



An
Bord
Pleanála

Inspector's Report ABP-314054-22.

Development	Renovate, change of use and extension of an existing outbuilding to a holiday home, installation of a revised WWTP system in lieu of that granted under 19/854 and ancillary site works.
Location	Flesk Castle, Mill Road, Dromhumper, Killarney.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22/186.
Applicant(s)	O'Reilly Family.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Sean O'Donoghue.
Observer(s)	Seamus O'Donoghue.
Date of Site Inspection	23/09/2022.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Flesk Castle, Mill Road, Dromhumper, approximately 2km to the south east of Killarney town centre. The site is accessed via the Mill Road, which runs along the River Flesk and via a small private road which serves a small number of dwellings. Mill Road connects to Ballycasheen Road to the north of the site and ultimately to the N22 National route to the north east.
- 1.2. The subject site has a stated area of 2.1ha and is currently occupied by Flesk Castle which is noted to be a Recorded Monument (KE066-083) and a Protected Structure, comprising an early 19th Century castellated country house, which has a complex ground plan with several projecting towers and an enclosed farmyard. The building is listed in Appendix 2(a) of the Record of Protected Structures (RPS No. 66-4) and is also listed in the National Inventory of Architectural Heritage (21306604).
- 1.3. The layout of subject site places the physical buildings centrally on the site. The main castle building lies to the west and turns at the northern corner of the built element with a large, enclosed courtyard located to the east of the main building. This courtyard is enclosed by high castellated stone walls with a large arched gate entrance located to the east.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices to renovate, change of use and extension of an existing outbuilding to a holiday home, installation of a revised proprietary wastewater treatment system and polishing filter in lieu of that granted under planning ref 19/854, and all ancillary site works, all at Flesk Castle, Mill Road, Dromhumper, Killarney Co Kerry.
- 2.2. The application was lodged on the 21st day of February 2022 and included the following documents:
 - Plans and particulars
 - Completed planning application form
 - Architects Report
 - Architects Conservation Report

- Site Characterisation Report

2.3. Unsolicited further information was submitted by the applicant on the 6th day of April 2022 which included an Archaeological Test Trenching & Impact Assessment Report, prepared by Aegis Archaeology Ltd.

2.4. The Board will note that following the request for further information, the applicant submitted a Bat Fauna Study / Bat Impact Assessment and details of showing disposal of roof water via a soakaway located within the courtyard.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 11 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports and the County Development Plan policies and objectives. The report also includes an EIA Screening assessment.

The planning report notes that the previous grant of planning permission for the renovation of the carriage house for use as a holiday home established the principle of holiday use on the site. In addition, the report notes the submission of the applicant in relation to the need for the development in order to re-establish habitation and full-time activity as soon as possible in the interests of the protection and conservation of the overall site.

A Conservation Impact Assessment is submitted as part of the application and the Council's Conservation Officer has raised no objections to the proposed development. The third-party concerns are noted, and the PO submits that the PA will assess any future applications involving the Castle as they arise. The report concludes that the proposed change of use, together with the permitted development

at the site will not result in overdevelopment and will not materially affect the residential amenities of the adjoining properties.

Further information is required with regard to an updated Bat Impact Assessment as is a report on the status of the Barn Owls previously recorded utilising the complex. Details regarding the adequate treatment of surface water from the development are also required.

Following receipt of the response to the FI request, the final Planning Officers report notes the submission of a report from the Biodiversity Officer which advises satisfaction with the development in terms of AA and requests that the status of breeding Barn Owls be continued to be monitored. The PO report notes satisfaction that all issues raised in the FI request have been satisfactorily addressed.

The report concludes that the proposed development is acceptable, and the Planning Officer recommends that permission be granted for the proposed development. This recommendation formed the basis of the Planning Authority's decision to grant planning permission. The Board will note that the Case Planners report was endorsed by the SEP.

3.2.2. **Other Technical Reports**

County Archaeologist: Notes that the proposed development is located within the zone of notification, as defined in the RMP, around the recorded monument KE066 083, country house. The Geophysical Survey, archaeological testing and survey wads carried out on the site in relation to applications 19/854 and 20/968 are noted and no further mitigation is required.

Fire Officer: No objection to the proposed development.

Conservation Planner: No objection to the proposed development subject to conditions.

Environment Section: No objection to the proposed development subject to conditions.

3.2.3. **Prescribed Bodies**

None.

3.2.4. Third Party Submissions

There are 3 third party submissions noted. The issues raised are summarised as follows:

- The provision of a holiday home for casual letting and with a floor area of almost 3,000ft² is excessive and will detract from the authenticity of the castle in whose curtilage the houses are to be constructed.
- Issues raised in relation to the size of the proposed foul water treatment system given the potential for 14 renters.
- Location of the sand filtration system in a densely wooded area until the applicants cleared it also raised as a concern.
- Hours of construction.
- Concern raised that the application is a sub-division as it is on the site of an existing grant of permission for a holiday home, PA ref 19/854.
- Issues relating to flooding due to haphazard excavations carried out on the site in recent years. No measures to manage surface water are noted.
- Water supply proposal questioned in terms of fire department needs.
- The development will seriously injure the amenity enjoyed by all adjacent residents and should be refused.
- The proposed development is not in the best interest of the common good or with proper planning and sustainable development.
- The building is a protected structure. and all works must respect the character and integrity of the building.
- The identity of the applicant cannot be determined.
- The name, Flesk Castle is not correct.
- The proposed development is inappropriate and incongruous and detracting from the architectural and historical attractiveness of the castle.
- The curtilage is also a protected structure and concern is raised regarding works carried out, including demolition.

