



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-319843-24

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<b>Development</b>	Proposed development for a Facility Centre for Water Based Activities.
<b>Location</b>	Magherabeg Beach, Castlegregory, in the townland of Magherabeg, Co. Kerry.
<b>Local Authority</b>	Kerry County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Fáilte Ireland Development Applications Unit, DoHLGH
<b>Observer</b>	Sandra Moyles
<b>Date of Site Inspection</b>	10 <sup>th</sup> October 2025
<b>Inspector</b>	Donogh O' Donoghue

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## 1.0 Introduction

- 1.1. Kerry County Council is seeking approval from An Coimisiun Pleanála to undertake the proposed development for a Facility Centre for Water Based Activities at a site encompassing an overall area of 0.29ha which very partially overlaps with the Tralee Bay Complex SPA and the Tralee Bay and Magharees Peninsula, West to Cloghane SAC, both of which are designated European sites. Within the site area, a 187sqm building is proposed. There are several other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on European sites.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

## 2.0 Proposed Development

- 2.1. The proposed works constitute the construction of a water-based activity facility including provision of the following:
  - indoor and outdoor showers,
  - serviced toilets,
  - changing cubicles,
  - public lockers as well as external and internal seating.
  - accessible parking area and the creation of a pedestrian only zone around the new facility and to the entrance to the beach.

- wastewater treatment plant including a raised percolation area, site drainage works, fencing; and
- ancillary development related to hardstanding areas for emergency vehicles & lifeguard hut.

## 2.2. **Accompanying documents:**

- Project Explanatory Report
- AA Screening & Natura Impact Statement (NIS)
- Preliminary EIA Screening Assessment
- Construction Environmental Management Plan (CEMP)
- Plans and Particulars of proposed development including Waste water Treatment System Details.
- Waste water Treatment System Details
- Newspaper Notice
- Site Notice Photo
- Uisce Eireann Confirmation of Feasibility
- Site Ownership and Selection (Options Report)
- List of Prescribed Bodies and copies of letters issued.
- Cover Letter.

## 3.0 **Site and Location**

3.1. The subject site, circa 0.29ha in area is under Kerry County Council ownership and is located on the southeastern part of the peninsula known as the Maharees, situated to the north of Castlegregory on the Dingle Peninsula in west Kerry. The peninsula separates Brandon Bay from Tralee Bay with the subject site located on the southeastern part of the Peninsula adjacent to Maherabeg Beach. Magherabeg Beach is an official 'Discovery Point' on the Wild Atlantic Way, a defined coastal driving route which encompasses Ireland's western coastline.

- 3.2. The Maharees tombola consists of sand dunes and sandy beaches to either side of the peninsula. The proposed project site is adjacent to and very partially overlaps with the “Tralee Bay and Magharees Peninsula, West to Cloghane SAC” boundary, and the “Tralee Bay Complex SPA” boundary.
- 3.3. The site is triangular in shape, currently used as an informal carpark and while unpaved tracks exist on the site, parking generally takes place in a random fashion on the grassed areas present. The site contains some benched seating areas, a recycling banks and there are free to use toilet facilities for beach users in the form of a portable structure on a concrete base with male and female toilets at the northwest corner. The local road runs along its western boundary and the Sandy Bay Caravan Park is located opposite the site to the west. Splash Sports Watersports Centre and Beal Geal Sauna and Coffee shop are located to the northeast of the site with pedestrian connectivity to the site. The boundary fence with the public road is within 1m of the road carriageway and as a result there is no room for parking along the roadside. A temporary lifeguard station is located on site during the busy summer months.
- 3.4. A two-storey dwelling house is located to the north of the site, with its front garden bounded by a common boundary fence. A small number of mobile homes are located further to the north. The Maherabeg beach is located to the site’s immediate east, with informal access provided via sandy pathways to same.
- 3.5. Photographs & maps accompanying this report describe the site and surroundings in more detail.

## 4.0 Planning History

### 4.1. Subject site:

There is no recently recorded history for this site.

### 4.2. Site in the immediate vicinity:

The nearest most recent planning application is located circa 150m north of the subject site, on the opposite side of the public road, detailed as follows:

Kerry County Council P.A. ref. 20/1246 – Permission refused for the installation of 25 no. static mobile pitches, play area, amenity area, bin storage block, laundry room and

connection to the existing on site wastewater treatment system, internal service road, lighting and all ancillary sidewalks at existing caravan park.

Reasons for refusal related to:

1. Endanger public safety by reason of traffic hazard due to conflicting traffic and pedestrian movements.
  2. Site is located in a sensitive coastal environmental zoned rural secondary special amenity area under the CDP 2015-2021. Proposed development would conflict with policy outlined in section 13.11 of the plan in relation to the location of caravan parks and would interfere with the character of the landscape in this area.
  3. Proposed development would be prejudicial to public health – on the basis of the submission made the planning authority was not satisfied that effluent arising from proposed development could be adequately disposed of on site.
  4. Proposed development would seriously injure the amenities and depreciate the value of nearby residential properties by reason of interference with privacy and overlooking.
- 4.3. There are several planning cases in the wider vicinity of the subject site relating to inter alia rural housing, quarry activity, and electrical infrastructure. However, I do not consider these to be relevant to the project.

## 5.0 Legislative and Policy Context

### 5.1. Relevant legislative provisions

- 5.1.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.1.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures

identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.1.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- Tralee Bay and Magharees Peninsula, West to Cloghane SAC (Site Code: 002070)
- Tralee Bay Complex SPA (Site Code: 004188)

5.1.4. **Planning and Development Acts 2000 (as amended)** - Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the

Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Commission shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 5.2. Policy and Guidelines of Relevance

5.2.1. **National Planning Framework- First Revision, April 2025:** This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally focused planning at a local level.

5.2.2. **National Marine Planning Framework:** The National Marine Planning Framework (NMPF) sets out the framework for the forward planning and decision-making components of our marine planning system and represents the key consideration for decision makers on all marine authorisations.

In relation to Sport and Recreation, chapter 21 of the NMPF includes objectives to:

- Increase participation in a range of water-based sports and recreation activities for the benefit of public health and wellbeing, as well as developing our tourism offering,
- Protect and enhance unique natural resources which attract visitors (e.g., Blue Flag Beaches and Green Coast Beaches),
- Increase provision of physical activity and recreation amenities in Irelands coastal and marine environment,

- Continue and improve access to marine and coastal resources for tourism activities and sport and recreation,
- Sustainably develop outdoor recreation facilities promoting access for people of all ages, background and abilities, while encouraging sharing of facilities where appropriate. The provision of marine recreational facilities should be considered an integral part of plans specific to coastal locations, including urban and suburban coastal development sites, with due consideration given to the environmental sensitivities of each site, such as increased visitor or infrastructural pressures on the environment.

The following planning policies are also relevant:

Sport and Recreation Policy 1: Proposals that promote sustainable development of water-based sports and marine recreation, while enhancing community health, wellbeing and quality of life, should be supported, provided that due consideration is given to environmental carrying capacities and tourism pressures.

Sport and Recreation Policy 2: Proposals should demonstrate the following in relation to potential impact on recreation and tourism:

- The extent to which the proposal is likely to adversely impact sports clubs and other recreational users, including the extent to which proposals may interfere with facilities or other physical infrastructure.
- The extent to which any proposal interferes with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety.
- The extent to which the proposal is likely to adversely impact on the natural environment.

Sport and Recreation Policy 3: Opportunities to promote inclusive development of water-based sports and marine recreation should be supported, where appropriate and at the applicable scale, with a focus on facilities for people with disabilities.

Sport and Recreation Policy 4: Proposals that improve access to marine and coastal resources for tourism activities, and sport and recreation should be supported, where appropriate, at the applicable scale and aligned with existing development plans.

- 5.2.3. **National Development Plan:** This Plan underpins the National Planning Framework - First Revision, April 2025. It contains several priorities which include investment in regional growth potential.
- 5.2.4. **Climate Action Plan, 2024 (“CAP24”) and 2025 (“CAP25”):** These plans provide a roadmap of actions to halve Ireland’s emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.
- 5.2.5. **Biodiversity Action Plan:** The Plan strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity and builds upon the achievements of the previous plans. It contains targeted actions which are underpinned by five strategic objectives.
- 5.2.6. **Regional Planning Guidelines:** The Regional Spatial and Economic Strategy sets out a strategy to implement the NPF in the Southern Region, including Kerry. It sets out a strategic vision and policy objectives for urban and rural areas, people, the economy, the environment, connectivity, amenities and utilities. The Southern Regional RSES highlights that the region has a significant share of Ireland’s premier tourism resources – both natural and man-made. The RSES recognises that a successful tourism sector creates significant benefits for many other sectors such as agriculture, food and drinks, transport and retail. The RSES supports the Department of Rural and Community Development’s Action Plan for Rural Development (APRD) which seeks to increase tourist numbers to rural Ireland, support sustainable jobs through targeted rural tourism initiatives, develop activity tourism and leverage natural and built heritage assets.

### 5.3. **Local Policy**

#### **Kerry County Development Plan 2022-2028:**

- 5.3.1. The site is located within in a coastal area that is covered by the policies and objectives contained in the current Kerry County Development Plan 2022-2028.
- 5.3.2. The current Development Pan contains several policies and objectives for the protection and enhancement of the environment, biodiversity (incl. SPAs, SACs & pNHAs), water quality, cultural heritage, tourism, recreation, and amenity. Those most relevant to the current proposal are listed under Chapter 10 Tourism and Outdoor Recreation and are as follows:

**KCDP 10-1** Adhere to the principles of sustainable tourism and have regard to its current and future economic, social and environmental impacts on local infrastructure, sensitive areas and sites, water quality, biodiversity, soils, ecosystems, habitats and species, climate change.

**KCDP 10-2** Facilitate sustainable tourism development throughout the County and particularly in areas where tourism is currently underdeveloped and where there is a need for local tourism development initiatives including Greenways, Blueways, Peatways, Cycleways, Walkways and Marine Leisure.

**KCDP 10-22** Facilitate the development of the necessary tourism infrastructure, visitor attractions and supporting facilities at appropriate locations in the County in a manner that does not have an adverse impact on the locality, host community and environment.

**KCDP 10-24** Recognise the importance of universal accessibility to tourist services, facilities, and tourist sites and undertake enhancements to overall accessibility where appropriate in conjunction with key stakeholders and to ensure that information on these facilities are clearly promoted and publicised.

**KCDP 10-35** Promote and facilitate the sustainable development of outdoor activities including winter and adventure sports, in appropriate locations, such as walking, rambling, cycling, land and sea-based activities with specialised centres and facilities in association with Munster Technological University, Fáilte Ireland, National Trails Office, National Parks and Wildlife Service, Local Development Companies, Sport Ireland, Healthy Ireland, Local Development Companies, Kerry Education and Training Board and other relevant national and County based departments and agencies.

**KCDP 10-56** Support the provision of appropriately designed and located toilet and changing facilities at blue flag beaches in the county and at other locations subject to need assessment and environmental compatibility County Development Plan.

### **County Kerry Tourism Strategy & Action Plan 2016-2022 (KCC, 2016) and Kerry County Sustainable Tourism Strategy 2022-2025:**

- 5.3.3. The Tourism Strategy works to the principles of the National Tourism Policy as outlined in 'People, Place & Policy – Growing Tourism to 2025'. The Vision for Kerry Tourism is 'to maximise, in a sustainable manner, tourism's contribution to the quality of life, economy, employment and local community development, paying particular attention to nurturing and protecting the natural, built, cultural and linguistic heritage of the county.' Project 1.14.4 under the Wild Atlantic Way seeks to 'Develop a plan for the Improvement of facilities at Kerry's 14 no. Blue Flag beaches/marina, for the promotion of water sports and activities.'

### **Corca Dhuibhne Electoral Area Local Area Plan 2021-2027**

- 5.3.4. It is the policy of the Council to promote and develop niche tourism markets. Castlegregory and the Maharees have specific niche products which can further establish and position themselves, as niche tourism destinations such as camping, water-based activities/events, hillwalking, inland fisheries and sea angling. The further development of these niche activities has the potential to make a significant contribution to the economy of Castlegregory due to their diverse range and wide seasonality. The following objectives outline support for the proposal:

**CG-A-04** - Facilitate the development of public toilets and other public facilities at Maharabeg, appropriate locations in the village and surrounding area.

**D-B-02** - Support the provision of appropriately designed and located toilet and changing facilities at blue flag beaches in the electoral area and at other locations subject to need assessment and environmental compatibility.

**CG-OO-02** - Promote the sustainable development of ecotourism and other niche markets. Encourage the sustainable extension and diversification of tourist facilities at appropriate locations.

**CG-TM-01** Encourage the sustainable provision of an all-year-round tourism and recreational facility at an appropriate location

**CG-TM-05** Support the creation of a Blueway in Castlegregory and the Maharees to support sustainable tourism development in a sustainable manner.

## **Fáilte Ireland Dingle Peninsula Visitor Experience Plan**

5.3.5. A Dingle Peninsula Visitor Experience Development Plan (Dingle Peninsula VEDP) has been developed with the tourism industry and communities to create a platform for destination development to deliver on the mutual goals of all stakeholders. The overarching objectives of the Dingle Peninsula VEDP include providing motivational reasons for international tourists to visit and stay in the local communities throughout the Dingle Peninsula and increase the economic value generated by visitors to the destination. The project priorities include the development of a series of destination enabling projects which include the development of an Adventure Hub - Assess the creation of an Adventure Hub focus for the North Shore area on the Dingle Peninsula and development of a centre of excellence approach for experience provision in outdoor adventure.

## **6.0 Consultations**

6.1. The application was circulated to the following bodies:

- Department of Environment, Climate and Communications
- Department of Housing, Local Government and Heritage
- Inland Fisheries Ireland
- National Parks and Wildlife Service
- Waterways Ireland
- The Heritage Council
- Fáilte Ireland
- An Taisce
- Kerry County Council

## **6.2. Responses Received from Consultees**

6.2.1. Responses were received from Development Applications Unit, DoHLGH and Fáilte Ireland which are summarised hereunder.

