



An
Bord
Pleanála

Inspector's Report

ABP-318330-23

Development	(a) Change of use of existing building from sailing school, café and accommodation to 3 no. town houses; (b) Permission for material alterations to elevations and floor layouts; (c) Permission to install tertiary treatment system and all associated site works
Location	Donnybrook, Lower Tinnies, Valentia Island, Co.Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2360073
Applicant(s)	Skelligs Retreat Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Skelligs Retreat Ltd.
Observer(s)	None
Date of Site Inspection	9 th January 2024.
Inspector	Niall Sheehan

1.0 Site Location and Description

- 1.1.** The site is located off a local county road, which is in turn off the R-565, c.250m north of Portmagee Channel and c.1.2km southwest of Chapeltown village. The site contains an unfinished building set c.1m below the road level. The building was previously intended to serve as a sailing school and associated accommodation (hostel type - 4 no. rooms; planning permission reg. ref. 032422). As per site inspection, the superstructure is vacant, unrendered and in a state of disrepair. The surrounding site is not landscaped and in an unkempt state. The building was never occupied and works appear to have ceased a long time ago.
- 1.2.** The site slopes gradually from north north west (NNW) to south south east (SSE) and the existing building is partially screened from the roadside with mature hedging. The Feaghmann stream runs to the west of the site along the host field boundary and into the sea c.250m south at the Portmagee Channel.
- 1.3.** The area of the site is given as 0.53ha./1.32 acres. The land ownership extends to the host field (to the southwest) which is slightly larger than the site area. There are a small number of existing dwelling houses in the surrounding area which comprise of a mixture of remodelled cottages and farmhouses and modern one-off rural houses.

2.0 Proposed Development

- 2.1.** The following development is proposed:

 - Material change of use of building from sailing school, café and accommodation to 3 no. residential short-term letting units (as part of retreat tourism);
 - Unit mix to consist of 2 no. two bed units, and, 1 no. three bed unit;
 - Series of alterations to elevations and floor layouts. Increase in floor area by c.11.5sq.m by way of extension to rear terrace, 2 no. porch/canopies to front elevation. Proposed finishing materials to remodelled elevations to include white render, charred timber, natural slate;

- Installation of tertiary treatment system, and, also associated infiltration/percolation area to southern part of site;
- Drinking water well to be bored to northern part of site upgradient and c.90m from the proposed wastewater treatment system;
- Upgrading of existing site entrance to achieve adequate sightlines looking in both directions;
- Provision of 9 no. parking spaces including 1 no. accessible space and turning area to the front of the building;
- Proposed planting and landscaping to the site.

3.0 Planning Authority Decision

3.1 Decision

Kerry County Council decided to refuse permission for the following stated reasons (as summarised):

1. Proposed material change of use would materially contravene Objective KCDP 5-15 of the Kerry County Development Plan 2022-2028 in relation to rural settlement policy in areas designated as 'Rural Areas Under Urban Influence'.
2. Proposed material change of use would materially contravene Objective KCDP 5-23 of the Kerry County Development Plan 2022-2028 in relation to holiday/second homes.
3. Proposed material change of use would constitute over-development of the site by reason of excessive number of proposed units in a rural area.

3.2 Planners Reports

3.2.1 The Planner's Report outlines the following (as summarised):

- Unclear from information submitted if proposed townhouses to be used as permanent places of residence or for short-term letting. Building unfinished,

site relatively untouched with no landscaping. Principle of 3 no. townhouse in rural area not acceptable as it would lead to intensification of use and overdevelopment of site.

- Site located in area designated as 'Rural Areas Under Urban Influence' in Section 5.5.2 of the KCDP 2022-2028. Proposed development not in compliance with Objective KCDP 5-15.
- Proposed material change of use would materially contravene Objective KCDP 5-23 of KCDP 2022-2028 in relation to holiday/second homes.
- As building is existing, proposed visual impact would be considered minimal. Protected views and prospects to the south (across the channel) off the Regional Road R-565.

3.3 Other Technical Reports

- Housing Estates Unit:
Comments regarding provision of signage, markings, stormwater details, boundary treatment, planting and landscaping plan. Recommend attachment of conditions for site development works and inclusion of a planning bond;
- Area Engineer No objection;
- Water Services No comments;

3.4 Prescribed Bodies

- An Taisce: No observations received;
- The Arts Council: No observations received;
- Failte Ireland: No observations received;

3.5 Third Party Observations

- 9 no. letters of support from local organisations. Main point of responses are as follows:
 - Proposed development would help repopulate and reinvigorate the area;

4.0 Planning History

4.1 Application Site

Planning Permission Reg. Ref.: 03/2422. Construction of a building consisting of sailing school, kitchen and dining facilities, accommodation (4 no. bedrooms), car parking, wastewater treatment unit and percolation area.

Granted Conditional Permission on the 14th October 2003 (Anthea Murphy).

From a study of the associated approved drawings, the building was laid out as follows:

- Proposed boat shed, storeroom, public and staff changing rooms with showers and toilets to ground floor;
- 4 no. bedrooms, kitchen and sitting room to first floor (hostel type accommodation).

The superstructure has been constructed slightly differently than the approved plans by way of the following:

- The terrace has not been constructed in its entirety with the wrap around portion to the southern flank elevation not constructed;
- The parapet wall to the terrace to rear elevation is continuous and does not break for the sliding doors.
- No landscaping has taken place to the rear which would graduate down to ground level;
- The internal layout has changed slightly from what was approved.

