



An
Bord
Pleanála

Inspector's Report ABP-315237-22

Development	Demolition of outbuildings, construction of three storey extension for mixed use including commercial and residential. This building is a protected structure.
Location	Farranreagh, Knightstown, Valentia Island, Co. Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22948.
Applicant(s)	Vincent Kidd.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Vincent Kidd.
Observer(s)	None.
Date of Site Inspection	14 February 2024.
Inspector	Daire McDevitt.

1.0 Site Location and Description

The appeal site with a stated area of c.0.3652 hectares is located on the eastern side of Knightstown village on Valentia Island. The site is a corner site overlooking Valentia harbour, bonded to the north (R565- market street and east by The Promenade - R565. The Royal Victoria Hotel (protected structure) occupies the site with a number of outbuilding on the western side which are proposed to be demolished as part of the development before the Board.

The Royal Victoria Hotel (also referred to as The Royal Hotel), protected structure (Reg. No. 2140131979-019) and NIAH Reg. No. 21401319, dating from the 1860-1900, with a rating of Regional Importance is described as:

“Corner-sited detached seven-bay two-storey hotel with dormer attic, built c. 1880, now in use as hostel and bar. Comprising single-bay two-storey gabled advanced entrance bay and five-bay two-storey wing to north with two-storey canted bay window to centre. Single-bay two-storey side elevation to north and single-bay two-storey gabled recessed end bay with dormer attic to south having two-storey canted bay window.

Extended to north-west, c.1930, comprising four-bay two-storey return with single-bay single-storey flat-roofed projecting bay to north. Pitched and hipped artificial slate roof, gable-fronted to entrance bay, hipped to recessed end bay with gabled section to pediment, concrete ridge tiles, timber eaves, cast-iron rainwater goods, flat-roofed to bay window to recessed end bay behind decorative parapet, hipped to wing, half-octagonal to bay windows and having nap rendered chimneystacks. Painted nap rendered walls with moulded rendered stringcourse over entrance, mock timber-frame to gable, moulded rendered stringcourse to bay window to recessed end bay, moulded render coping to parapet with urn finials, moulded cornice to eaves and having moulded render pediment with finial.

Square-headed window openings with rendered sills and moulded sill courses to bay windows. Four-over-six pane timber sliding sash windows to wing. Twelve-over-one pane timber sliding sash windows to bay windows. Timber fixed-pane windows over entrance. Six-over-one pane timber sliding sash windows to dormer attic. Timber casement windows to side elevation. Segmental-headed door openings with keystone and tongue-and-groove timber panelled double doors. Square-headed door opening to wing with timber double doors and overlight. Square-headed openings to return. Six-over-six pane timber sliding sash windows to ground floor. One-over-one pane timber sliding sash windows to first floor. Set back from street in own grounds with roughcast rendered boundary wall to front.”

2.0 Proposed Development

Permission is sought to demolish outbuildings and to construct a three storey extension consisting of ground floor gym, spa, storage and office and 21 bedrooms at first and second floor levels.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the following reason:

The proposed development would be premature by reference to the existing capacity deficiencies in the Knightstown Wastewater Treatment Plant to which connection is proposed and the period which this constraint may reasonably be expected to cease. Therefore, the proposed development would 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

Planner Report dated 1/11/2022:

This sets out an assessment of the proposed development and consideration of submissions received. Points of note include:

- The development was assessed under the West Iveragh Local Area Plan 2019-2025. Under this LAP the site is located on lands zoned under M2-Town/Village Centre land use zoning objective.
- Letter of support from adjoining property owners submitted with the application.
- Details include a proposed one-way traffic management plan to serve the development with vehicular egress from the rear (west of the site). This is not referenced in the public notices, it is submitted that the development description should include a description of the proposed parking and works of a traffic management nature.
- All works to the protected structure should be included in the development description.
- The County Archaeologist recommended that an Archaeological Impact Statement is required.
- Given nature and scale of development, the planning authority concluded that no EIA Screening or EIA required.
- The planning authority concluded that having regard to the existing development on site and distance from any SAC or SPA it was considered that there is no likely potential for significant effects to Natura 2000 sites and AA not required.