- Issues raised in relation to the presence of CCTV cameras which are directed towards third party property. Issues raised in relation to privacy.

4.0 Planning History

ABP Ref: ABP-307555-20 (PA Ref. 19/854): Permission granted, and upheld on appeal, for the renovation and change of use of Carriage to holiday home, construct new canopy and store, new entrance gate and piers, wastewater treatment plant, bored well and all ancillary site works (Protected Structure), subject to 12 conditions.

PA ref: 20/968: Permission granted for the A) reinstatement of intermediate floors, roof, doors and windows, stairs, rainwater goods and associated remedial repairs at the area known as Mervyns Tower and B) removal of rubble stone / masonry from blocked window and door openings throughout the building and fitting of temporary security grills, subject to 11 conditions.

5.0 Policy and Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.1.1. The proposed development involves works to a protected structure and as such, *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52(1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.1.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-

use of buildings of architectural heritage, and notes that it is generally recognised that the best method of conserving a historic building is to keep it in active use.

- 5.1.3. Chapter 6 of the guidelines deal Development Control, while Chapter 7 deals with Conservation Principles. Section 6.8.1 deals with extensions and notes 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. In terms of extension, the guidelines states that:

‘If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed.’

‘Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.’

In terms of material changes of use, the guidelines state:

‘On the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure. A planning authority should carefully consider any proposed change of use and its implications for the fabric and character of the structure.’

‘In considering an application for the material change of use of a protected structure, the planning authority will have to balance its continuing economic viability if the change is not permitted, with the effect on the character and special interest of its fabric of any consequent works if permission is granted. Where, having considered these issues, a planning authority considers that the alterations required to achieve a proposed change of use will not have an undue adverse effect on the special interest of the structure, the proposals may be granted subject to conditions as appropriate.’

- 5.1.4. Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation Area. The following sections are considered relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

5.1.5. Chapter 14 deals with Non-habitable Protected Structures, and it is noted that such structures may pose different conservation problems and that works involved in rebuilding or restoring a ruin have the potential to materially alter the character of a structure. However, Section 14.1.11 states that this is always preferable to demolition and that each case will have to be judged on its merits. Proposals to restore a ruinous structure should not involve an unacceptable amount of alteration or loss of important historic fabric. Section 14.1.12 states that:

‘Where permission is granted, it should include conditions to repair and retain as much of the historic fabric as possible.’

5.2. National Inventory of Architectural Heritage

5.2.1. The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where a NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, a NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.

5.2.2. The proposed development before the Board relates to a development to a protected structure and Flesk Castle is included in the NIAH as follows:

- Flesk Castle, NIAH ref **21306604** – Regional Rating in the Architectural, Artistic, Historical and Social categories of special interest.

Description:

Detached ten-bay two-, three- and four-storey Georgian Gothic style country house, built 1809-1815, on an irregular T-shaped plan about a courtyard.

Designed by amateur architect and owner John Coltsman. Entrance front

comprising three-bay two-storey canted entrance bay, single-bay three-storey flanking tower to south on a square plan, three-bay two-storey end pavilion block to south possibly originally a chapel, single-bay three-storey flanking bay to north, three-bay four-storey engaged tower on a circular plan and single-bay three-storey end bay to north with single-bay two-storey flat-roofed projecting bay to east, all with battlemented roof parapets. Five-bay side elevations and three-bay two-storey return to rear to west with single-bay four-storey terminating tower to west on an octagonal plan. In use pre-1945, dismantled, c. 1950 and now ruinous. Castellated and machicolated parapets on limestone corbels. Square and diagonal rendered chimneystacks. Lined-and-ruled rendered rubble stone walls. Turret west of main entrance has individual "ashlar blocks" picked out in different colours. Limestone ashlar to entrance bay, now partly removed. Generally squared-headed openings with limestone tracery, timber frames and hood mouldings. Entrance flanked by cruciform niches and having round-headed niches in splayed bays. A multiple paned timber casement survives on west front. Section of rubble stone-built boundary wall to courtyard with lancet arch integral carriage arch having wrought-iron gates, single-bay three-storey turret folly on a square plan and battlemented parapet. Two raised terraces to west of house separated by sunken road. Large courtyard to east with high rubble walls and entered through arched gateway with wrought-iron gates. Remains of serpentine lime avenue.

5.3. Sites and Monuments Record

- 5.3.1. The SMR contains details of all monuments and places (sites) where it is believed there is a monument known to the ASI pre-dating AD 1700 and also includes a selection of monuments from the post-AD 1700 period. There are in excess of 150,800 records in the database and over 138,800 of these relate to archaeological monuments.
- 5.3.2. The subject site includes a National Monument, SMR No. KE066-083----, and is described as follows:

On wooded elevated ground on the SE outskirts of Killarney. The ruins of an extensive castellated house built of random rubble, rendered and painted to

resemble ashlar. It has a complex ground plan with numerous projecting towers. The main doorway is flanked by towers in the N wall. The large window openings have mullions and tracery and hood-moulding. The house was built by John Coltsman between 1809 and 1815 (Bary 1994, 115). The enclosed farmyard is c. 400m to the SE and an ornamental tower (KE066-136----) is c. 300m to the NW.

5.4. Kerry County Development Plan 2022-2028

5.4.1. The Board will note that the subject application was considered under the Kerry County Development Plan 2015. In the interim, the Board will note that the Elected Members of Kerry County Council adopted the Cork County Development Plan 2022-2028 at a full Council Meeting on the 4th of July 2022. The Plan came into effect on the 15th of August 2022. Therefore, the 2022 CDP is the relevant policy document pertaining to the subject site.