## 6.2.2. Development Applications Unit, DoHLGH

6.2.2.1. The key points can be summarised as follows:

- The proposed shower/toilet block and water-sports facility is directly adjacent to Tralee Bay and Magharees, west to Cloghane Special Area of Conservation (SAC) (Site Code: 002070). The proposed development is also within sports-facility-user travel distance of the Magharee Islands Special Protection Area (SPA) (Site Code:004125) and adjacent to the Tralee Bay Complex SPA (Site Code:004188) and the Dingle Peninsula SPA (Site Code:004153).
- Regarding the above mentioned European Sites there are two concerns relating to the proposed development:
  1. The discharge by percolation of nutrients and shower chemicals to the adjacent beach and tidal waters: and
  2. The increased use of the surrounding areas by visitors facilitated by the development, in particular the adjacent shingle bank (used by breeding ringed plover), the offshore islands (which may have increased kayak and recreational traffic), and the surrounding dunes in the area.

It would be preferable if a wildlife management plan was developed in tandem with this facility, to ensure that users avoided sensitive habitats and species in the vicinity.

## 6.2.2.2. Fáilte Ireland

The key points can be summarised as follows:

- It is crucial that Ireland invests in compelling activity infrastructure to improve visitor experience and build the capacity of the activity providers. Given Ireland's temperate climate there is the opportunity to offer high quality outdoor experience.
- The quality of activity experience currently falls behind international standards due to a lack of adequate outdoor facilities.
- In April 2021 Failte Ireland announced €19 million euro investment to develop state of the art facilities for outdoor water-based activities, this was increased

to €28 million in 2023 and falls under the Government's Project Ireland 2040 strategy. This specifically targets 'platforms' or projects that have the potential to grow tourism throughout the year. These facilities are to be developed in partnership with local authorities.

- The funding will be used to build world class centres at locations across the country where water-based activities are a key visitor attraction and Maherabeg Beach is one of these locations.
- The project is supported by policy such as the National Tourism Policy entitled 'People, Place and Policy, growing Tourism to 2025' (March 2015). Fáilte Ireland is currently developing a Dingle Peninsula Visitor Experience Development Plan with a key aim to strengthen outdoor tourism. This plan seeks to maximise the local tourism potential through the development of platforms for growth facilities centre at Maherabeg Beach.
- Water and outdoor uses offer a strong opportunity for development in the Castlegregory area and there is the potential to offer more than what is currently the case i.e. 10 weeks in the year when businesses are open full time. This would also align with the Wild Atlantic Way Regional Tourism Development Strategy 2023-2027.
- Furthermore, the proposal would be consistent with local policy and objective KDP 10-56 of the Kerry County Development Plan 2022-2028.
- The concept is for a universal and standardised design approach to all water sports activity facility centres, adapted to suits individual location and site specification, as well as the surrounding environment and landscape. 20 of these buildings are proposed throughout Ireland in both coastal and inland locations.
- The scheme proposes that once constructed the facility will be owned and operated by the Local Authority.
- The Platforms for Growth approach is in line with the VICE Model for Sustainable Tourism Development and has also supported the development of environmental mitigation and monitoring that will be implemented during both development and operational phases of the facilities.

### 6.3. Public Submissions:

6.3.1. One public submission has been received from Billy Moyles on behalf of Mrs. Sandra Moyles of Maherabeg Beach. The key points can be summarised as follows:

- Similar facility centres are proposed for two other locations in County Kerry, namely Fenit and Ballybunion. There is a single generic design for all of the 22 facilities proposed across the country. At Magherabeg the proposed structure is to be located on a triangular plot of land fronting onto the beach. Mrs. Moyles shares a common boundary (northern) with the triangular block. At the northern end of the plot Mrs. Moyles' house is located less than 9m from the boundary.
- The proposed facilities building (showers, toilets etc.) is to be located along the northern boundary of the site very close to Mrs. Moyles' house. The generic design and position of the facility on the plot does not suit this site.
- The generic design appears to be based on the assumption that there would be no dwellings in close proximity. It is unclear if the designers of the facility knew that the structure located close by was in fact a dwelling, it is not marked on the drawings as such.
- No consideration was given to the impact of the proposal on Mrs. Moyles existing dwelling in particular in relation to the following:
  - Visual impact – the proposed structure does not fit into the surrounding environment.
  - Scale – the scale of the proposal is out of proportion when compared to the existing dwelling house to the north.
  - Dominance – the structure when viewed from Mrs. Moyles' site will read as very high and very long along her southern boundary. This will then appear to be very dark and overbearing and impact on the enjoyment of her property.
  - Noise – concerns regarding increased noise impacts as a result of proposed plant room and also concerns in relation to antisocial behaviour that the new facility will attract.

- Nuisance – new proposed access track along northern side of facility will increase chances of nuisance being caused by persons overlooking Mrs. Moyles’ property and possible trespassing.
- Traffic Hazard – Roadside boundary fence has not been set back sufficiently to provide on street parking. By virtue of the removal of a very considerable amount of available public car parking space people now visiting the area are more likely to park haphazardly and create a traffic hazard.
- Depreciation of amenity value of Mrs. Moyles’ house and also property value of house.
- The environmental studies do not preclude the locating of the facility somewhere else within the outlined plot. Recommends that the facility be located at the southern (narrow) end of the plot, set against the backdrop of the mountains to the south and remote from Mrs. Moyles’ dwelling.

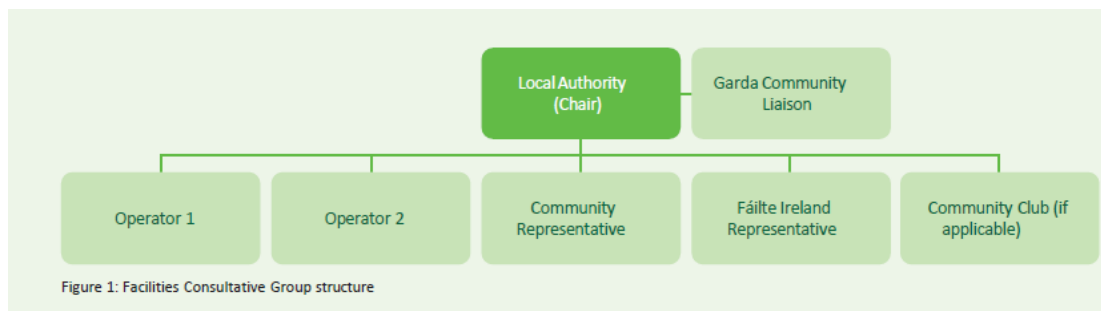
#### **6.4. Response of Applicant to Submissions**

6.4.1. The concerns raised in the submission received from Development Applications Unit, DoHLGH were issued as part of the Further Information request and have been addressed in Section 7.1 below, Further Information Sought and Response.

6.4.2. In relation to the submission by Mrs Sandra Moyles, the applicant highlights the following:

- In relation to the matters raised by the location of the facility, Kerry County Council have engaged consultants Malachy Walsh and Partners to undertake an assessment of the Magherabeg site to determine the optimum location for the proposed facility. This report was included in the initial planning application in Site Ownership and Selection section. They feel this assessment report addresses issues raised by the facilities proposed location.
- For matters on possible noise and nuisance from facility users, as part of the Facilities Operating Manual and Standard Operating procedures a Facilities Consultative Group will be established in advance of the facility opening to the public. This group will allow community representatives raise issues of noise

and nuisance if they occur for resolution. Refer to Section 3.4 Proposed Visitor Management Structure of the Visitor & Wildlife Management Plan.



## 7.0 Further Information Request and Applicants Response

### 7.1. Further Information Sought and Applicants Response

The Request to submit further information was issued on the 10th February 2025 - (Memo dated 29<sup>th</sup> January 2025). It set out the following 6 no points and the applicant's response (received on the 08<sup>th</sup> September 2025) are summarised underneath each respective point:

#### **Request no 1**

1. Ground Elevation levels are absent from the submitted site layout drawings and therefore it is not clear what the changing levels are and the differing levels between the site entrance and the disabled access ramp. Likewise with regard to the wastewater treatment plant, the relationship in level between the facility producing the Wastewater and the treatment facility receiving the wastewater is also not clear. While noted that the Wastewater Treatment System document does provide invert levels on the Cross Sections (23172 MWP 00 00 DR A 0420) on page 40/41, there is no way of cross referencing these with the actual ground levels.

There would appear to be discrepancies on some of the drawings submitted and inconsistencies between those drawings provided with the application and those contained within the submitted Natura Impact Statement (NIS).

The applicant is therefore requested to:

- i. Submit an updated site layout plan clearly showing all ground elevation levels and in addition the location of the proposed construction compound.
- ii. Confirm the extent of fencing to be provided on site and identify where gates/access points are to be provided along the perimeter fencing and elsewhere.
- iii. Identify each unlabelled structure/item shown on the submitted Proposed Water Services Drawing no, 23173-MWP-00-01-DR-C-0105 including items within the vicinity of the underground percolation area and those along the northeastern part of the site, in particular that which is to be connected to the proposed foul drain. The existing toilet block on site should be removed, and the updated site layout plan should reflect this.
- iv. Correctly identify the area where the proposed underground percolation system is to be located, this location should also be reflected on Drawing no. 23173-MWP-00-01-DR-C-0105 and referred to in an updated NIS. In addition, the NIS should be updated to include the most up to date version of drawing no. 23173-MWP-00-01-DR-C-0101.

### **Response to Request 1**

- (i) Ground elevation levels and the location of the proposed construction compound is provided in updated Drawing No 23173-MWP-00-01-DR-C-0100-P02 Proposed Site Layout.
- (ii) The extent of fencing to be provided on site and location of gates/access points is provided in updated Drawing No 23173-MWP-00-01-DR-C-0100-P02 Proposed Site Layout.
- (iii) Updated Drawing No 23173-MWP-00-01-DR-C-0105-P09 Proposed Drainage Layout addresses unlabelled structure/item previously shown on the submitted Proposed Water Services Drawing no. 23173-MWP-00-01-DR-C-0105 including items within the vicinity of the underground percolation area and those along the northeastern part of the site, in particular that which is to be connected to the proposed foul drain. This drawing also

reflects the previous existence of, and removal of the existing toilet block as well as new provision for similar and equal seasonal free-to-use facilities.

- (iv) The location of the proposed underground percolation system is shown in updated Drawing No 23173-MWP-00-01-DR-C-0105-P09 Proposed Drainage Layout. This information has also been included in the revised NIS. Refer to Document No. 25609-6004 25609-ZZ-ZZZ-RP-MWP-EC-6005.

### **Request no 2**

- 2. No information has been provided regarding the water quality of the discharge from the proposed wastewater treatment system in terms of the removal or reduction of nutrients and other chemicals that will be expected to be found in the wastewater. The Project Explanatory Report does not go into any specific detail on this. The following is therefore requested:
  - i. Details should be provided on the proposed quality of the discharge that the system can achieve and provide a summary of the key parameters and anticipated values.
  - ii. Using the information determined under point i. above, an evaluation of the impact of treated wastewater treatment system on the receiving water should be undertaken. This assessment should be undertaken by a competent professional and should also include an examination of the proposal in terms of compliance with the objectives of the Water Framework Directive (WFD). Details and results of this assessment to be submitted.

### **Response to Request 2**

- (i) MWP have reviewed and revised the Wastewater Treatment System Design. A detailed description of the proposed Wastewater Treatment System outlining updated design parameters and discharge quality is provided in MWP Document: 25609-MWP-ZZ-ZZ-RP-CE-6001-P01 Wastewater Treatment System Design Report.

The following provides a summary of the key parameters and the expected treated values.

	BOD (mg/l)	SS (mg/l)	COD (mg/l)	Total N (mg/l)	Total P (mg/l)
Secondary Treatment Standard	25	35	125	5	<3
Tertiary Treatment	5	5	25	5	<3

The revised Wastewater Treatment System also includes a raised percolation area which is designed in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. This ensures that there will be no direct discharge to the beach or tide.

See also attached updated Drawings:

- 23173-MWP-00-01-DR-C-0105-P09 (Proposed Drainage Layout)
- 23173-MWP-00-01-DR-C-0420-P02 (SBR treatment System Details)
- 23173-MWP-00-01-DR-C-1204-P02 (Proposed Treatment System Section)

As well as additional drawing:

- Drawing No 23173-MWP-00-00-DR-C-0103-P01 (Proposed Percolation Area Layout)
- (ii) An evaluation of the impact of treated wastewater from the treatment system on the receiving water including an examination of the proposal in terms of compliance with the objectives of the Water Framework Directive (WFD) is provided in MWP Document 25609\_ZZ-ZZZ-RP-MWP-EN-6002\_WFD Compliance Assessment. The overall conclusion of this WFD compliance assessment is that given the expected quality and volume of proposed treated water discharges there will be no risk of deterioration in status from the Project nor will it prevent of the achievement of the objectives for the relevant water bodies including bathing waters and protected area objectives.

### **Request no 3**

3. The Construction and Environmental Management Plan (CEMP) provided with the application is lacking in terms of detail on:

- Construction methodology detail for the proposed construction phase;
- Demolition/removal methodology for the septic tank;
- Waste management proposals during construction including detail on waste storage areas and the proposed construction compound; and
- Summary of mitigation proposals. Noting the ecological sensitivities of the adjacent designated site, this should include consistency with mitigation measures set out in the NIS.

The applicant is therefore requested to provide a more robust CEMP which as a minimum address the points raised above.

