



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-319459-24

### Development

Staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House.

### Location

Brookhaven House, Spunkane, Waterville, County Kerry, V23 EY98.

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

231008

### Applicant(s)

A&M Hogs Head Golf Club Limited

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

Transport Infrastructure Ireland

### Observer(s)

None

### Date of Site Inspection

4<sup>th</sup> August 2025

### Inspector

Mary Crowley

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 0.54 ha is located to the north of Waterville and consist of an 8-bedroom former guesthouse known as Brookhaven House. The site has direct access off the N-70 - National Secondary Road. The area is characterised as rural with a proliferation of one-off houses in the immediate area.
- 1.2. I refer to the photos available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the construction of staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House. The development will consist of the following:
- internal alterations to the existing dwelling / guesthouse (350 sqm) and demolition of a single storey utility building to the rear (17.5 sqm)
  - construction of a new single storey building with 20 double bedrooms, a communal lounge area and plant room to the rear of the existing building
  - construction of a single storey building with a laundry room and refuse store
  - Stated gross floor area of proposed works is 469 sqm
  - new wastewater treatment system
  - 17 no. car parking spaces including 1 no. disabled parking space, 18 no. covered bicycle stands
  - new hard and soft landscaping works and
  - all associated site services and ancillary works
- 2.2. The proposed development utilises the existing vehicular entrance to Brookhaven House, which was previously in use as a guest house / B&B.
- 2.3. The planning application was accompanied by the following:
- Drawings and particulars

- Civil Utilities Planning Report
- Site Characterisation Form
- Waste Water Treatment Details
- External Lighting Report
- Landscape Report
- Site Accommodation Design Report (x3)
- Pre Planning Consultation Report (PP22/180)

2.4. Kerry County Council (KCC) requested Further Information (FI) on the 13<sup>th</sup> of November 2023. The applicant submitted a Further Information Response (FIR) on the 7<sup>th</sup> of February 2024 that may be summarised as follows:

- This is staff accommodation for the golf club and hotel (Hogs Head). Four car spaces are shown on the site with shuttle bus turning facilities. Stated that the shuttle buses are already in daily use to and from the village. Hogs Head have provided details on how their facility will operate and why car transport is not required from the accommodation. There is an existing entrance and the development will improve the safety of the road given that unfamiliar users will be removed from the existing junction and the number of turning movements will significantly reduce. A comparison between proposed and existing traffic movements is provided. Revised site layout with reduced car parking provision to reflect the existing shuttle bus service that is provided by Hogs Head is provided. Stated that there is a high level of bicycle use by seasonal staff, which is supported by the club.
- In terms of waste water treatment the applicant originally proposed a system that incorporated tertiary treatment. Stated that this was not acceptable to KCC. Following consultation with KCC all discharges to ground water are to be removed. The development will be served by a pumping station that will discharge via a 100 mm diameter rising main directly to the Uisce Eireann network. The existing KCC foul sewer system finishes approximately 450m to the south of the site entrance.
- The ground conditions fail the SAU requirements. The applicants have proposed to remove all foul discharge from the site and pump back to the Irish Water system approx. 500m away. Existing discharges to ground water will be eliminated in order to improve water quality on the site.

- There is an existing 50mm diameter PVC watermain along the N70 to the west of the site. The Pre Connection Enquiry (PCE) was reviewed by Irish Water and a Confirmation of Feasibility regarding a water connection was submitted stating that the development was feasible subject to upgrade.
- The PCE was submitted prior to the alternative foul discharge proposal being developed. An updated PCE has been submitted to Irish Water and it is stated that IW have indicated to the applicant that there are no capacity issues with the treatment plant in Waterville. Stated that a full application will be submitted by the applicant if a grant of permission was to issue.
- It is proposed to construct a new stormwater sewer system to serve the development. Stormwater will be conveyed via the newly proposed stormwater sewer to an attenuation tank with a controlled discharge (greenfield run off flows) to the nearby stream to the west of the site. Soakaway testing will be completed as part of the site investigation campaign for detailed design post planning to confirm site ground conditions. If this shows that the ground condition is suitable infiltration will be employed which will reduce the attenuation required. SUDS measures will be employed where reasonably practicable in the design.
- Low level lighting will be provided to allow safe movement around the grounds of the development.