5.4.2. Sections within Chapter 12, which deals with Energy, and Chapter 14 which deals with Connectivity, are subject of a Draft Ministerial Direction in accordance with Section 31 of the Planning & Development Act 2000 (as amended). These sections shall be taken not to have come into effect as per Section 31 (4)(c) of the Act.

5.4.3. Chapter 5 of the CDP deals with Rural Housing and in terms of renovation and restoration of buildings, it is an objective of the Council to

- KCDP 5-27: Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence.
- KCDP 5-28: Facilitate the sensitive restoration and reuse of traditional farm buildings within an existing farmyard for tourism accommodation or ancillary tourism purposes.

5.4.4. Chapter 8 of the CDP deals with Gaeltacht Areas, Culture & Heritage.

In terms of Archaeological Heritage, it is an objective of the Council to:

- KCDP 8-24: (i) Secure the preservation in situ of all sites, features, protected wrecks and objects of archaeological interest within the county. In securing such preservation the Council will have

regard to the advice and recommendations of the National Monuments Service, Department of Housing, Local Government and Heritage, the National Museum of Ireland, and the County Archaeologist.

(ii) Ensure that proposed development (due to location, size, or nature) which may have implications for the archaeological heritage of the county will be subject to an Archaeological Assessment (including Underwater Archaeological Impact Assessment) which may lead to further subsequent archaeological mitigation – buffer zones/exclusion zones, monitoring, pre-development archaeological testing, archaeological excavation and/or refusal of planning permission. This includes areas close to archaeological monuments, development sites which are extensive in area (half hectare or more) or length (1km or more) or include potential impacts on underwater cultural heritage and development that requires an Environmental Impact Assessment.

5.4.5. With regard to built heritage, the following objectives are considered relevant:

- KCDP 8-38 Seek the retention and appropriate repair and upgrading of historic, buildings, structures, road bridges, railway bridges and tunnels throughout the county, subject to environmental assessment.

5.4.6. In terms of protected structures, it is an objective of the Council to:

- KCDP 8-40 Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure.
- KCDP 8-41 Support owners of protected structures to carry out conservation-led repair and rejuvenation of their protected structures.
- KCDP 8-42 Prohibit demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure.

5.4.7. Chapter 10 of the CDP deals with Tourism and Outdoor Recreation and the following objectives are considered relevant in relation to the subject site:

- KCDP 10-1 Adhere to the principles of sustainable tourism and have regard to its current and future economic, social and environmental impacts on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change.
- KCDP 10-7 Promote and facilitate sustainable tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of facilities such as hotels, aparthotels, guesthouses, bed and breakfasts, tourist hostels, caravan and camping, glamping, cafes, restaurants, visitor attractions and activity tourism.
- KCDP 10-11 Encourage tourism developments, increased visitor accommodation, interpretation centres, and commercial / retail facilities serving the tourism sector to be located within established settlements thereby fostering strong links to a whole range of other economic and commercial sectors and sustaining the host communities.

5.4.8. Section 10.3.5 of the Plan deals with Visitor Accommodation and the following are the objectives of the Council in this regard:

- KCDP 10-30 Encourage the sensitive redevelopment and / or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development. As part of this, potential for impact on wildlife should be taken into account as outlined in S 4.3.4 of this plan.

5.5. Natural Heritage Designations

The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (000365) which is located approximately 180m to the north of the site. In addition to the above, the Killarney National Park SPA (Site Code: 004038) lies approximately 1.7km to the north west. The Sheheree (Ardagh) Bog SAC (Site Code: 000382) lies approximately 1km to the south.

5.6. EIA Screening

- 5.6.1. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development comprises works to a protected structure, in a rural area, on a site of 2.1ha and is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.
- 5.6.2. As the proposed development relates to a National Monument, Flesk Castle, I note the provisions of the EU (EIA of Proposed Demolition of National Monuments) Regulations 2012. The proposed development does not propose the demolition of a National Monument.
- 5.6.3. Having regard to:
- (a) the nature and scale of the development, and
 - (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. This is a third-party appeal, from Mr. Sean O'Donoghue, against the decision of the Planning Authority to grant planning permission for the proposed development. The appeal reflects the issues raised during the PAs assessment of the proposed development is summarised as follows:

- The development is contrary to the proper planning and development of the area.

- An oral hearing is sought – which was not deemed necessary by the Board.
- Previous issues with the applicants, and agents are advised.
- There is no provision for tenants to use the Right of Way and it is not suitable for excess traffic generated by letting.
- Impacts on existing residential amenity.
- The WWTP is inadequate in size and issues raised in relation to the location of the system.
- No well exists to serve the development as indicated by the applicants.
- Issues raised regarding works carried out in early 2022 including the raising of site levels, resulting in complaints from neighbours. The works are considered to be unauthorised.
- Questions why a previous appeal did not require the setting back of the new gateway PA ref 19/854). The gateway is a source of obstruction caused by vehicles parking there.
- The appellant had conversations with a director of Killarney Castle Ltd when the property was purchased in 2005 and it was clear that the restoration of the castle only as a family home was the intention.
- Questions regarding grant aid sought.

There are a number of enclosures with the appeal document, including a response to the first-party response to the third-party appeal relating to the previous application at the site regarding the renovation and change of use of the Coach House within the castle grounds. The appellant advises that he was not aware of the response and seeks to address matters raised as part of this appeal. In addition, the appellant has submitted details of correspondence between him and the Council, the Board and others over the course of previous applications.

