



An
Bord
Pleanála

Inspector's Report ABP 309175-21

Development

- (a) Construct 8 no. holiday apartments and 4 no. cottages within grounds of existing hotel which is a Protected Structure
- (b) Create additional car parking and link two existing car parks internally
- (c) Reduce number of entry/exit points on N70
- (d) Effluent treatment plant and sand polishing filter and all associated site works

Location

Towers Hotel, Kilnabrack Upper,
Glenbeigh, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

20/1009

Applicant

Brendan Sweeney

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal	1 st Party v. Refusal
Appellants	Brendan Sweeney
Observers	None
Date of Site Inspection	8 th June 2021
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.1. The site is located on the N70 in the centre of Glenbeigh Village, which is situated between Kells and Killorglin on the Ring of Kerry route. The Towers Hotel is a long-established Victorian hotel constructed in 1895 and is a Protected Structure (Ref. 63-3). The hotel and associated grounds are located in a prominent position at the junction of the N70 and a local road (Kilnabrack Road). The site is triangular in shape with frontage along the northern side with the N70 and the south-eastern side with Kilnabrack Road, forming an apex at the junction.
- 1.1.2. The site area is given as 01.26ha. The hotel has been extended twice in the past, during the 1980s and the 1990s. The hotel buildings are concentrated at the north-eastern end of the site with the front elevation facing the road junction and the extensions backing onto the boundary with the local road. There are two car parks which are located along the N70 frontage and are separated by a landscaped area of open space with a stone wall. The remainder of the site comprises the grounds of the hotel which are either landscaped or comprise agricultural fields.
- 1.1.3. One of the carparks (14 spaces) is sited immediately adjacent to the hotel and the other (25 spaces) is located further west along the N70 and includes a bottle bank. The first carpark has an entrance and an exit onto the N70 and is separated from the public road by bollards and a kerb, with a loading bay on the carriageway of the public road. The second car park has three entrance/exit points onto the road and is bounded by a low stone wall. The roadside boundary of the landscaped open space between the two car parks comprises a continuous stone wall with screen planting. The open space is on elevated ground and sits above the car park in front of the hotel and extends northwards to the N70 boundary and southwards to the local road boundary. There is a large field within the boundary of the site which is located to the west of the open space and to the south of the second car park.

2.0 Proposed Development

- 2.1.1. It is proposed to construct a row of 8no. terraced 2-storey buildings immediately to the west of the hotel complex. The terrace would be sited at an angle to the hotel building and would extend along the boundary with the western field towards the carparking areas. Four of the buildings would contain a studio apartment on each of

the ground and first floors, and the remaining four structures would be in the form of holiday cottages. The proposed buildings are staggered in pairs and stepped down with the slope of the ground towards the road. The existing lawn in front of the hotel would be maintained. Most of the existing trees and shrubberies will be maintained and enhanced and a new hedgerow would be planted along the rear of the units. It is stated that the land to the rear of the proposed terrace will be retained as grazing land for the hotel ponies.

- 2.1.2. The proposed development includes the retention of the two parking areas and the provision of a new additional parking area in the open space between the car parks. The proposed layout indicates that internal ramps would be provided linking the three parking areas, that the entry exit points would be rationalised and reduced in number and the layout of the existing parking areas would be altered. The number of parking spaces in the existing car parks would be reduced from 14 to 11 and 25 to 22, respectively and the proposed car park would have 18 spaces. The number of entrances and exits would be reduced to two entrances and one exit in total. The upper car park (closest to the hotel) would have one entry point and no exit. The existing bottle bank would be relocated from the eastern end to the western end of the lower car park and there would be one entrance and one exit to this car park.
- 2.1.3. The proposed wastewater treatment unit would be located on the field to the immediate west of the proposed development. It comprises a proprietary treatment plant (Tricel) with a sand polishing filter designed to serve a PE of 36, which would discharge to ground water. The water supply would be from the public mains. The proposal includes a pumping station for the foul and storm water sewerage and the site layout plan shows a pipeline from the boundary with the local road travelling through the western end of the site to the N70, with an underground surface water storage tank in the carpark.
- 2.1.4. The planning application was accompanied by a Stage 1/2 Road Safety Audit, A Site Assessment report, and Architectural Impact Assessment and a Landscape layout.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The P.A. decided to refuse planning permission for two reasons as follows:

