



An
Bord
Pleanála

Inspector's Report ABP 308890

Development

Extension and re-surfacing of existing seafront public car park to include provision of coach parking spaces, a bicycle stand, a multi-use paved area and all associated works.

Location

Waterville, Co. Kerry.

Planning Authority

Kerry County Council

Type of Application

EIA Screening Determination

Applicants

1. Caroline Clifford
2. Tanya O'Sullivan
3. Martin McLeod
4. Lisa Fitzgerald
5. Vincent Hyland
6. John O'Sullivan
7. Alison Clifford O'Sullivan
8. Desmond Lucey

9. Ralph Slattery
10. Angela Griffin
11. Ellis Slattery
12. Irene Fitzgerald
13. Elizabeth Conlon
14. Stephanie Fitzgerald
15. Linda O'Sullivan
16. Sean Constable
17. Lynda Higgins
18. Rachael Glynn
19. Eddie O'Keefe
20. Ciara Fitzgerald
21. Joanna Janicka
22. Shauna Clifford
23. Angela O'Connell
24. Niamh Fitzgerald
25. Deirdre Fitzgerald
26. Sean Clifford & Mary Clifford
27. Finbar McGillcuddy
28. Eileen Murray
29. Diarmuid Flahavan
30. Geraldine Fitzgerald
31. Kevin Fitzmaurice
32. John Fitzgerald
33. Elayne Fitzmaurice
34. Garret Collins
35. Annemarie Fitzmaurice
36. Elaine Carey O'Shea
37. Amy Rudd

38. Carmel Cunniffe
39. Denise Collins
40. Julie O'Connell
41. Daniel Murphy
42. Shelia O'Connor
43. Lisa Foran
44. Aoife Fitzgerald
45. Joan & Miriam Courtney
46. Nuala Doyle
47. Courtney O'Sullivan
48. Carmel Clifford
49. Deirdre Byrne
50. Alex Murphy
51. Erin Murphy
52. Dorothy Rudd
53. Sean Murphy
54. John Clifford
55. Jay Sheehan
56. Maura Clifford
57. Ciara O'Neill
58. Sean O'Connor
59. Judy Higgins
60. Russel Smith
61. Mark Benham
62. Patrick O'Connor
63. Veronica Murph

Date of Site Inspection

19th February 2021.

Inspector

Sarah Lynch

1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations 2001, as amended, 61 members of the public are seeking a determination from An Bord Pleanála, as to whether or not the proposal to construct extension and re-surfacing of existing seafront public car park and associated development would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Kerry County Council are of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended.
- 1.2. There is a concurrent request for the Board to make a screening determination under Article 250 of the Planning and Development Regulations 2001, as amended, as to whether the development application would be likely to have significant effects on a European site requiring Appropriate Assessment (ABP-308888-20).

2.0 Site Location and Description

- 2.1. The site is located in Waterville within and adjacent to the current seafront carpark. The lands incorporate the existing carpark, a disused tennis court and an open green area of c. 0.06ha which is currently partially trunked and gravelled and forms part of a larger green amenity area (c. 0.9ha) at the seafront.
- 2.2. The development is within the Ring of Kerry scenic route and the Wild Atlantic Way. The site is bounded by the N70 to the east and a promenade to the west. The site directly overlooks the Atlantic Sea to the west and forms part of a coastal walk and access to the beach. It is stated within the information submitted that the development site and the adjacent green area is used for events such as festivals, sport activities and funfairs.
- 2.3. The surrounding area is a mix of residential properties and commercial with holiday properties interspersed throughout the town, development is typical of a seaside town. The Butler Arms Hotel is located to the north east of the site and dominates the seafront location in this area.