The planning authority concluded that the Royal Hotel is the only hotel in Knightstown and the principle of providing additional guest accommodation and a gym and space would comply with the general objectives KS Go-01, KS-GO-02, KS-GO-05 and KS-GO-09 and tourism objectives KS-TM-01 and KS-TM-02 for Knightstown set out in the West Iveragh Local Area Plan 2019-2025. And it was considered that the proposed development contained in the current application would strike a reasonable balance between compliance with the Local Area Plan objective and the protection of architectural heritage.

However the Knightstown WWTP is at capacity and effluent that would be generated by the proposed development cannot be catered for until an upgrade is carried out and, on this basis, alone a refusal of planning permission must be recommended.

Deficiencies in the planning application that would normally generate a request for FI include a) archaeological impact assessment, full description of external and internal work to the protected structure and c) full description of on-site traffic management and parking. However given the constraints in the WWTP a request for FI would not be appropriate.

3.2.2. Other Technical Reports

Ass. Chief Fire Officer (26/09/22) no objection. Requirements pertaining to Fire Safety Certificate and Disability Access Certificate set out.

County Archaeologist (27/09/2022). The development is located within a zone of notification around the recorded monument KE079-135 listed as slate works therefore an Archaeological Impact Assessment should be requested.

Memo dated 24/12/22 from ‘Cathy Fisher’ to ‘Dawn Higgins’ (no section identified but I note from other documentation on file that Cathy Fisher is referred to as the Biodiversity Officer). Correspondence refers to Natura 2000 sites, in particular Valentia Harbour Portmagee Channel SAC. And conclude that there is no SPR connectivity between the site and the SAC and therefore it is believed there is no likelihood of a significant effect on the SAC. (not all pages from the email correspondence have been included with the file documentation).

3.3. Prescribed Bodies

Irish Water (10/10/2022).

This states:

Water connection would have to be designed and upsized for this additional development. Wastewater connection upgrade is not possible at this time as the Knightstown WWTP is at full capacity and awaiting an upgrade.

3.4. Third Party Observations

None received by the planning authority.

4.0 Planning History

There is extensive planning history associated with the site for Vincent & Fiona Kidd which include:

PA Ref. 19/1319 refers to an application that was deemed withdrawn. Broadly in line with current proposal before the Board.

PA Ref. 17/180 refers to retention of works to hotel and boundaries.

PA Ref 14/84 refers to retention of works to hotel.

PA Ref 08/1244 refers to a grant of permission for inter alia works to existing hotel and provision of holiday apartments.

PA Ref 07/2074 refers to a decision to refuse permission for inter alia works to existing hotel and provision of holiday apartments.

5.0 Policy Context

5.1. Local

West Iveragh Local Area Plan 2019-2025

Section 2.7 Valentia Island

Notes that tourism is an important element of the economy of Valentia Island.

Section 3.5 Knightstown.

The overall vision for Knightstown is to ensure that it continues to develop as an attractive and vibrant settlement for residents and visitors alike and that future development preserves the village's character and reinforces it where necessary.

Knightstown is an attractive settlement with its mix of architectural, historical and cultural heritage. The village still retains its distinctive character and it is essential, that this is retained. The retention of the architectural heritage of the village is critical to its future development as a tourist destination. Knightstown has a number of innate strengths including an attractive seafront, spectacular sea views and a defined urban form with character and charm. Knightstown has the potential to capitalise on its heritage and marine based activities, and the work carried out by the Valentia Development Agency, to further grow visitor numbers and create sustainable long-term employment.

KS-GO-01 to **KS-GO-11** refer to general objectives for the village which include inter alia:

KS-GO-10 facilitate and support the upgrade of existing wastewater treatment infrastructure in a timely manner to ensure the sustainable development of the area.

KS-TM-01 to **KS-TM-04** refer to tourism objectives which include inter alia:

KS-TM-02 refers to facilitating the development of high quality visitor accommodation within the town at appropriate locations.

Other objectives of note include:

VI-01 encourage the sustainable and environmentally appropriate development, extension and renewal of all aspects of tourism related activities.

W-01 To work closely with Irish Water to identify and facilitate the timely delivery of the water and wastewater infrastructure required to realise the development objective of this plan with due regard to the objectives of the Water Framework Directive and Habitats Directive.

The **Draft Kenmare Municipal District Draft Local Area plan 2023-2029** (deadline for submissions 3rd November 2023) will replace the existing West Iveragh LAP 2019-2025, the Killorglin Functional Area LAP 2010-2016, the Kenmare Functional Area LAP 2010-2016, and the Cahersiveen, Waterville & Sneem Functional Areas LAP 2013-2019.