1. It is considered that the proposed development would be premature by reason of the existing deficiencies in the Glenbeigh wastewater treatment plant and the proposed in-situ treatment of wastewater would set an undesirable precedent for similar Developer Provided Infrastructure within the Glenbeigh area. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. The planning authority is not satisfied on the basis of the submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report noted that the site is zoned part Mixed Use, part passive open space and part car park in the Glenbeigh Local Area Plan as contained in the Killorglin Functional Area Local Area Plan 2010-16. The planning history was noted with particular reference to the refusals of permission for similar previous proposals on the site. Permission was refused by the P.A. under Ref. 17/974 on the grounds of inappropriate design and layout with a carpark being proposed in lieu of a streetscape. Permission was subsequently refused by the Board following a third-party appeal on two grounds, one of which related to the prematurity of the development given the deficiencies in the Glenbeigh WWTP and the second was similar to the reason for refusal in 17/974. The main concerns raised by the Area Planner related to effluent disposal as reflected in the reasons for refusal.

3.2.2. A **refusal of permission** was recommended.

3.3. Other Technical Reports

3.3.1. **Housing Estates Unit Report (10/11/20)** – It was considered that the proposed pumping station for both the foul and storm water sewerage and an underground water tank may indicate that the proposed development is premature. It was requested that the applicant should provide further information in respect of several matters including the following -

- Sightlines, stop sign and road markings at internal road junction with public road, as well as details of splayed entrance. Revised details of surface treatment of car park and marking of parking bays was also required.
- Details of boundary treatments including treatment of car park boundaries with public road/footpath and boundaries with shared public areas.
- Details of refuse storage, bicycle parking etc.
- Details of surface water drainage system including clarification of the proposed underground tank in the car park.

3.3.2. Criticism was also made of the design and layout of the proposal with approx. 130m road frontage given over to car parking along the N70 tourist route and the length of the internal carpark (110m) from the entrance to the exit. Concern was expressed regarding the interface between the car parks and the public footpath/road, the lack of passive surveillance of the car park and the need for continuity of the footpath. It was suggested that relocation of some of the parking to the boundary with the local road to the south be considered.

3.3.3. **Biodiversity Officer (10/12/20)** – It was noted that the site is located close to but lies outside of the Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC. It was further noted that the development relates to an existing hotel located off the N70, and as such, no impacts on the adjoining SAC were considered likely. It was further noted that the site is in close proximity to Castlemaine Harbour SAC and SPA, which are designated for coastal, marine and estuarine habitats and species. As the site is located a considerable distance from these Natura sites and no connectivity between them has been identified, no impacts were likely to arise. In conclusion, having regard to the scale, nature and location of

the proposed development, no significant effects on the nearby European sites are considered likely.

3.3.4. **County Archaeologist (3/11/20)** – No recorded monuments in proximity to site which has previously been disturbed. No mitigation required.

3.3.5. **Water Services engineer (9/12/20)** – Given that the proposal involves an in-situ wastewater treatment solution without connection to the public sewerage system, no input will be required of the P.A.'s Water Services or from Irish Water. It was noted that a similar application where it was proposed to connect to the public sewerage system was recently refused by the Board (following an appeal by Inland Fisheries) because the existing public WWTP at Glenbeigh is already overloaded/inadequate. It was pointed out that the Memorandum of Understanding on Developer Provided Infrastructure clearly states that Irish Water will not take in charge any wastewater treatment plant which serves a holiday home development. For this reason, the WS Dept. is not in favour of such a proposal as it would set a precedent for Developer Provided Infrastructure and given that the L.A. is currently seeking state funding to resolve many of the DPI legacy issues.

