

Inspector's Report ABP-318386-23

Development Installation of four glamping pods

served by an effluent treatment tank and polishing filter with associated site

works.

Location Ownagarry, Killorglin, Co. Kerry

Planning Authority Kerry County Council

Planning Authority Reg. Ref. 23919

Applicant(s) Muiris O'Grady

Type of Application Permission

Planning Authority Decision Grant subject to conditions

Type of Appeal Third Party

Appellant(s) Liam O'Keefe

Observer(s) None

Date of Site Inspection 20th June 2024

Inspector Ciara McGuinness

1.0 Site Location and Description

1.1. The site is located in a rural area in the townland of Ownagarry, approximately 6km to the south of Killorglin. The site is accessed from the L-4017. A private access road c.0.5km in length leads to the existing farmyard buildings and the detached dwelling house. The proposed development site is located to the rear (southeast) of these existing buildings and is accessed by a farm track. The surrounding area comprises primarily of farmland and bogland, with a small number of existing dwellings located sporadically in the wider surrounding area. The site is afforded panoramic views of the east and south. The stated site area is given as 0.0365ha.

2.0 **Proposed Development**

2.1. The proposed development is for the installation of four glamping pods served by an effluent treatment tank and polishing filter. The glamping pods are uniform in design with a stated floor area of 59.25sqm. The proposed pods are 11.7m in length and 6.95sqm in depth with a ridge height of 4.2m. The proposed pods contain a bedroom, bathroom, living room and store, along with access to a balcony. The existing access track from the farm/dwelling to the site is to be upgraded. Connection to the public water supply is proposed.

3.0 Planning Authority Decision

3.1. **Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Permission on 10th October 2023, subject to 11 no. of conditions. Conditions generally were of a standard nature. Notable conditions include;
 - Condition 3 requires the developer to obtain a connection agreement from Irish Water for the provision of water services.
 - Condition 4 requires that a wastewater treatment system serve the premises in accordance with the EPA Code of Practice.
 - Condition 5 requires that the treatment system is certified by a suitably qualified person within 4 weeks of installation.

- Condition 6 requires the submission of a maintenance or service contract for the ongoing maintenance of the wastewater treatment system to the Planning Authority.
- Condition 7 requires details of all lighting, external materials and finishes to be agreed with the Planning Authority prior to the commencement of development.
- Condition 8 requires a landscaping plan to be agreed with the Planning Authority prior to the commencement of development.
- Condition 9 requires that the management and maintenance of the proposed development shall be the function and responsibility of the applicant/owner of the adjoining farm dwelling houses.
- Condition 10 requires that the site be provided with suitable waste-storage facilities.
- Condition 11 requires that the glamping pods shall be used for short-term letting purposes only and not for long-term habitation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 10/10/2023) states that the principle of the development can be considered acceptable as it is the policy of Kerry County Development Plan to facilitate the development of accommodation facilities as per objectives KCDP 10-7 and KCDP 10-69. The proposed development is not likely to impact negatively on residential amenities in the area given the small scale of the development and distance from neighbouring properties. The site is located in an area designated as Visually Sensitive. It is recommended that conditions be attached regarding landscaping proposals, construction materials and lighting. A grant of permission is recommended.

3.2.2. Other Technical Reports

Fire Services Department – No objections.

Site Assessment Unit, Environmental Dept – No objections. Conditions recommended in the event of a grant of permission.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A third-party observation was received from the appellant, Liam O'Keefe. The issues raised generally reflect the grounds of appeal and relate to urbanisation of the countryside and the impact on amenity.

4.0 **Planning History**

I am not aware of any previous applications on the site.

Adjacent Site

PA Reg Ref 05/2872 – Permission granted in November 2005 for; 1. Construct a single storey (187 sq. m.) three-bedroomed dwelling with a loft space and all associated site and landscaping works including a bio-cycle system. The dwelling will be positioned north of the existing farm storage buildings and 2. The removal of the existing flat roofed extensions to the existing dwelling house and convert it to stores.

5.0 Policy Context

5.1. Kerry County Development Plan 2022-2028

5.1.1. The following Sections of the Plan are considered relevant:

10.3.5.1 Camping/Glamping, Campervans and Caravans

"While the Council considers that camping sites should be located on appropriately zoned land within established/or adjacent to existing settlements, proportionate camping sites may be appropriate to complement tourism assets in rural and coastal locations within or adjacent to existing settlements. The planning authority may

facilitate proposals for camping sites which support rural tourism initiatives subject to proper planning and sustainable development."