4.2 Other relevant applications

I noted other planning application lodged by subject applicants in relative close proximity. These are as follows.

Linked site also (to be) operated by Skelligs Retreats Limited on existing farm in Allagheemore, Ballinaskelligs c.17km due south. Registered address of company at Allagheemore.

Planning Permission Reg. Ref.: 21/1497 (as summarised)

- (A) Alterations to the existing farm buildings including reinstatement of roofs to outbuildings, raising of the ridge of the existing farm house;
- (B) Change of use of existing farm outbuildings and farm house from agricultural to wellness retreat;
- (C) Construction of a new 23 sq.m link building;
- (D) Construction of an 80sq.m extension;
- (E) Installation of new wastewater treatment unit;
- (F) Provision of all site works;
- (G) Construction of new car park and network of pathways;
- (H) Construction of 7 no. standalone treatment rooms.

Granted permission on the 6th April 2022.

Planning Reg. Ref.: 23/60171 (as summarised)

- (A) Material Alterations to the existing farm building including new window openings and the reinstatement of roofs to outbuildings and the raising of the ridge line of the roof of the existing farm house;
- (B) Material change of use of the existing farm buildings and farm house from agriculture to wellness retreat;
- (C) Permission to construct a series of extensions to the rear of the farm buildings;
- (D) Installation of new wastewater treatment unit;
- (E) Provision of all site works
- (F) Construction of a new car park and network of pathways.

Granted permission on the 18th December 2023.

5.0 Legislative and Policy Context

5.1 Legislation

5.1.1 Planning and Development Act 2000 (as amended and consolidated)

5.1.1.1 Section 9(6) states that ‘a development plan shall in so far as practicable be consistent with such national plans, policies or strategies as the Minister determines relate to proper planning and sustainable development’.

5.1.1.2 Section 37(2)(a) states that subject to *paragraph (b)*, the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

5.1.1.3 Section 37 (2)(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that— (full list available on Planning and Development Act 2000 as amended and consolidated)

- (i) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (ii) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

5.1.1.4 Section 37(2)(c) states that where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the

requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.

5.2 National Policy

5.2.1 Quality Housing for Sustainable Communities Guidelines (DCHLG (2007))

5.2.2 Design Standards for New Apartments (July 2023)

5.2.3 EPA Code of Practice (2021) for Domestic Waste Water Treatment Systems;

5.2.4 EPA Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999).

5.3 Local - Development Plan Policy

5.3.1 The Kerry County Development Plan 2022-2028 refers:

Chapter 5 Rural Housing

Section 5.5 Rural Housing

Sub-Section 5.5.1.2 Rural Areas Under Urban Influence

KCDP 5-15 In Rural Areas Under Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong or life limiting) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need (full list available in Kerry County Development Plan 2022-2028):

(d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent residence.

KCDP 5-21 Ensure that all developments are in compliance with normal planning criteria and environmental protection considerations.

Section 5.6 Holiday / Second Homes

The county experiences pressure for holiday / second homes particularly in visually sensitive landscapes. The overall result of this sporadic one-off development is an incremental deterioration of the visual and in some cases, the ecological qualities of the landscape. In order to underpin the basis for sustainable long-term economic development of the county, particularly in the rural areas, holiday home developments shall be concentrated in and adjacent to existing towns, villages and small village settlements thereby minimising the impact on the open landscape. Such developments should respect the existing fabric of the settlement, both in scale and design.

As per Map 5.2, holiday homes as % of Total Housing Stock as per CSO Census 2016 amounts to 20-30% of total stock holiday homes in the electoral district.

KCDP 5-23 Ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape.

Chapter 9 – Economic Development

KCDP 9-21 Ensure that sufficient land is reserved around site boundaries ... to accommodate landscaping which will soften the visual impact and reduce the biodiversity loss of the development and improve the quality of the environment.

Chapter 10 – Tourism and Outdoor Recreation

10.3.4 Tourism Infrastructure

‘The provision of new tourist facilities should respect the outstanding quality and variety of the natural and built environment of Kerry and it is the policy of the council to restrict development that would impact negatively on the local environment’.

Section 10.3.5 Visitor Accommodation

Sub- Section 10.3.5.3 Short Term Letting

‘The Council will consider on a case-by-case basis, the change of use of properties or part of a structure to short-term letting where the structure by virtue of its location, condition and/or layout would not ordinarily be suitable as a place of permanent residential occupation. It will be necessary to demonstrate that any such proposed development will not have a negative impact on the long term rental market or the residential amenity of adjacent properties in the vicinity’;

10.4.4 Rural Tourism

‘The tourism industry makes a significant contribution to the vitality and sustainability of a wide variety of local enterprises, particularly in rural areas, and, has the capacity to directly and indirectly sustain communities, create employment and deliver rear social benefits for rural Kerry’

The importance of tourism to rural economies is growing and in some instances is critical to the economy of these areas and the support and buy in of local communities, landowners, local authorities, and other state agencies is critical to the successful implementation of rural tourism initiatives’.

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.

KCDP 10-29 Direct tourism-based development including Hotels, Guesthouses and B&Bs to towns and villages where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

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 Section 4.3.4 of this plan.

KCDP 10-34 Consider the change of use of derelict/vacant buildings to short-term letting where such buildings are not suitable for long-term residential accommodation and will not have a negative impact on the long-term rental market or the residential amenity of the area.

KCDP 10-67 Promote opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment.