3.4. **Prescribed Bodies**

3.4.1. **Irish Water (27/08/20)** stated that no objection was raised in respect of the proposed development. It was stated that the developer would need to enter into a connection agreement with IW. It was further stated that IW infrastructure capacity requirements and proposed connections to same will be subject to the constraints of the IW Capital Investment Programme.

3.4.2. **TII (3/11/20)** – no observations to make.

3.5. **Third Party Observations**

None.

4.0 **Planning History**

92/492 – planning permission granted to retain bedroom extension and porch.

98/1736 – permission granted to erect leisure centre, 10 no. 2-bed apartments and 4 rental outlets with shopfronts.

17/974 – permission refused for construction of 8 holiday cottages, creation of additional car parking and linking existing car parks, reducing the number of vehicular entry/exit points and omit cul-de-sac access onto local primary road. Reason for refusal was based on adverse impact on amenities and character of area due to car park being proposed rather than a streetscape, which is contrary to Objectives OO-3 and OO-7 of the Glenbeigh LAP.

ABP.303242 (P.A.18/944) – permission refused by Board for construction of 8 holiday cottages, creation of additional car parking and linking existing car parks, reducing the number of vehicular entry/exit points. Two reasons for refusal. The first reason was based on prematurity of development given the deficiencies of the public WWTP and the creation of an undesirable precedent with the potential for indirect impacts on the water quality of the River Behy. The second reason was based on the detrimental impact on the visual amenities and character of the village having regard to the prominent location of the site within the village and by reason of the siting of the holiday homes, the excessive length of the car park adjacent to the Ring of Kerry N70 and lack of permeability through the site.

Sites Nearby

ABP.302566-18 – outline permission for 4 houses on a site c.400m to the northeast was refused by the Board on the grounds of prematurity pending the upgrade of the Glenbeigh WWTP and on the grounds that significant indirect effects on Natura Sites (Castlemaine Harbour SAC and SPA) could not be ruled out.

5.0 Policy Context

5.1. Kerry County Development Plan 2015-21

Chapter 5 Tourism and Recreation

5.16 – It is considered appropriate to maintain, improve and increase the provision of good quality accommodation in order to encourage longer term stays within the County. Managing the provision of tourist accommodation is essential to ensuring the delivery of a sustainable tourism strategy.

T-5 – Promote the sustainable development of tourist related infrastructure such as transport, access, appropriate facilities and high-quality tourist accommodation, in appropriate locations where proposals are in accordance with the provisions of this Plan.

T-70 – 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.

Chapter 13 – Development Management Standards includes the following: -

Infill Sites – Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees, built and natural heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

5.2. **Glenbeigh Local Area Plan contained within Killorglin Functional Area Local Area Plan 2010 – 2016**

- 5.2.1. The Killorglin Functional Area Plan has expired, and it is proposed to prepare a Municipal District Plan for the Southwest of the county. However, as this plan has not yet been published, the policies of the Functional Area Plan are of relevance.
- 5.2.2. The site located within the development boundary for Glenbeigh. Most of the site is zoned as Mixed Use, but there are two separate areas within the site which are zoned for car parking, and a further area adjoining the N70 which is zoned for Passive Open Space. The objective for Mixed use **MU-1** is to Zone lands for the development of mixed uses at appropriate locations to provide for the expansion of local employment, retail and service uses. The Zoning map shows the frontage of the site along the N70 as 'Mixed-use Streetscape' and the frontage along the local road as 'Pavement Improvements'.
- 5.2.3. The '**Development Strategy**' (2.0) states that Glenbeigh is reliant on tourism to support existing services, and as such, retaining and enhancing the character of the

village is considered essential to its continued success in this regard. The Plan identifies the need to implement high quality urban design, architecture and public facilities and to encourage tourist development which protects and promotes features which attract tourists to the area. However, the extent of holiday homes in the area is seen as a potential problem which can militate against the development of a vibrant permanent community with the capacity to support the development of services. It is stated that at present, the proportion of holiday home developments is hindering the attraction of permanent residents to the village and the need for the development of permanent homes within the village is considered necessary.