10.3.5.2 Farmhouse/Farmstay Accommodation

"Diversification into suitable alternative on-farm and off-farm activities can offer opportunities while at the same time maintaining and protecting the natural landscape and built heritage which are vital to rural tourism. Farmhouse/Farmstay Accommodation / self-catering developments on a farm holding shall be provided by farmhouse extension or by the utilisation of other existing dwellings / structures on the property. Only where it has been demonstrated that these are not viable options, will permission be considered for new build development. Any new build development shall be in close proximity to the existing farmhouse.

It is the policy of the council to support developments locating in existing settlements where such proposals demonstrate the provision of safe pedestrian links to the settlement or at established centres which provide existing services to tourists, subject to the capacity of the site and the location to facilitate the proposal."

11.6.3.1 Visually Sensitive Areas

"Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area."

5.1.2. The following objectives are considered relevant:

KCDP 10-7 Promote and facilitate sustainable tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of facilities such as hotels, aparthotels, guesthouses, bed and breakfasts, tourist hostels, caravan and camping, glamping, cafes, restaurants, visitor attractions and activity tourism.

KCDP 10-31 Support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing

settlements, established tourism assets or adjacent to a main farmyard complex on suitable sites and at an appropriate scale subject to normal planning considerations.

KCDP 10-32 Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems).

KCDP 10-69 Encourage appropriately scaled agri-tourism on- farm accommodation development to locate within existing or adjacent to farmyard complexes, such as the renovation of barns, outhouses or other existing structures or the siting of appropriately scaled camping, [glamping or similar] type accommodation within existing farmyard complexes for owner run agri-tourism / rural business use as short-term holiday home accommodation, subject to normal planning considerations. As part of this, potential for impact on wildlife should be taken into account as outlined in S4.3.4 of this plan.

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.

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.

5.1.3. The following development management standards are considered relevant (Volume 6 of the Development Plan);

1.12.2 Caravan, Glamping and Camping Developments.

Proposals will also be assessed with regard to the following matters:

- Parks will be permitted within settlement boundaries only.
- Parks will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such development.
- Location of the development relative to existing services including retail and social facilities.
- Availability of services to cater for the development.

- Impact on existing residential amenities, traffic, waste disposal and general disturbance will be considered.
- Impact on the environment including the integrity of Natura 2000 network.

Applications shall also address the following:

- A high standard integrated design and layout linking pitches to well-located communal areas and onsite facilities and amenities.
- A detailed hard and soft landscaping plan for the overall site.
- Mitigation plans for noise and litter; and
- Details of wastewater disposal for the site.

5.2. Natural Heritage Designations

Castlemaine Harbour SAC (Site Code 000343) – c.0.4km to the east of the site Castlemaine Harbour SPA (Site Code 004029) – c.6.5km to the north of the site Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365) – 1.4km west and south of the site

5.3. **EIA Screening**

See completed Form 2 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, or EIA screening determination, therefore, is not required.

6.0 **The Appeal**

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows;
 - The development would contribute to the urbanisation of the countryside.
 - The development would negatively impact the amenity of the area.

6.2. Applicant Response

The applicant has responded to the appeal and has noted that the proposal is a means of sustaining the small family farm and diversifying farm income. The proposal was positively received by the Planning Authority having regard to the fact that the applicant is a registered farmer, and the development is an agri-tourism outdoor recreation project which complies with the Development Plan in particular Section 10.3 of the Plan. The site is well screened from the public road. The development would provide accommodation for the Mcgillicuddy Reeks Mountain access and the South Kerry Greenway.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows
 - Principle of Development
 - Amenity
 - Wastewater (new issue)

7.2. Principle of Development

7.2.1. The proposal is for 4 no. self-contained glamping pods within an agricultural field.

The Planners Report (dated 10/10/2023) states that the principle of the development can be considered acceptable and in accordance with Objective KCDP 10-7 which seeks to promote and facilitate sustainable tourism generally, including the provision