6.2. First Party Response to Third Party Appeal

The first party, through their agent Karol O'Mahony Architects, submitted a response to the third-party appeal. The response submits that the writer is unable to derive

from the appeal any clear or substantive objection relating to the proposed renovation and extension of the 'Brewhouse' ruin and is summarised as follows:

- The legal right of way serving Flesk Castle is clear and unambiguous.
- No excess traffic is proposed other than the required to renovate the protected structures and enjoy them as residential settings whether by the owner family or by guests.
- The proposed dwelling will exist entirely hidden within the high courtyard walls and is fully camouflaged from outside the castle. The nearest house is 75m from the courtyard gate which is adequate for complete acoustic and visual separation from any standard domestic activities.
- The proposed WWTP is sealed and therefore the nature of the ground is largely irrelevant. The proposed polishing filter is remote from the treatment unit and tests have been satisfactorily carried out. Neither the treatment unit or polishing filter are proposed on made ground.
- The well to which the house will connect was granted planning permission under 19/854.
- Referenced quotes relate to a previous application 19/854 refers.
- The legal right to bring a public water supply to the site is set out in the property's folio. Efforts to bring the public water main to the site along the right of way was not afforded to the applicants due to the third part actions. There were and are no 'unsurmountable impediments' as the appellant claims.
- The works to the southern end of the castle as referred to, involved the installation of underground services associated with the permitted adaption of The Carriage House under Planning Ref: 19/845 and were supervised by a Grade 2 Conservation Architect. No ground levels were 'raised substantially'.
- Neighbour complaints were addressed.
- Issues relating to the gateway relate to a previous permitted application and are not relevant to this case. The gate to the sis where it always was.
- References to conversations 5 or 20 years ago is irrelevant and it is submitted that the merits of the current proposed development of the Brewhouse should

be judged on its merits. Phasing of works is a matter for the applicants and the primary intention of planned restoration works at Flesk Castle remain family focused.

- Provision of rental accommodation aligns with the CDP.
- Personal comments are speculation. The applicants are invested in the restoration of site and have saved Flesk from significant loss of its features.
- The proposal is a continuation of the courtyards' history, and the project should be welcomed as it ensures the protection of the building and furthers the rejuvenation of the castle complex.
- None of the enclosures with the appeal are relevant to the planning matters to be considered in the current application.

6.3. Planning Authority Response

The Planning Authority submitted a response to the third-party appeal noting that the relevant issues have been addressed in the Planners reports on the further information request and final assessment.

6.4. Observations

Seamus O'Donoghue submitted an observation on the third-party appeal. The observation reflects the concerns raised to the PA during its assessment of the proposed development and is summarised as follows:

- Issues with the granting of two holiday homes in a family residential area where every house is owner occupied.
- Issues in relation to the size of the WWTP and the location of the polishing filter within an area of clear-felled mature trees.
- Issues raised regarding works to raise ground levels around the southern side of the castle between 600mm to 900mm.
- The site is located within a rent pressure zone and the granting of short-term letting accommodation is contrary to the use of such zones.

- The granting of a second holiday dwelling in the castle grounds is setting a precedent for multiple units. Should the castle be subdivided into self-contained units the intensification of use in an agricultural area is contrary to the CDP.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development the subject of this application and the nature of existing and permitted development in the immediate vicinity of the site including the planning history of the subject site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Impacts to Character of Protected Structure
3. Water Services & Site Suitability Issues
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the Development:

- 7.1.1. The proposed development comprises two aspects, including seeking to renovate and extend an existing outbuilding which lies within the courtyard area of Flesk Castle in Killarney, Co. Kerry. The second element of the proposed development relates to the provision of a revised proprietary waste water treatment system and polishing filter in lieu of that permitted under ABP ref: ABP-307555-20 (PA ref: 19/854). In terms of the principle of the proposed development, the Board will note that both national and local planning policy seek to protect architectural heritage, with the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* providing guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures.
- 7.1.2. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage, and notes that it is generally recognised

that the best method of conserving a historic building is to keep it in active use. Section 6.8.1 of the guidelines deals with extensions and notes 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.

- 7.1.3. The Kerry County Development Plan 2015-2021 included a number of policies and objectives which seek to protect architectural heritage and to promote the conservation led regeneration and re-use of buildings – including Objective H-34 refers. Objective H-38, H-39 and H-44 which encourages proposals for the change of use of protected structures, including alteration and extensions, which such uses and changes would contribute to the viability of the structure without adversely affecting its character.
- 7.1.4. Having regard to the recent adoption of the new 2022 CDP, the Board will note that the current policy document also includes a number of objectives which seek to encourage and facilitate the sensitive restoration and reuse of traditional buildings including protected structures, subject to the protection of archaeology and the protection of the special character of any protected structure. Objective KCDP 8-42 also expressly prohibits the demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure. In terms of the tourist related development and visitor accommodation, I refer the Board to objective KCDP 10-30 which seeks to encourage the sensitive redevelopment and / or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development.
- 7.1.5. The building the subject of this appeal is referred to as the Brewhouse, comprises a roofless structure with three ‘rooms’, two of which are connected and accessed via a doorway on the southern elevation, and the third room is accessed via an entrance on the western elevation. The third room, which also has a ‘window’ ope on the southern wall, is not currently connected internally to the other two rooms. The building forms part of the courtyard complex and lies along the northern Courtyard wall just inside the arched gateway and wrought iron gates which provide access to the courtyard. The building forms part of the wider Flesk Castle Complex and is identified as both a protected structure and national monument. The Brewhouse building is currently in a ruinous state without a roof, open to the elements. The

proposal before the Board includes an extension to the building and on completion, the building will be used as a 5 bedroomed dwelling house, which will be occupied as a holiday home for the applicants. When not in use by the family, the house as a whole will be rented on a weekly basis.