Kerry County Development Plan 2022-2028

Knightstown is identified as a village in the Kerry settlement hierarchy.

Section 5.5.1.2 contains Table 5.3 Settlements in Rural Areas under Urban Influence, here Knightstown is identified as '*settlement with some form of wastewater treatment*'

5.2 Regional

Regional Spatial and Economic Strategy (RSES) for the Southern Region

5.3 National

- The National Planning Framework – Project Ireland 2040
- Climate Action Plan
- Section 28 Guidelines.

5.4 Natural Heritage Designations

Valentia Harbour/Portmagee Channel SAC (site code 002262) is located c.14.5m to the east of the site on the opposite side of the Promenade (R565) and c.84m to the north, north of Market Street (R565).

5.5 Preliminary EIA Examination

See Completed Form 1 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

A first party appeal has been received against the planning authority's notification of decision to refuse permission.

6.1 Grounds of Appeal

The grounds of appeal seek to overcome the reason for refusal and are summarised as follows:

- The IW correspondence refers to the WWTP at full capacity but also notes 'no objection' to the development.
- Query capacity of Knightstown WWTP and demand the proposed development would generate.

IW WWTP capacity register indicates a 'red' status indicating no available capacity in the WWTP. The current capacity is noted as 500pe. Population figures for Knightstown in 2016 census is 243. Further interrogation of IW reports should have taken place prior to recommendation to refuse permission. Reference to remaining capacity of 346 as of December 2015. The only additional capacity was the opening of Caravan Park in 2015 (39 caravan pitches). This would still give remaining pe capacity.

Knightstown WWTP was upgraded in 2017, increased capacity 700pe. No development has taken place on the island since these upgrades. Therefore it is contended that there is substantial capacity in the WWTP to cater for the proposed development at the Royal Hotel.

The IW Annual Report 2021 refers to the 500pe capacity and not the 700pe following upgrades.

It is submitted that the IW reporting of the remaining capacity or zero in the Knightstown WWTP in the Annual Environmental Report 2021 as being inaccurate, therefore the WWTP Capacity Register is misinformed, the IW objection is based on incorrect data and therefore should be discounted.

- If it is considered that the available capacity of the WWTP remains in question then it is submitted that there are a number of mitigation measures that could be addressed by condition relating to the treatment of effluent using either a Tricel Maxus 88M6000 or a Tricel Maxus 294JS0X2.
- Request that permission is granted as the approval of planning would constitute an economic boost for the island.

The grounds of appeal are accompanied by:

- A letter from appellant's Engineer outlining and providing calculations in support of the options set out in the grounds of appeal (mitigation measures 1 and 2 relating to the treatment of effluent).
- Tricel Maxus Treatment System Technical Data Sheets.
- Sample images of Tricel units.

The grounds of appeal include a request for an Oral Hearing.

6.2 Planning Authority Response

None on file.

6.3 Observations

None received.

6.4 Oral Hearing Request

The grounds of appeal included a request for an Oral Hearing.

Senior Planning Inspector recommendation dated 13th February 2023 to the Board recommended that an Oral Hearing should not be held as there is sufficient information on the file to enable an assessment of the issues.

Board Direction (BD-015311-24) dated 1st February 2024 'The Board decided, as recommended by the Senior Planning Inspector, that there was sufficient written evidence on file to enable an assessment of the issues raised, and therefore that an Oral Hearing should not be held.

7.0 Assessment

The grounds of appeal are against the reason for refusal of permission which is set out below.

“The proposed development would be premature by reference to the existing capacity deficiencies in the Knightstown Wastewater Treatment Plant to which connection is proposed and the period which this constraint may reasonable be expected to case. Therefore, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area”.

Having examined the application details and all other documentation on file, including submissions received in relation to the application and appeal, and having regard to the relevant national/regional and local policies and guidance, I consider that the main issues in this appeal are as follows:

- Knightstown Wastewater Treatment Plant
- Appropriate Assessment

7.1 Context

The proposed extension comprising of gym, spa and 21 bedrooms would bring the overall hotel capacity to 51 bedrooms and suites. I have reviewed the application documentation and information submitted with the appeal, the submissions by the local authority, submissions at application stage and I broadly concur the design and scale of the proposed works are acceptable.