### **Response to Request 3**

MWP have prepared an updated and revised outline Construction Environmental Management Plan (OCEMP). Refer to MWP Document 25609-ZZ-ZZZ-RP-MWP-EN-6003 Outline Construction Environmental Management Plan (OCEMP). This document fully addresses the following requested information:

- Construction methodology detail for the proposed construction phase;
- Demolition/removal methodology for the septic tank;
- Waste management proposals during construction including detail on waste storage areas and the proposed construction compound; and
- Mitigation proposals which are consistent with mitigation measures set out in the revised NIS.

This document also addresses the request for a 'tailored CEMP', as referred to in Request 4ii below.

### **Request no 4**

4. The proposal appears to incorporate separate systems for wastewaters, grey waters and storm waters although there is a lack of consistency around this in the various documents submitted with the application.

The NIS refers to the Grey Water system throughout the document. An EPA definition of “Grey water” is water from your bath, shower, kitchen sink, washing machine and dishwasher (epa.ie).

Section 2.1.1 of the NIS refers to:

*A complete greywater system is to be installed as part of the proposed project consisting of soak pit, and filter drains for stormwater and greywater drainage.*

This suggests discharge of sink waters to a soak pit without any level of treatment. There are though multiple references to separate grey and wastewater systems. In Section 2, it refers to:

*The main operational waste will be wastewater (foul and grey water) which will be discharged to the Fenit Wastewater Treatment plant via the existing connection to the public sewer.*

In summary, there are several conflicting statements around wastewater and grey management in the NIS regarding the discharges from the site.

In addition, in Table 4.1 of the NIS, a tailored CEMP is referred to multiple times which suggests the NIS is relying on a document not yet prepared. There is no reference to this tailored CEMP included with the application.

The Applicant is therefore requested to:

- i. Provide clarification and consistency across all documents.
- ii. Provide a tailored CEMP to address those details referred to in the NIS.
- iii. Address those points previously raised under Request 1. Part iv of this FI request above in relation to any updates required to Drawing no. 23173-MWP-00-01-DR-C-0105 and Drawing no. 23172-MWP-00-01-C-0101.
- iv. Having regard to the above, the NIS should be updated accordingly (including potential impacts from the provision of a temporary construction compound).

In addition to the above issues, there are also concerns regarding access to the adjoining designated Natura 2000 sites, in particular beach access which is

facilitated from the subject site. Given that the facility would attract an increase in users and as a result increased visitors to the surrounding sensitive areas, a Visitor Management Plan is considered a necessary measure. The applicant is therefore requested to:

- v. Submit a Visitor Management Plan to address those concerns highlighted above.

The NIS should be updated accordingly to reflect the inclusion of those measures outlined in the Visitor Management Plan.

#### **Response to Request 4**

- (i) The updated civil services proposals clarifies the proposed treatment systems for foul effluent, and stormwater. It is not proposed to treat 'grey water' separately from foul effluent. All effluent from toilets, hot showers, sinks and the cleaners sink will be treated in the SBR unit treatment system. All stormwater runoff as well as saltwater washdown from the external coldwater showers will be directed to a separate soakaway. These proposals are now consistent throughout all drawings and revised supporting documents.
- (ii) An updated and revised outline Construction Environmental Management Plan (OCEMP) has been prepared. Refer to MWP Document 25609-ZZ-ZZZ-RP-MWP-EN-6003 Outline Construction Environmental Management Plan (OCEMP).
- (iii) The submitted drawings 23172-MWP-00-01-C-0101 and 23173-MWP-00-01-DR-C-0105 have been revised and are replaced by the following: Drawing No 23173-MWP-00-01-DR-C-0100-P02 (Proposed Site Layout) and Drawing No. 23173-MWP-00-01-DR-C-0105-P09 (Proposed Drainage Layout).
- (iv) An updated and revised NIS has been prepared. Please see MWP Document 25609-ZZ-ZZZ-RP-MWP-EN-6004 Screening for Appropriate Assessment Report and Natura Impact Statement. This document fully addresses the following requested information:

- coordination and consistency particularly wastewater and stormwater proposals as referred to above.
  - Coordinated references to the OCEMP.
  - Consideration of potential impacts from the provision of a temporary construction compound.
- (v) A Visitor and Wildlife management plan has been prepared in response to the concerns raised in item (v). See MWP Document 25607-MWP-ZZ-ZZZ-EC-6006 Visitor and Wildlife Management Plan. The NIS has included for all relevant measures outlined in the VMP.

The plan concentrates on elements that fall within the Council's ownership and control with particular attention to identifying and addressing manageable risks and opportunities for improved site management.

While lands outside the Council's jurisdiction — including adjacent private properties, commonage, the foreshore, shingle banks, dune systems, and offshore islands — are not within KCC's remit for direct management or control, the plan aims to educate visitors on the ecological sensitivity and importance of nearby natural habitats. Therefore, the plan adopts an approach centred on providing visitors with clear information and guidance through signage, information boards, and other communication tools. This not only will support responsible visitor behaviour but also raises awareness of the potential risks that visitor activity may pose to the surrounding environment.

In redeveloping the existing facilities, the proposed facility induction area will provide a space for awareness, education, community group meetings, operators induction etc.

Under the Fáilte Ireland Platforms for Growth investment scheme, Fáilte Ireland have prepared an '*Operating Manual and Standard Operating Procedures*' for scheme Facility Centres for Water Sports Activities in conjunction with participating Local Authorities, commercial water sports operators, water sports participants and in line with international and domestic best practice. This guidance provides a clear, detailed, and

comprehensive set of principles which outline how these facilities must be managed, maintained, and promoted over the course of their operational lifetime and cover aspects such as detailed maintenance and cleaning schedules, waste disposal, safety, sustainability, environmental protection, and monitoring (including of drainage systems and green roof). It also sets out 'Proposed Terms of Use' outlining agreements between Local Authorities and commercial operators which wish to avail of the facilities. In the event of non-compliance with these terms, commercial operators can be precluded from using the facilities.

In addition, a '*Facilities Consultative Group*' (or Operating Working Group) will be created in order to allow scope for stakeholder input and to ensure a smooth running of operations. This working group will comprise representatives from KCC, Fáilte Ireland, An Garda Síochána, local community and commercial operator groups.

The Maharees Conservation Association (MCA) has agreed to be part of this group and will widen the scope of its community and public engagement to include users of the proposed facility and to monitor visitor behaviour beyond the site boundaries in the wider Maharees area, to identify and to address, in conjunction with KCC and other partners, any unforeseen matters arising.

#### **Request no 5**

5. The Environmental Impact Assessment (EIA) Screening included with the application undertakes a preliminary examination of the proposal and states that the local authority 'shall carry out a preliminary examination of, at least, the nature, size or location of the development'. However, the submitted assessment does not follow this pattern. Instead a section is provided on 'Characteristics of the Plan or Project' which provides details on project description, construction methodologies, discharge volumes summary and a commitment to preparing a traffic management plan. The document also refers to a source-pathway-receptor approach to assessment, but such an examination is not provided.

The submitted Preliminary EIA Screening Assessment also states in the Table in Section 2 Project Description and Context;

*'The main operational waste will be wastewater (foul and grey water) which will be discharged to the Fenit Wastewater Treatment plant via the existing connection to the public sewer'*. Conflict with this statement is noted in other submitted documents.

Also it is noted that Section 3 states the following *'The nearest sensitive ecological receptors are the Natura 2000 sites and significant effects on same have been ruled out with certainty (refer to the AA Screening Report prepared)'*, this statement is incorrect as significant effects were determined at AA Screening stage and therefore a NIS was required to investigate these effects further.

Given the ambiguity with the Preliminary EIA Screening Assessment submitted and also with respect to all further information requested by the board, it is recommended that the applicant undertake a revised EIA Screening Assessment in accordance with Article 120 of the Planning and Development Regulations 2001 (as amended ) providing a clear examination of the nature, scale and location of the development in accordance with various published guidance. As stated, the Preliminary Examination should also be updated to reflect the additional information provided by way of the FI response.

### **Response to Request 5**

MWP have prepared a revised Environmental Impact Assessment Screening Report. See MWP Document No. 25609-ZZ-ZZZ-RP-MWP-EN-6004. This assessment has been undertaken in accordance with Article 120 of the Planning and Development Regulations 2001 (as amended). In undertaking the screening assessment regard was also had to the following guidance documentation:

- Department of Housing, Planning and Local Government (August 2018) Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment;

- Department of the Environment, Heritage and Local Government (August 2003), Environmental Impact Assessment (EIA) Guidelines for Consent Authorities regarding Sub-threshold Development;
- Environmental Protection Agency (2022) Guidelines on the Information to be contained in Environmental Impact Assessment Reports;
- European Commission (2017) Environmental Impact Assessment of Projects. Guidance on Screening.
- European Commission (2024) Interpretation of definitions of project categories of Annex I and II of the EIA Directive.
- Schedule 7 of the Planning and Development Regulations 2001 (as amended)

The EIA screening assessment concludes that having considered the proposed development, and the types of potential impacts and effects it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA is not required in this instance.

#### **Request no 6**

6. The applicant is invited to respond to the various matters raised in the submissions received by the Board. In particular, the Applicant is requested to provide additional information and address the following concerns from the Department of Housing, Local Government and Heritage in relation to:
  1. The discharge by percolation of nutrients and shower chemicals on to the adjacent beach and tidal waters.
  2. The increased use of the surrounding areas by visitors facilitated by the development, in particular the adjacent shingle bank (used by breeding ringed plover), the offshore islands (which may have increased kayak and recreational traffic), and the surrounding dunes in the area.
  3. It would be preferable if a wildlife management plan was developed in tandem with this facility to ensure that users avoided sensitive habitats and species in the vicinity. Please submit details of this plan and timelines for delivery of same.

## **Response to Request 6**

### 1. Treated Wastewater Discharges:

The proposed wastewater treatment system has been designed for the site physical and usage parameters and is considered sufficient to achieve a very high level of treatment of the proposed wastewater and to safeguard the receiving environment. The use of a raised percolation area will ensure there will be no direct discharge to the beach or tide and that tertiary level treatment of effluent will be achieved prior to discharge to ground.

A detailed description of the proposed Wastewater Treatment System and discharge quality is provided in MWP Document: 25609-MWP-ZZ-ZZ-RP-CE-6001-P01 Wastewater Treatment System Design Report.

### 2. Visitor Management

A Visitor and Wildlife management plan has been prepared in response to the concerns raised by the Department. See MWP Document 25607-MWP-ZZ-ZZZ-EC-6006 Visitor and Wildlife Management Plan

As stated in response to Item 4(v) of the further information request, the plan concentrates on elements that fall within the Council's ownership and control with particular attention to identifying and addressing manageable risks and opportunities for improved site management.

While lands outside the Council's jurisdiction — including adjacent private properties, commonage, the foreshore, shingle banks, dune systems, and offshore islands — are not within KCC's remit for direct management or control, the plan aims to educate visitors on the ecological sensitivity and importance of nearby natural habitats. Therefore, the plan adopts an approach centred on providing visitors with clear information and guidance through signage, information boards, and other communication tools. This not only will support responsible visitor behaviour but also raises awareness of the potential risks that visitor activity may pose to the surrounding environment.

In redeveloping the existing facilities, the proposed facility induction area will provide a space for awareness, education, community group meetings, operators induction etc.

Under the Fáilte Ireland Platforms for Growth investment scheme, Fáilte Ireland have prepared an '*Operating Manual and Standard Operating Procedures*' for scheme Facility Centres for Water Sports Activities in conjunction with participating Local Authorities, commercial water sports operators, water sports participants and in line with international and domestic best practice. This guidance provides a clear, detailed, and comprehensive set of principles which outline how these facilities must be managed, maintained, and promoted over the course of their operational lifetime and cover aspects such as detailed maintenance and cleaning schedules, waste disposal, safety, sustainability, environmental protection, and monitoring (including of drainage systems and green roof). It also sets out 'Proposed Terms of Use' outlining agreements between Local Authorities and commercial operators which wish to avail of the facilities. In the event of non-compliance with these terms, commercial operators can be precluded from using the facilities.

In addition, a '*Facilities Consultative Group*' (or Operating Working Group) will be created in order to allow scope for stakeholder input and to ensure a smooth running of operations. This working group will comprise representatives from KCC, Fáilte Ireland, An Garda Síochána, local community and commercial operator groups.

The Maharees Conservation Association (MCA) has agreed to be part of this group and will widen the scope of its community and public engagement to include users of the proposed facility and to monitor visitor behaviour beyond the site boundaries in the wider Maharees area, to identify and to address, in conjunction with KCC and other partners, any unforeseen matters arising.

### 3. Wildlife Management Plan

Refer to response to Item 2 above.

## 7.2. Further Consultation

It was determined that the further information received was significant (Memo dated 15<sup>th</sup> December 2025) and therefore it needed to be re-advertised and re-circulated. The application was re-advertised/re-circulated by the applicant with a closing date for submissions/observations of the 06<sup>th</sup> March 2026. No submissions/observation were received.

## 8.0 EIA Screening

- 8.1. The proposed development is described as a Shared Community Facility project comprising a facility centre for water-based activities and includes a building to accommodate showers and toilet facilities, including accessible facilities, at a coastal location, which is already in use as an amenity area that facilitates water-based activities and visitor parking facilities. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirements for EIA therefore arise and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 4 of report.
- 8.2. Notwithstanding the above, it should be noted that a Preliminary EIA Screening Assessment (dated 01<sup>st</sup> November 2023) was prepared on behalf of Kerry County Council and accompanied the submission of the initial application. This assessment did not specify which sub-threshold category the development was considered under but did state under Section 3 that it is a small-scale project and is significantly below the mandatory thresholds for construction projects. However, the Preliminary EIA Screening Assessment included a number of ambiguous and inaccurate statements, and therefore the Further Information request sought clarity on this issue (see point no. 5 of the RFI request above).
- 8.3. In response the applicant submitted a revised Environmental Impact Assessment Screening Report dated August 2025. The assessment sets out that the proposed shared community facilities are not of a development type specifically listed in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 (as amended) and is therefore not of a prescribed class of development listed in the Regulations requiring mandatory EIA. Elements of the proposed development however may be regarded as a class of activity within Part 1 and Part 2 of the regulations but fall below any of the thresholds for which an EIA is mandatory. The assessment sets out that for robustness the proposed development is assessed as a sub-threshold development using the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended). It considers the potential impacts of

the project having regard to the size of the development, its location, as well as the types and characteristics of potential impacts.