2.4.1. The submission was accompanied by the following:

- Revised Architectural drawings
- Revised MWP Drawings
- Irish water pre connection agreement
- Utilities Report

2.4.2. Revised public notices were submitted on 20<sup>th</sup> February 2024.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Kerry County Council issued notification of decision to grant permission subject to 10 no conditions summarised as follows:

1.	Compliance with plans and particulars submitted on 20 <sup>th</sup> September 2023, 7 <sup>th</sup> February 2024 and 20 <sup>th</sup> February 2024.
2.	Section 48 Development Contribution
3.	Accommodation for seasonal staff of Hogs Head Golf Club only
4.	External finish and finished floor level
5.	Irish Water
6.	Construction works
7.	SUDS
8.	Watercourse at Spunkane shall be unaltered
9.	CEMP
10.	Landscaping

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The Case Planner in their first report has no issues with the principle of an extension onto the existing guesthouse on site or its proposed use for staff accommodation. Concern is raised in relation to the significant increase in the floor area and intensification of the existing use on site. Recommended that Further Information be requested as follows:

- 1) Given location on National Secondary Road and policy to avoid increased generation of traffic from an existing access requested to redesign of development consisting of an extension of the guesthouse commensurate with the scale and extent of the existing development on site.
- 2) The Site Assessment Unit (SAU) have serious concern with regards to substantial increase in PE and increase in effluent loading on a site which has failed the site characterisation process. Applicant to reconsider the scale of development.
- 3) Applicant to excavate a new trial hole near the proposed polishing filter.
- 4) Applicant to liaise with SAU prior to any trial hole being dug on site

5) Uisce Eireann Pre-Connection Enquiry (PCE)

3.2.3. Further Information was requested on the 13<sup>th</sup> November 2023. Revised public notices were requested on the 12<sup>th</sup> February 2024.

3.2.4. The Case Planner in their second report and having considered the FI submitted recommended that permission be granted subject to 10 no conditions. The notification of decision to grant permission issued by KCC reflects this recommendation.

### 3.3. Other Technical Reports

#### 3.3.1. *Planning Application*

- **County Archaeologist** – No mitigation required.
- **Environment** – Serious concern with regards to the extent of the proposed development and substantial increase in PE which would lead to considerable increase of the theoretical effluent loading on a site which has failed the site characterisation process which would most likely lead to effluent causing public health concerns. Further information to be sought requiring the excavation of a new trial hole near the proposed polishing filter.

#### 3.3.2. *Further Information*

- **Environment** – Recommendations and requirement of IFI as outlined in their submission dated 31<sup>st</sup> October 2023 should be incorporated into conditions of any grant of planning permission. No other biodiversity issues of significance arise.
- **Flooding & Coastal Protection Unit** - Original planning application was missed by the Flooding section. A site-specific Flood risk assessment is required due to proximity to Murreagh stream, site location and blockage potential at the bridge on the N70. Additional flooding information to be sought by way of clarification together with confirmation that new build is located in Flood Zone C. If planning granted, confirmation of the SUDS measures and attenuation design prior to construction together with supporting documentation and calculations

### 3.4. Prescribed Bodies

#### 3.4.1. *Planning Application*



- **Irish Water** – The outcome of the Pre-Connection Enquiry (PCE) is to be submitted to the Planning Authority.
- **Transport Infrastructure Ireland (TII)** – Development is at variance with official policy in relation to control of development on / affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):
- **Inland Fisheries Ireland (IFI)** - The proposed development is adjacent to the Inny watercourse that flows into the Ballinskelligs Bay and Inny Estuary SAC<sup>1</sup>. It is a salmonid watercourse currently 'at risk' under the WFD. IFI sets out a number of requirements in relation to pollution control and protection of surface waters that include the provision of a buffer zone, SUDS, no artificial lighting, good site management practices and daily monitoring of all outlet points to surface waters.

#### 3.4.2. **Further Information**

- **Transport Infrastructure Ireland (TII)** - Position remains as set out in their letter of 25<sup>th</sup> October 2023.

#### 3.5. **Third Party Observations**

3.6. None

### 4.0 **Planning History**

4.1. No evidence of any previous appeal at this location. There was a previous planning application on the site that may be summarised as follows:

- **Reg Ref 94/698** – Kerry County Council granted planning permission in 1994 for a dwelling house with guest accommodation subject to 14 no conditions. It is noted that the septic tank and percolation area as permitted under this grant of permission is located to the rear of the guest house on site.