3.0 Proposed Development

- 3.1. The proposal provides for an upgrade and extension to the capacity of the existing Car Park at the Waterfront adjoining the promenade in Waterville Town. The footprint and capacity of the car park will increase to provide a maximum of 6no. coach spaces and 45 no. car spaces (33 spaces and 2 no. disabled spaces will be provided within the existing upgraded car park and tennis court, and an additional 10 overflow spaces within the proposed new multiuse space).
- 3.2. The area of the development is 3014m² (0.3Ha). The proposed development would expand the existing carparks footprint and capacity and enhance regulation and management of the facility. The footprint of the permanent carpark would extend into an existing disused tennis court located to the north. To the south a paved multi-use area of c. 0.06ha is proposed to be located within an existing grassed amenity area. The paved area is designed to be used for carparking as the need arises. The paving would also facilitate its use as a space for amenity, community, cultural or social activities. Bicycle parking facilities are also proposed in this area. The reinstatement of a low stone wall within this element of the development is also proposed.

4.0 Request for Direction and Submitted Documents

- 4.1. A request was submitted by 61 no. individuals as listed above seeking a determination by the Board as to whether EIA would be required for the proposed development. The following summarises the content of these submissions.
- 4.2. It is considered within the submissions received that the proposed development will have a significant effect on the environment. A number of concerns are put forward in this regard as follows.
 - It is stated that the green area on which development is proposed is Natura 2000 habitat and provides a feeding site for birds currently used by birds such as Osytercatchers, Ringed Plover and Lap wing as a feeding ground. Crows, Chough and other smaller birds such as curlew are also mentioned to utilise the area for feeding.
 - The green space is utilised as an active open space by residents for walking, exercising pets and yoga classes.

- It is contended that the removal of this open space would have a direct impact on birds and human beings.
- Further concerns relate to the visual impact of the proposed development. It is stated that the removal of green space and installation of tarmac and other hard landscaping is not visually appealing.
- The objectors state that Waterville is the only seaside village on the Ring of Kerry and the existing green provides an attractive open area within the village.
- The boundary and periphery between Natura 2000 sites should be considered in determining environmental factors.
- Environmental screening document was not signed. There is no evidence that the person carrying out the screening had the relevant expertise to do so.
- The proposed development site floods at high tide during storms.
- Development is not an appropriate use of public expenditure.
- Alternative sites are proposed for the development on higher ground.
- There are EU protected species within the site, any development would devastate this flora and fauna.
- Insufficient information was considered within the EIA screening report.
- It is the policy of the local plan for the area to retain such green open spaces, associated car parks will be considered under the policy but should not detract from the primary use as active open space.
- The council recognises within its plan that there is sufficient parking in the village.
- Retention of green space is essential to the health and well being of the residents of Waterville.
- Measurements are incorrect on the plans for the part 8.
- There is an increasing focus on the quality of open space at policy level, reference is made to the Sustainable Residential Development in Urban Areas Guidelines.

- There is a commitment to retaining open spaces in the development plan, the development is a contravention of the council's own plans.
- 4.3. In response to correspondence from the Board dated 18th December, 2020, Kerry Country Council confirmed that the development is subject to the process set out at Part XI of the Planning and Development Act, 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended, however it is stated by the Council that this process has been suspended until after the Board's screening determination is concluded.
- 4.4. The submission, which was received by the Board on 21st January 2021, included the information specified in Schedule 7A for the purposes of the screening determination. It also includes the following documents:
- Public Notice – Part 8 process
 - Layout Plan Drawings
 - EIA Preliminary examination
 - EIA Preliminary Screening Report Conclusions Statement
 - Appropriate Assessment Screening
 - Planning Authority Habitats Directive Assessment Screening Determination Statement.
- 4.5. The Council contends within its submission that the works will have a positive impact on the population, providing for safer parking arrangements at the seafront. It is further contended that the proposed works will facilitate the safe enjoyment of the waterfront by a range of users to appreciate its setting. The proposed multi-use paved area can be enjoyed as part of the promenade / public realm offering when not in use as a spill over car park. In terms of Biodiversity, the Council states that the Habitat loss of amenity grassland (GA2) and artificial habitats of low ecological importance. Potential for loss or degradation of Natura 2000 qualifying interest habitat can be ruled out with certainty – nearest associated saltmarsh habitats are located over 3 Km away to the north, inside the mouth of the Inny Estuary.
- 4.6. It is further stated that at operational stage, the project could make a relatively small amount of coastal grassland habitat (Mick O' Dwyer Park) less usable to birdlife by