- 5.2.4. **'Infrastructure'** (1.4) states that the village is served by a public water mains supply and by a WWTP, but that the WWTP is currently operating at capacity. A preliminary report has been prepared for the construction of 2,500pe wastewater treatment plant. The current lack of capacity in the WWTP is identified as a significant constraint on development within the period of the plan.

Relevant objectives include

- OO-1 Encourage a compact and sustainable village structure
- OO-3 Promote attractive streetscapes and approaches to village and preserve and enhance the elements of the built and natural environment which define the unique character of the village.
- OO-4 Ensure residential development is small scale/low density served by individual wastewater treatment units/septic tanks, pending upgrading of a WWTP for the village.
- OO-7 Ensure design response to multiple level sites maximises the residential amenity of existing and proposed properties and limits the visual impact of new structures.
- AH-1 Preserve the village's architectural heritage and encourage development to be designed in a manner that is in keeping with the scale and character of the existing village.
- AH-2 Protect Protected Structures. Criteria are set out including inter alia: -
 - Development shall be carried out and designed sympathetically having regard to the architectural character of the structure and the setting.

- The erection of any structure within the curtilage, adjacent to, or within the vicinity of the structure shall not be detrimental to the character of the structure and the setting and shall be sited and designed sympathetically with the character of the structure and the setting.

5.3. Natural Heritage Designations

The site is located within c.300m of Killarney National Park, Macgillycuddy Reeks and Caragh River Catchment SAC (site code 000365) and Killarney National Park SPA (Site code 004038). Castlemaine Harbour SAC (000343) and Castlemaine Harbour SPA (004154) are located approx. 1.5km to the north and west.

6.0 The Appeal

6.1. Grounds of Appeal

The First-Party Appeal is against the decision of the P.A to refuse permission. The grounds of appeal can be summarised as follows:

- **Premature development** – it is acknowledged that the existing public wastewater treatment system is deficient but the proposal to install a private WWTP at a cost of €100,000 is intended as a solution to this problem. This solution is intended as both a temporary and a permanent solution, as it would eventually discharge the treated effluent to the new/upgraded system.
- **Precedent** – it is strongly refuted that the proposed development would create a precedent as there are many instances where on-site treatment has been accepted for large developer driven housing schemes. Thus, the proposed system to serve a small-scale additional accommodation to a village hotel with more than adequate size to facilitate the proposal should surely be acceptable.
- **Adequacy of proposed WWTP** – The proposed system is designed in full compliance with the EPA Guidelines, which are scientifically proven. If the P.A. considered that the system as designed was inadequate, it could have requested further information to address this. The site is more than

adequately sized to enable a solution to be found if a greater level of treatment is required.

- **Need for accommodation** – the proposed additional hotel/holiday accommodation is needed due to the demand which cannot be met in the peak tourist season (as set out in table enclosed). Given that Glenbeigh is at the start of the South Kerry Greenway, it is essential that accommodation is provided for visitors in order to facilitate the development of this new initiative.
- **Planning history** – notwithstanding extensive pre-planning consultations with the P.A., permission was refused for a similar development, (17/974) which it is believed was issued in error. Thereafter, permission was granted by the P.A. despite an objection from Inland Fisheries which was addressed to their satisfaction, (18/944) but was refused by the Board. The timeframe for Irish Water to upgrade the public system is unknown, despite the necessary lands having been purchased and plans being drawn up in 2007. In light of this, it is considered that permission should be granted

6.2. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Wastewater treatment proposals
- Design and layout
- Environmental Impact Assessment
- Appropriate Assessment