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<sup>1</sup> The Ballinskelligs Bay and Inny Estuary is a pNHA and not an SAC as referenced by IFI

## 5.0 Policy Context

### 5.1. National Guidelines

- 5.1.1. **Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG 2012)** - Section 2.5 Required Development Plan Policy on Access to National Roads states that in relation to lands adjoining national roads to which speed limits greater than 60 km/h apply:

*The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

- 5.1.2. Section 2.6 Exceptional Circumstances states that notwithstanding the provisions of Section 2.5 above:

*Planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA and having followed the approach outlined below.*

### 5.2. Regional Guidelines

- 5.2.1. **Southern Regional Assembly Regional Spatial Economic Strategy 2020 – 2032**

- **RPO 140 International Connectivity** - It is an objective to:
  - b. To sustainably maintain the strategic capacity and safety of the national roads and rail network including planning for future capacity enhancements to ensure effective land transport connections to the major ports, airports and markets.
- **RPO 151 Integration of Land Use and Transport** - The following principles of land use and transport integration will guide development:
  - e. Land use development in smaller rural towns will optimise public transport and sustainable travel integration within settlements. Public transport interchange will be facilitated to encourage modal shift to public transport and sustainable travel

*between settlements and on approach to settlements. The strategic transport function of national roads will be maintained and protected in accordance with national policy;*

- ***RPO 153 Capacity of Inter-Urban Road Connections*** - *It is an objective to protect, improve and maintain the operation of the National and Strategic Regional inter-urban road connections within and between the cities, settlements, ports and airports by providing effective policies in Local Authority County Development Plans (CDP), Local Area Plans (LAP) and Strategic Development Zones (SDZs) promoting effective traffic management and transport demand management. It is a requirement for CDP's, LAP's and SDZ's to consider all alternative modes and public transport options in tandem with traffic demand options.*

### 5.3. Development Plan

- 5.3.1. The operative plan for the area is the Kerry County Development Plan 2022-2028. Relevant policies and objectives are set out as follows:

#### 5.3.2. Chapter 11 Environment

- 5.3.3. The site is within an area designated as a Visually Sensitive Area. Section 11.6.3.1 states that these 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. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected. It is an objective of the Council to

***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.*

#### 5.3.4. **Chapter 14 Connectivity**

- 5.3.5. Section 14.4.1.1 Access onto National Roads states that the creation of an access or the intensification of usage of an existing access onto a National Road shall be only considered where it is in compliance with the Spatial Planning and National Roads Planning Guidelines (DoECLG January 2012). It is an objective of the Council to:

**KCDP 14-29** - *Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.*

**KCDP 14-30** - *Avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

#### 5.4. **Natural Heritage Designations**

- 5.4.1. The appeal site is not located in or immediately adjacent to a European Site.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

- 6.1.1. The third-party appeal has been prepared and submitted by Transport Infrastructure Ireland (TII) and may be summarised as follows:
- The proposed development relies on the use of a direct access to the N70, national secondary road, where an 80kph speed limit applies and is at variance with the provisions of official policy.

- The proposal is reliant on the intensification of a direct access to a national road at a location where an 80kph speed limit applies is at variance with the provision of official policy and has the potential to compromise the safety and efficiency of the national road network.
- TII considers that the development, for which KCC has granted planning permission would be at variance with official policy to preserve the level of service, safety and carrying of national roads and to protect the public investment in such roads as outlined in the Section 28 Ministerial Guidelines “Spatial Planning and National roads Guidelines for Planning Authorities” (DoECLG 2012) and would establish an undesirable precedent for further similar development in the county and beyond.
- The construction of a new staff accommodation block accessing the N70 at the location concerned via a direct access to the national road is inconsistent with the provisions of the Kerry County Development Plan 2022 – 2028, in particular the Development Plan “Principles of the Core Strategy” included in Section 3.4 together with Objective KCDDP 14-29 and Objective KCDDP 14-30
- The proposal relies on an existing planning permission which was permitted under different development circumstances, planning policy consideration and traffic standards especially those related to safety. No exceptional reasons have been outlined to justify such a significant departure from official policy and road safety consideration which a grant of permission would represent in this instance.
- The Southern Regional Assembly Regional Spatial Economic Strategy 2020 – 2032, also outlines Regional Policy Objectives requiring that the strategic transport function of national roads will be maintained and protected in accordance with national policy
- The proposal represents a risk to the safety of road users arising from the inevitable additional vehicular movements onto and off the N70, national road, at a location where an 80 kph speed limit applies and TII considers that the development as permitted would set an undesirable precedent for other similar development impacting on the strategic national road network.