The planning authority was broadly satisfied with the overall quality of the proposed development, i.e. mixed use extension comprising hotel accommodation (21 rooms) and spa/gym to existing hotel. The planning authority concluded that the Royal Hotel is the only hotel in Knightstown and the principle of providing additional guest accommodation and a gym and space would comply with the general objectives KS Go-01, KS-GO-02, KS-GO-05 and KS-GO-09 and tourism objectives KS-TM-01 and KS-TM-02 for Knightstown set out in the West Iveragh Local Area Plan 2019-2025. And that it was considered that the proposed development contained in the current application would strike a reasonable balance between compliance with the Local Area Plan objective and the protection of architectural heritage. And that the sole reason for refusal related to the lack of capacity in the Knightstown WWTP.

I note issues raised by the planning authority which were suggested should be addressed through further information. I am of the view that outstanding matters pertaining to archaeology and architectural conservation could be addressed by condition if a grant of permission was forthcoming. With regard to the use of a right of way to provide emergency access via a right of way, this matter has not been referred to in the public notices. I am of the view that the access to the proposed parking spaces on site can be provided via the existing entrance and any upgrade of any right of way via the slate works is beyond the remit of this application as not included within the application site boundaries outlined in red.

No issues of architectural conservation have been raised and the proposed works would not detract from the character of the protected structure which has been the subject of numerous interventions and extensions over the years.

No third party appeals or observations were received by An Bord Pleanála in respect of the current appeal before the Board. Having regard to the foregoing I do not propose to carry out a de-novo assessment of the proposed development and my assessment shall focus on the reason for refusal and the appellant's attempt to address this.

7.2 Knightstown Wastewater Treatment Plant

The planning authority refused permission for the proposed development on the basis that the Knightstown WWTP had no spare capacity to accommodate the proposed development and therefore the proposed development would be premature pending an upgrade of the WWTP. A submission received from Irish Water/Uisce Eireann dated 10/10/2022 stating that ' *water connection would have to be designed and upsized for this additional development. And that wastewater connection upgrade is not possible at this time as the Knightstown WWTP is at full capacity and awaiting an upgrade* '.

The Wastewater Treatment Capacity Register published June 2023 (accessed 19th February 2024) has assigned a 'Green*' status to Knightstown WWTP (D0421) with

project planned/underway. A Green* status is indication of spare capacity is based on completion of a project currently at construction.

I have reviewed that Knightstown WWTP Mission Statement by the South Western Compliance Team, Environmental Regulations, Uisce Eireann dated 2/11/2023 (accessed via EPA website on the 16th February 2024) which states “*Uisce Éireann propose for works to commence on the week commencing 20th November 2023, and to run over a period 1 year. We will continue to work closely with the EPA, IFI and other statutory bodies and endeavour to minimise any impact on the receiving waters.*”

Based on the information available on the Uisce Eireann and EPA websites relating to the upgrade works to the WWTP I am of the view that the upgrade works to the Knightstown WWTP could therefore be completed before such a time as work which are the subject of the current proposal are. I am of the view that an appropriate conditions could be attached that ties in the operation of the proposed extension (ie additional 21 bedrooms, spa and gym) with the operation date of the upgrade works which will increase the capacity of Knightstown WWTP. Having regard to the foregoing I have consider the proposed development would no be prejudicial to public health, would be in accordance with the proper planning and sustainable development of the area.

7.3 Appropriate Assessment

7.3.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3), as related to screening the need for appropriate assessment of a project under part XAB, Section 177U of the Planning and Development Act 2000 (as amended), are considered fully in this section.

Background to the application

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at The Royal Victoria Hotel, Farranreagh, Valencia Island, a mixed used extension comprised of 21 no. bedrooms, gym and spa, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.3.2 Screening for Appropriate Assessment (Stage 1)

Description of Development

I refer the Board to section 2 of this report.

Description of Site Characteristics

The proposed development consists of an extension to an existing hotel on a site with a stated area of c0.3652 hectares.

Proposed to connect to water mains, surface water disposal via public system and foul water to be directed to the public sewer system and Knightstown WWTP.

Relevant prescribed bodies consulted

At application stage the application was referred to the relevant prescribed bodies by Kerry County Council. In response to the referrals, no submissions in relation to appropriate assessment were received from the prescribed bodies. The appeal has not been referred to prescribed bodies.

Test of likely significant effect

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation/alteration
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- Changes in water quality and resource

No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and the Valentia Harbour Portmagee Channel SAC are identified via surface water runoff and via wastewater discharge from the Knightstown wastewater treatment plant.