7.1. **Wastewater treatment proposals**

- 7.1.1. The Glenbeigh public wastewater treatment plant which discharges to the Behy River, (Salmonid river) is at capacity and is overloaded during the summer months. The planning authority's first reason for refusal is based on the prematurity of the proposed development given the deficiencies in the public wastewater system and

the undesirable precedent that a private system would create for 'developer-provided infrastructure' in the Glenbeigh area. The most recent Irish Water AER Reports on the Wastewater Discharge Licence for the Glenbeigh WWTP for 2019 and 2020 confirm that it is still non-compliant with the ELVs in the Wastewater Discharge Licence in respect of Total Ammonia, BOD, COD, Orthophosphate and Suspended Solids, with the ELVs being exceeded during the peak loading months. The public WWTP is identified as one which requires an upgrade and the LAP states that it is intended to construct a new WWTP with a 2,500pe. Thus, at present, there is no prospect of the proposed development being able to discharge to the public system and there are no immediate plans to upgrade the system. As such, prematurity is still a relevant issue. The P.A. decision to refuse on the grounds of prematurity is also consistent with the first reason for refusal by the Board under 303242-18 (file attached), and with another Board decision on a nearby site (302566).

- 7.1.2. It should be noted that the previous proposal on the subject site (303242) had also proposed 8 no. holiday units, and that in response to the appeal by Inland Fisheries, the developer had proposed to install a wastewater treatment plant on the site which is very similar to the WWTP that is proposed under the current application/appeal. The Board had considered that the proposed development involving the installation of a private wastewater treatment plant on the site would "create an undesirable precedent for further inappropriate development in the vicinity of the site with the potential for indirect impacts on the River Behy".
- 7.1.3. The advice from the P.A. Water Services Engineer in respect of the current application was that as Irish Water will not take in charge any developer-provided wastewater treatment plant which serves a holiday home development, the WS section was not in favour of such development given the precedent it would establish for this type of infrastructure, particularly as the local authority is currently seeking state funding to resolve many of the 'DPI legacy issues'. The WS Engineer provided a copy of "The Memorandum of Understanding in connection with the development of a process for the taking in charge of residential estates connected to the Irish Water owned or controlled water and wastewater network and excluding Developer Provided Infrastructure." This confirms the WS Engineer's advice.
- 7.1.4. It was on this basis that the P.A. decided that the proposed development would create an undesirable precedent for 'Developer-Provided Infrastructure' serving

holiday homes on other sites within the village, which would not be candidates for being taken in charge in the future. This seems reasonable and is consistent with the approach taken in the previous Board decision on the site.

7.1.5. The P.A.'s second reason for refusal related to the inadequacy of the proposed wastewater treatment system for the development. This system is a Tricel Novo package plant which provides secondary treatment followed by a Sandcel sand polishing filter which would provide tertiary treatment. I note that the Inspector's report (303242) raised concerns regarding the proximity of the proposed wastewater treatment system to the proposed holiday cottages, in particular, Unit 8, which it was considered did not comply with the separation distances recommended in the EPA Code of Practice. Although the design and layout of the current proposal differs from that of the previous proposal, it is noted that both Tank A and Tank B are within 13m of Unit 8 and the Sandcell gravel bed is approx. 23m from this unit. The SAU report contained within the P.A. documents forwarded to the Board raised a similar concern in respect of the current proposal.

7.1.6. It would appear, therefore, that the first reason for refusal of the Board's decision has not been addressed by any new evidence or any material change in the design of the proposal or in the circumstances relating to the case. It is acknowledged that the proposal to serve the development by means of a private WWTP might overcome the current inadequacies of the public sewer system in the short term. However, the provision of such infrastructure is unlikely to be taken in charge in the future and would therefore result in haphazard and piecemeal development which would be contrary to the proper planning and sustainable development of the area. I would agree with the planning authority that it would make it more difficult to refuse further such developments within the village, which together, would exacerbate the legacy issues in advance of the provision of a new wastewater treatment plant. The issues of prematurity and precedence are therefore considered to remain relevant, and I would recommend refusal on this basis.