## 6.2. Applicant Response

6.2.1. The first party response to the appeal was prepared and submitted by Gravis Planning and may be summarised as follows:

- The development will be used only as accommodation for seasonal staff of Hogs Head Golf Club and is needed to facilitate the continued sustainable growth of Hogs Head Golf Club which is an important high-value tourism asset for the area.
- There is an existing access to the site. There are no proposals to alter the existing access.
- The scheme complies with planning policy objectives at all levels and is a positive example of new development that is based on the use of sustainable transport modes and will provide a live work community in the local area. This is a positive addition to the local area that will support the sustainable growth of an important tourism asset.
- The scheme does not impact negatively on the strategic capacity or safety of the national road network, or in any way detract from the value of previous investment in the network. TII's position is acknowledged and understood but is not applicable to the circumstances of this proposal.
- The site benefits from an established existing entrance off the N70 and safe road conditions with excellent sight lines. As noted in the enclosed Road Safety Technical Note:
  - There have been no recorded instances of collisions at the existing entrance
  - Sightlines are far in excess of TII requirements
  - The entrance is level and lines of sight are unimpeded by vegetation or structures
  - Drainage is controlled from leaving the site
  - There is no interaction between vehicles and pedestrians
- The proposed development is in keeping with national roads guidelines and policy, does not represent a traffic safety hazard, will not undermine the strategic capacity or safety of the national roads network, is a positive example of development that is based on the use of sustainable transport modes, is in keeping with policy objectives at all levels to support tourism development and rural employment and

will help to prevent the need for dispersed staff accommodation options to be sourced which would be reliant on private vehicle commuting.

- Traffic movements will be reduce compared to the site's previous B&B use and there will not be an intensification of use of the existing entrance. The entrance geometry exhibits sightlines that are far in excess of the TII requirements. The entrance is level. There is no interaction with pedestrians. The junction has no history of collisions and can be deemed to be safe.
- Without the proposed development staff will be accommodated remotely in areas such as Ballinskelligs and Cahersiveen. This would generate multiple trips late at night and early in the morning. These trips would be undertaken by individuals unfamiliar with the area and certainly would represent a far greater risk on the N70.
- The appeal represents an unnecessary delay on much needed development which is in keeping with planning policy objectives at all levels and will support the sustainable growth of a valuable local tourism asset.

6.2.2. The response was accompanied by the following:

- Road Safety Technical Note
- Site Layout (Amended by FI)
- Letter form Hogs Head golf Club & Hotel General Manager (Submitted with FI)
- Hogs Head Driving & Company Vehicle Policy

### **6.3. Planning Authority Response**

6.3.1. None

### **6.4. Observations**

6.4.1. None

### **6.5. Further Responses**

6.5.1. 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
- Traffic Impact
- Waste Water Treatment
- Surface Water Drainage
- Flooding
- Conditions

### **7.2. Principle**

- 7.2.1. Planning permission is sought for the construction of staff accommodation for seasonal staff at the Hogs Head Golf Club at the former Brookhaven Guest House. The new staff accommodation will comprise a new single storey building with 20 double bedrooms, a communal lounge area and plant room to the rear of the existing building together with a separate laundry room and refuse store also to the rear.
- 7.2.2. Having regard to the permitted guest accommodation on site the use could be considered to be comparable ancillary use. However, I am concerned that the scheme before the Commission represents a significant intensification of use as evidenced by the considerable increase in both floor area and footprint of buildings proposed on site. While I appreciate the applicants position that Hogs Head Golf Club relies heavily on seasonal staff joining the permanent team during the 'open season' from April to October and that there is insufficient capacity locally to cater for existing staff numbers or projected growth it remains that the historic permitted guest accommodation on site cannot alone justify the scale and intensification of development proposed at this visually sensitive rural location.
- 7.2.3. The appeal site is within an area designated as a Visually Sensitive Area in the current Development Plan. 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. In this regard I refer to the following Development Plan Objectives that seek to protect the landscape as a major economic asset and an invaluable amenity by ensuring that any development which could unduly impact upon such landscapes will not be permitted:

***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.***

- 7.2.4. The scale and design of the proposed development would detract to an undue degree from the sensitive rural character and scenic amenities of the area and if permitted would interfere with the rural character and attractiveness of the area and be contrary to Objective KCDP 11-77 and Objective KCDP 11-78 of the Development Plan. Refusal is recommended.