KCDP 10-73 Facilitate and support the sustainable development of the tourism sector and provide for the delivery of a unique combination of niche tourism opportunities and potential future attractions in County Kerry.

Chapter 11 – Environment

Section 11.6 sets out policies and objectives in relation to Landscape

Objective KCDP 11-77 Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Objective KCDP 11-78 Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

11.6.3 Landscape Designations

11.6.3.1 Visually Sensitive Areas

The following provisions shall apply to development in Visually Sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation.
- Individual proposals shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact

on the character, integrity and distinctiveness of the landscape or natural environment.

- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is, therefore, on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.;

11.6.4 Development in Designated Areas

As outlined above and in accordance with Objective KCDP 11-76 and Objective KCDP 11-77 the protection of the landscape is a major factor in developing policies for rural areas. It should be noted that the landscapes and scenery are not just of amenity value but constitute an enormous economic asset. The protection of this asset is therefore of primary importance in developing the potential of the county.

The capacity of an area to visually absorb development is also influenced by a combination of the following factors:

1. Topography - development in elevated areas will usually be visible over a wide area; development in enclosed areas will not;
2. Vegetation - areas which support (or which have the potential to support) trees, tall hedges and woody vegetation can screen new development from view. Areas which cannot easily sustain such vegetation will be unlikely to screen new development;
3. Development - new development is likely to be more conspicuous in the context of existing development in the landscape.

Visually sensitive landscapes are particularly notable by virtue of their scenic and visual quality and offer significant opportunities for tourism development and rural recreational activities. The Council will seek to ensure that a balance is achieved between the protection of sensitive landscapes and the appropriate socio-economic development of these areas. Development is not precluded in

visually sensitive landscapes however, development proposals will be required to demonstrate that they integrate and respect the visual quality of the landscape.

The following provisions shall apply to development in Visually sensitive landscapes areas:

- There is no alternative location for the proposed development in areas outside of the designation;
- Individual proposals shall be designed sympathetically...and the existing structures and shall be sited so as not to have an adverse impact;
- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive... Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this plan in relation to design, site size, drainage etc.
- Existing site features including trees and hedgerows shall be retained to form a part of a comprehensive landscaping scheme. Consideration must also be given to alternative locations.

Section 11.6.5 Views and Prospects

Objective KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4 (Volume 4, Map L, Views and Prospects from R565 from both island and mainland)

Objective KCDP 11-81 Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas.

Chapter 13: Water and Wastewater Management

13.2.1.4 Groundwater Protection Schemes

KCDP 13-17 Consider the development of private wastewater treatment systems to serve commercial and tourism uses (employment generating

developments) outside of serviced settlements and in rural areas where the system is in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2009 (now 2021) and Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centre and Hotels, EPA 1999', and any updated versions of these documents during the lifetime of the Plan, the Water Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.

Volume 6 of the Plan refers to Development Management Standards.

5.4 Natural Heritage Designations

The application site is located c.250m to the north of the Valentia Harbour/Portmagee Channel SAC Site Code: 002262. The Feaghmann stream to the rear of the appeal site flows into this channel. The percolation area is located c.27.9m from the stream. The site is also located c.2.5km from the Iveragh Peninsula Special Protection Area (SPA) Site Code: 004154 and 3km away from the Valencia Island Cliffs proposed Natural Heritage Area (pNHA) (Site Code 001382).

5.5 EIA Screening

Having regard to the nature, scale and details of the proposed development and criteria set out in Schedule 7, I am satisfied that no likely significant impacts on the environment would arise from the proposed development (if appropriately managed during construction and operation) and that the carrying out of an EIA is not required in this case (see form 2).

6.0 The Appeal

6.1 Planning Authority Response

The appeal is submitted on behalf of Skelligs Retreat Ltd which has been appealed on the following grounds:

- The description of development (use of 'townhouses') in planning application 23/6007 was not accurate and led to incorrect policy application by the planning authority. This implied that the tourist use was abandoned;
- Existing superstructure subject of planning permission reg. ref. 03/2422 is unfinished, vacant and detracts from visual amenity;
- Reasons for refusal no.'s 1 and 2 imply standalone residential accommodation;
- Disagree with planning authority application of Policy KCDP 5-15 as not for a one-off rural house;
- Disagree with planning authority application of Policy KCDP 5-23, as not for typical holiday homes (proposed to use existing building for tourist accommodation linked to activities instead);
- Proposed development is to modify tourism building/tourism accommodation already permitted;
- 3 no. units intended solely for use for visitors to appellant's business and not for sale or lease;
- The development is part of the organisation masterplan spanning several sites (including Caherciveen (proposed) and Allagheemore (planning permission obtained));
- Proposed Caherciveen site will offer accommodation and treatment rooms, main facility in Allagheemore will offer a retreat for likes of yoga, reflexology, nature walks ,and, this remodelled building will offer accommodation;
- Disagree regarding overdevelopment. Proposed development less intensive than planning permission reg. ref. 03/2422;

- The benefits of the scheme are as follows:
 - Previous planning permission (03/2422) for active tourism accommodation onsite;
 - Refurbishment and reuse of vacant property;
 - Creation of much needed tourist accommodation in area;
 - Removal of eyesore and improvement in visual appearance of the area;
 - Likelihood of crime/ accidents from abandoned building significantly less;
 - Operation of rural enterprise, would contribute towards economic regeneration;
 - Proposed development less intensive than previously permitted scheme 03/2422;
 - Little or no residential amenity impacts resultant (traffic levels, noise levels etc. would all be reasonable in this instance);
 - Supportive Policy Context in Kerry County Development Plan including Objectives KCDP 9-12, KCDP 10-2, KCDP 10-67, KCDP 10-68 and KCDP 10-73.