- 7.1.6. Having regard to the planning history associated with this site, and in particular, the recent grant of planning permission for the renovation and change of the use of the Carriage House to a holiday home, ABP ref: ABP-307555-20 (PA ref: 19/854), I am satisfied that the principle of the proposed use is acceptable. The Board will note that the Carriage House lies immediately to the south of the arched gateway and also within the courtyard area of Flesk Castle. I note that the previous Inspection, and the Board, considered that the

‘use of the property as a holiday home is particularly suited to the circumstances of this case, as a more permanent home would probably necessitate more intrusive alterations and extensions to the structure to make it a habitable home. The use as a short-term holiday rental home is likely to provide the human presence that would assist with the security and maintenance of the property without the need for more rigorous alterations. It also has the benefit of providing some income which will help with the costs of restoring the castle grounds.’

- 7.1.7. The Board will note that the proposed works involve renovation works and an extension to the building including a first-floor addition and the provision of a pitched roof, as well as a two-storey extension to the south eastern area of the building. While I propose to consider the detailed works to the building further below, I consider that the principle of the proposed development can be considered acceptable and in accordance with both national and local policy, subject to the proviso that the building remains a part of the overall Flesk Castle Complex, and under the same ownership of the wider site.

7.2. Impacts to Character of Protected Structure

- 7.2.1. The proposed development seeks to renovate and extend an existing outbuilding which lies within the courtyard area of Flesk Castle in Killarney, Co. Kerry. The subject building, referred to as the Brewhouse, comprises a roofless structure with

three 'rooms', two of which are connected and accessed via a doorway on the southern elevation, and the third room is accessed via an entrance on the western elevation. The third room, which also has a 'window' opening on the southern wall, is not currently connected internally to the other two rooms. I note that the Conservation Report submitted with the application indicates that the wall joints including one on the external face of East courtyard wall as well as shadow lines from lean to roofs internally all suggest the extents and form of the two earlier outhouses shown on the 1841 OSI map. The proposed works to the building will require additional openings, described as 'of limited scale' in the stone walls to facilitate circulation and access to daylight. The Conservation Report advises that the majority of the walls are to be kept in situ and will form the main structure for the proposed dwelling, 'while it will be risen in height to incorporate a full first floor level'.

7.2.2. The proposed works to the building will include the repair and consolidation of masonry using compatible lime-based materials, the refilling of the dug-out subfloors and cutting of new openings in the masonry. The external wall materials will include exposed rubble stone, lime plaster and natural slate hanging on the first-floor façade. There will be no changes to the courtyard walls which comprise the northern and eastern walls of the building. The roof will comprise a pitched roof with natural slate and rooflights are to be positioned on the northern and eastern slopes.

7.2.3. In terms of the proposed works, the Board will note that the Architectural Heritage Protection Guidelines acknowledge that in order to make protected structure fit for modern living and to keep them in viable economic use, it will often be necessary to permit appropriate new extensions to such buildings. In terms of extension, the guidelines states that:

'If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed.'

'Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.'

7.2.4. In terms of the proposed works to the Brewhouse, the Board will note that the existing floor area of the building, over a single storey is noted to be 86m². The proposed dwelling on completion will have a stated floor area of 274.05m², over two

floors. In the context of the national guidelines, and while I acknowledge the quality of the proposals before the Board, I have serious reservations regarding the scale of the proposed extension of this protected structure, as well as the proposal to provide a 5 bedroomed (all en-suite) house within the courtyard area of the castle.

- 7.2.5. I note the proposed two storey extension to be located to the south east of the structure which will also rise to two storeys and fall under the proposed extensive L-shaped pitched roof. The western elevation of this extension will extend approximately 11m from the existing building, rising to 7.52, in height and will comprise essentially a fully glazed wall. In addition, the proposed first floor extension to the existing protected structure includes natural slate hanging on the first-floor façade and the insertion of new window openings.
- 7.2.6. I note that Chapter 14 of the guidelines deal with Non-habitable Protected Structures, and it is noted that such structures may pose different conservation problems and that works involved in rebuilding or restoring a ruin have the potential to materially alter the character of a structure. However, Section 14.1.11 states that this is always preferable to demolition and that each case will have to be judged on its merits. Proposals to restore a ruinous structure should not involve an unacceptable amount of alteration or loss of important historic fabric.
- 7.2.7. Having regard to the proposals permitted in relation to the renovation of the Carriage House, ABP ref: ABP-307555-20 (PA ref: 19/854), located to the south of the subject building, I would consider that the interventions currently proposed for the Brewhouse have not continued the previously faithful and discrete interventions of the redevelopment of the Carriage House.
- 7.2.8. While I accept that the proposed renovation of the Brewhouse would ensure the future use and protection of the protected structure, I do not consider that the interventions to the historic fabric would be kept to a minimum or that if permitted, the works would not be reversible. I further consider that the scale of the proposed extensions and the detailed designs to the Brewhouse structure do not complement the original structure, and would, if permitted result in a tripling in size of the original Protected Structure. I also note that the proposed additional floor will result in the proposed pitched roof of the building begin visible from outside of the courtyard walls.