### **7.3. Traffic Impact**

- 7.3.1. Transport Infrastructure Ireland (TII) have appealed the decision of Kerry County Council to grant permission at this location. TII raise concerns that the proposal is reliant on the intensification of a direct access to a national road at a location where an 80kph speed limit applies and that same is at variance with the provision of the Spatial Planning and National roads Guidelines for Planning Authorities" (DoECLG 2012) and has the potential to compromise the safety and efficiency of the national road network. TII acknowledges that the development does not involve the creation of a new access. Its position rests on the intensification of use of the existing access on to the national road network.
- 7.3.2. The proposed development utilises the existing vehicular entrance to Brookhaven House, from the N70 where the 80kph speed limit applies and which, as documented was previously in use as a guest house / B&B. The car parking provision was amended downwards by way of further information whereby 4 no car spaces are

shown on the amended site plan with shuttle bus turning facilities to reflect the existing shuffle bus service that is operated by Hogs Head Golf Club to transport staff from local accommodation to their place of work at set times aligning with shift patterns. It is stated that the 4 no marked car parking spaces being proposed are to provide for disabled users, visitors / deliveries, and very occasional private vehicle use by staff.

- 7.3.3. The applicant submits that the development (as amended) is required to provide much-needed seasonal staff accommodation for Hogs Head Golf Club and that it will lead to a reduction in vehicle movements to and from the site when compared with up to 12 individual cars being parked on-site and coming and going throughout the day when the existing building was in use as a B&B. The applicant states that the development does not represent an intensification of use of the existing access and that the seasonal staff that will be accommodated rely on the shuttle bus service and bicycle use during the course of their stay. Given the age profile, it is stated that the vast majority of staff do not have their own vehicles and that there are no staff on-site during the off-season. Details of the proposed shuttle bus service is provided and is noted. The applicant concludes that the is located at a safe location benefitting from excellent sightlines, with low traffic volumes and no known evidence of previous accidents.
- 7.3.4. I agree with TII the proposal relies on an existing planning permission which was permitted under different development circumstances, planning policy consideration and traffic standards especially those related to safety.
- 7.3.5. The appeal is centred on one issue, namely direct exit/entry onto the N70, National Secondary Route where the 80km/h speed limit applies and the relevant national and local policy objectives to protect the carrying capacity of the national road network. I share the views of TII the proposal appears to rely on an existing planning permission for the Guest House which was permitted under different development circumstances, planning policy consideration and traffic standards especially those related to safety.
- 7.3.6. The current appeal before the Commission is considered under the Kerry County Development Plan 2022-2028. Section 14.4.1.1 Access onto National Roads of the current Development Plan is very clear where it states that in relation to Lands adjoining National Roads to which speed limits greater than 60 km/h apply it is an Objective of this plan to avoid the creation of any additional access point from new

development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development.

- 7.3.7. In addition to the foregoing objective there are two further objectives in relation to access onto National Primary and Secondary Routes in the current Development Plan, that seek to safeguard the carrying capacity and safety of National Secondary Routes and avoid the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply as follows:

***KCDP 14-29 - Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes and associated national road junctions.***

***KCDP 14-30 - Avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to National Roads to which speed limits greater than 60 km/h apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.***

- 7.3.8. These objectives align with the requirements of the Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) and are considered reasonable.
- 7.3.9. In line with the comments of TII I share their concerns that the FI submission in relation to trip movement associated with the former use on site, the existing use and the proposed development, that the analysis undertaken appears to seriously underestimate trips associated with the proposed development. I am concerned that regardless of the provision of a shuttle bus that in all likelihood additional vehicular movements will arise from the day-to-day occupation, patterns of activity associated with same and trips generated by other services to support the development, utilities, visitors, etc as well as trips by all occupants that will occur in addition to any trips associated with their employment. I further agree that inevitably the provision of a staff

accommodation block of the scale proposed and accessing the N70, national road, at this location and in addition to the existing accommodation already on site will result in the generation of increased traffic movement from the existing direct access to the N70 at a location where 80kph speed limits apply.

- 7.3.10. While I accept the importance of tourism in the County and the policies and objectives as set out in the Development Plan that support same it remains that no acceptable exceptional reasons have been outlined to justify a significant departure from official policy related to road safety considerations which a grant of permission would represent in this instance. Notwithstanding the compelling circumstances put forward by the applicant to justify the proposed scheme it cannot be to the detriment of protecting public safety by reason of traffic hazard and obstruction of road users. Refusal is recommended.

#### **7.4. Waste Water Treatment**

- 7.4.1. KCC Environment raised serious concern with regards to the scheme as originally submitted to the Planning Authority in relation to the substantial increase in PE which would lead to considerable increase of the theoretical effluent loading on a site which has failed the site characterisation process, and which would most likely lead to effluent causing public health concerns. In response to a RFI the applicant is now proposing to remove all discharge from the site and pump wastewater sewage back to the Irish Water system some 500m away via a pumped rising main. This will remove the environmental issues on the site and leave a much-improved site in terms of water quality. An updated Pre Connection Enquiry has been submitted to Irish Water and it is stated that they have indicated to the applicant that there are no capacity issues with the treatment plant in Waterville. The wastewater design, as amended is acceptable. No issues arise in this regard.