6.2 Planning Authority Response

- The planning authority did not respond to grounds of the appeal.

7.0 Assessment

7.1 Introduction

7.1.1 I have read the documentation attached to this file including the appeal and the report of the planning authority. I consider that it is appropriate to address the appeal under the following broad headings.

- Clarification – Nature of Proposed Development;
- Tourist Accommodation;
- Visual Amenity;
- Other Issues;
- Material Contraventions;
- Appropriate Assessment.

7.2 Clarification – Nature of Proposed Development

7.2.1 As per planning history, planning permission was granted in 2003 for a commercial and recreational building which included a sailing school, kitchen and dining facilities, accommodation (4 no. bedrooms similar to hostel type, Class 6), and associated services. It appears from a site visit that since the superstructure was completed and sealed the subject building has lain vacant. The building is unrendered outside, unfinished inside, there is no landscaping and the wider site is in an overgrown and unkempt state.

7.2.2 The appellant's Planning and Design Report submitted with the planning application refers to meeting the criteria set out in 'Section 5.8 Renovation and Restoration of Existing and Vacant Buildings Situated in Rural Areas' of the Kerry County Development Plan 2022-2028. As the proposed development is of 3 no. individual units outside a settlement and used the term 'townhouses' at planning application stage, it appears that the planning authority have assessed the application both in relation to the provision of 3 no. one off rural houses, and, also the provision of 3 no. holiday homes outside a settlement.

- 7.2.3 The appellant's have stated (in their appeal) that they misdescribed planning application (23/60073) with the use of 'townhouses' (in description of development), hence the intentions of proposed scheme were subsequently misunderstood at planning application stage by the local authority.
- 7.2.4 They have now stated that they propose to modify the existing structure for tourist accommodation purposes (linked to a retreat). The structure previously obtained planning permission for recreation purposes.
- 7.2.5 Following on from the above, I am of the view that the first party appeal provides sufficient clarity with regard to the nature of the use onsite.

7.3 Tourist Accommodation

- 7.3.1 As the proposed development is for tourist accommodation, it will therefore be assessed against Chapter 10 (Tourism) of the Kerry County Development Plan 2022-2028 and its relevant objectives. These objectives include KCDP 10-11, 10-29, 10-30, 10-34, 10-67 and 10-73 (detailed in Section 5.0 Policy Context).
- 7.3.2 With regard to Objective KCDP 10-11, in summary, this encourages tourism developments including visitor accommodation to be located within established settlements. In this instance, it is noted that the rural building is both existing (superstructure) and vacant, hence its location is therefore pre-determined.
- 7.3.3 With regard to Objectives KCDP 10-29 in summary this seeks to direct tourism-based development (including accommodation) to settlements except where the proposal involves the re-use or diversification of an existing building. In this instance, I consider the proposed use of the building as short-term tourist accommodation to be an appropriate use of a vacant and derelict rural building. As per 'Visual Amenity' and 'Residential Amenity' later in the report, the proposal is acceptable in design, visual and residential amenity terms. In the event of grant of planning permission, conditions can be applied to control single ownership and future management of the site.
- 7.3.4 With regard to Objective 10-30, this seeks the sensitive redevelopment and return to suitable use of vacant and derelict buildings, in appropriate locations.

In this instance, I consider the proposal to be a sensitive remodelling and re-use of a vacant and derelict building in an appropriate location (given the low density of development in the surrounding countryside and capability of the road network). As the proposed works just involve remodelling and installation of a wastewater treatment system as opposed to excavation and construction, there will be no significant impacts on flora or fauna. As per Section 7.8 'Appropriate Assessment – Screening', there are no likely significant impacts on qualifying interests of Valentia Harbour/Portmagee Channel SAC.

7.3.5 With regard to Objective KCDP 10-34, this considers the change of use of vacant and derelict buildings to short-term letting. Affording to the building's overall size and scale (existing floorarea 406.5sq.m), I consider it too large for conversion into a single residential unit. With respect to the building's location on a single site serviced by a single wastewater treatment system, c.1.2km from the nearest settlement, I do not consider conversion into multiple residential units (a pair of 2 or terrace of 3) to be an appropriate form of development either. I therefore do not consider the building to be suitable for long-term residential development. Given the aforementioned, the proposed development does not remove either an existing or prospective residential unit from the sale or rental markets in the area, hence is not likely to significantly impact upon either. Affording to its location and distance to neighbouring residential occupiers, it would not impact upon the residential amenity of surrounding properties/occupiers.

7.3.6 With regard to Objectives KCDP 10-67 and KCDP 10-73, the proposed development would provide an opportunity for a rural-based tourism enterprise which would not have adverse impacts on the host landscape or surrounding rural environment.

7.3.7 Overall, I consider that the proposed tourist accommodation substantially accords with Objectives KCDP 10-29, 10-30, 10-34, 10-67 and 10-73 as it would find a suitable use for derelict and unfinished building compatible with the rural surroundings which would not impact significantly upon the residential amenity of surrounding occupiers, or, the receiving environment (visual amenity or environmental sensitivities, both as further discussed below). As per 7.3.4

conditions can be applied to control single ownership and future management of the site.