7.2. **Design and layout**

7.2.1. It is noted that the P.A. decision on the current proposal did not include a reason for refusal based on the design, siting or layout of the proposed development and the impact on the streetscape and visual amenities of the area. The grounds of appeal

did not address this issue either and the Board may therefore consider this to be a new issue. Notwithstanding this however, permission has previously been refused on two occasions on the grounds of the layout and siting of the holiday homes and the visual impact of the excessive length of the car park which would adjoin the N70. The P.A. had refused 10 holiday homes on the grounds of the negative impact that the proposed carpark would have on the streetscape and the Board (303242) had refused 8 holiday units on similar grounds. Furthermore, the LAP objectives seek to retain and enhance public spaces and streetscapes within the village. For above reasons, it is considered that this issue should be addressed.

- 7.2.2. The Killorglin Functional Area LAP (Glenbeigh LAP) emphasises the importance of tourism to Glenbeigh and states that the village is very reliant on it. However, it is also pointed out that the extent of holiday homes is such that this form of development is hindering the attraction of permanent residents. The Plan stresses the importance of the retention and enhancement of the unique character of the village, together with the provision of development with a high quality of architecture and urban design in order to ensure the continued success of the village as a tourism destination. **Objective OO-3** seeks to

Promote attractive village streetscapes and approaches to the village and to preserve and enhance the elements of the built and natural environment which define the unique character of the village.

- 7.2.3. The site has several different zonings, the predominant one of which is Mixed -Use development, and the N70 frontage opposite the site and a short section of the site itself has a specific objective of 'Mixed-use streetscape'. The upper car park adjacent to the hotel building is zoned car park, but the lower car park (western end) is zoned as passive open space, A-1. The objective for A-1 is to facilitate the development of a village park. However, the field behind the lower car park is zoned car park also with an indicative access point. The proposed holiday units and additional car park would be constructed on the 'Mixed use' zone with the existing lower car park occupying the area zoned A-1. The existing passive open space that currently separates the two car parks would be lost to yet more parking.
- 7.2.4. It is clear, therefore, that the current land uses on the site bear little relationship to the land-use zonings, and that the site forms part of the grounds of a long-

established hotel which has been extended twice (with permission) in the past. Thus, the land-use zoning as described above must be viewed in this context. The provision of additional accommodation for the hotel, either as an extension to the hotel or as holiday units, is therefore considered to be acceptable in principle.

7.2.5. Nevertheless, the site is a strategically located, prominent and highly visible site within the village of Glenbeigh and has extensive frontage along the N70, which forms part of the Ring of Kerry route and the Wild Atlantic Way. Given the significance of tourism to Glenbeigh and the identified need to enhance the character of the village, it is considered that the proposed layout, which creates a continuous carpark along the c.130m frontage of the N70 fails fundamentally to accord with the aims and objectives of the LAP. The car parking bays would directly abut the N70 with merely bollards and kerbing along part of the roadside boundary. It is unclear whether it is proposed to provide any landscaping or screening to soften the harsh environment, which would mean that the car parks would dominate the visual amenity of the area. The design approach with the units stepping down the slope towards the elongated car park fronting the road does little to contribute to the architectural character of the village or of the setting of the Protected Structure. The site is quite elevated above the level of the N70, and the existing extensions are screened by the landscaped open space in front. However, the proposed development would make both the existing and proposed development more visible and would be set behind a utilitarian car park. The proposed development would therefore create an unattractive and impermeable streetscape along the N70.