Designated sites within Zone of Influence

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the site to a European Site. The site is not within or directly adjacent to any European Site. The site at present comprises a Hotel and associated car parking area and yard. The Hotel is a protected structure which has been extended and altered over the years. There are no surface water features on site, in the vicinity, the closest water body is c.14.5m to the east refers to the coastal waters associated with the Portmagee Channel.

The application documentation does not include appropriate assessment screening. Screening carried out by Kerry County Council (Competent Authority at application stage), KCC Biodiversity Officer email dated 24 October 2022 concluded that there is no SPR connectivity between the site and the SAC and therefore it is believed that there is no likelihood of a significant effect on the SAC. Furthermore the nature, scale and location of the proposed development it can be concluded that the proposed development individually or in combination with other plans and projects is not likely to have a significant effect on the Valencia Harbour Portmagee Channel SAC in view of the sites' conservation objectives.

It was noted that the development site is bounded to the north and east by a road, the R565 known as The Promenade (to the east) at this point, and public car parking bays (The Promenade) which separates the site from the harbour to the east.

The site is c. 14.5m from the boundary of the Valencia Harbour Portmagee Channel SAC (Site code 002262), the closest designated European site, and c.84m to the north, separated from the site by Market Street (R565) and urban development.

Valencia Harbour Portmagee Channel SAC (Site code 002262) is designated for mudflats and sandflats not covered by seawater at low tide [1140], large shallow inclets and bays [1160] and reefs [1170]. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

Iveragh Peninsula SPA (004154) is designated for Fulmar (*Fulmarus glacialis*)[A009], Peregrine (*Falco peregrinus*)[A103], Kittiwake (*Rissa tridactyla*)[A188], Guillemot (*Uria aalge*)[A199] and Chough (*Phyrrhocorax phyrrhocorax*)[A346]. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. I am of the view that this SPA is at a significant remove from the application site and in respect of which there is no pathway or connection which could give rise to significant effects on the conservation objectives of those sites.

There are no watercourses on site and no direct hydrological connection to the SAC. Valencia Harbour Portmagee Channel SAC (Site code 002262) overlaps with Iveragh Peninsula SPA (004154). There is potential for pollutants mobilised into surface water runoff from the development in its construction phase to reach the SAC.

The foul sewer water will be connected to an existing public network system. As such there is an indirect connection to the Valencia Harbour Portmagee Channel SAC via the foul networks via the Knightstown wastewater treatment plant (WWTP). Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to the coastal waters and SAC located to the east and north of the proposed development site, and therefore may indirectly have an impact. Therefore, the European site with qualifying interests, which is potentially linked to the proposed development is the Valencia Harbour Portmagee Channel SAC (site code 002262).

Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided and the distances involved I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

Having regard to the above, I consider the following Natura 2000 site to be within the Zone of Influence is the Valencia Harbour Portmagee Channel SAC (site code 002262). In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the site to a European Site.

Assessment of Likely Significant Effects on Designated Sites

The QI for which the SAC is designated are mudflats and sandflats not covered by seawater at low tide, large shallow inclets and bays and reefs as such ex-situ impacts do not arise.

In respect of the loss/alteration of habitats, habitat or species fragmentation disturbance or displacement of species and any in combination or cumulative impacts. No potential significant direct or indirect impacts are identified given the nature and use of the lands within and in the vicinity of the site and the separation distance and lack of hydrological or other ecological connection from the European designated site.

There is no direct pathway via groundwater, air or land to Natura 2000 sites .

There is a potential risks to water quality arising from construction activities. A potential indirect source-pathway-receptor linkage was identified to the SAC, as the proposed development to the western side of the existing hotel, there is a slight slope towards the harbour providing a potential indirect link. No works are proposed to occur within a designated site and there are no watercourses or drains within the development site. Furthermore the development site is separated from Valencia Harbour Portmagee Channel SAC (Site code 002262) to the north by a road (R565 Market Street) to the north and a buffer of urban development and to the east by road (R565 The Promenade), public parking bays and the harbour.

Indirect impacts during construction works on Qualifying Interests of the site could potentially arise from contaminated surface water runoff. Such impacts could arise from earth moving activities, use of equipment leading to potential hydrocarbon contamination and the risk of spillages/accidents. However, given the distance to the Harbour and Portmagee Channel the nature of the intervening lands, the small scale of development and the specific nature and design of the work to be undertaken, these works were considered unlikely to result in any significant risk.