#### **7.5. Surface Water Drainage**

- 7.5.1. Inland Fisheries Ireland (IFI) in their submission to KCC note that the proposed development is adjacent to the Inny (Kerry) \_030, flowing into the Ballinskelligs Bay and Inny Estuary SAC. To clarify Ballinskelligs Bay and Inny Estuary site is not an SCA but is an pNHA. It is further stated that the River Inny is a salmonid watercourse

currently 'at risk' under the Water Framework Directive. IFI require that the following be complied with in relation to pollution control and protection of surface waters.

- Inny (Kerry) \_030 watercourse at Spunkane, to be left unaltered and native riparian vegetation remain untouched to protect this fishery habitat.
- An adequate buffer zone maintained from any future activities on site.
- Surface water should be disposed by means of SUDS
- Confirmation of surface water drainage from impermeable areas, i.e., roofs and hard surfaces should be attenuated on site by discharge to sustainable drainage measures, to mitigate against climate change and possible damage to river regimes.
- No artificial lighting shining into the watercourse with details to be agreed prior to installation
- Good site management practices should be adopted during site construction to prevent discharge of silt/ hydrocarbon contaminated waters to surface waters.
- Monitoring of all outlet points to surface waters should be undertaken daily.

7.5.2. As set out previously the scheme was amended by way of FI whereby all discharges to ground water have been removed, waste water will discharge to the KCC foul sewer system by way of a pumping station on site and rising main and a new stormwater system, attenuation tank with a controlled discharge (greenfield run off flows) to the nearby stream to the west of the site and SUDs will serve the site. The requirements of IFI above align with these proposals. The surface water attenuation to greenfield runoff conditions with associated surface water quality treatment and SUDs is acceptable. It is recommended that should the Commission be minded to grant permission that the requirements of the IFI be incorporated into conditions attached.

## **7.6. Flooding**

7.6.1. KCC Flooding & Coastal Protection Unit required the submission of a site-specific Flood risk Assessment due to proximity to Murreagh stream, site location and blockage potential at the bridge on the N70 and that without catchment assessment and local cross sections it would be difficult to quantify any upstream overbank flow or blockage analysis at the bridge.

- 7.6.2. The site is bounded to the northwest by the River Inny and the bridge on the N70. The Murreagh Stream is not readily identifiable in the immediate area, and it has not been made clear if this is another name for the River Inny.
- 7.6.3. Having regard to OPWs National Flood Information Portal there is no evidence of flooding at this location and there is nothing to indicate that the appeal site is at risk from flooding at this location. This aligns with the further comments of KCC Flooding & Coastal Protection Unit that the FFE (13.86mOD) of the proposed development and overall site layout and gradient, distance from the stream look reasonable in terms of potential flood risk. Having regard to the information available together with reference to the OPW National Flood Information Portal and wastewater treatment and surface water drainage proposals, as amended by FI I am satisfied that no issues arise in terms of flooding at this site.

## **7.7. Conditions**

- 7.7.1. I refer to Section 3.0 of this report above where the conditions outlined in the notification of decision to grant permission are summarised, that reflect particular requirements of KCCs internal departments together with those of prescribed bodies are referenced. In addition to the requirements of IFI as discussed above I am satisfied that the conditions as recommended can be dealt with by way of standard Commission conditions (Uisce Eireann, surface water, external finishes, surface water, construction works and development contributions) should the Commission be minded to grant permission.

## **8.0 Environmental Impact Assessment**

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **9.0 Appropriate Assessment Screening Determination**

9.1. 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 Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- Taking into account the determination by the Planning Authority

## **10.0 Water Framework Directive**

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.2. The reason for this conclusion is as follows:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies
- Absence of any meaningful pathways to any waterbody
- The considerations of the planning authority in its screening report.

10.3. On the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and

coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason and considerations and subject to the conditions outlined below.