- of visitor accommodation, and Objective KCDP 10-69 which seeks to encourage appropriately scaled agri-tourism on- farm accommodation development to locate within existing or adjacent to farmyard complexes.
- 7.2.2. The proposed 4 no. pods each have a stated area of 59.25sqm which I would consider to be quite significant for a glamping proposal. Furthermore, having regard to the self-contained nature of the pod with a bedroom, living area, bathroom and store, I consider that the proposal is more akin to a holiday home development as opposed to glamping pods. I would also have concerns that the development presents itself as an isolated, standalone development without context. I do not consider that the proposal is of scale that is subservient to, or compliments or reads as part of the farm complex. In this regard, I do not consider that the units are appropriately scaled or connected to the farm complex. I therefore consider that the proposed development is not compliant with KCDP 10-69. I consider that this objective is entirely reasonable to allow for the protection of the landscape resource in the interests of proper planning and sustainable development.
- 7.2.3. I would note that the Planning Authority in their assessment has not specifically made reference to Section 10.3.5.1 Camping/Glamping, Campervans and Caravans or Section 10.3.5.2 Farmhouse/Farmstay Accommodation. These sections of the plan are outlined in Section 5.1 of this report above.
- 7.2.4. I would note that the provisions of Section 10.3.5.1, and the associated Development Management Guidelines set out in in Section 1.12.2 (Caravan, Glamping and Camping Developments) Volume 6 of the Development Plan, would appear to largely pertain to caravan parks. Notwithstanding the principles of location relative to existing services including retail and social facilities is a valid consideration. As noted above the site is over 6km form Killorglin with access via a local road without the benefit of a footpath or lighting. The development will therefore be car dependent. I note the uninterrupted views from the site towards the south and east, however I do not consider there to be a specific tourist product at the location that would justify a new build development of this nature so far removed from an established settlement boundary.
- 7.2.5. With regards to Section 10.3.5.2, I would note that the proposal consists of a new build development. The applicant has not demonstrated that accommodation

- provided by farmhouse extension or by the utilisation of other existing dwellings / structures on the property is not viable as required by this Section of the Plan.
- 7.2.6. Having regard to the foregoing, I am not satisfied that the proposal is in accordance with Objective KCDP 10-69, or Sections 10.3.5.1 (and Section 1.12.2 of Volume 6) and Section 10.3.5.2 of the Development Plan. I therefore recommend that permission is refused.

7.3. Amenity

7.3.1. The appellant has also raised concerns with regards to the impact of the proposed development on amenity. No elaboration on the issue is provided by the applicant. The site is removed from any neighbouring residential development, other than that of the applicant's house, and I therefore have no concerns with regards to the impact on residential amenity. In terms of visual impact, the site is in a visually sensitive area, however there are no protected views in the area. The proposed units are far removed from the public road. The appeal site lies in a rural rugged landscape that is largely devoid of development. I would therefore accept that the units would not be highly visible and would not detract from the open views across the landscape. Overall, I have no concerns with regards to the impact on residential or visual amenity.

7.4. Wastewater (New Issue)

- 7.4.1. I noted on the day of my site inspection, the boggy nature of the land and the presence of rushes/ reeds on site, as indicators of poor percolation characteristics or high-water table levels, on the appeal site. The soil type is noted as 'Blanket Peat'. I note that the EPA (2021) code of practice states 'Peat soils are generally unsuitable for disposal of treated waste water because they provide inadequate percolation and may result in ponding, particularly during the winter.'
- 7.4.2. The site is classified (using the GSI mapping tool) as having moderate vulnerability with a locally important aquifer. This gives a ground water protection response of R1, acceptable subject to normal good practice, as reported in the Site Characterisation report (SCR). The trial hole was excavated to a stated depth of 2.8m. It is noted that an Iron Pan was found at 0.6m, with the subsoil described as 'sand with silty/ gravel cobbles'. The percolation values as reported were subsurface 40.61min/25mm. The Site Characterisation Report submitted with the application concludes that the site is

- suitable for the treatment of wastewater. It is proposed to install a tertiary treatment system and infiltration area.
- 7.4.3. I note that there are no details provided on the proposed surface water drainage proposals. It is indicated in the application form that a soakpit will be provided, however this is not shown on the site layout plan submitted. Based on the information to hand I cannot be certain that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021, which requires a minimum 5m distance from the entire DWWTS to a soakpit.
- 7.4.4. The Board may wish to invite further submission on these points, however having regard to the substantive issues above, it may be appropriate to include this as a note for the future consideration of the applicant.

8.0 AA Screening

8.1. See completed screening determination form in Appendix 3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, namely Castlemaine Harbour SAC, and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by the Local Authority