- 8.4. I note the conclusions of the EIA Screening which considers that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA is not required. The statement outlines that the proposal is substantially below relevant mandatory EIA thresholds, the development is not of a scale that would introduce significant or complex environmental effects and there are no potential cumulative or in-combination effects likely to arise.

## 9.0 **Assessment**

- 9.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment,
- The likely consequences for the proper planning and sustainable development of the area,
- The likely significant effects upon a European Site.

The structure of this report follows the above three topics. This report addresses the above topics, as required, hereunder.

- 9.2. A number of new and updated documents were submitted by the applicant in response to the Further Information Request. My assessment is based on the new/revised documentation where applicable. These include:

- A new Screening for Appropriate Assessment (AA) and NIS prepared by Malachy Walsh and Partners (MWP).
- A WFD compliance assessment.
- A Visitor and Wildlife Management Plan.
- Updated and revised outline Construction Environmental Management Plan (OCEMP).
- A revised Environmental Impact Assessment Screening Report.
- A revised Wastewater Treatment System Design which includes a raised percolation area.

9.3. A Specialist Report on the response to the Further Information request and the acceptability of the proposed development from an environmental perspective, prepared by Mr. Emmet Symth, Environmental Scientist of the Inspectorate's Environmental Team is appended to this report (see Appendix 1). My assessment below includes reference to the Specialist Report prepared by the Mr. Symth, Environmental Scientist.

#### 9.4. **The likely effects on the environment**

9.4.1. I consider the main environmental effects (other than those which are considered under Appropriate Assessment) can be addressed under the following headings:

- Biodiversity
- Construction Impacts
- Flooding
- Wastewater/Water Quality
- Visitor Management Plan

##### Biodiversity

9.4.2. It is noted in the submitted documentation and the surveys completed to inform the new Screening for Appropriate Assessment (AA) and NIS received as part of Further Information that the location of the proposed facility building is on what is classified as GA2 Amenity Grassland (improved) with little biodiversity value, and on land which is used as an unofficial car park with high levels of anthropogenic activity ongoing in the area. I therefore consider the habitats within the site boundary to be of low ecological importance and sensitivity. I note the potential for impacts on the adjoining SAC and SPA and this is discussed in greater detail in Section 9.6 of this report – Appropriate Assessment. In particular it is worth noting the adjoining nearby Marram Dune (CD2) and Fixed Dune (CD3) habitats to the north and northeast of the subject site.

9.4.3. Rock armour separates the existing site/car park area from the beach or Sandy Shore (LS2). Access onto the beach from the amenity area is currently via two man-made concrete and paving stone ramps which dissect the rock-armour revetment. The most

northly ramp is to be upgraded as part of the proposal to provide universal beach access and works will be confined to the footprint of the existing ramp, avoiding sensitive adjoining habitats. No invasive species were observed on my site visit and I note that none were recorded in the survey results submitted.

- 9.4.4. No signs of use of the proposed project site by badger, otter, bats or any amphibians and reptiles, including for the natterjack toad (*Bufo calamita*) which is known from the Maharees Peninsula, were recorded during the multidisciplinary ecological walkover survey. This is expected considering the high levels of disturbance and low ecological value of the proposed project site, and the lack of habitats and ecological complexity in general within the proposed project site.
- 9.4.5. Winter bird surveys were conducted for the proposed project site to inform the Natura Impact statement (NIS). The Maharees and Tralee Bay are internationally important for wintering populations of several bird species with several wader and waterbird species, some of which comprise SCIs for nearby Natura 2000 sites recorded. The species recorded during winter bird surveys are set out in Section 3.2.3.5 in the NIS received as part of the Further Information response. Observations of SCIs recorded comprised oystercatchers (*Haematopus ostralegus*), black-headed gulls (*Chroicocephalus ridibundus*) and turnstones (*Arenaria interpres*) foraging in grassland just north of the proposed site. Cormorants (*Phalacrocorax carbo*) were observed foraging in the shallow waters offshore, and in the wider area. Black-headed Gull, Oystercatcher, and Herring Gull were observed roosting in the Magherabeg Beach area, all these roosting areas are removed from the site itself.
- 9.4.6. In relation to the access to the beach, it is noted in the submitted documentation that at present visitors access the beach from the car park via existing pathways. While pathways are evident, it is noted also that people can trample through the SAC to get to the water/beach. Mitigation measures are proposed in the NIS to manage existing visitors and encourage visitors to be cognisant of the sensitive nature of coastal habitats to impacts such as from trampling and erosion, direct visitors away from sensitive areas and encourage appropriate behaviours and activities, such as sticking to designated walkways and boardwalks and avoiding trampling of vegetation.

### Construction Impacts

- 9.4.7. In response to the Further Information request the applicant submitted an updated and revised outline Construction Environmental Management Plan (OCEMP). The plan sets out a comprehensive suite of mitigation measures detailing construction best-practice and house-keeping which will protect the shoreline and sensitive habitats from inappropriate discharges. Mitigation is set out in relation to surface water runoff and excavation management, fuel and oils management, management of concrete, dust and air quality controls, noise and waste management. I am satisfied that the implementation of the CEMP mitigation measures will ensure that significant adverse impacts will not arise on any surrounding sensitive habitats.

### Flooding

- 9.4.8. All works will be undertaken above the high-water mark. The OPW flood maps indicate that the site is not at risk of coastal flooding and is in an area that has a 0.1% Annual Exceedance Probability (AEP) or 1-in-1000 year probability of flooding based on mid-range future climate predictions. I am satisfied the project is not particularly vulnerable to flooding.

### Wastewater/Water Quality

- 9.4.9. Maherabeg beach is currently serviced by a prefabricated toilet block unit located in the north west corner of the site. This block is connected to an existing septic tank and percolation area/soak away. I note that there is no public sewer network in the area and therefore KCC proposes to replace the existing treatment system with a new waste-water treatment system to cater for all wastewater from the proposed new facility.
- 9.4.10. The Further Information request (Points no 2, 4 and 6) as well as the report from the Department of Housing, Local Government and Heritage raised a number of concerns in relation to the quality of the discharge from the proposed wastewater treatment system and sought clarity in relation to the treatment of foul effluent and stormwater. In response the applicant submitted a revised Wastewater Treatment System Design which includes a raised percolation area and clarified that all effluent from toilets, hot

showers, sinks and the cleaners sink will be treated in the Sequencing Batch Reactor (SBR) treatment system. The toilets, changing rooms and hot showers in the proposed facility will be provided on a cost-per-use basis. In addition, an apron for free to use seasonal temporary toilet facilities with connection to the wastewater treatment plant is also to be provided and is shown on the site layout plan submitted as part of the further information.

9.4.11. All stormwater runoff as well as saltwater washdown from the external coldwater showers will be directed to a separate soakaway. The proposed soakaway is located adjacent to the public road and is 100m<sup>2</sup> x 07m deep with an effective volume of 24.5m<sup>3</sup>.

9.4.12. A Wastewater Treatment System Design Report prepared by MWP has been submitted by the applicant in response to the further information request. The revised system has a population equivalent capacity of 50 and the treated wastewater will discharge to a raised percolation area within the site. The report sets out that while the p.e. requirement for the proposed SBR is nominally for 50 p.e, the fact that it includes a Primary Chamber as well as the Flow Buffer Tank means that it will settle out the gross solids before they enter the SBR section of the process thereby reducing the pollution load to the SBR. This gives an extra safety factor to the system. In addition, the report notes that the reason the percolation area is raised is to ensure that the percolation pipes and media are above Astronomical High Tide, by the depth required under the EPA Code of Practice for Domestic Waste Water Treatment Systems 2021, thus ensuring full treatment at all times. The use of a raised percolation area means that there will be no direct discharge to the beach or tide.

9.4.13. I also note that the increased capacity of the proposed wastewater treatment plant to a population equivalent of 50, will bring the groundwater discharge within the remit of Section 4 of the Local Government (Water Pollution) Act, 1977, as amended requiring a Local Authority discharge licence as it would exceed the threshold of 5m<sup>3</sup> in any 24 hour period. In this regard I note that it is the responsibility of the developer or operator to obtain any necessary discharge consent where applicable.

9.4.14. Having regard to the Internal Specialist Report prepared by Mr Emmet Smyth, Environmental Scientist, he sets out that the general details as outlined in the SCR are in line with his own desk top study of the site geology and hydrogeology. The trial

hole logs refer to water table encountered at 1600mm BGL and 1400mm BLG which would correlate with the difference in level between the site and the sea level. Essentially this means that there is 1600mm and 1400mm in respectively of unsaturated material that can be used for the attenuation and disposal of effluent in the two areas assessed. Subsurface and surface percolation are as expected and will adequately attenuate the effluents generated for a sufficient time to treat the effluent via polishing through the soil and subsoil layers.

- 9.4.15. Mr Smyths report concludes that he is satisfied that the wastewater and the discharge will not impact on the attainment of the objectives of the Water Framework Directive nor will it lead to any deterioration in status of waters local to the subject development
- 9.4.16. Overall I am in agreement that the in-situ ground conditions will be able to adequately attenuate and dispose of the effluent in a manner so as not to impact on the condition of waters locally.

#### Visitor Management Plan

- 9.4.17. In response to Point 6 of the Further Information Request and specifically to concerns raised by the Department of Housing, Local Government and Heritage, a Visitor and Wildlife Management Plan (VWMP) was submitted by the applicant. The applicant sets out that the VWMP has been informed by the matters outlined in the Further Information request, submissions and observations received, the environmental reports previously prepared as part of this application and by the results of a breeding plover survey undertaken in 2025.
- 9.4.18. The primary purpose of the VWMP is to set out measures to protect habitats and species in the surrounding area which may be sensitive to impacts arising as a result of a potential increase in visitor numbers or increased seasonal usage as a result of the proposed beach facility. The plan sets out that the actions related to visitor and wildlife management have been incorporated into the Natura Impact Statement (NIS).
- 9.4.19. The plan details that the subject site is under the ownership of Kerry County Council, however the surrounding lands including adjacent private properties, commonage, the foreshore, shingle banks, dune systems, and offshore islands, are not within KCC's remit for direct management or control. Existing and potential future visitor management issues at the site and environs are considered to comprise primarily to

disturbance to wildlife, deterioration/degradation of terrestrial habitats and increased litter.

- 9.4.20. The VWMP aims to educate visitors on the ecological sensitivity and importance of nearby natural habitats. Tailored, uniform biodiversity signage and interpretation facilities, including on-site notice/interpretation boards, will be installed at various locations within the site for the operational phase of the project. The purpose of the signage is to educate visitors on habitats and species occurring in the area, encourage visitors to be cognisant of the sensitive nature of coastal habitats to impacts such as from trampling and erosion, direct visitors away from sensitive areas and encourage appropriate behaviours and activities, such as sticking to designated walkways and boardwalks, avoiding trampling of vegetation, and disposing of all rubbish appropriately. Signage will aim to educate visitors as to the sensitivity of otter and bird species to disturbance, in particular during certain periods, such as breeding, or when foraging or roosting on-land. Signage will educate visitors on the importance of keeping dogs on leads and the 'Leave No Trace' principles.
- 9.4.21. In addition, an 'Operating Manual and Standard Operating Procedures' for the facility in accordance with Fáilte Ireland Platforms for Growth investment scheme guidance will be prepared. This will include the creation of a Facilities Operating Working Group and will comprise representatives from KCC, Fáilte Ireland, an Garda Síochána, local community and commercial operator groups, including the Maharees Conservation Association (MCA). In addition, commercial operators/providers who sign up to use the facility will be required to outline, as part of their induction talks, the environmental sensitivities and responsible recreational behaviour.
- 9.4.22. Overall the plan adopts an approach centred on providing visitors with clear information and guidance through signage, information boards, and other communication tools. This not only will support responsible visitor behaviour but also raises awareness of the potential risks that visitor activity may pose to the surrounding environment. I am satisfied with this approach and note that the effectiveness of education and initiatives such as signage are an effective approach for passively managing human behaviour and tourism in natural resource settings such as Magherabeg Beach and wider Maharees.

## Conclusion

9.4.23. Having regard to all of the above, the predicted impacts of the works on the environment would be temporary and short term. The proposed development would be located within an amenity area which is already accessible to the public, and the measures set out in the VWMP aim to educate visitors on the ecological sensitivity and importance of nearby natural habitats. No significant adverse impacts on biodiversity are anticipated, subject to the implementation of water quality protection measures during the construction and operational phases and other relevant mitigation measures outlined under the CEMP and those outlined within the NIS which is discussed in greater detail under Section 9.6 below.

### **9.5. The likely consequences for the proper planning and sustainable development of the area:**

9.5.1. I consider the likely consequences for the proper planning and sustainable development of the area can be addressed under the following headings:

- Principle of development
- Design, layout and impact on adjoining property
- Traffic and parking
- Depreciation of value of adjoining property

#### Principle of development

9.5.2. The background to the proposed development is that it forms part of Fáilte Irelands “Platforms for Growth” capital investment programme for Local Authorities, designed to support and improve facilities for visitor experience throughout Ireland. Fáilte Ireland initially conducted a spatial mapping exercise to identify potential priority locations within the County and suitable sites for the development of an Activity Facility Centre. These sites then went through a further short-listing process, as well as industry and local authority engagement and an examination of environmental constraints.