7.2.9. As such, and notwithstanding the submission of the Conservation Report, I do not consider that if permitted, the development as proposed would ensure that the historic character of the Brewhouse would be respected and that the proposed works would adversely affect the fabric of the protected structure. The proposed extension would, therefore, be contrary to the policy objectives KCDP 8-40, KCDP 8-42 and KCDP 10-30 of the Kerry County Development Plan 2022 and with the guidance contained in the Architectural Heritage Protection Guidelines.

7.3. Water Services & Site Suitability Issues

7.3.1. In terms of site suitability, the Board will note that the application advises that the proposed house is to be served by a private well and a proposed proprietary treatment system. Planning permission for the well and a WWTP system was permitted under ABP ref: ABP-307555-20 (PA ref: 19/854). The current proposal seeks to install a larger WWTP system which will serve both the permitted 2 bed Carriage House dwelling and the proposed 5 bed Brewhouse dwelling. Planning permission has been granted for the installation of a system which will cater for a PE of 8 and the current proposal is to install a system which will cater for a PE of 12. Full details of the site characterisation form submitted with the previous 2019 application have been submitted and references the previous EPA Code of Practice and not the most up-to-date 2021 EPA CoP.

7.3.2. The Board will note that the updated report from Reeks Consulting Engineers dated 14th February 2022, uses the results from tests carried out in 2019. The new CoP includes a number of changes addressing technical matters and bringing references to legislation and standards up to date. In terms of the percolation test, the new CoP changes the terminology from T test and P test to subsurface and surface test. The change in terminology, however, does not change how the tests are carried out. The most significant change is the inclusion of a chapter which addresses determining site suitability and the selection of an appropriate WWTP for the site.

7.3.3. The information provided on the planning authority file with regard to the proposed development suggests that the sites suitability with regard to the treatment and disposal of wastewater has been considered. The applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site which was originally

prepared for the development of the site in 2019. The Board may wish to request an updated assessment which accords with the provisions of the 2021 Code of Practice.

- 7.3.4. The site characterisation assessment, submitted as part of the planning application, notes that no bedrock or ground water were identified in the trial pits, which were dug to 3m bgl. The assessment identifies that the site is located in an area where there is no Groundwater Protection Scheme but categorises the site as being a regionally important aquifer (Rk) with high vulnerability. A Groundwater Protection Repease of R2¹ is indicated. The bedrock type is described as 'Waulsortian Limerstones' while the soil type is identified as Amin DW – deep well drained mineral (mainly acidic), and subsoil as Till derived chiefly from Devonian Sandstones.
- 7.3.5. *T tests were carried out on the site at a level of 1.35m – 1.55m bgl at the base of the hole, yielded a value of 19.97. No *P tests were carried out at the site. The report concludes recommending a TRICEL P12 WWTU, Sandcel 1800 sand polishing filter and gravel bed to serve the development. It is recommended that the Sandcel will have a footprint of 30m² as well as the distribution gravel bed, but the applicant proposes to increase the area of the gravel bed to 44.68m² to give a greater factor of safety for the design. The system will discharge to groundwater with a hydraulic loading rate of 40l/m².
- 7.3.6. While I acknowledge the concerns raised by the third-party in relation to the well and the size of the WWTP, I am satisfied that overall, if permitted, the development is acceptable in terms of site suitability for the treatment and disposal of wastewater arising from the development. I am further satisfied that permission has been granted for the boring of a well to serve the development of the site.

7.4. Other Issues

7.4.1. Archaeological Impacts

The Board will note that an Archaeological Test Trenching & Impact Assessment Report, prepared by Aegis Archaeology Ltd., was submitted by way of unsolicited further information. It is noted that this testing was originally requested by Kerry County Council under PA ref: 19/854 on the same site. The previous Board Inspector acknowledged that the County Archaeologist was satisfied with the findings of the testing and as no previously unrecorded archaeological features or strata were

encountered, it was considered that no further mitigation is required. The Inspector noted that further archaeological investigations were ongoing, and the final Report submitted represents the findings of the archaeological investigations at Flesk Castle.

7.4.2. Roads & Traffic

The proposed development is to be accessed via the local road network in the area, and via an existing right of way. The Board will note the third-party submission in relation to roads and access to the site. I do not consider that the proposed development will give rise to a significant increase in the volume of vehicular traffic as to warrant a refusal of planning permission. Any civil issues raised are not a matter for the Board. I have no objections to the proposed development in terms of roads and traffic.

7.4.3. Third-party Issues

The Board will note that the third-party appellant raised a number of concerns in terms of works carried out at the site including ground works, the order of restoration works, issues with the applicants and agents as well as issues with the previous grant of planning permission relating to the renovation and change of use of the Coach House within the castle grounds. The appellant advises that he was not aware of the first party response to his third-party appeal and seeks to address matters raised as part of this appeal. In addition, the appellant has submitted details of correspondence between him and the Council, the Board and others over the course of previous applications. I consider that these matters have either been adequately addressed in from the first-party or are not matters for the Board.

7.4.4. Impacts on Barn Owl

As part of the Bat Fauna Study submitted by the applicant following a request for further information notes that breeding barn owl is known to be resident on the site of Flesk Castle for many years. The Owls roost annually in Mervyn's Tower which forms part of the main castle structure. The report notes that no formal monitoring for owls was undertaken during Covid, and surveys were carried out on the 21st and 22nd of April 2022.

The results of the survey noted the present of at least one barn owl at the species traditional roosting location within the castle complex. It was noted to fly from Mervyn's Towner to the 1st floor window sill on the north eastern side of the building where it perched momentarily on the 22nd of April. The owl flew eastwards across the courtyard and did not return within 20 minutes. The report does not note any presence of the barn owl within the Brewhouse. I note that the Planning Authority and the Council Biodiversity Officer noted no concerns with regard to the proposed development giving rise to any impacts on barn owls.