way of increased disturbance / displacement. This would be a locally significant impact but is not likely to impact on waterbird populations in the wider area with no impact on key mudflat, saltmarsh or estuarine waterbird feeding grounds in the area or on other coastal grasslands locations around the Bay. The park would remain useable during periods of low disturbance, such as the early in the morning.

- 4.7. Construction stage noise is not likely to cause significant disturbance as birdlife in the area are likely to be habituated to similar type noise in this urban environment. It is noted that significant construction works were undertaken in the wider park in recent years, including the installation of a waste water pumping station and storm water tank. Construction projects can release sediment once vegetation is removed and or soil disturbed. In this instance, it is considered that any such release would not impact water quality downstream given the minor scale of the works and the scale and dilution capacity of Ballinskelligs Bay. Even accounting for a possible coastal flood event occurring during the course of the works and overtopping the promenade, any input likely to arise would be imperceptible and easily dissipated and assimilated within the received waters so as not to significantly impact water quality in the Ballinskelligs Bay or further afield.
- 4.8. With regard to the Development Plan, the Council states that the Kerry County Development plan recognises the role that good quality open space, recreation and amenity facilities can play in creating healthy and active lifestyles to ensure the wellbeing and improved quality of life of the entire community.
- 4.9. The proposal as outlined, will not result in the loss or discontinuation of an existing amenity or sporting facility or intrude on the promenade. The proposed paved area is designed to function as a hard landscaped amenity space and therefore has potential to increase the areas usefulness as recreational space and can effectively function as part of the promenade's public realm, when not in use as a spill over carpark.

5.0 Policy Context

Kerry County Development Plan 2015-2021

- 5.1. Under the provisions of the Kerry County Development Plan 2015-2021, Waterville is District Town within the Settlement Hierarchy for the County. Such towns serve the rural hinterland as a service centre and market town.

West Iveragh Local Area Plan, 2019-2025

The lands are zoned M4 Built up area and G1 Open Space, carparking is acceptable under M4 and open for consideration under G1 zoning.

- Section 3.3 - The settlement strategy also identifies Waterville as a location suitable for population growth. The development of this settlement will allow for the provision of local services, by encouraging and facilitating population growth at a scale, layout and design that reflects the character of this settlement.
- Objective WE-T-01- Provide for the provision and improvement of pedestrian and cycling infrastructure in the town as required.
- Objective WE-T-02- Provide for the development of car parks with the capacity to accommodate dedicated tour bus parking.

6.0 Planning History

6.1. There is a current Part 8 for the Extension and Improvement of the existing Seafront Public Car Park at Waterville, no other recently recorded planning application history is of note at the site.

6.2. Natural Heritage Designations

The site is directly adjacent to the Ballinskelligs Bay and Inny Estuary SAC and c. 800 metres north of the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC. A number of other sites are located proximate to the proposed development and include, The Inveragh Peninsula SPA which is located c. 5.4km south of the development and the Kenmare River SAC which is located c. 6.8km south of the development. The Deenish Island and Scariff Island SPA is located c. 9.5km south of the development.

7.0 Legislation and Guidelines

7.1. Planning and Development Act 2000 (as amended)

Section 172(1) states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold'

development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

Section 172(1A) specifies that the above is relevant to development that may be carried out by the local authority under Part X.

7.2. **Planning and Development Regulations 2001 (as amended)**

7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

7.2.3. **Schedule 5** of the Regulations sets out the classes of development where EIA is required.

Part 1 – Sets out the development classes which are subject to mandatory EIA.