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

I recommend that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the scale of the proposed development and its location removed from the existing farm complex, it is considered that the proposed development would contribute to the encroachment of random rural development in the area and would be contrary to current Kerry County Development Plan policy in terms of siting appropriately scaled on-farm accommodation development within existing or adjacent to farmyard complexes as set out in KCDP 10-69. The proposed development outside the development boundary of Killorglin would also be contrary to section 10.3.5.1 and section 1.12.2 (of volume 6) of the said plan which requires that such type camping/glamping accommodation be provided in proximity to existing settlements, services or tourism initiatives. Furthermore, the proposal has not demonstrated compliance with Section 10.3.5.2 of the plan which states that farmstay accommodation shall be provided by farmhouse extension or by the utilisation of other existing dwellings / structures on the property and only where it has been demonstrated that these are not viable options, will permission be considered for new build development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Ciara McGuinness Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference						
Proposed Development Summary		/elopment	Installation of four glamping pods served by an effluent treatment tank and polishing filter with associated site works.			
Development Address		Address	Ownagarry, Killorglin, Co. Kerry			
	_	_	velopment come within the definition of a		Yes	✓
'project' for the purpos (that is involving construction natural surroundings)			n works, demolition, or interventions in the No laction		No further action required	
Plan	ning a	nd Develop	opment of a class speciment Regulations 2001 uantity, area or limit wh	(as amended) and d	loes it	equal or
Yes	Yes Class		EIA Mandatory EIAR required			
No	√				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	C	conclusion
	1			(if relevant)		
No			N/A		Prelir	IAR or ninary nination red
Yes	✓	permanent site where) of Schedule 5 Part 2 – camp site or caravan the number of pitches reater than 100.		Proce	eed to Q.4

4. Has Schedule 7A information been submitted?				
No	No Preliminary Examination required			
Yes Screening Determination required				

Inspector:	Date:	

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318386-24
Proposed Development Summary	Installation of four glamping pods served by an effluent treatment tank and polishing filter with associated site works.
Development Address	Ownagarry, Killorglin, Co. Kerry

The Board carried 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.

	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.	The nature of the development is not exceptional in the context of the existing rural environment.	No
Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development will not result in the productions of any significant waste, emissions or pollutants. Localised constructions impacts will be temporary	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The size of the development is not exceptional in the context of the existing rural environment.	No
Are there significant cumulative considerations having regard to other existing and / or permitted projects?	There is no real likelihood of significant cumulative effects having regard to existing or permitted projects	
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?	The nearest European site is located 0.4km to the east of the site. It is not considered that the proposed development would be likely to have a significant impact on the European site.	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?		The proposed development does have the potential to significantly other significant environmental sensitivities in the area.		
		Conclusion		
There is no real likelihood of significant effects on the environment.	regard	is significant and realistic doubt ing the likelihood of significant on the environment.	There is a real likelihood of significant effects on the environment.	
EIA is not required.		ule 7A Information required to a Screening Determination to ried out.	EIAR req	uired.

Inspector		Date
DP/ADP:	Date:	
(only where Schedule 7A information or EIAR required)	

Appendix 3

Screening the need for Appropriate Assessment Finding of no likely significant effects

Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed glamping pods in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Kerry County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

The subject site is located c.0.4km to the west of Castlemaine Harbour SAC (Site Code 000343) and 1.4km to the east and north of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code 000365), and 6.5km to the south of Castlemaine Harbour SPA (Site Code 004029). Cottoners River, located c0.4km to the east of the site, forms part of the Castlemaine SAC. There are no water courses or ecology features of note on the site that would connect it directly to the European sites in the wider area.

The proposed development comprises the installation of four glamping pods served by an effluent treatment tank and polishing filter and associated site works. I have provided a detailed description of the development in my report (Section 2).

No nature conservation concerns were raised in the appeal.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site. The boundary of the nearest European Site, Castlemaine Harbour SAC, is within 0.4km of the proposed development.

Castlemaine Harbour consists of the whole inner section of Dingle Bay, i.e. Castlemaine Harbour, the spits of Inch and White Strand/Rosbehy and a little of the coastline to the west. The River Maine, almost to Castlemaine, and much of the River Laune catchment, including the Gaddagh, Gweestion, Glanooragh, Cottoner's River and the River Loe, are also included within the site.

Given the limited scale of the proposal and lack of ecological connections, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Castlemaine Harbour.

European Site	Qualifying Interests	Distance	Connections	
	(summary)			
Castlemaine	Habitats:	Within 400m at	Indirect via surface	
Harbour SAC		nearest point	water discharge	

Estuaries, Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Dunes with Salix repens ssp. Argentea, Humid dune slacks, Alluvial forests with Alnus glutinosa and Fraxinus excelsior.

Species: Sea Lamprey, River Lamprey, Salmon, Otter, Petalophyllum ralfsii (Petalwort)

Likely impacts of the project (alone or in combination with other plans and projects)

Due to the nature of the development site and the presence of a buffer area between the site and the Cottoners River, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. During site clearance and construction of the proposed development and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site with no direct ecological connections or pathways and distance from receiving features connected to Castlemaine Harbour SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

In combination effects

Having reviewed Kerry County Council and An Bord Pleanála's online mapping systems, I do not consider that there are any projects, which could have the potential to have significant incombination effects on a European Site when considered alongside the proposed development. Similarly, I am not aware of any plans that could have the potential to have in-combination effects on a European Site when considered alongside the proposed development.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- Taking into account screening determination by the Local Authority

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.