Once the site becomes operational, all foul and wastewater from the site will be piped to Knightstown WWTP which is the subject of ongoing upgrade works. There is an indirect hydrological pathway between the application site and the Valencia Harbour Portmagee Channel SAC via the public drainage system and the Knightstown WWTP. Uisce Eireann Waste Water Treatment Capacity Register, June 2023 (accessed online 19th February 2024) assigns Knightstown WWTP a Green* status where Green indicates spare capacity based on the completion of a current project under construction, as is the case with the upgrade to Knightstown WWTP. Based in the available documentation I concluded that it provides a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the available capacity remaining. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.3.3 Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Act 2000 as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that there is no potential for significant effects on the Valentia Harbour Portmagee Channel SAC (Site Code 002262) as a result of the project individually or in combination with other plans or projects cannot be excluded in view of the Conservation Objectives of that site, and Appropriate Assessment is therefore required.

I consider that the particular characteristics of the project for which permission is being sought in the current application, including its location on a fully serviced site are such that it would not be likely to have a significant effect on any Natura 2000 site, either individually or in combination with other projects. This exclusion can be made in view of the objective information set out in the application and this report. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Valentia Harbour Portmagee Channel SAC (Site Code 002262) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harming effects of the project on any European Sites.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for following reasons and considerations, subject to conditions set out below.

9.0 Reasons and Considerations

Having regard to objectives contained in the West Iveragh Local Area Plan 2019-2025 and the Kerry County Development Plan 2022-2028 and the planning history of the site. It is considered that, subject to compliance with the conditions set out

below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety , would not be prejudicial to public health and would not have an adverse impact on the character and setting of the protected structure to be extended or have an adverse impact on the nearby Natura 2000 site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Kerry County Council on the 8th day of September 2022. And plans and particulars received by An Bord Pleanála the 29th day of November, 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This grant of permission is solely for the development as described in the public notices which comprises of the demolition of outbuilding and construction of a three storey extension consisting of ground floor gym, spa, storage and office and 21 bedrooms at first and second floor levels only.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>a) The extension which is the subject of this permission (comprising 21 no. bedrooms, spa, gym and ancillary rooms/works) shall not be occupied or in use until the works to the Knightstown wastewater treatment plant are completed and operational.</p>

	<p>b) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>c) The applicant or developer shall enter into water and wastewater connection agreements with Uisce Eireann prior to the commencement of development.</p> <p>Reason: In the interest of public health</p>
4.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the building, including the new access ramp and windows shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and façades and fabric.</p> <p>b) All repair works to the protected structures shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.</p> <p>c) All existing original features, including interior and exterior fittings/features, joinery plasterwork features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.</p>

	<p>Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric</p>
6.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably-qualified archaeologist who shall monitor all site investigations, demolitions and other excavation works, c) undertake a phase of post demolition testing, and (d) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination. <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
7.	<p>The remains of the demolished buildings shall be fully archaeologically excavated according to best practice, in addition to all other features associated with this structure. The developer shall be prepared to fund the costs of the excavation and any necessary post excavation analyses that are required, including a final excavation report. The archaeologist shall complete a programme of archaeological test excavation in those areas not previously tested due to issues of access and also in those areas where demolition is yet to take place. All trenches shall be excavated to the uppermost archaeological horizons – where they survive. All features shall be cleared by hand, fully recorded, photographed and planned in advance of their excavation.</p>

	Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site
8.	<p>a) All entrance doors in the external envelope shall be tightly fitting and self-closing.</p> <p>b) All windows and roof lights shall be double glazed and tightly fitting.</p> <p>c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes. Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the residential amenities of property in the vicinity</p>
9.	<p>No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
11.	<p>The construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste</p>

	<p>Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Dáire McDevitt
Senior Planning Inspector

22nd February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 315237-22			
Proposed Development Summary	Permission is sought to demolish outbuildings and to construct a three storey extension consisting of ground floor gym, spa, storage and office and 21 bedrooms at first and second floor levels to a protected structure.			
Development Address	The Royal Valencia Hotel, Farranreagh, Knightstown, Valentia Island.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes	X		EIA Mandatory EIAR required	
No		Class 12 Tourism & Leisure. d) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.	Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required

Yes	X	Class 12 Tourism & Leisure. c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.		Proceed to Q.4
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____