9.5.3. The purpose of the proposed development is to consolidate and improve the existing water-based facilities and amenity offering in the area with the provision of this block

of changing/shower and WC facilities to support local visitors and local commercial water sports operators. I note this is a popular tourist and local amenity location with an established range of water-based activities and amenities in place currently with beach access and car parking currently provided onsite. I am satisfied that the applicant has provided adequate background information to justify the need for the proposed Activity Facility Centre which will enhance the recreation and tourism facilities and offering in the area.

- 9.5.4. The site is highly accessible being located immediately adjacent to the Maharees Road. The proposed development will be managed by the Local Authority, and it will therefore effectively be a public facility that will be open for use by independent visitors as well as those using equipment/engaged in courses being supplied by commercial operators.
- 9.5.5. I consider that the proposed development supports and enhances the tourism and leisure potential of the area, while promoting accessibility, and therefore in my opinion the principle of the proposed development is consistent with the policy provisions of the County Development Plan and Corca Dhuibhne Electoral Area Local Area Plan 2021-2027, in particular Objective CG-A-04 of the Local Area Plan which seeks to *'Facilitate the development of public toilets and other public facilities at Maharabeg, appropriate locations in the village and surrounding area.'*
- 9.5.6. I note the sensitive location of the site within the context of the Tralee Bay Complex SPA and the Tralee Bay and Magharees Peninsula, West to Cloghane SAC, and the protection for same afforded under the Habitats Directive and also policies outlined within the development plan and the local area plan. Environmental matters, biodiversity and protection of designated sites are discussed in further detail in Section 9.4 and 9.6 respectively, however in summary, I consider that the proposed development is sensitively sited within a managed amenity area that is already catering for a range of water-based activities. In this regard, I consider it compliant with the tourism policies of the County Development Plan.

#### Design, Layout and Impact on Adjoining Property

- 9.5.7. The design of the proposed building consists of an open structure with passive supervision with views through from all sides of the structure and views onto the beach

from the front of the facility. The proposal is designed with a monopitch roof and permeated façade elements which allow it to blend into the site and surrounding landscape. The building design incorporates a green roof which will also assist in blending the structure in with the surrounding dunes and vegetation.

- 9.5.8. The Options Report dated September 2022 states that the position of the structure on site was chosen to ensure the least impact on views to the beach from the roadside and the caravan park across the Maharees Road, and also any private residences in the area. I note the public submission received on the application disputes this fact and raises concerns in relation to visual impact, scale and dominance. In response to the submission received the applicant highlights that an assessment to determine the optimum location for the proposed facility was submitted with the initial application and they feel this assessment report addresses the issues raised by the facilities proposed location.
- 9.5.9. The submitted Options Report states that the existing and surrounding structures were considered during the site selection. It also states that the existing views from the private dwelling adjacent to the site were a central consideration. The existing dwelling house which is located circa 14m northeast of the proposed structure has a height of circa 6.5m with the proposed structure to have a height of circa 5m at its highest point. The height of the roof of the proposed structure varies with the northern portion of the structure, which is closest to the existing dwelling house at a proposed height of circa 4m. I would not consider that the height of the structure would be overbearing when assessed against the height of the residential house.
- 9.5.10. In addition, I note that the positioning and orientation of the proposed building were given careful consideration in the submitted Options Report with five different locations on the site considered. The chosen option proposes the structure to be positioned at an angle with its long facades southeast and northwest, this angle will lessen the overall impact on the surrounding amenities, as well as its placement within the existing routes and paths going through the site. This placement also allows for accessible parking and ramped access from the public footpath and main pedestrian zones to the facility without necessitating any movement across the larger site thus ensuring pedestrian safety. Having considered the aforementioned, orientation, overshadowing of adjoining structures and land uses I am satisfied that the positioning of the proposed development will not result in significant impacts on adjoining

properties. In addition, there will be no major visual impact from the road and the caravan park to the site and beach beyond as the development is removed from the beachfront.

- 9.5.11. Concerns in relation to noise and nuisance from the proposed development have also been raised in the public submission received. In the site layout plan submitted in response to the Further Information request the existing public toilets at the northwestern corner of the site are to be removed. A bin store/plant room and an apron for seasonal temporary toilet facilities with connection to the proposed wastewater treatment system are provided at this general location. I am satisfied that the proposed location of the bin store/plant room and the pedestrian access track in proximity to northern site boundary are of a sufficient distance not to impact the dwelling to the north. I note that there is an existing established hedge located along the front (southern) boundary of the aforementioned dwelling house which provides screening and separation from the subject site and proposed structures. However, I would recommend that if the Commission were minded to grant permission, a condition that the bin store be suitably roofed be attached to any grant of permission.
- 9.5.12. In addition, the applicant sets out in the response to public submission received that a Facilities Consultative Group will be established in advance of the facility opening which will allow community representatives raise issues of noise and nuisance if they occur for resolution. I am satisfied with this approach.

#### Traffic and Parking

- 9.5.13. Parking on site is currently uncontrolled, unsurfaced and unmanaged. KCC states that the parking regime works reasonably well apart from the busier summer weekends during the year. The Council have stated that they do not intend to formalise or control parking beyond current constraints. The proposal is to be located near the northern existing entrance to the site to avoid the need for extensive roadway/disability access provisions deep into the site. The location was also proposed to ensure that the implementation of the beach facility will cause minimal impact to existing traffic behavior. I also note that the area surrounding the proposed percolation area is to be fenced off which I consider necessary and appropriate. Overall, the provision of timber fencing and retractable bollards for vehicular access through the site will ensure that

visitors using the facility and accessing the beach/water sports areas avoid mixing with vehicular traffic.

9.5.14. Existing rough sand paths are located on site, as well as a stretch of tar chip road through the centre of the site and also at both the northern and southern entrances/exits. The site layout plan shows two new proposed accessible car spaces to the immediate west of the proposed facilities building. These two spaces are the only two delineated spaces on site and as stated previously the remainder of the site is to remain with the informal parking layout.

9.5.15. Traffic hazard and parking concerns were also raised in the public submission received on file with the observer stating that the roadside boundary fence has not been set back sufficiently to provide on street parking and that by virtue of the removal of a very considerable amount of available public car parking space people now visiting the area are more likely to park haphazardly and create a traffic hazard. I note the timber fencing along the western boundary of the site which borders the Maharees Road and I note that the council do not propose any change to this situation. While I understand that the proposed facility if constructed would result in the loss of a certain amount of car spaces on site, I do not consider this loss will result in any greater demand for on street parking. I also note that further north along the Maharees Road there are wide roadside verges where car park informally during busy periods. In conclusion I am therefore satisfied that the proposed development would not cause a traffic hazard as a result of its development.

#### Depreciation of value of adjoining property

9.5.16. I note the concerns raised in the public submission received in respect of the devaluation of the value of their property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

## Conclusion

9.5.17. While environmental matters are discussed in detail in Sections 9.4 above and 9.6 below, in summary, I consider that the proposed development is sensitively sited within a managed amenity area that is already catering for a range of water-based activities. In this regard, I consider the proposed development complies with the relevant provisions of the operative County Development Plan and in particular those policies and objectives outlined within the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 as outlined under Section 5 of this report, and is therefore consistent with the proper planning and sustainable development of the area, and accordingly I am of the opinion that the proposed development is appropriate in principle at this location.

### **9.6. The likely significant effects on a European site:**

9.6.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

#### **Compliance with Articles 6(3) of the EU Habitats Directive:**

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

#### **The Natura Impact Statement**

9.6.3. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. As stated above in Section 7, the NIS was revised on foot of a request for further information. This assessment is based on the new NIS prepared by Malachy Walsh and Partners and submitted as

part of the applicant's response to the Further Information request. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

9.6.4. The NIS was informed by the following studies, surveys and consultations:

- A desk top study.
- Habitat surveys of the proposed site and surroundings carried out between August 2020 and April 2021 with follow up surveys carried out in July 2025 and
- A winter bird assessment (6-month survey period from October 2020 to March 2021) to determine site usage by qualifying species from nearby SPA's
- Outline CEMP

9.6.5. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not undermine the conservation objectives or have an adverse effect upon the integrity of any European sites (the Natura 2000 network) during the construction or operational phases of the project, either alone or in-combination with other plans/projects.

9.6.6. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

## **Appropriate Assessment**

### Stage 1 - Screening for Appropriate Assessment

- 9.6.7. I have had regard to submissions in relation to the potential impacts on European sites. Appendix 2 attached to this report sets out a detailed screening for AA and should be read in conjunction with this section of my report.

### AA Screening Conclusion

- 9.6.8. 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 it is not possible to exclude that the proposed development alone will give rise to significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) in view of the site's conservation objectives. Appropriate Assessment is required.
- 9.6.9. This determination is based on:
- Due to the overlap with and immediate proximity of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA, potential impact pathways have been identified for both habitats and species during both the construction and operational phases of the project.
  - During the operational phase, were a sufficient level of treatment not achieved for wastewater prior to discharge to ground in close proximity to the shoreline it could give rise to some degree of indirect ground or surface water impacts and therefore affect the wetland and coastal habitats of the SPA and SAC, as well as indirectly affecting the species that utilise these habitats, by reducing habitat quality and suitability.
  - Increased human activity/footfall/access during the operational phase could result in a deterioration of sensitive designated habitats.
- 9.6.10. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

## Stage 2 – Appropriate Assessment

- 9.6.11. The submitted NIS identifies the potential for negative effects upon the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) as a result of the proposed development and I concur that an Appropriate Assessment (AA) of the proposed development is required with respect to these aforementioned European sites.
- 9.6.12. Appendix 3 of this report sets out the detailed consideration of potential effects upon the aforementioned European sites as part of an Appropriate Assessment for this proposed development. The site-specific conservation objectives and species of conservation interest for the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) are set out in Appendix 3. The AA determination is set out below.

### AA determination – Conclusion

- 9.6.13. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 9.6.14. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 9.6.15. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.6.16. My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the maintenance, attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125.)

## 10.0 Recommendation

10.1. I recommend that the Commission approve the proposed development, for the following reasons and considerations and subject to the conditions set out below.

### DRAFT ORDER

## 11.0 Reasons and Considerations

11.1. In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

And in coming to its decision, the Commission had regard to the following:

(a) European Union legislation including in particular:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended,
- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

(b) National Legislation including in particular:

- Section 177AE of the Planning and Development Act 2000 (as amended) which sets out the provisions in relation to local authority projects which are subject to Appropriate Assessment (AA).

(c) National, Regional Policy and Guidance in particular:

- Project Ireland 2040 National Planning Framework, First Revision 2025 which supports tourism and the sustainable development of the maritime economy (NPO 34 and NPO 49),
- National Marine Planning Framework which supports sports and recreation in the coastal and marine environment (Sports and Recreation Policy 1, 3 and 4),
- Regional Spatial & Economic Strategy for the Southern Region 2020-2032 which seeks to support tourism development RPO 53 and 54, as well as growth of the marine economy in RPO 76 and RPO 80, and
- Irelands 4<sup>th</sup> National Biodiversity Plan 2023-2030.

(d) Local Planning Policy including in particular:

- The provisions of the Kerry County Development Plan 2022-2028.

- The provisions of the Corca Dhuibhne Electoral Area Local Area Plan 2021-2027.

(e) The following matters:

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character of the area,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the Natura Impact Statement dated September 2025 prepared by Malachy Walsh and Partners (MWP)
- the submissions and observations made to An Coimisiún Pleanála in connection with the application,
- the further information response received from the applicant on the 08<sup>th</sup> September 2025,
- the report and recommendation of the Inspector as well as the specialist environmental report for the Commission relating to same.

### **Appropriate Assessment Stage 1:**

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Sites for which there are potential for significant effects are the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands

SPA (004125). The Commission concluded, in agreement with the Inspector, that Appropriate Assessment is required for those European Sites.

### **Appropriate Assessment Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the conservation objectives for the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125). The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment. In completing the assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in view of the Site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not pose a risk to water quality, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 31st day of May 2024 as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of September 2025, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the Natura Impact Statement dated September 2025 and prepared by Malachy Walsh and Partners (MWP) shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

**Reason:** To protect the integrity of European Sites.

3. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures set out in the NIS. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

**Reason:** In the interests of nature conservation and biodiversity

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

5. The bin store shall be suitably roofed and ventilated.

**Reason:** In order to protect the residential amenities of property in the vicinity and in the interest of protecting the environment.

6. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

**Reason:** In the interests of nature conservation and mitigating ecological damage associated with the development.

7. The wastewater treatment system and raised percolation area hereby permitted shall be installed and maintained in accordance with the details received on the 08<sup>th</sup> September 2025 and shall be in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021.

**Reason:** In the interest of public health and to prevent water pollution

8. All stormwater as well as saltwater washdown from the external coldwater showers shall be conveyed to the proposed stormwater soakpit in accordance with the details received on the 08<sup>th</sup> September 2025.

**Reason:** To prevent water pollution

9. Prior to commencement of works, the local authority, or any agent acting on its behalf shall prepare a final Construction Environmental Management Plan, which shall be adhered to during construction. This plan shall reflect all required mitigation for the project and provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste. The CEMP shall be placed on file and retained as part of the public record.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the environment.

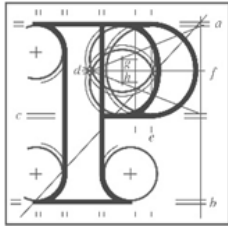
I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Donogh O' Donoghue  
Planning Inspector

14<sup>th</sup> April 2026

## Appendix 1 – Internal Specialist Report



An  
Coimisiún  
Pleanála

## Specialist Report

R319843\_App1

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<b>Development</b>	<b>Facility Centre for Water Based Activities at Magherabeg Beach, Castlegregory, co. Kerry. Development Reference 319843-24.</b>
<b>Type of Application</b>	<b>Direct application.</b>
<b>Topic</b>	<b>Assessment regarding submissions made in respect of the application and the merits of the proposal and potential impacts on waters and European Sites.</b>
<b>Planning Inspector</b>	<b>Donogh O'Donoghue.</b>
<b>Date</b>	<b>2<sup>nd</sup> April 2026.</b>

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## 1.0 Scope of Report.