## 12.0 Reasons and Considerations

- 1) The site is located in an area which is designated in the current Kerry County Development Plan 2022-2028 as a Visually Sensitive Area in relation to which it is a policy of the planning authority to control development in order to protect the landscape as a major economic asset and an invaluable amenity by ensuring that any development which could unduly impact upon such landscapes will not be permitted. This designation and policy are considered reasonable. The scale and design of the proposed staff accommodation development would detract to an undue degree from the sensitive rural character and scenic amenities of the area and if permitted would interfere with the attractiveness of the area and be contrary to Objective KCDP 11-77 and Objective KCDP 11-78 of the Development Plan and to the proper planning and sustainable development of the area
2. Having regard to the location of the development with direct access onto the N70 National Secondary Road, at a location where the speed limit of 80km/h applies, it is considered that the generation of increased traffic associated with the proposed development by itself or by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, because of the additional traffic turning movements the development would generate on this National Secondary Road and would contravene national policy in relation to the control of development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the



Department of the Environment, Community and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network and would contravene materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028 and 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.

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**Mary Crowley**

**Senior Planning Inspector**

**4<sup>th</sup> September 2025**

### 13.0 Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-319459-24</b>
<b>Proposed Development Summary</b>	Staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House.
<b>Development Address</b>	Brookhaven House, Spunkane, Waterville, County Kerry, V23 EY98.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10(b)(i) 'Construction of more than 500 dwellings units

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	

Inspector \_\_\_\_\_ Date \_\_\_\_\_

DP/ADP \_\_\_\_\_ Date \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## 14.0 Appendix 2 - Form 2 - EIA Screening Determination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319459-24</b>
Proposed Development Summary	Staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House.
Development Address	Brookhaven House, Spunkane, Waterville, County Kerry, V23 EY98.
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposal involves the demolition of a single storey utility building (17.5sqm) and the construction of staff accommodation (469 sqm).</p> <p>Foul sewer will discharge to the Uisce Eireann network via a pumping station. Controlled stormwater sewer will discharge (greenfield rates) to the nearby stream to the west of the site via an attenuation tank. SUDS measures will be employed. The development of which will not likely result in any significant waste emission or pollutants.</p> <p>The nature and scale of the proposed development will have a visual impact at a local level and is discussed in the assessment of the this scheme above. However, the scheme would not give rise to significant visual environmental effects</p>

	<p>in terms of scale and design at a wider spatial level.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan by way of a suitably worded condition will satisfactorily mitigate potential impacts.</p> <p>There are no SEVESO / COMAH sites in the vicinity of this site.</p> <p>The development has a modest footprint and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and / or disaster and therefore presents no risks to human health.</p> <p>There is no real likelihood of significant cumulative effects with other permitted or related developments.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites</p>	<p>This is an extension to an existing development where foul sewer will discharge to the Uisce Eireann network via a pumping station. The development will implement measures to control surface water run-off.</p> <p>The site is not located within or adjoining any of the following designated / sensitive sites:</p>

of historic, cultural or archaeological significance).	<ul style="list-style-type: none"><li>▪ European site (SAC/ SPA/ pSAC/ pSPA)</li><li>▪ NHA/ pNHA</li><li>▪ Designated Nature Reserve</li><li>▪ Designated refuge for flora or fauna</li></ul> <p>There are no known monuments or other archaeological features on the subject site.</p> <p>The site is not located within or proximate to any designated ACA.</p> <p>The site is not at risk of flooding.</p> <p>The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated.</p>	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)	Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>No</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>

There is a real likelihood of significant effects on the environment.	EIAR required.	No
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**Inspector** \_\_\_\_\_ **Date** \_\_\_\_\_

**DP/ADP** \_\_\_\_\_ **Date** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## 15.0 Appendix 3 – Appropriate Assessment Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b> <b>Case file: ABP 319459-24</b>	
<b>Brief description of project</b>	<p>Normal Planning Appeal</p> <p>See Section of 2.0 of the Inspectors Report</p> <p>Construction of staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House utilising the existing access off the N70.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Existing discharges to ground water will be eliminated. All foul will be removed from the site. It is proposed to remove all discharge from the site and pump back to the Irish Water system some 500m away via a pumped rising main.</p> <p>It is proposed to construct a new stormwater sewer system to serve the development. Stormwater will be conveyed via the newly proposed stormwater sewer to an attenuation tank with a controlled discharge (greenfield run off flows) to the nearby stream to the west of the site. SUDS measures will be employed where reasonably practicable in the design.</p>
<b>Screening report</b>	<p>No</p> <p>KCC screened out the need for AA</p>
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	<b>KCC Environmental Assessment Unit</b> – No biodiversity issues of significance arise



## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality / disturbance.