- 7.3.8 I note in my assessment that the intended relationship between the proposed development and the proposed Skellig Retreat Centre in Allagheemore c.17km due southwest (planning permission reg. ref. 21/1497 and 23/60171) has not been made clear from the information provided.

7.4 Visual Amenity

- 7.4.1 The site is located within a designated 'Visually Sensitive Area' which has less capacity to absorb and mitigate development than 'Rural General' area. The development plan policies that are most relevant to this assessment are Objective KCDP 11-77 which seeks to protect landscapes as a major economic asset and invaluable amenity, and, Objective KCDP 11-78 which seeks to protect the landscapes of the county by ensuring that any new developments do not detrimentally impact on character or scenic value of the area.
- 7.4.2 With regard to the density and pattern of development of the rural area, from a study of the area including a site inspection, there appears to be 9 no. dwellinghouses within a 250m radius (with very few other buildings present also), hence I do not consider that the provision of tourist accommodation within an existing structure would not lead to an excessive number of units or an overintensity of development in the rural area. In addition to the aforementioned, I am also of the view that tourist accommodation under single ownership and management (condition(s) to be applied), would not necessarily generate a greater intensity of use than the sailing school and hostel accommodation approved as part of planning permission 03/2422 (part built out but never completed).
- 7.4.3 With regard to the site and building, having visited the site and observed the vacant and derelict unfinished building, I acknowledge that the building is unsightly and detracts from visual amenity when viewed from within or immediately surrounding the application site. Notwithstanding, given the

location and siting on a steady incline rising from the coast and proceeding inland, I am of the opinion that the scale, height (5.4m to eaves, 8.2m to ridge) and massing can be effectively mitigated by appropriate remodelling coupled with the implementation of a planting and landscaping scheme (both as discussed below in greater detail).

7.4.4 The detailed design of the unfinished building/superstructure prescribes that of the remodelled development to a significant extent. With regard to the remodelling, the proposed fenestration is relatively sequenced with the finishing materials comprising of render with zinc around openings (alu clad frame), charred timber cladding to sections of front bay and rear, all of which would help to soften the appearance of the remodelled building in the landscape. It is also noted that a planting and landscaping plan including retention and supplementation of existing hedgerows to existing boundaries, planting of new boundaries and wildflower meadow towards site extremities/boundaries was provided. This would assist the proposed development to further assimilate into the visually sensitive landscape. In the event of grant of planning permission, a condition will be attached to ensure that this will take place as per drawings provided.

7.4.5 I am of the view that should the current proposal be permitted as 3 no. tourist accommodation units (under single ownership and management) re-using an existing structure, appropriately finished with adequate planting and landscaping surrounding, this would represent a significant visual improvement on the existing situation and would assimilate effectively into the sensitive host landscape.

7.4.6 I am also of the view that granting permission for the proposed refurbishment and re-use of this unfinished, vacant and derelict building would not create undue precedent for development of new-build, or, change of use tourist accommodation outside of settlements both on the island, or, in adjoining parts of the mainland (both of which are under degrees of development pressures from a combination of one-off rural housing, holiday homes/second homes and other development).

7.5 Other Issues

Occupier Amenity

- 7.5.1 Each of the proposed units would benefit from adequate internal floorareas including adequate habitable room areas (floor to ceiling heights, width, depth and overall floorarea) thereby adequate levels of amenity would be provided.
- 7.5.2 It is observed that the proposed communal outdoor terrace/amenity area to the southwestern elevation is not demarcated/divided by way of privacy screens, hence free movement on the terrace may occur, however if this is for tourist accommodation as part of a retreat (which conditions will be applied to control use), this is not considered to give rise to amenity issues per-se.

Services

- 7.5.3 The remodelled building (all 3 no. units within) would be served by a Packaged Secondary Tertiary Treatment Infiltration System (Tricel Novo 10 person equivalent (p.e)) (make can range from 1 to 50 p.e) with modular coco filter and direct discharge to 33.75sq.m distribution gravel area. The area is to be located c.28m away from Feaghmann stream (stream 2.5m lower) which runs along the southwest boundary of the site and on into the Valentia Harbour / Portmagee Channel. The boring of a well is proposed to the northern part of the site c.90m from and upgradient of the proposed wastewater treatment system.
- 7.5.4 From a site visit, study of the Site Characterisation Form, I note the following:
- The ground water body is the Caherciveen Islands. The groundwater status is good and not at risk;
 - The riverbody status for the Feaghmaan stream is good and under review;
 - The Valentia Harbour/ Portmagee Channel c.250m to the south is a Special Area of Conservation (SAC);
 - Groundwater vulnerability is high in the majority (extreme to the westernmost and north westernmost parts of the site) with direction of flow NNW to SSE;
 - The coastal waterbody status is good, however considered at risk;
 - From a site survey, there appears to be 9 no. individual wastewater treatment systems within a 250m radius;

- There are no outcrops, karst features, surface water ponding, lakes, shellfish areas, wetlands, drainage ditches, springs or wells onsite;
- Ground conditions are noted as good (acid brown earths, brown podzolics);
- Water ingress is encountered at 2.1m. The water table is suitable for attenuation of wastewater;
- T- Value 15.28; P-Test Value: 9.69;
- The nearest dwellinghouse is across the road from where the percolation filter is located (c.15m). Their own treatment system is c.30m away.
- It is also noted in the Appeal Statement that a mains water supply runs to the public road in front of the site. Both p.p reg. ref. 03/2422 (appeal site) and p.p reg. ref. 062746 (across the road) indicated they were to be served by public mains in their respective application forms.