This report to the Inspector and available to the Commission is a written record of my review and examination of the information submitted in support of the application by the applicant as it pertains to the potential environmental Impacts that may be associated with the development. In my capacity as Environmental Scientist to the Inspectorate, I have the relevant expertise to provide a professional opinion as to the adequacy of the information to aid the Inspector and the Commission in reaching a decision.

Given the technical and nature of the hydrogeology of the site and the positions put forward by both applicant and third parties the assistance and input of the in-house Environment team was requested to assist in the assessment of the hydrogeological aspects of both the applicant and the third parties pertaining to the installation of the wastewater treatment system and the potential to impact on a European site. This report will provide an opinion on the following aspects of the project and pertinent documents submitted under further information.

- The Water Framework Directive
- The Hydrogeology and Geology of the site as it relates to the operation of the wastewater treatment system and the opinions expressed by both the applicant and the third parties.
- **DAU** potential impacts raised, Discharge from the percolation of nutrients and chemicals from the shower facilities onto the beach and the tidal waters.
- **WM Moyles consulting Engineers c/o Billy Moyles** potential impacts raised; issues raised largely pertaining to proximity of the subject development to the house of the third party and resultant noise concerns due to the potential for visitors congregating at the facility.
- **Faite Ireland** essentially are outline the merits of the proposal and its support in policy.

For the purposes of this report, I have reviewed the following documentation.

- WFD Compliance Assessment report
- GSI Groundwater Data Viewer
- WFD Eden Application
- Wastewater Treatment System Design Report, Outline CEMP reports submitted.
- Submissions made pertaining to the application.
- Documentation submitted under Further information.

## **Development Overview & Introduction:**

The proposed development is for a Facility Centre for Water Based Activities incorporating seven shower/changing rooms, five WCs and four free outdoor cold washdown showers at Magherabeg Beach, Castlegregory, Co. Kerry. The existing wastewater is currently managed on the existing site via an existing septic tank and percolation area. As part of the proposed development this existing wastewater treatment system will be replaced, with an upgraded sequencing batch reactor (SBR) originally a PE 30 with the further information proposing to install a greater capacity SBR with PE 50 to cater for all wastewater generated from the proposed project.

## **2.0 Issues Examined.**

### **2.1 Topographical setting:**

The site is located just off Magherabeg beach on the North side of the Dingle peninsula located c.1.5km to the north of the village of Castlegregory. Topographically the site falls towards the coast in a gentle slope to the beach dropping from approximately c.2m ITM to 0m ITM from the proposed location to the beach.

### **2.2 Hydrological and hydrogeological setting**

The mapped bedrock across the subject site is described as dinantian undifferentiated limestones. Subsoils across the site are described as windblown sands and dunes extending across the site.

The effective rainfall at the subject site is 967.6mm/year with 85% of this recharging the underlying aquifer. Groundwater recharge is indicated consistently across the site. This is in line with the high vulnerability rating associated with the deposits of windblown sands and dunes. As expected, across the site the vulnerability rating is mapped as high with high subsoil permeability which essentially means that a minimum of >2m soil thickness exists between the surface and the groundwater/bedrock.

The underlain aquifer is a Locally important Karstified Aquifer which extends over the subject site and throughout much of the headland. Brief description as follows; 'Karstification' is the process whereby limestone is slowly dissolved away by percolating waters. It most often occurs in the upper bedrock layers and along certain fractures, fissures and joints, at the expense of others. Karstification frequently results in the uneven distribution of permeability

through the rock, and the development of distinctive karst landforms at the surface (e.g. swallow holes, caves, dry valleys), some of which provide direct access for recharge/surface water to enter the aquifer. Essentially similar to the Regionally Important Karstified Bedrock Aquifer (Rk), but with a smaller continuous area (<25km<sup>2</sup>) although the properties imply that this aquifer can supply 'excellent' yields, the smaller size limits the amount of recharge available to meet abstractions. Local ground waters flows can generally be inferred by topography.

### **2.3 European Sites.**

The subject development is directly adjacent to the Tralee Bay and Magahrees, West to Cloghane SAC (002070). This is designated for intertidal mudflats and sandflats which incorporates Magherabeg beach, coastal lagoons in this instance the closest being Lough Gill, large shallow inlets and bays amongst others. The proposed development is also located closely to the Magharee Islands SPA (004125) designated for various bird species. This proposal will also be located adjacent to the Tralee Bay Special Complex SPA (004188) and the Dingle Peninsula SPA (004153) designated for various bird species.

### **2.4 Water framework Directive.**

#### **2019-24 Status**

The subject site is located within hydrometric area 23 in the Tralee Bay-Feale catchment, and down to a smaller level located within the Owencashla\_SC\_010 sub-catchment.

The subject site is located near the Gowlane\_010 river, this drains to the coastal waterbody of the Outer Tralee Bay which is of good status. The updated status for the period 2019-24 is of poor status and is currently under review. The rationale for this position for this is due to a moderate upward trend regarding ortho-phosphate with pressures cited as agricultural in nature.

The site is located within both the Brandon Head groundwater body (IE\_SH\_G\_044) and the updated status based on the 2019-2024 data of the groundwater body is of good status both quantitatively and chemically and not deemed to be at risk.

The site lies adjacent to the coastal waterbody of Outer Tralee Bay (IE\_SH\_040\_0000), and this is deemed to be of good status, and its risk status is currently under review. Regarding the Chlorophyll A and winter and summer Dissolved inorganic Nitrogen and Summer Ortho P

the indicative quality is high and downwards trending. However, winter ortho-P shows indications of trending upwards with good indicative quality.

The site subject of this application is not drained by any watercourses or drainage ditches given the free draining nature of the material onsite. As referenced above the development will be served by Uisce Eireann drinking water infrastructure with a letter outlining feasibility of connection without infrastructure upgrade. The wastewaters from the proposed development are to be treated and disposed via a new upgraded 50 PE sequencing Batch reactor Wastewater Treatment system with two tertiary filters modules prior to percolation to the ground and it is this portion of the development that has the potential to impact on the attainment of Water Framework Directive objectives.

### **3 Discussion:**

The primary issues raised by the DAU are surrounding the discharge of nutrients and shower chemicals into the adjacent beach and tidal waters. The primary environmental issue raised by WM Moyles Limited acting on behalf of Mrs. Sandra Moyles cited concerns regarding the noise that may be generated from the facility in close proximity to the appellants dwelling. Failte Ireland refers to the benefits of the project in addition to reference to KCDP 10-56 the Kerry County Development Plan 2022-28 stating that 'support the provision of appropriately designed and located toilet and changing facilities at blue flag beaches in the county and at other locations subject to need assessment and environmental compatibility.'

On the 10<sup>th</sup> of February 2025 the applicant was requested to clarify a number of issues under Section 177AE (5) of the Planning and Development Act, 2000 as amended. Points of further information relevant to the maintenance of the condition of both groundwaters and tidal waters are as follows.

- Request 1: Clarity surrounding the levels of the Facility relative to the wastewater treatment system.
- Request 2: The wastewater treatment system, details pertaining to performance of same and how this may impact on the attainment of the objectives of the Water Framework directive.
- Request 3: Regarding the Construction and Environment Management Plan which lacked certain details with regard to decommissioning of the existing septic tank, waste management during construction, and mitigation measures whilst noting the ecological sensitivities of the adjacent European sites.

- Request 4: update the NIS to reflect the inconsistencies raised regarding grey waters systems and the wastewater treatment systems.
- Request 5: Environmental Impact Assessment Screening revision was to be submitted.
- Request 6: Invitation to respond to the submissions.

The applicant responded to this notice on the 4<sup>th</sup> of September 2025.

The portion of the development that may impact the condition of the waters and or the European sites that will be discussed here is the construction phase of the proposed development and the operational phase of the proposed development and the associated wastewater treatment system, tertiary filters and the polishing filter. (Request No. 1-3)

The construction phase has the potential to introduce the following impacts habitat loss and possible disturbance, noise pollution, dust, and hydrological interactions through surface run off from excavations. Given the extent of the project the potential construction phase impacts are expected to be small in scale and temporary.

The applicant carried out a site assessment using the EPA 2021 Code of Practice Domestic Wastewater treatment systems (population equivalent  $\leq 10$ ) to assess the ability of the site to adequately attenuate and dispose of the effluents generated from the proposed development in a manner that would not be prejudicial to public health or impact on the conditions of waters that are supporting designated habitats and species. This is one of the facets that has the potential to impact waters and the adjacent European sites during the operational phase, with the impact being deemed small and permanent.

### ***Construction Phase and potential impacts:***

Revised Construction environmental Management Plan outlines that the existing septic tank facility, pipes will be emptied and removed by a licensed contractor to a wastewater treatment facility and then demolished as part of the works, with existing concrete slabs to be removed and demolished. All excavated materials will be reused onsite. The new wastewater treatment facility, tertiary filters and raised distribution layer will be installed in accordance with the finding in the site characterisation report, which I will discuss later in this report. Welfare facilities will be provided via portable toilet for the project duration of 10-12 months. During this phase an environmental manager will be appointed with the role of ensuring that all proposed mitigation measures are being implemented.

### ***Site Characterisation report & Water Framework Directive:***

The general details as outlined in the SCR are in line with my own desk top study of the site geology and hydrogeology. The trial hole logs refer to water table encountered at 1600mm BGL and 1400mm BLG which would correlate with the difference in level between the site and the sea level. Essentially this means that there is 1600mm and 1400mm in respectively of unsaturated material that can be used for the attenuation and disposal of effluent in the two areas assessed. Subsurface and surface percolation are as expected and will adequately attenuate the effluents generated for a sufficient time to treat the effluent via polishing through the soil and subsoil layers. The initial proposal was for a population equivalent of 30, with the further information increasing the proposed wastewater treatment capacity to 50, this alteration will bring the groundwater discharge within the remit of Section 4 of the Local Government (Water Pollution) Act, 1977, as amended requiring a discharge licence from the Local Authority as it would exceed the threshold of 5m<sup>3</sup> in any 24 hour period.

#### **4 Conclusion.**

It is my opinion that the applicant has adequately addressed the concerns of the Commission as requested under Section 177AE (5) of the Planning and Development Act, 2000 as amended. I believe the applicant has demonstrated that the in-situ ground conditions will be able to adequately attenuate and dispose of the effluent in a manner so as not to impact on the condition of waters locally. Regarding same I am satisfied that the wastewater and the discharge will not impact on the attainment of the objectives of the Water Framework directive nor will it lead to any deterioration in status of waters local to the subject development. I am also satisfied that the mitigation measures as proposed during the construction phase will ensure no significant impact on waters or European sites.

## Appendix 2: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Case File – ABP-319843-24</b>	
<b>Brief description of project</b>	Proposed development for a Facility Centre for Water Based Activities.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development is for a beach facility centre for water sports activities at Magherabeg Beach, County Kerry. Magherabeg Beach is a Blue Flag Beach, in the townland of Magherabeg, approximately 2.6 km north of Castlegregory village, on the Maharees Peninsula in Tralee Bay in west Kerry.</p> <p>The new facility will provide dedicated changing and enhanced sanitation facilities to beach users, universal beach access and will regularise and improve wastewater and stormwater management on-site.</p> <p>Maherabeg Beach is a popular public beach located in the Maharees, Co. Kerry. There are a number of existing commercial water-sport activity providers and holiday and caravan parks operating in the area. The beach and surrounding area are subject to large numbers of visitors, particularly during the summer season.</p> <p>Apart from free-to-use public portacabin-type toilets, dedicated changing facilities are not currently available for visitors to the beach.</p> <p>The proposed facility will contain a number of resources such as indoor and outdoor showers and serviced toilets, as well as external and internal seating. The proposed facility will also include a multi-functional outdoor induction space for operators and visitors.</p> <p>Ancillary upgrade works, including upgrade of existing beach access ramp to provide universal beach access, complementary with the blue flag beach designation, are also proposed. The proposed beach access ramp upgrade works will be confined to the footprint of the existing ramp, avoiding sensitive adjoining habitats.</p>

	<p>A new wastewater and separate stormwater treatment system are proposed to be constructed on-site, and these will replace the existing system.</p> <p>The proposed development partially overlaps with both the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (Site Code: 002070) and the Tralee Bay Complex SPA (Site Code: 004188) the in the north-east of the site. The proposed works within the SAC/SPA boundary comprise upgrade of the existing concrete beach access ramp, encompassing an area of 15m<sup>2</sup>. Works here are confined to the footprint of the existing ramp and there is no proposal to increase the footprint of the ramp.</p> <p>All works will be undertaken above the high-water mark. There is no direct hydrological connection between the proposal site and any Natura 2000 site, however, the proposal site is located immediately adjacent to the shoreline. There is considered to be an indirect hydrological link to the marine zone/Natura 2000 sites via overland or groundwater flow.</p>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	Y
<b>Relevant submissions</b>	<p><b>NPWS (DAU)</b></p> <ul style="list-style-type: none"> <li>• The proposed shower/toilet block and water-sports facility is directly adjacent to Tralee Bay and Magharees, west to Cloghane Special Area of Conservation (Site Code: 002070). The proposed development is also within sports-facility-user travel distance of the Magharee Islands Special Protection Area (Site Code: 004125) and adjacent to the Tralee Bay Complex SPA (Site Code: 004188) and the Dingle Peninsula SPA (Site Code:004153).</li> <li>• Regarding the above-mentioned European Sites there are two concerns relating to the proposed development: <ol style="list-style-type: none"> <li>1. The discharge by percolation of nutrients and shower chemicals to the adjacent beach and tidal waters,</li> <li>2. The increased use of the surrounding areas by visitors facilitated by the development, in particular the adjacent shingle bank (used by breeding ringed plover), the offshore islands (which may have increased kayak and recreational traffic), and the surrounding dunes in the area.</li> </ol> <p>It would be preferable if a wildlife management plan was developed in tandem with this facility, to ensure</p> </li> </ul>

that users avoided sensitive habitats and species in the vicinity.