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk there are as follows:

- Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335)

European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335)	<ul style="list-style-type: none"> <li>▪ Atlantic salt meadows</li> <li>▪ Petalwort</li> <li>▪ Mediterranean salt meadows</li> </ul> (NPWS 19 <sup>th</sup> May 2014) <a href="https://www.npws.ie/protected-sites/sac/000335">https://www.npws.ie/protected-sites/sac/000335</a>	c0.85 km to the west	Hydrology	N

## Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

### Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335)

Direct - None.

Indirect – None

The nature, scale and extent of the proposed works, the absence of a direct hydrological link, implementation of standard construction techniques, and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests listed.

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European Site.

No mitigation measures are required to come to these conclusions. I consider the provision of the oil/petrol interceptor a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

**Screening Determination**

**Finding of likely significant effects**

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 Sites namely, Ballinskelligs Bay and Inny Estuary SAC (Site Code 000335) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Hydrological and hydrogeological characteristics of proximate waterbodies
- Absence of any meaningful pathways to any waterbody
- The considerations of the planning authority in its screening report.

## 16.0 Appendix 4 - Water Framework Directive Impact Assessment

Stage 1 Screening			
Step 1: Nature of the Project, the Site and Locality			
<b>ABP Ref.</b>	ABP-319459-24	<b>Townland, address</b>	Brookhaven House, Spunkane, Waterville, County Kerry
<b>Description of project</b>		Staff accommodation for Hogs Head Golf Club at the former Brookhaven Guest House.	
<b>Brief site description, relevant to WFD Screening</b>		The site is in a rural area to the north of Waterville. There is an existing dwelling house with guest accommodation on the site that is served by a septic tank and percolation area. The Inny river adjoins the northwestern boundary of the site.	
<b>Proposed surface water details</b>		Stormwater will be conveyed via the proposed stormwater sewer to an attenuation tank with a controlled discharge (greenfield run off flows) to the nearby stream to the west of the site. SUDS measures will be employed where reasonably practicable in the design.	

<b>Proposed water supply source &amp; available capacity</b>		Existing Uisce Eireann mains water connection. No capacity issues identified.				
<b>Proposed wastewater treatment system &amp; available capacity</b>		Existing discharges to ground water will be eliminated.  All foul sewage will be removed from the site. It is proposed to remove all discharge from the site and pump back to the Irish Water system some 500m away via a pumped rising main. The upgrades will be required and funded by the developer, in order to facilitate the proposed development. No capacity issues identified.				
<b>Other</b>		N/A				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified Waterbody</b>	<b>Distance to (m)</b>	<b>Waterbody name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective</b>	<b>Identified pressures on the waterbody</b>	<b>Pathway linkage to water feature</b>
<b>River Waterbody</b>	Site adjoins river	Inny (Kerry)_030 IE_SW_21I010900	Moderate	At Risk	Morphological Nutrients	Surface water run off

<b>Groundwater Waterbody</b>	Underlying site	Beara Sneem IE_SW_G_019	Good	Not at risk	Non identified	Drainage to groundwater
<b>Coastal Waterbody</b>	C1km	Ballinskelligs Bay IE_SW_200_0000	High	Review	Urban waste water	Surface water run off and wastewater

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

#### **CONSTRUCTION PHASE**

<b>No.</b>	<b>Component</b>	<b>Waterbody receptor</b>	<b>Pathway (existing and new)</b>	<b>Potential for impact/ what is the possible impact</b>	<b>Screening Stage Mitigation Measure</b>	<b>Residual Risk (yes/no) Detail</b>	<b>Determination to proceed to Stage 2. Is there a risk to the water environment?</b>
1.	River Waterbody	Inny (Kerry)_030	Surface water runoff	Deterioration of surface water quality from pollution of surface water run-off during site	Implement CEMP	No	Screened out

				preparation and construction			
2.	Groundwater Waterbody	Beara Sneem	Drainage through soil / bedrock	Spillages and general construction activity	Implement CEMP	No	Screened out
3.	Coastal Waterbody	Ballinskelligs Bay	Surface water runoff	Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction	Implement CEMP	No	Screened out
<b>OPERATIONAL PHASE</b>							
1.	River Waterbody	Inny (Kerry)_030	Surface water run-off	Deterioration of water quality	Incorporation of silt and oil interceptors and greenfield discharge rates	No	Screened out

2.	Groundwater Waterbody	Beara Sneem	Drainage through soil/ bedrock	Deterioration of groundwater quality	SuDS and greenfield discharge rates	No	Screened out
3.	Coastal Waterbody	Ballinskelligs Bay	Surface water runoff	Deterioration of surface quality	Incorporation of silt and oil interceptors and greenfield discharge rates	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	Decommissioning is not anticipated as this is a permanent residential development.						