7.5.5 From site inspection and study of the Site Characterisation Report in conjunction with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021, I have made the following observations:

- The development is for 3 no. units comprising of 2 no. 2 bedroom and 1 no. 3 bedroom units hence will have a combined population equivalent of 13 instead of 9 as reported;
- This will result in a maximum daily effluent loading of 1950 litres overall (150 litres per person). This is including for use as tourist accommodation.

7.5.6 Taking the above into consideration, on revision, the gravel distribution layer should actually be a minimum of 48.75m² and not 33.75 m² based on an area of 3.75m² for each person;

7.5.7 If the distribution area was increased in size as indicated above, it would percolate effectively, would not pose any immediate risk, and, the proposed tertiary WWTS would be suitable for all available options as per the EPA (2021) Code of Practice. I consider that an increased sized percolation area can be accommodated onsite and subject to appropriate conditions.

7.5.8 With regard to the Valentia Harbour/Portmagee Channel SAC c.250m due south, there is a pathway by way of the Feaghmann stream to the rear/western

side of the host field, (separation distance of 27.9m from the distribution area). Should construction and subsequent operation of the site including WWTS (with enlarged distribution area) be managed effectively in line with EPA Code of Practice 2021, there shall be no significant impacts upon ground water quality.

7.5.9 Overall, as per study of the Site Characterisation Report followed by a site inspection, I am satisfied that the proposed system (enlarged distribution area by condition) and site (single ownership and management by condition) will satisfactorily manage wastewater flow, hence the risk of significant effects on the SAC and associated qualifying interests resultant are low.

7.5.10 I am also of the view that the appellant can obtain their water supply from Irish Water mains which appears to run past site (condition to be attached).

Access

7.5.11 The proposed remodelled building would be served by an existing access. I noted that from my site visit adequate sightlines are already in place and the host local county road or the subject section regional road R565 due north do not appear to be at capacity. A standard condition will be attached to ensure surface water is adequately disposed of onsite and does not flow onto the public road.

7.6 Material Contraventions

Reason No.1: Rural Housing Need:

7.6.1 In relation to Reason No.1, the material contravention of Objective KCDP 5-15, (Rural Areas Under Urban Influence), as set out in Section 7.2 'Clarification – Nature of Proposed Development' above, the appellants have clarified that they misdescribed planning application (23/60073) with the use of 'townhouses' in description and hence the intentions of proposed scheme were misunderstood at planning application stage by the local authority. No case has been made for compliance with the rural housing policy contained in the Kerry County Development Plan 2022-2028. Given the above, I therefore consider that Reason No.1 is no longer relevant and there is now no need for demonstration of rural housing need in the determination of this appeal. The proposed

development does not materially contravene of Objective KCDP 5-15 and there is therefore no requirement to justify a material contravention in this instance.

Reason No.2: Materially Contravene Objective KCDP5—23, Holiday/Second Homes

- 7.6.2 The submitted documentation outlines that the proposed units are not typical holiday homes and are instead intended for tourist accommodation for visitors to the proposed Skelligs Retreats Wellness Centre in Allagheemore (linked site under Skelligs Retreats masterplan). In the absence of a definition of holiday homes/second homes, or, tourist accommodation, I have to consider the proposed development against Objective KCDP 5-23 (holiday/second homes) in addition to tourism objectives KCDP 10-29, 10-30, 10-34. These are all set out in detail in Section 5.0 Policy Context.
- 7.6.3 Objective KCDP5-23 of (Holiday/Second Homes) sets out to 'ensure that holiday / second homes shall be located in established settlements in towns or villages and not in the rural landscape'. Section 5.6 sets out that 'the county experiences pressure for holiday/second homes particularly in visually sensitive landscapes ..., with the overall result being ... an incremental deterioration of the visual and in some cases, ecological qualities of the landscape'. The appeal site is in a designated visually sensitive rural landscape with holiday homes constituting c.20-30% of the housing stock. I note that the plan does not define 'holiday/second homes' and the proposed development may be considered to comprise of same.
- 7.6.4 On assessment against Objective KCDP 5-23, the subject building/proposed development is in the rural landscape and not in an established settlement, hence may be considered to materially contravene this policy objective.
- 7.6.5 On assessment against Policy Objective KCDP 10-29 which seeks to direct tourist accommodation to established settlements except where the proposal involves the re-use or diversification of an existing building, I consider the proposed use of the vacant and derelict rural building as tourist accommodation

appropriate. This is taking into consideration the site location, surrounding countryside, pattern of development (including density of development), proposed site layout, proposed remodelling design and provision/connection to services.

- 7.6.6 On assessment against Policy Objective KCDP 10-30 which encourages the sensitive redevelopment and return to suitable use of vacant and derelict buildings in appropriate locations, as per the above paragraph, I consider the location of the rural building acceptable as it will not generate any visual amenity, residential amenity, access or environmental issues (as further discussed later in the report).
- 7.6.7 Policy Objective 10-34 considers the change of use of derelict/vacant buildings where they are not suitable for long-term residential accommodation and will not have a negative impact on the long-term rental market or residential amenity of the area. On assessment against Policy Objective 10-34, the change of use of the vacant and derelict building to short-term tourist accommodation is acceptable as it is not suitable for conversion into long-term residential accommodation as outlined in 'Tourist Accommodation' sub-section.
- 7.6.8 From the above assessment, I noted that there is an inconsistency between policy objective KCDP 5-23 for which the proposal materially contravenes, and, policy objectives KCDP 10-29, 10-30 and 10-34 which the proposal substantially complies with. I will therefore refer to Section 37(2)(b) of the Planning and Development Act 2000.
- 7.6.9 Section 37(2) (b) states that 'where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where (inter alia) it considers that (ii) there are conflicting objectives in the development plan, or, the objectives are not clearly stated insofar as the proposed development is concerned.