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

5 No European sites were identified as being located within a potential zone of influence of the proposed development as detailed in the Table below. I note the applicant included European sites within a 15km search radius initially, before considering further screening of 5 No European sites. There is no ecological justification for such a wide consideration of the sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	The proposed site partially overlaps with this designated site.	Due to the overlap with and immediate proximity of the SAC, there is indirect hydrological connectivity via potential overland or groundwater flow.  Potential for marine/groundwater impacts and disturbance/displacement of qualifying species could arise during both the construction and operational phases, including via construction activity or increased human activity.	Y

	<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p><a href="https://www.npws.ie/protected-sites/sac/002070">https://www.npws.ie/protected-sites/sac/002070</a></p>			
<p>Magharee Islands SAC (002261)</p>	<p>Reefs [1170]</p> <p><a href="https://www.npws.ie/protected-sites/sac/002261">https://www.npws.ie/protected-sites/sac/002261</a></p>	<p>Circa 4.3 km north of the proposal site.</p>	<p>Disturbance/displacement of qualifying species could arise from increased human activity e.g. recreational users (kayakers etc) potentially accessing the islands/areas of reef habitat</p>	<p>Y</p>

<p>Tralee Bay Complex SPA (004188)</p>	<p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p>	<p>The proposed site partially overlaps with this designated site.</p>	<p>Habitat loss and disturbance/displacement of qualifying species could arise during both the construction and operational phases, including via water quality impacts and construction activity and increased human activity</p>	<p>Y</p>
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	<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Wetland and Waterbirds [A999]</p> <p><a href="https://www.npws.ie/protected-sites/spa/004188">https://www.npws.ie/protected-sites/spa/004188</a></p>			
Dingle Peninsula SPA (004153)	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Chough (<i>Pyrhocorax pyrrhocorax</i>) [A346]</p> <p><a href="https://www.npws.ie/protected-sites/spa/004153">https://www.npws.ie/protected-sites/spa/004153</a></p>	Circa 0.03 km south of the proposal site	Disturbance/displacement of qualifying species could arise during both the construction and operational phases, including via water quality impacts and construction activity or increased human activity	Y
Magharee Islands SPA (004125)	<p>Storm Petrel (<i>Hydrobates pelagicus</i>) [A014]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p>	Circa 3.7 km north of the proposal site	Disturbance/displacement of qualifying species could arise primarily during the operational phases, via increased human activity	Y

	<p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p> <p><a href="https://www.npws.ie/protected-sites/spa/004125">https://www.npws.ie/protected-sites/spa/004125</a></p>			
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The development site is located above the high-water mark and with an absence of any watercourses draining the site, there is no direct pathway or hydrological connection through which direct water quality impacts could arise. However, the development site is located immediately adjacent to the shoreline and thus works will take place in close proximity to the marine zone and adjacent Natura 2000 sites. Therefore, it is considered that there is an indirect hydrological link between the proposal site and the marine zone/Natura 2000 sites via overland or groundwater flow to coastal waters during construction and operation. In addition, particularly during the operation phase disturbance/displacement of qualifying species could arise from increased human activity.

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

The proposed development will not result in any direct effects on any European Site. However, due to the location of the development site immediately adjacent to the marine zone and Natura 2000 sites, impacts generated require consideration.

Sources of impacts and likely significant effects are detailed in the Table below:

**AA Screening matrix**

<b>Site name</b> <b>Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 1: Name (code)</b> Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070)	<p>Direct: No</p> <ul style="list-style-type: none"> <li>- The development site is located above the high-water mark and with an absence of any watercourses draining the site, there is no direct pathway or hydrological connection.</li> </ul> <p>Indirect: Yes</p> <ul style="list-style-type: none"> <li>- Indirect hydrological connectivity via potential overland or groundwater flow.</li> <li>- Discharge of foul water to ground in close proximity to the shoreline could give rise to</li> </ul>	<p>Habitat loss/degradation.</p>

	<p>indirect ground or surface water impacts where a sufficient level of treatment is not achieved prior to discharge.</p> <p>- Increased human activity/footfall/access associated with the operational phase has the potential to increase recreational pressure on habitats.</p>	
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	<p><b>Likelihood of significant effects from proposed development (alone): Y</b></p>
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	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>
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Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>Site 2 : Name (code)</b> Magharee Islands SAC (002261)</p>	<p>Direct: None</p> <p>Indirect: Yes – Disturbance/displacement of qualifying species could arise from increased human activity e.g. recreational users (kayakers etc) potentially accessing the islands/areas of reef habitat.</p>	<p>Habitat loss/degradation</p>
	<p><b>Likelihood of significant effects from proposed development (alone): Y</b></p>	
	<p><b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b></p>	

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 3: Name (code)</b> Tralee Bay Complex SPA (004188)	Direct: None - The proposed site partially overlaps with the Tralee Bay Complex SPA, however it will not result in direct loss of qualifying wetland habitat within the SPA.  Indirect: Yes – Habitat loss and disturbance/displacement of qualifying species could arise during both the construction and operational phases, including via water quality impacts, construction activity and increased human activity.	Habitat loss/degradation
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 4: Name (code)</b> Dingle Peninsula SPA (004153)	Direct: None  Indirect: Yes – Disturbance/displacement of qualifying species could arise during both the construction and operational phases, including via water quality impacts and construction activity or increased human activity.	Habitat loss/degradation

	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
<b>Site name</b> <b>Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 5: Name (code)</b> Magharee Islands SPA (004125)	Direct: None  Indirect: Yes – Disturbance/displacement of qualifying species could arise primarily during the operational phases, via increased human activity.	Habitat loss/degradation
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	

#### **Further Commentary / discussion**

Field surveys have determined that the area of overlap between the proposed site and the Tralee Bay and Maharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA (comprising existing concrete beach access ramp) does not comprise any qualifying habitats for which the SAC and SPA is designated, and therefore, there will be no direct loss of any qualifying habitat within the SAC and SPA. However, due to the overlap with and immediate proximity of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA, potential impact pathways have been identified for both habitats and species during both the construction and operational phases of the project. During the construction phase, various construction activities adjacent to the inter-tidal marine zone pose a potential indirect risk to marine water quality which has the potential to result in indirect alteration of some qualifying habitats. During the operational phase, the discharge of foul water to ground in close proximity to the shoreline could give rise to some degree of indirect ground or surface water impacts were a sufficient level of treatment not achieved prior to discharge. In addition, indirect alteration of qualifying habitats could potentially occur within the 5 above named Natura 2000 sites associated with increased human activity/footfall/access during the operational phase.

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

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has potential to result in significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125).

I conclude that it is not possible to exclude the possibility that proposed development alone would result in significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) from effects associated with indirect habitat loss/deterioration and disturbance/displacement of qualifying species. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in combination with other plans and projects is not required at screening stage.

**Proceed to AA.**

#### **Screening Determination**

##### **Significant effects cannot be excluded**

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 it is not possible to exclude that the proposed development alone will give rise to significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Due to the overlap with and immediate proximity of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC and the Tralee Bay Complex SPA, potential impact pathways have been identified for both habitats and species during both the construction and operational phases of the project.
- During the operational phase, were a sufficient level of treatment not achieved for wastewater prior to discharge to ground in close proximity to the shoreline it could give rise to some degree of indirect ground or surface water impacts and therefore affect the wetland and coastal habitats of the SPA and SAC, as well as indirectly affecting the species that utilise these habitats, by reducing habitat quality and suitability.
- Increased human activity/footfall/access during the operational phase could result in a deterioration of sensitive designated habitats.

## Appendix 3: Appropriate Assessment Determination

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed development of a Facility Centre for water based activities at Magherabeg Beach, County Kerry in view of the relevant conservation objectives of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) based on scientific information provided by the applicant and considering observations on nature conservation.

The information relied upon include the following:

- Natura Impact Statement dated September 2025 prepared by MWP, Engineering and Environmental Consultants
- Planning application documents
- NPWS website outlining conservation objectives, site synopsis and statutory instruments for protected sites.
- Water Quality data from the EPA online GIS system
- Specialist Report prepared by the Mr. Emmet Symth, Environmental Scientist, ACP

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

#### DAU

- (i) The proposed shower/toilet block and water-sports facility is directly adjacent to Tralee Bay and Magharees, west to Cloghane Special Area of Conservation (Site Code: 002070). The proposed development is also within sports-facility-user travel distance of the Magharee Islands Special Protection Area (Site Code: 004125) and adjacent to the Tralee Bay Complex SPA (Site Code: 004188) and the Dingle Peninsula SPA (Site Code:004153).
- Regarding the above-mentioned European Sites there are two concerns relating to the proposed development:
  1. The discharge by percolation of nutrients and shower chemicals to the adjacent beach and tidal waters,

2. The increased use of the surrounding areas by visitors facilitated by the development, in particular the adjacent shingle bank (used by breeding ringed plover), the offshore islands (which may have increased kayak and recreational traffic), and the surrounding dunes in the area.

It would be preferable if a wildlife management plan was developed in tandem with this facility, to ensure that users avoided sensitive habitats and species in the vicinity.

**Public Observations**

- (i) One public submission from S Moyles was received, however no issues in relation to the AA were raised.

**Tralee Bay and Maharees Peninsula, West to Cloghane SAC (SITE CODE - 002070):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Potential impact pathways have been identified for qualifying habitats and species via surface water run-off effects during the construction and operational phases of the proposed project, and for surface water and wastewater outputs during the operational phase.
- (ii) Treatment of wastewater in close proximity to the shoreline could give rise to negative impacts on the coastal habitats of the SAC, as well as indirectly affecting the species that utilise these habitats.
- (iii) Increased human activity/footfall/access could result in a deterioration of sensitive designated habitats.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
Estuaries [1130]	To maintain the favourable conservation condition  Habitat area: stable or increasing	None of these habitats occur in the vicinity of the proposed development. No source impact pathway for significant effects were identified	None
Alluvial forests [91E0]	To restore the favourable conservation condition  Habitat area: stable or increasing, Habitat distribution: no decline,		

	Woodland structure: diverse structure with a relatively closed canopy, no decline.			
Atlantic salt meadows [1330]	To maintain the favourable conservation condition Habitat area: stable or increasing Habitat distribution: no decline			
Mediterranean salt meadows [1410]	To maintain the favourable conservation condition  Habitat area: stable or increasing Habitat distribution: no decline Vegetation structure: no significant expansion of common cordgrass ( <i>Spartina anglica</i> )			
Coastal lagoons [1150]	To restore the favourable conservation condition  Habitat area: stable or increasing Habitat distribution: no decline Salinity regime: Median annual salinity and temporal variation within natural ranges, Negative indicator species: absent or under control.			
Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	None Listed			
<i>Molinia</i> meadows [6410]	To maintain the favourable conservation condition			

	<p>Habitat area: stable or increasing</p> <p>Habitat distribution: no decline</p> <p>Vegetation composition: At least seven positive indicator species present, including one "high quality" species</p>			
<p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p>	<p>To maintain the favourable conservation condition</p> <p>Habitat area: stable or increasing</p> <p>Habitat distribution: no decline</p> <p>Vegetation structure: Maintain structural variation within sward</p>			
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>To maintain the favourable conservation condition</p> <p>Habitat area: stable or increasing</p> <p>Community extent: Maintain the extent of <i>Mytilus</i>-dominated community and the <i>Zostera</i>-dominated and <i>Sabellaria</i>-dominated community complexes, subject to natural processes.</p>	<p>All these habitats occur in the vicinity of the proposed development and are at risk from construction and/or operational phase impacts.</p> <p>Source impact pathway for potential significant effects identified resulting in deterioration in water quality thereby reducing habitat quality</p>	<p>Detailed Mitigation Measures to avoid impact on water quality during construction and operations are outlined within section 4.10 and include but are not limited to:</p> <p>A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction, Implementation of measures in CEMP, all fuels, oils and construction fluids will be stored in an impermeable storage areas and only the required volume of oil will be</p>	
<p>Large shallow inlets and bays [1160]</p>	<p>As above</p>			
<p>Reefs [1170]</p>	<p>To maintain the favourable conservation condition</p> <p>Habitat area and Distribution: stable or increasing</p> <p>Community distribution: Maintain the extent of</p>	<p>Introduction of invasive species, affecting habitats and indirectly the species that utilise them</p> <p>Disturbance/ displacement</p>		

	<p>Mytilus-dominated community and the Zostera-dominated and Sabellaria-dominated community complexes, subject to natural processes.</p> <p>Community structure: Conserve the high quality of the Mytilus-dominated community, subject to natural processes</p>	<p>impacts on qualifying habitats and species thereby reducing habitat quality and prey availability.</p> <p>Effects of potentially increased trampling/access/activity in sensitive areas could result in adverse effects on habitats</p>	<p>stored on site, spill kits will be available, concrete trucks will be prohibited from washing out on-site and storage of construction materials is to take place in designated areas only, located at least 20m away from water features.</p>	
<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>To restore the favourable conservation condition</p> <p>Habitat area: stable or increasing Habitat distribution: no decline Vegetation structure: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p>		<p>The extent of the development site boundary will be clearly marked out using temporary stakes, high-visibility tape/bunting and movement of construction personnel, plant and machinery is to be restricted to within the development site boundary.</p> <p>A pre-construction survey for invasive species will be carried out and all vehicles and equipment arriving at the site will be steam washed.</p>	
<p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (Salicion arenariae) [2170]</p>	<p>To maintain the favourable conservation condition</p> <p>Habitat area: stable or increasing Habitat distribution: no decline Vegetation structure: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p>		<p>In the operational phase ecological signage will be erected to raise awareness among visitors as to the sensitivity of the surrounding area.</p>	