Part 2 – Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

7.2.4. **Schedule 7** – Sets out the criteria for determining whether a development would, or, would not be likely to have significant effects on the environment, under three headings-

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

7.3. **Schedule 7A** - relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement

for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of revisions to Article 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018. The changes to Article 120(3) introduced by these regulations came into effect on 1st September 2018.

8.0 **Assessment**

8.1. The proposal is to construct an extension to an existing car park at the coast in Waterville. The development will comprise the resurfacing of the existing car park and the provision of coaching parking spaces, bicycle stands, multi-use paved area and ancillary site works. The extended part of the car park will provide for a dual use space as a seating area or carparking when required. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. An Environmental Impact Assessment Screening Report supports the planning authority's submission, which concludes that the proposal is significantly below relevant mandatory EIA thresholds, there is no potential cumulative or in combination effects likely to arise and there is no real likelihood of significant effects on the environment arising from the proposed development.

8.2. The following matters are considered relevant in the assessment of the requirement for the submission of an EIAR in this case.

- Assessment of project type/class of development under Schedule 5 of the Regulations relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- Assessment of proposal under the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended/Annex 111 of the EIA Directive 2014/52/EU.

8.3. **Relevant project types/class of development**

The referrers' have not indicated the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended, within which the proposed development is considered to fall. The project type is infrastructure comprising the

construction of a car park and also urban development due to the location of the site in a developed area and on zoned lands within the identified development boundary of the Waterville settlement as set out in the Kerry County Development Plan 2015-2021 and the Cahersiveen, Waterville, Sneem Functional Area Local Area Plan 2013-2019.

8.4. The relevant classes of development applicable to the proposed project which is the subject of this referral are as follows:

- Class 10(b)(ii) of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001, as amended (Construction of a car park)
- Class 10(b)(iv) of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001, as amended (Urban development).

8.4.1. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of Environmental Impact Assessment.

8.5. **Relevant threshold under Class 10(b)(ii) and Class 10 (b)(iv) of Part 2 of Schedule 5 of the Planning and Regulations, as amended.**

8.5.1. The threshold cited under Class 10(b)(ii) in the Regulations is the 'Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development'. The proposal involves the construction of a car park to accommodate a total of 45 car spaces and 6 bus spaces. The proposed development is therefore listed in Part 2 of the Fifth Schedule and is of a Class, but is sub-threshold for the purposes of mandatory EIA, comprising fewer than 400 spaces.

8.6. The threshold cited under Class 10(b)(iv) in the Regulations is 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere'. The proposed development would be accommodated on a site of 0.301ha. Therefore, while the proposed development is of a Class listed in Part 2 it is sub-threshold for mandatory EIA.

8.7. An assessment as to whether the project would be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended, is set out below.

8.8. Assessment of the development under the criteria set out in Schedule 7 of the Regulations

Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant on the environment under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Types and characteristics of potential impacts

8.9. Characteristics of proposed development

Size and scale of proposed development

- 8.9.1. The proposal is for a scheme for the development of an extension and re-surfacing of existing seafront public car park to include provision of coach parking spaces, a bicycle stand, a multi-use paved area and all associated works. It comprises an existing carpark and tarmac tennis court and an area of green open space at the coast in an urban location on zoned lands which will be connected to existing road infrastructure.
- 8.9.2. The site is surrounded by town centre development of medium density which are predominantly two-storey in scale with the exception of The Butler Arms which is three storey in height. The proposal will introduce an improved parking facility and hard standing open space area to the south of the existing car park whereby benches will be positioned for the public to utilise. No additional structures are proposed with the exception of bicycle stands in this area and the development is merely introducing an improved parking surface and small area of multi-use hard standing (c. 0.06ha) where there is currently a gravel surface. The proposed new hard standing is currently part of a larger grass area (c. 0.9ha) which will remain unaffected by the proposed development.
- 8.9.3. It is stated by the applicant that there will be no excavation of rock. However, the level of the disused tennis court will be lowered to the level of the existing car park. This will involve excavation of the existing bituminous surface and sub-surface of the tennis court. The maximum cut height estimated for the project is 0.55m and the maximum fill height is 0.75m. The maximum cut height will be at the south west side of the tennis court where the existing playing surface is about 400mm higher than the existing parking surface. A further maximum depth of 150mm depth will be excavated to

facilitate a 150mm deep layer of clause 804 aggregate under the new bituminous parking surface in the footprint of the tennis court.