7.2.6. It is considered that the proposal represents a missed opportunity to utilise the frontages to both the N70 and to the local road to create attractive streetscapes with ample room for carparking to the rear or to the west, where there is a laneway connecting the two roads. The proposal contains no active frontages and fails to establish a sense of place along the N70, which is contrary to several of the objectives of the Plan to create attractive urban spaces and streetscapes. The existing passive open space within the site also includes attractive mature trees and landscaping which should ideally be retained as significant elements that enhance the character of the village. The proposed development, therefore, fails to create an attractive streetscape or to integrate the holiday units into the existing character of

the village by preserving and enhancing those elements of the built and natural environment which define the unique character of the village.

- 7.2.7. In conclusion, it is considered that the proposed development would be contrary to Objective OO-3 of the LAP as it would not adequately address the main street of the village, which is a strategically important tourist route or to integrate the development into the village streetscapes. It would therefore adversely affect the attractive character of the village and would negatively impact on the visual amenities of the area.

7.3. **Environmental Impact Assessment**

The site forms part of a long-established hotel grounds which is located in the centre of Glenbeigh Village. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, which consists of a site with an established commercial use within the development boundary of Glenbeigh village on serviced lands, 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.

7.4. **Appropriate Assessment**

- 7.4.1. The site is located within c.300m of Killarney National Park, Macgillicuddy Reeks and Caragh River Catchment SAC (site code 000365). The qualifying interests for the SAC include aquatic species and habitats, blanket bogs, heaths, woodlands, Kerry Slug, Lesser Horseshoe Bat, Killarney Fern and Marsh Fritillary. Detailed conservation objectives have been prepared for this site, with the overall aim being to maintain or restore the favourable conservation status of the said habitats and species. The appeal site is downslope of the SAC and is 300m distant. It is in an established urban area with frequent traffic passing by and street lighting. There is no evidence of a hydrological connection with the SAC. Having regard to the limited scale and nature of the proposed development and to the nature of the receiving environment, to the distances from the European site and to the Conservation Objectives for the site, it is considered that likely significant effects can be ruled out.
- 7.4.2. Castlemaine Harbour SAC (000343) and Castlemaine Harbour SPA (004029) are located approx. 1.5km to the north and west of the site. The qualifying interests of

the SAC include aquatic habitats and species including lampreys, salmon and otter. The qualifying interests of the SPA include wetland and waterbirds. Detailed conservation objectives have been prepared for this site, with the overall aim being to maintain or restore the favourable conservation status of the said habitats and species. The Glenbeigh Wastewater Treatment Plant, which is overloaded and breaches the ELVs for its Discharge Licence, discharges to the River Behy which then flows into Castlemaine Harbour SAC and SPA, at a hydrological distance of c.1.2km. However, the proposed development does not propose to discharge to the public WWTP and instead proposes to discharge to ground. There is no evidence of a hydrological connection between the site and the European sites. Given the scale and nature of the development, the nature of the receiving environment and the distances involved, that the site is located in an established urban area, on serviced lands, it is considered that no appropriate assessment issues are likely to arise.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above-described development be **refused** for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the existing deficiencies in the Glenbeigh wastewater treatment plant and to the lack of certainty in respect of future capacity improvements to the wastewater treatment plant, it is considered that the proposed development would be premature by reference to the period within which this constraint may reasonably be expected to cease notwithstanding the proposed use of a proprietary wastewater system which would set an undesirable precedent for further inappropriate development within the vicinity of the site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site within the village of Glenbeigh with direct frontage to the Ring of Kerry route (N70) and to the significant tourism role of the village as identified in the Glenbeigh Local Area

Plan, it is considered that the proposed development by reason of the siting of the holiday homes, the excessive length of the car park adjacent to the N70 and the lack of permeability through the site would result in a development which would fail to integrate successfully into the village streetscape and would be detrimental to the character and amenity of the village. The proposed development would, therefore, seriously injure the visual amenities of the village and would be contrary to the proper planning and sustainable development of the area.

Mary Kennelly
Senior Planning Inspector

21st July, 2021