7.4.5. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.4.6. Residential Amenity Issues

Having regard to the rural location and the separation distance between the subject site and the nearest house to the east, together with the landscaping proposals for the eastern area of the site, I have no objections to the proposed development in terms of potential impacts on existing residential amenity.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any Natura 2000 site and the development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. The applicant did not submit an AA Screening or Natura Impact Statement.

8.2. Consultations

- 8.2.1. With regard to consultations, the Board will note that the PA requested further information with regard to the status of bat species and barn owls who were previously recorded utilising the complex of buildings.

8.3. Screening for Appropriate Assessment

- 8.3.1. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (000365) which is located approximately 180m to the north of the site. In addition to the above, the Killarney National Park SPA (Site Code: 004038) lies approximately 1.7km to the north west. The Sheheree (Ardagh) Bog SAC (Site Code: 000382) lies approximately 1km to the south. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site.
- 8.3.2. I am satisfied that the of the above sites, the following Natura 2000 sites can be screened out in the first instance, as although located within the zone of significant impact influence, the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable. I am satisfied that the potential for impacts on the following Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Killarney National Park SPA	004038	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out
		Site is located entirely outside the EU site and therefore there is no potential for direct effects.

Sheheree (Ardagh) Bog SAC	000382	No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out
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8.3.3. Given the proximity of the site to the Blackwater River (Cork/Waterford) SAC, I consider it appropriate to consider the following Natura 2000 site as being within the zone of influence of the proposed development, for the purposes of AA Screening:

- Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365).

8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The subject development site located within a rural environment and is not located within any designated site. The site comprises the Flesk Castle complex which includes a number of outbuildings, all of which comprise protected structures. The building the subject of this appeal comprises the Brewhouse which is located within the castle courtyard. The wider area in the vicinity of the castle includes areas of open farm land and mature wooded areas.

8.4.2. The following table sets out the qualifying interests for the identified Natura site, the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365):

European Site	Qualifying Interests
<p>Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365)</p> <p>Located approx. 180m to the north of the site</p>	<ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] • Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] • Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260] • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060]

	<ul style="list-style-type: none"> • Juniperus communis formations on heaths or calcareous grasslands [5130] • Calaminarian grasslands of the Violetalia calaminariae [6130] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Blanket bogs (* if active bog) [7130] • Depressions on peat substrates of the Rhynchosporion [7150] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Taxus baccata woods of the British Isles [91J0] • Geomalacus maculosus (Kerry Slug) [1024] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Euphydrias aurinia (Marsh Fritillary) [1065] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Salmo salar (Salmon) [1106] • Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] • Lutra lutra (Otter) [1355] • Trichomanes speciosum (Killarney Fern) [1421] • Najas flexilis (Slender Naiad) [1833] • Alosa fallax killarnensis (Killarney Shad) [5046]
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Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365)

8.4.3. This very large site encompasses the mountains, rivers and lakes of the Iveragh Peninsula, and the Paps Mountains which stretch eastward from Killarney towards Millstreet. The majority of the site is in Co. Kerry, with a small portion in Co. Cork. The Oak woodlands, occurring mostly around the Killarney lakes, are the habitat for which the area is perhaps best known. The site supports most of the Irish mammal

species. Of particular note is the occurrence of two E.U. Habitats Directive Annex II species: Lesser Horseshoe Bat, with a total population of about 300 individuals distributed at several locations, including both nursery and hibernation sites.

8.4.4. Overall, the site is of high ecological value because of the diversity, quality and extensiveness of many of the habitats, and impressive list of rare species of flora and fauna. In recognition of its importance the Killarney National Park has been designated a World Biosphere Reserve.

8.5. Conservation Objectives:

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p>Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365)</p> <p>Located approx. 180m to the north of the site</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] ○ Juniperus communis formations on heaths or calcareous grasslands [5130] ○ Calaminarian grasslands of the Violetalia calaminariae [6130] ○ Geomalacus maculosus (Kerry Slug) [1024] ○ Petromyzon marinus (Sea Lamprey) [1095] ○ Lampetra planeri (Brook Lamprey) [1096] ○ Lampetra fluviatilis (River Lamprey) [1099] ○ Salmo salar (Salmon) [1106] ○ Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303] ○ Lutra lutra (Otter) [1355] ○ Trichomanes speciosum (Killarney Fern) [1421] ○ Najas flexilis (Slender Naiad) [1833] • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets:

	<ul style="list-style-type: none"> ○ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] ○ Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130] ○ Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] ○ European dry heaths [4030] ○ Alpine and Boreal heaths [4060] ○ <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] ○ Blanket bogs (* if active bog) [7130] ○ Depressions on peat substrates of the <i>Rhynchosporion</i> [7150] ○ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] ○ Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] ○ <i>Taxus baccata</i> woods of the British Isles [91J0] ○ <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] ○ <i>Euphydrias aurinia</i> (Marsh Fritillary) [1065] ○ <i>Alosa fallax killarnensis</i> (Killarney Shad) [5046]
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8.6. Potential Significant Effects

8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 site, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of some 180m from the boundary of the designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

- Disturbance and / or displacement of species: The site lies within an elevated rural environment and within the Flesk Castle complex. The landscape immediately outside the Castle walls comprises mixed woodland and farm land as it extends towards the SAC. With regard to the QI species associated with the SAC, no qualifying species or habitats of interest, for which the designated site is so designated, occur at the site other than potentially the *Rhinolophus hipposideros* (Lesser Horseshoe Bat). The Board will note that the applicant submitted a Bat Fauna Study following a request for further information from the Planning Authority.
As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed which will be confined to the Brewhouse, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated, other than potentially the *Rhinolophus hipposideros* (Lesser Horseshoe Bat). I propose to address this further below.