- 8.9.4. The development will entail the removal of vegetation and stripping back of topsoil to a depth of 150-200 mm below existing ground level from the new multi-use area of c. 360 m². It is stated that some of this topsoil will be temporarily stored on site for re-use and all excess will be removed to an authorised place of disposal. All green areas within the works area will be reseeded when works are finalised.
- 8.9.5. It is considered that the site has the capacity to accommodate the limited development and that the proposal would not be significantly at variance with the established pattern of development in this suburban area. Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of the Fifth Schedule of the Regulations, I do not consider that a requirement for EIA arises.

Potential for cumulative impacts with other existing and/or approved projects

- 8.10. The development site is surrounded by the town development where there is a significant area of land zoned for mixed use development to the rear of Butlers Bay Hotel and to the east of the main street. The current car park is zoned as a M4 built up area and the proposed extension will encroach onto lands zoned as G1 open space. The extension area proposed will largely remain as open space albeit a hard standing and will accommodate picnic benches for visitors to the area and parking overflow when required. The Council states within their Schedule 7A information that was received by the Board on the 21st January 2021 that permitted projects in the area are of a small scale and include a proposal for a heritage display building in Mick O' Dwyer Park to the south.
- 8.11. Should the construction of the proposed development occur in tandem with other urban development such as the type for which lands to the east are zoned, I do not consider, given the limited area of lands to be hard surfaced that there is potential for cumulative impacts to arise. The introduction of an additional 10 car parking spaces would not give rise to significant cumulative impacts in relation to traffic, noise, dust and visual impacts. Any impacts would be of a temporary nature and short-term. Based on the information available, the existing site context and available

infrastructure, it is considered unlikely that these impacts would be of a magnitude that would generate the need for EIA.

Nature of any demolition works, use of natural resources, production of waste, pollution and nuisances

- 8.12. There are no buildings/structures on the site that require demolition. The nature and scale of the development, which comprises a resurfacing of an existing car park and a limited extension of same onto existing green space, would not result in a significant use of natural resources.
- 8.13. Production of waste will arise in relation to the excavated material from the site. It is stated by the Council that the proposed development will result in earthworks requiring a cut quantity of an estimated 160 m³ of material from under the tennis court which will most probably have to be moved/disposed off site and 104 m³ organic topsoil from the multi-use area which will be reused on site for re-grading a grassed surface between the north east edge of the new parking surface and the boundary wall along the N70 public road. Any surplus soil will be disposed of to an appropriately licensed soil recovery facility. Any effects on soils and geology will be localised and contained within the proposed development footprint. The proposal will not result in soil erosion elsewhere.
- 8.14. The potential for pollution and nuisance arising from an urban development of this scale would be limited. The construction phase will result in noise, dust, and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings. However, these impacts will be temporary and short lived and will be controlled as part of the standard construction management plan.
- 8.15. I consider that an urban improvement and minor extension project of the scale proposed has limited potential for significant effects arising from the use of natural resources, the production of waste or the generation of pollution and nuisance to warrant EIA.

Risk of major accidents and/or disasters including those caused by climate change

- 8.16. Having regard to the location, nature, scale and characteristics of the proposed development, comprising resurfacing and minor extension to an existing car park and associated infrastructure, it is considered that there is negligible risk of a major accident and/or disaster.

Risk to human health

8.17. There are no significant risks to human health associated with the proposed development. The risk to human health arising from water contamination, air pollution, noise etc is considered to be negligible and not of a magnitude to generate a requirement for EIA. The area will continue to be used as open space and will provide a positive impact to human health in providing an area to sit at the sea front.