7.6.10 As aforementioned, the proposed development materially contravenes Policy Objective KCDP 5-23. Notwithstanding, as also aforementioned, I consider the proposed tourist accommodation substantially complies with Policy Objectives KCDP 10-29, 10-30 and 10-34 given the nature of the vacant and derelict building, its specific location, the surrounding landscape and pattern of development, the proposed site layout, the proposed remodelling design, proposed planting and landscaping, and, provision of and connection to services.

7.6.11 As the planning authority has decided to refuse permission for a material contravention of policy objective KCDP 5-23, given there are clear conflicting policy objectives (10-29, 10-30 and 10-34) in the Kerry County Development Plan 2022-2028 which the proposal substantially complies with, in this instance, I consider that the Board are in a position to alternatively grant permission if they so decide.

7.6.12 For the purposes of clarity, with regard to other parts of Section 37(2); (b)(i) would not apply as the proposed development is not of strategic or national importance. Section 37(2)(b)(iii) would not apply as there are no provisions contained in the Southern Regional Spatial and Economic Strategy, Section 28 guidelines, Section 29 policy directives, or, any government policy that would conflict with development plan policy, and, the proposed development is not essential to the local authority meeting its statutory obligations. Section 37(2)(b)(iv) would also not apply as the pattern of development in the area in addition to permissions granted since the adoption of the county development plan do not generate a precedent for the proposed development.

7.6.13 As per my overall assessment throughout preceding sections, on full consideration of all relevant issues, I am of the view the proposal finds a suitable and compatible use for a vacant and derelict building in the countryside and the proposal would also improve the appearance of the building, site and immediate surrounding area without adversely impacting upon the visual amenity of the surrounding sensitive landscape, the surrounding pattern of development, or, the residential amenity of any surrounding properties/occupiers.

7.7 Appropriate Assessment - Screening

Compliance with Article 6(3) of the Habitats Directive

I have considered the proposed development in light of 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) in this section. The application is not accompanied by a Appropriate Assessment Screening report.

European Sites

The development site is not located in or immediately adjacent to a European site, and is not required for ,or, associated with the management of any site. The closest European site is the Valentia Harbour/Portmagee Channel SAC (Site Code: 002262) which is located c.250m due south of the site with agricultural use on the intervening lands in between. There are also 2 no. dwellinghouses to the host local road further south towards the channel.

It is noted that the Feaghmann stream which bounds the site to the west flows into the SAC which provides a pathway to the SAC. It is noted that the distance from the infiltration filter to the Feaghmann stream is c.28m.

The other nearest site is the Iveragh Peninsula SPA (Site Code: 004154), c.2.5km to the west however this is not directly connected to the site (physically or ecologically). I am satisfied that the potential for impacts on this site can be excluded at the preliminary stage due to the separation distances between the proposed development site and this European Site, the nature and scale of the proposed development, the absence of relevant qualifying interests in close proximity, the absence of ecological and other pathways and having regard to the conservation objectives of the designated site.

Qualifying Interests

The qualifying Interests of the Valentia Harbour/Portmagee Channel SAC include mudflats and sandflats not covered by seawater at low tide (Code:

1140), large shallow inlets and bays (Code:1160), reefs (Code:1170). (Annex 1 habitats).

Conservation Objectives

The conservation objectives for the aforementioned qualifying interests are in summary to conserve the favourable condition of all. There are no known specific pressures or threats to the qualifying interests.

Test of likely significant effects

The project is not 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.

Brief description of the development

Renovation and change of use of existing building from sailing school, café and associated accommodation (unfinished and unoccupied) to tourist accommodation (associated with retreat) including installation of tertiary treatment system and all associated site works. The following issues are considered for examination in terms of implications for likely significant effects on European sites.

Construction Phase:

I note that the structure is substantially complete onsite. Temporary effects during ground clearance works and construction may include surface water runoff from the site that contains silt, sediments and/or other pollutants (released hydrocarbons) into the Feaghmann Stream impacting water quality in downstream Natura 2000 site (Valentia Harbour/Portmagee Channel SAC). There will be no direct loss of habitats within the SAC.

Operational Phase:

Effects may include surface water run-off from the site (including the wastewater treatment system) and other pollutants impacting water quality in the downstream Natura 2000 site (Valentia Harbour/Portmagee Channel SAC).

Submissions and Observations

None.

Identification of Likely Effects

There is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

The project involves the proposed use of an existing superstructure for tourist accommodation which is to be remodelled both externally and internally with planting and landscaping to take place externally. Apart from the installation of a new wastewater treatment system, there are no significant earthworks proposed.

The necessary measures to be employed at construction stage would be standard practices and would be required in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. The design and layout of wastewater treatment plant would conform to the EPA Code of Practice.

The control measures to be undertaken during the operational phase are standard practices to protect local receiving waters, irrespective of hydrological connection to Natura 2000 sites. Surface water run-off will be accommodated (soakpits) within the site.

The installation of a new wastewater treatment system with distribution area will satisfactorily manage wastewater flow disposing of effluent on site.

