7.5. Environmental Impact Assessment

7.5.1. Having regard to the nature, size and location of the proposed development, and to the established nature of the site, 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.

7.6. Appropriate Assessment

7.6.1. The 12 hectare appeal site incorporates part of a European site, Ballyseedy Woods SAC (002112). The Site Synopsis (NPWS) states that it consists of a woodland located in the floodplain of the River Lee, which also runs through the northern part of the site. The SAC site incorporates the woodland which occupies the lands between the castle and the N21 and commences at the gatelodge to the east. It continues past the hotel site in a westerly and south-westerly direction as far as the N22. It is dominated by native tree species such as Alder, Ash, Hazel, Oak, Yew and Elm, and includes non-native species also. The site has been selected for the Alluvial Forests Habitat with *Alnus glutinosa* (Alder) and *Fraxinus excelsior* (Ash). Alluvial Forests is a Priority Habitat. The Site Synopsis also states that there are several scarce plant species, that the site is a nesting site for long eared owl and that the river is frequented by otters.

7.6.2. The P.A. reports screened out appropriate assessment. It was noted that the site is located adjacent to Ballyseedy Wood cSAC (002112). However, having regard to the existing development on the site and the associated planning history, Reg. Nos. 17/787 and 16/545, the report from the Biodiversity Officer (in respect of 17/787) and the distance from the SAC, it was considered that there is no potential for significant

effects on a European site. Regard was had to the reports from the Biodiversity Officer which considered that as the extension (17/787) is directly onto an existing building, no direct impacts to the woodland were likely. Given that the current proposal is located directly over the footprint of 17/787, this is considered to be a reasonable approach. Other comments made by the Biodiversity Officer in respect of 17/787 are as follows:

- The Site WWTP – further to this WWTP meeting the EPA Guidelines, no indirect effects are considered likely on water quality of the river Lee, which flows through the SAC. The River Lee ultimately discharges a considerable distance downstream into Tralee Bay & Maharees Peninsula West to Cloghane SAC/Tralee Bay Complex SPA.
- Priority Habitat – the Wet Alluvial Woodland (annexed habitat) is groundwater dependent. The WWTP consists of a series of integrated constructed wetlands which percolate to groundwater. Further to the WWTP meeting best practices, no significant effects on the SAC is considered likely from the proposed development.
- Bat activity – The proposed development is within an area of high potential for bat activity. An updated bat survey was carried out in 2016 to inform the significant bedroom wing extension (16/545). The proposed extension under 17/787 is in close proximity to the bedroom wing extension and involves relatively minor changes and additions to the existing layout. Considering the nature and scale of the works proposed and the results of the 2016 bat survey (which indicated limited bat activity in the vicinity of the hotel), no impacts on bat species are considered likely. As noted, mitigation proposed in the 2016 Bat survey will be undertaken and further to this, no impacts on bat species are identified.

7.6.3. The Area Planner also referred to a report in respect of 17/787 from Inland fisheries Ireland which stated the following:

“Site construction: good site management practices should be adopted to prevent discharge of silt/hydrocarbon contaminated waters to waters. For example, through the use of silt traps and/or interceptors, these to be maintained at regular intervals during construction.

Foul and surface water drainage: On completion of works, Certification should be required to confirm correct connections have been made to foul and surface water drainage.”

7.6.4. The proposed development is located at the northern end of the castle building, but is contained within the overall footprint of the existing development. Although the SAC boundary is estimated to be 25-30 metres from the site of the proposed works, it is unlikely that the proposed development would have any significant effect on the European site, having regard to the nature and scale of the works and to the conservation objectives of the SAC. In terms of waste water treatment, I note from the P.A.’s website, that the Integrated Constructed Wetland wastewater treatment system, which was granted by the P.A. in 2007 (07/1189), was installed in August 2007. It is further noted that the capacity was stated as 100 guests plus staff, that there were 5 ponds with eventual discharge to the River Lee and that the wetland was located to the southeast of the castle, north of the driveway. I would agree with the P.A.’s assessment that provided that the system continues to be operated in accordance with the permission granted, which includes a maintenance contract, it is considered that the operation of the proposed development is not likely to give rise to any significant effects on the European site in respect of this potential pathway. In terms of construction, provided that normal good site management practices (as recommended by the IFI) are implemented, no significant effects are likely to arise. The assessment of the impacts on bat activity also seems reasonable. Provided that the mitigation measures proposed in the updated survey are implemented (as proposed), it is considered that no impacts on bat species are likely to occur.

7.6.5. It is noted that apart from Ballyseedy Wood SAC, the closest European sites are Slieve Mish Mountains cSAC (002185), which is 3km to the south west, Tralee Bay and Maharees Peninsula West to Cloghane SAC (002070) and Tralee Bay Complex SPA (004188), which are 5km to the west, Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161) 6km to the north east and Castlemaine Harbour SAC (000343) and SPA (004029), which are 13km to the southwest. Given the small scale of the development, the distances involved, and the absence of any indication of a hydrological link to these European sites, it is considered that Appropriate Assessment issues can be ruled out at this stage.

7.6.6. Having regard to the nature and scale of the proposed development, the location of the extension within the overall footprint of the built form on the site, and the nature of the receiving environment, and the proximity to the nearest European site, Ballyseedy Woods SAC, no Appropriate Assessment Issues arise. It is considered that the proposed development would not 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. It is recommended that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the scale and extent of the previous extensions and alterations to the protected structure, which are generally visually and physically separated from the historic building, the proposed first floor extension would remove this visual separation which would confuse the historical record of the building, detract from its architectural character and integrity and obscure views of the 19th Century wing, which forms an integral part of the historic structure. It is considered that the proposed development, in conjunction with the existing development on the site, would result in an excessive level of intervention which would dominate the Protected Structure, erode its character and adversely affect its setting. The proposed development would therefore contravene policy objectives H38, H39 and H44 of the current Kerry County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly

Senior Planning Inspector

8th March 2019