8.18. Location of proposed development

Existing and approved land use

8.19. The site is currently utilised as a car park and is open to the sea and surrounding area. The green area is currently maintained and is partially gravelled and forms part of a larger green open space. The promenade separates the proposed site from Ballinskelligs Bay and Beach. The proposed development would improve upon the current visual amenity of the existing car park and the additional extension, whilst removing the small area of green open space, would provide a multifunctional space to accommodate a seating area for visitors to the park and beach, bicycle parking and ad hoc car parking for 10 cars.

8.20. The proposed development would complement the pattern of development in the area and not result in any significant adverse impacts on land use.

Relative abundance, availability, quality and regenerative capacity of natural resources

8.21. The current car park and tennis court area is developed and therefore will not result in any habitat loss. The green area proposed to accommodate the extension of hard surfacing is a resource in that it is a partially undeveloped area within the built environment that is potential habitat for flora and fauna. All vegetation on this element of the site will be removed to make way for the development, which will result in habitat loss, however this managed green space is of low ecological value in terms of habitat and as such I am satisfied that its removal will not give rise to significant effects on the environment.

8.22. It is of note from the Appropriate Assessment Screening that the Ballinskelligs Bay area is utilised by grey seals and over wintering birds such as the common scoter and common ringed plover. Other bird species that utilise the Killarney National Park,

MacGillcuddys Reeks & Caragh River Catchment SAC include Peregrines, Chough, Whitefronted Geese and Merlin. I note from the submissions received that a number of bird species have been observed by the public within the green area to be excavated for the proposed paved area and concerns have been raised in relation to the disturbance of these species.

- 8.23. In response to the concerns raised by the submitters in relation to bird usage at the development site, the Council 's Planning Ecologist reviewed the site on the 20th January 2021 in order to observe the type and quantity of bird species utilising the site. A number of birds were observed during this site visit such as Common Gull and Oystercatcher, along with others that are common in the Irish landscape.
- 8.24. It is stated that the birds foraged around the existing pumping station and moved to the central area of the park. Birds are stated as being habituated to disturbance by activity in the park but were displaced by dog walkers and dogs off the lead utilising the park.
- 8.25. The Council state that the central area of the park where lands are damp underfoot is utilised by foraging birds, no seabirds were . The proposed development site is stated as not being used significantly for foraging, its shape and boundary treatment are stated to hamper surveillance and escape, and therefore the loss of habitat arising from the development is considered by the Council to be inconsequential to bird use in the park.
- 8.26. The green area is as mentioned in the submissions received is habituated by a high level of disturbance from dog walkers, exercise classes and beach users. Such levels of activity, in addition to the type of habitat present (maintained green space) in this area does not provide for habitat that bird species would depend upon as significant feeding grounds. The proposed works will not be extensive and will be carried out over a short period of time (7 weeks), as noted from the survey carried out by the Council, bird species landing at the development site and adjacent lands are habituated to high levels of disturbance and as such given the minor nature of the proposed works it is unlikely that significant effects would arise.
- 8.27. Overall, the nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing

use of natural resources from the proposed use of the site. There is, therefore, no potential for significant effects.

The absorption capacity of the existing environment

- 8.28. The site is located within the built-up area of Waterville and is surrounded by mixed use development. The site is directly adjacent to the Ballinskellig Bay and Inny Estuary SAC but forms part of the built up area of the village. The ecological value of existing habitats within the site is assessed as low to moderate and there is no indication within the Council documentation that the development site is a habitat for any protected or rare species. The site has been screened for appropriate assessment and this matter is considered in more detail under the AA Screening determination (ABP 308888-20).
- 8.29. The site is separated from the aforementioned Natura 2000 site by the presence of a promenade and as such it is considered that the lands have the capacity to absorb the proposed development without generating significant effects on the environment and the requirement for EIA.