The site does not support a habitat for qualifying interests of the SPA (ecological) within the zone of influence. Qualifying interests are mudflats and sandflats not covered by seawater at low tide (Code: 1140), large shallow inlets and bays (Code:1160) and reefs (Code:1170). (Annex 1 habitats).

The conservation objectives of the SPA site will not be undermined from the project alone. I conclude that the proposed development would have no likely significant effects 'alone' on any qualifying feature(s) of a European (Site Nos. 002262 and 004154). Further screening in combination with other plans and projects is required.

Cumulative Impacts

In terms of cumulative impacts, I am not aware of any proposals for development in the vicinity of the site (either ongoing at construction stage, pre-construction stage or planning stage). There is a relatively low density of surrounding existing development including associated individual wastewater treatment systems.

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.

Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information (including baseline conditions), I conclude that the proposed development would not have a likely significant impact on European Site Nos. 002262 and 004154 or any other European site (in view of the sites' Conservation Objectives) and a Stage 2 Appropriate Assessment (submission of a Natura Impact Statement (NIS)) is not therefore required. The conclusion is based on :

- The existing nature of development on the site;
- The nature and extent of the development proposed to reuse an existing building and install a wastewater treatment system;
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same;

8.0 Recommendation

- 8.1** Having regard to the foregoing I recommend that permission be **GRANTED** with conditions attached.

9.0 Reasons and Considerations

- 9.1** Having regard to the policies and objectives of the Kerry County Development Plan 2022-2028, the planning history of the site, the nature of the unfinished vacant and derelict superstructure thereon including proposed use, the design of the proposed remodelling, the installation of a new wastewater treatment system, the proposed planting and landscaping, adequate access and egress, the surrounding pattern of existing and permitted development, subject to the conditions set out below, the proposed development would not give rise to unacceptable impacts on visual amenity or residential amenity in the area, the creation of a traffic hazard or set a negative precedent for other development in the area. The proposed development would be in accordance with Policy 10-29, 10-30 and 10-34 relating to the location of tourist accommodation and reuse of existing building. The proposed development would be in keeping with the existing and permitted pattern of development, and, would, therefore substantially accord 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, 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>Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to tourist accommodation (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.</p> <p>Reason: In the interest of orderly development and residential amenity.</p>
3.	<p>The entire site including the proposed units shall:</p> <ul style="list-style-type: none"> (a) be used for short-term tourist accommodation only, and shall not be used as a place of permanent residence, holiday home or second home; (b) not be subdivided or amalgamated without a separate grant of planning permission; (c) remain under one single ownership and management; <p>Reason: To limit the nature of the development to that sought, in the interest of clarity.</p>
4.	<p>The landscaping scheme shown on drawing no. PP-003 submitted to An Bord Pleanála on the 25th October 2023 shall be carried out in the first planting season following commencement of development. All planting shall be adequately protected from damage until established. Any plants (existing or proposed) which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority,</p>

	<p>whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>(a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority 4th August 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(b) The percolation area shall be sized to be in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. The site layout plan, site section and all relevant and necessary documentation shall be revised and submitted in writing for agreement with the planning authority pre commencement of development.</p> <p>(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first operation of the facility and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(f) Within three months of the first operation of the facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is</p>

	<p>constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The water supply to serve the building shall be taken from Irish Water public water mains to the local road which runs past the site. The applicant or developer shall enter into water connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of orderly development.</p>
7.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p>
8.	<p>All service cables associated with the proposed development shall be located underground throughout the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>Any external lighting shall be properly cowled and directed away from the public roadway.</p> <p>Reason: In the interests of traffic safety and to control light pollution in the rural environment.</p>
10.	<p>No advertisement or advertisement structure shall be erected or displayed on the proposed structure or its appendages or within the curtilage of the site without a prior grant of planning permission.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
11.	<p>Prior to the commencement of development, details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to the planning authority for agreement.</p>

	Reason: In the interest of orderly development and in the interest of visual amenity.
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 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.



Niall Sheehan
Planning Inspector

21st May 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318330-23			
Proposed Development Summary	(a) Change of use of existing building from sailing school, café and accommodation to 3 no. units for use as tourist accommodation; (b) Permission for material alterations to elevations and floor layouts; (c) Permission to install tertiary treatment system and all associated site works			
Development Address	Donnybrook, Lower Tinnies, Valentia Island, Co. Kerry			
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	X
			No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	X		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				No EIAR or Preliminary Examination required
Yes	X	Class 12(c) [holiday homes]	Sub-Threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: *Nhall Grechan* Date: 21st May 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	318330-23	
Proposed Development Summary	(a) Change of use of existing building from sailing school, café and accommodation to 3 no. town houses; (b) Permission for material alterations to elevations and floor layouts; (c) Permission to install tertiary treatment system and all associated site works	
Development Address	Donnybrook, Lower Tinnies, Valentia Island, Co. Kerry	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	Proposed change of use of vacant unfinished building to 3 no. tourist accommodation units, associated wastewater treatment system and site works. Not exceptional in context of existing surrounding environment. No significant waste or emissions resultant.	No No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	Proposed change of use of 406.5sq.m vacant unfinished building (superstructure constructed with intention of providing sailing school and associated accommodation) to 3 no. units as part of tourist accommodation, associated wastewater treatment system and site works. Size of development not exceptional in context of surrounding environment. No significant waste or emissions resultant of this project combined with any existing or permitted projects.	No No

Conclusion