- Water Quality: The proposed development relates to the renovation and extension of the Brewhouse at Flesk Castle. The development includes a proposal to install a private WWTP to serve the house, as well as the previously permitted redevelopment of Carriage House at the complex. Having regard to the nominal scale of the proposed development, together with the separation distances between the site and the boundary of the SAC, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the Killarney National Park, MacGilllicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365).

8.6.2. The Bat Fauna Study, prepared by Aardwolf Wildlife Surveys dated 12th May 2022 was submitted by the applicant following a request for further information. The report comprises a desk top study, and a site survey which focused on the subject application site, the Brewhouse. The survey was carried out on the 21st April 2022. The report notes that nine of the ten know Irish species have been observed locally. The Brewhouse structure was surveyed both externally and internally for bats and / or their signs and a detector survey was also carried out. While no bats were seen to

leave or enter the structure, seven bat species were recorded flying in the vicinity of the structure. In terms of the QI of the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365), the lesser horseshoe bat was recorded flying in the vicinity of the site.

- 8.6.3. The report concludes that the Brewhouse has limited potential for bat use as it is very open to temperature variation. Its location close to the main castle building is also noted to reduce its potential for use by bats as the latter would be far more attractive as a roosting site. The report concludes that as no bats are present in the Brewhouse, the proposed redevelopment will not have any adverse impact on these animals and no mitigation is required. The Board will note no objections in this regard from the PA.
- 8.6.4. I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365) can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

8.7. In Combination / Cumulative Effects

- 8.7.1. Given the nature of the proposed development, being the renovation and extension of a currently ruinous building and to change its use to a holiday home, I consider that any potential for in-combination effects on water quality in the Killarney National Park, MacGillicuddy Reeks and Caragh River Catchment (including the Flesk River) SAC (Site Code: 000365) can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the SAC in terms of habitats, via rivers and other surface water features are also subject to AA.
- 8.7.2. I would note, however, that no cumulative effect assessment has been considered by the applicant or indeed, the PA as part of AA in terms of species associated with the SAC, and in particular, the lesser horseshoe bat. That said, I note that the Brewhouse in its own right, does not appear to have potential for use by bats and that the Carriage House is similar, I note that the Bat Fauna Study suggests that the Castle itself, located within 10m of the subject building, is more attractive as a roosting site. While I acknowledge these comments, I note that no information was

provided as to where the bats were recorded flying, or the numbers of the seven bat species recorded on the night of the survey.

- 8.7.3. The permitted renovation of the Carriage House as a two bedroomed house will result in some light spill into the courtyard area. In terms of cumulative impacts, one might question if the proposed extension to the Brewhouse, and in particular the proposed western elevation which comprises extensive glazing, would impact on bat species which as suggested, might roost in the castle by reason of additional light pollution flooding the area of the courtyard between the proposed building and the castle. The Board may wish to request the detail of the survey findings in order to ensure a consideration of this issue and to complete AA assessment in this regard.

8.8. Conclusion on Stage 1 Screening:

- 8.8.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is generally reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. However, I would consider that further details relating to bats, and in particular the *Rhinolophus hipposideros* (Lesser Horseshoe Bat), as discussed above should be addressed prior to a positive decision issuing.

9.0 Recommendation

- 9.1.1. Having regard to the information submitted in support of the appeal and development the subject of the appeal, together with the planning history of the site, I would accept that the principle of the proposed development, comprising the renovation and extension, change of use and extension of an existing outbuilding to a holiday home, installation of a revised proprietary wastewater treatment system and polishing filter in lieu of that granted under planning ref 19/854, and all ancillary site works, all at Flesk Castle, Mill Road, Dromhumper, Killarney Co Kerry is generally acceptable.
- 9.1.2. I note no objection to the installation of a revised proprietary wastewater treatment system and polishing filter in lieu of that granted under planning ref 19/854.
- 9.1.3. However, I consider that the scale of the proposed extensions and the detailed designs to the Brewhouse structure do not complement the original structure, and would, if permitted, result in a tripling in size of the original Protected Structure. As such, and notwithstanding the submission of the Conservation Report, I do not consider that if permitted, the development as proposed would ensure that the historic character of the Brewhouse would be respected and that the proposed works would adversely affect the fabric of the protected structure.
- 9.1.4. The proposed extension would, therefore, be contrary to the policy objectives KCDP 8-40, KCDP 8-42 and KCDP 10-30 of the Kerry County Development Plan 2022 and with the guidance contained in the Architectural Heritage Protection Guidelines.

10.0 Reasons and Considerations

Having regard to the protected structure status of this building, it is considered that the proposed works would, by virtue of their extent, nature and level of intervention, have a detrimental and irreversible impact on the essential qualities of this structure, thereby materially affecting its character.

It is further considered that the proposed development, by reason of its overall layout, and its scale, height massing and design, would be out of scale with its surroundings, would seriously detract from the architectural character and setting of Flesk Castle and its associated out-buildings, including the

Brewhouse, within the walled courtyard and all protected structures. The proposed development would, therefore, materially and adversely affect the character of this protected structure, would seriously injure the visual amenities of the castle complex, contrary to objectives KCDP 8-40, KCDP 8-42 and KCDP 10-30 of the Kerry County Development Plan 2022 -2028, and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
08/11/2022