8.30. Types and Characteristics of the Potential Impact

Nature, magnitude and extent of the impact

- 8.31. The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Waterville where the development will be located. The construction stage will result in limited impacts on the local population arising from dust, noise and traffic. These will be of short duration and capable of effective mitigation by normal good construction and best practice methodologies.
- 8.32. The resurfacing of the existing car park and provision of a pavement all weather amenity area will have generally positive visual impacts for the area as will the removal of existing disused tennis courts and improvement of the civic amenity. The proposed development will not impact on any protected views identified in the development plan.
- 8.33. In terms of *biodiversity*, the proposed development will result in the loss of habitats that exist on site. The habitat comprises of improved grassland and there were no rare or protected species recorded on the site and there were no records of third schedule invasive species.

- 8.34. The existing habitat is exposed to the sea and extensively utilised by dog walkers, events and beach goers and as such would not be suitable or of significant value to provide refuge or significant foraging habitat to mammals or bird species. Given the high level of human activity at this site it is not considered that significant displacement of species would occur as a result of the proposed development.
- 8.35. The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site. No works are proposed in the adjacent SAC and subject to best practice construction methodologies and environmental controls, there is no significant risk to ground or surface *water quality*.
- 8.36. There is potential for impacts on *air and climate* and *noise and vibration* to occur during the construction phase. Having regard to the temporary nature of the works, these impacts would be short term and capable of effective mitigation through good construction practice.
- 8.37. The site is within a built-up area and is removed from any protected structures. There are no known archaeological monuments proximate to the site. No potential significant impacts on cultural heritage have been identified.
- 8.38. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that the proposed development would have a significant impact on material assets in the locality.
- 8.39. There is potential for interactions between various environmental factors, notably between land and biodiversity and population. Subject to the identified mitigation measures, significant interactions are not considered likely or such that would give rise to significant additional environmental impacts.

Probability, intensity and complexity of impacts

- 8.40. The proposal will result in the loss of a small area of improved grassland habitat. Having regard to the limited scale of the proposal, the nature of the environmental impacts are not complex or intense.

Expected onset, duration, frequency and reversibility of the impact

- 8.41. Having regard to the nature of the development, it is expected that the impacts will be on-going, long term and only reversible if the paved area is reinstated to its pre-development state.

Transboundary nature of impact

8.42. There will be no transboundary impacts associated with the proposed development.

Cumulative

8.43. The site is zoned for open space and built up area purposes in the development plan. The adopted plan has been subject to Strategic Environmental Assessment which concludes that the adopted development scenario is the optimal solution having regard to environmental and planning effects. The Schedule 7A report submitted states that no in-combination effects are expected. I have had regard to the status of the surrounding lands which is largely for mixed use purposes and note that no substantial developments have been referred to within the information submitted which would give rise to concerns in relation to cumulative effects.

8.44. Recommendation

Having regard to the above assessment, I consider that the proposed development of an extension and re-surfacing of existing seafront public car park to include provision of coach parking spaces, a bicycle stand, a multi-use paved area and all associated works would not be likely to have significant effects on the environment. I therefore recommend that Kerry County Council be advised that the preparation and submission of an environmental impact assessment report is not required in respect of the proposed development.

9.0 Reasons and Considerations

Having regard to the following:

- (a) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended
- (b) The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10(b)(ii) (Infrastructure- Carpark) and Class 10b(iv) (Infrastructure -Urban Development) of the Planning and Development Regulations 2001(as amended).
- (c) The location of the site on lands that are zoned for built up area and open space use under the provisions of the Kerry County Development Plan 2015-2021 and the,West Iveragh Local Area Plan 2019-2025 and the results of the strategic

environmental assessment of these Plans undertaken in accordance with the SEA Directive (2001/42/EC),

- (d) The limited nature and scale of the development,
- (e) The location of the site in a built-up area served by public infrastructure and the existing pattern of development in the vicinity,
- (f) The submission of the planning authority

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an environmental impact assessment report is, not, therefore, required.

Sarah Lynch
Senior Planning Inspector

22nd February 2021.