Annual vegetation of drift lines [1210]	<p>To restore the favourable conservation condition</p> <p>Habitat area: stable or increasing  Habitat distribution: no decline  Physical Structure: Maintain the natural circulation of sediment and organic matter, without any physical obstructions  Vegetation structure: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p>	<p>These habitats are not mapped within the vicinity of the subject site but are known from the wider area. Due to the nature of the project, it is considered that there is potential for operational phase impacts.</p>		
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	As above			
Perennial vegetation of stony banks [1220]	<p>To maintain the favourable conservation condition</p> <p>Habitat area: stable or increasing  Habitat distribution: no decline  Physical structure: Maintain the natural circulation of sediment and organic matter, without any physical obstructions</p>			
Embryonic shifting dunes [2110]	None Listed			
Humid dune slacks [2190]	To restore the favourable conservation condition			

	<p>Habitat area: increasing subject to natural processes including erosion and succession  Habitat distribution: no decline  Physical structure: Maintain the natural circulation of sediment and organic matter, without any physical obstructions  Vegetation structure: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession</p>			
<p>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation condition</p> <p>Distribution and extent of terrestrial, marine, and freshwater habitat: no significant decline  Couching sites and holts: no significant decline  Fish biomass available: no significant decline  Barriers to connectivity: no significant increase</p>	<p>The habitats within the proposed development site are not suitable, however, the habitats, including the shoreline and open water, adjoining and extending away from the site are suitable to support commuting or foraging otter. Due to the nature of the project, it is considered that there is potential for construction and/or operational phase impacts on otter. Source impact pathways for potentially significant effects have been identified.</p>		

<p>Petalophyllum ralfsii (Petalwort) [1395]</p>	<p>To restore the favourable conservation condition</p> <p>Distribution: No decline of the three known sub-populations  Population size: No decline  Area of suitable habitat: No decline  Hydrological conditions: Maintain hydrological conditions so that substrate is kept moist and damp throughout the year, but not subject to prolonged inundation by flooding in winter  Vegetation: Maintain open, low vegetation, with a high percentage cover of bryophytes (small acrocarps and liverwort turf) and bare ground</p>	<p>There are NBDC records for petalwort within the vicinity of the subject area. Due to the nature of the project, it is considered that there is potential for construction and/or operational phase impacts on petalwort. Source impact pathways for potentially significant effects have been identified.</p>	
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. While no conservation objectives are listed for QI Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] and QI Embryonic shifting dunes [2110] within the Conservation Objective series associated with the SAC I do note similar sites with the same QIs and I am satisfied that I have sufficient information before me to undertake this assessment, and I note the mitigation measures proposed are clear and relevant to the SAC. I also note that QI Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] habitat does not occur in the vicinity of the proposed development which is characterised by artificial surfaces, amenity areas and the low lying shoreline with various dune habitats and agricultural grassland extending further away.

**Assessment of issues that could give rise to adverse effects:**

**(i) Water quality degradation**

The works will take place in close proximity to the marine zone, adjacent to SAC and therefore there is considered to be an indirect hydrological link via potential overland or groundwater flow. Sediment-laden run-off, accident fuels/chemicals leaks, and the use/storage of concrete during the construction phase could potentially result in a deterioration of marine and ground water quality, thereby reducing habitat quality. During the operational phase discharge of foul water to ground in close proximity to the shoreline could theoretically give rise to some degree

of indirect ground or surface water impacts in a scenario where a sufficient level of treatment was not achieved prior to discharge.

### **(ii) Habitat Alteration/Fragmentation**

The construction phase poses a risk of introduction of invasive species. On a precautionary basis, construction could result in an adverse effect on the vegetation composition of Fixed coastal dunes (grey dunes) [2130]. There is a risk that machinery, vehicles and clothing/footwear could also act as vectors for dispersal of the invasive non-native flora species within and around the Site. The introduction or spreading of invasive species would pose a risk of the designated site not complying or meeting its conservation objectives and thus adversely affecting the integrity of the site.

In the operational phase it is considered that there is potential for negative impacts on surrounding dune and other shoreline habitats, mainly from possible trampling of vegetation which can damage flora and if undertaken in high numbers can lead to exposure of bare soil/sand surfaces, increasing the susceptibility of an area to further erosion. Dune habitats generally are more sensitive/vulnerable to visitor effects. This would pose a risk of the designated site not complying or meeting its conservation objectives and thus adversely affecting the integrity of the site.

### **(iii) Disturbance/displacement of species**

Significant disturbance/displacement effects on otter or petalwort are not anticipated in the construction and operational phase. However, on a precautionary basis it is concluded that, in the operational phase and in the absence of mitigation, there is potential for adverse effects on the integrity of the site's ecological structure and function, thereby having potential for disturbance/displacement impacts on the QI species otter and petalwort.

## **Mitigation measures and conditions**

### Measures to avoid impact on water quality and indirect species disturbance/ displacement impacts via impairment of water quality

- Wastewater will be treated to a very high standard via a new SBR package treatment system followed by tertiary level treatment. The use of a raised percolation area will ensure a sufficient level of treatment is achieved and there will be no direct discharge to the beach or tide. The new treatment system will replace an old septic tank with an EPA compliant system.
- In relation to stormwater, it is proposed to convey stormwater as well as saltwater washdown from the external coldwater showers to a new modern stormwater soak pit via a new drainage network.
- A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction by the appointed Contractor.
- An Environmental Manager (member of contractor site personnel who is to be suitably qualified and trained) is to be appointed prior to works commencing on-site
- Measures to be implemented with regard to runoff and sediment control including clean water runoff to be intercepted and diverted away from construction site runoff, discharge from silt control measures will be discharged into an area of vegetation for dispersion or infiltration, excavations will be minimised, works will be suspended during periods of prolonged rainfall events and temporary stockpiling to be minor with Bunds or other diversions to prevent run off from entering the stockpile.

- All fuels, oils and construction fluids will be stored in an impermeable storage areas at least 30m from any watercourse.
- Refuelling of machinery will only be undertaken at designated refuelling areas and will be carried out using 110% capacity double banded mobile bowsers on banded area, using drip trays. The bower will have spill containment equipment which the operators will be fully trained in using.
- Only the required volume of oil will be stored for the works taking place at the time.
- Spill Kits will be available on site.
- Concrete trucks will be prohibited from washing out on-site.
- There shall be no pouring/use of concrete during periods of rain reducing risk of run-off.
- Any small volumes of incidental wash generated from cleaning of hand tools, cement mixers or other plant, as required, will be contained in designated areas within the temporary site compounds. Sediment in washout will be allowed to settle out and reach neutral pH before clarified water is released and allowed to percolate to ground. Settled solids will be appropriately disposed of off-site.
- Storage of construction materials is to take place in designated areas only, located at least 20m away from water features.
- Dedicated banded storage containers will be provided in the temporary site compound for hazardous wastes which may arise such as batteries, paints, oils, chemicals etc, if required

Measures to avoid alteration/fragmentation or direct / indirect disturbance/ displacement impacts on qualifying habitats and species.

- The extent of the development site boundary will be clearly marked out using temporary stakes, high-visibility tape/bunting or similar together with advisory signage such that the extent of access for all construction personnel, plant and machinery, temporary site compounds and material storage areas, are defined and clearly visible to all contractor staff and machine operators.
- Movement of construction personnel, plant and machinery is to be restricted to within the development site boundary as much as is practically possible.
- Where possible, machinery shall only operate from existing parking or built surfaces, and shall not enter any sensitive or designated ecological habitat.
- Construction phase lighting will be controlled to minimise light pollution and lighting will be turned off at night.
- Excavated areas will be covered over outside of working hours to reduce risk of accidental entrapment of wildlife.
- All areas material stockpiles, spoil and or waste storage are to be covered or otherwise secured outside of working hours such that they do not pose any risk of endangerment to wildlife.

Measures to avoid introduction of Invasive Species impacts.

- Prior to the commencement of works, a pre-construction survey for invasive species will be carried out.
- All vehicles and equipment arriving at the Site will be clean and steam washed.
- All PPE brought to site is to be clean and dry. Work boots will be dipped in or scrubbed with a disinfectant solution and thoroughly dried afterwards before being used on site

- Certification is to be obtained from all suppliers that all raw materials including soil, fill, sand, gravel and any landscaping materials, where required to be imported, are free from invasive species.

*Measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels.*

- Signage and notice boards will be provided as part of the operational phase. Ecological signage, consisting of at least 2 No. signage structures, will be installed at appropriate and carefully considered locations within the site to inform and raise awareness among visitors as to the sensitivity of the surrounding area. The Signage is to be site-focussed to the sensitivities and characteristics of the development site and surrounds

I am satisfied that the preventative measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality, alteration/fragmentation and disturbance/displacement impacts on qualifying habitats and species and threats from invasive species spread are captured in Planning Condition 2, 6, 7, and 8 of the Inspectors Report.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

***Findings and conclusions***

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for Tralee Bay and Maharees Peninsula, West to Cloghane SAC (SITE CODE - 002070). The mitigation measures will ensure that suspended solids and other pollutants will not be discharged to ground or surface waters during construction and operation, and that there will be no deterioration in water quality or reduction in habitat quality. High-visibility tape/bunting around the site and restrictions of movement of construction personnel, plant and machinery to within the development site boundary will ensure sensitive or designated ecological habitat are protected. Appropriate biosecurity measures will be implemented on site to ensure there is no introduction of invasive species which could affect habitat quality. In the operational phase ecological signage will be installed to inform and raise awareness among visitors as to the sensitivity of the surrounding area thereby limiting potential indirect habitat alteration and species disturbance/ displacement. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the maintenance of the Conservation objectives of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (SITE CODE - 002070). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

**Magharee Islands SAC (002261), (SITE CODE - 002261):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Increased human activity/footfall/access could result in a deterioration of sensitive designated habitats.

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Reefs [1170]	<p>To maintain the favourable conservation condition</p> <p>Habitat area: stable or increasing  Habitat distribution: stable or increasing  Community structure: Conserve the following community types in a natural condition: Intertidal reef community complex; Laminaria-dominated community complex; Subtidal reef community complex.</p>	<p>Despite the intervening distance of 4.3km overland, or minimum 5 km via sea, due to the nature of the proposed development, potential impact pathways have been identified by way of potentially increased access/ activity in sensitive areas during the operational phase</p>	<p>In the operational phase ecological signage will be erected to raise awareness among visitors as to the sensitivity of the surrounding area.</p>

The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects:**

**(i) Habitat Alteration/Fragmentation**

Potential habitat alteration impacts in the operational phase as a result of an increase in human presence/activity levels in the vicinity of the site or wider area or change in the frequency of

visitors across the season. This would pose a risk of the designated site not complying or meeting its conservation objectives and thus adversely affecting the integrity of the site.

### **Mitigation measures and conditions**

#### **Measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels.**

- Signage and notice boards will be provided as part of the operational phase. Ecological signage, consisting of at least 2 No. signage structures, will be installed at appropriate and carefully considered locations within the site to inform and raise awareness among visitors as to the sensitivity of the surrounding area. The Signage is to be site-focussed to the sensitivities and characteristics of the development site and surrounds.

I am satisfied that the mitigation measure proposed which are aimed at interrupting the potential impact pathway is targeted at the key threat and by arresting this pathway or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels is captured in Planning Condition 2 of the Inspectors Report.

### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Magharee Islands SAC (002261), (SITE CODE - 002261). The mitigation measures will ensure that ecological signage will be installed to inform and raise awareness among visitors as to the sensitivity of the surrounding area thereby limiting potential indirect habitat alteration and species disturbance/ displacement. I am satisfied that the mitigation measure proposed to prevent adverse effects have been assessed as effective and can be implemented.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the maintenance of the Conservation objectives of the Magharee Islands SAC (002261), (SITE CODE - 002261). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

**Tralee Bay Complex SPA (SITE CODE - 004188):****Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Potential impact pathways have been identified for qualifying habitats and species which would result in a deterioration of marine and ground water quality, thereby reducing habitat and prey availability for SCI bird species
- (ii) Treatment of wastewater in close proximity to the shoreline could give rise to negative impacts on the coastal habitats, thereby reducing habitat and prey availability for SCI bird species.
- (iii) Increased human activity/footfall/access could result in a deterioration of sensitive designated habitats.

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
Whooper Swan (Cygnus cygnus) [A038] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054]	To maintain the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, no significant decrease in the range, timing or intensity of use of areas.	Due to the overlap with and immediate proximity of the SPA to the proposed works site, potential impact pathways have been identified during both the construction and operational phases of the project.  Source impact pathway for potential significant effects identified resulting	Detailed Mitigation Measures to avoid impact on water quality during construction and operations are outlined within section 4.10 and include but are not limited to:  A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction,

<p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p>		<p>in deterioration in water quality thereby reducing habitat quality and prey availability.</p> <p>On a precautionary basis due to increased access/activity there is potential for adverse effects on the SPA with respect to the site's ecological structure and function</p>	<p>Implementation of measures in CEMP, all fuels, oils and construction fluids will be stored in an impermeable storage areas and only the required volume of oil will be stored on site, spill kits will be available, concrete trucks will be prohibited from washing out on-site and storage of construction materials is to take place in designated areas only, located at least 20m away from water features.</p> <p>In the operational phase ecological signage will be erected to raise awareness among visitors as to the sensitivity of the surrounding area</p>
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<p>Common Gull (Larus canus) [A182]</p> <p>Wigeon (Mareca penelope) [A855]</p>			
<p>Grey Plover (Pluvialis squatarola) [A141]</p>	<p>To maintain/restore the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, no significant decrease in the range, timing or intensity of use of areas.</p>		
<p>Wetland and Waterbirds [A999]</p>	<p>The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 3,657ha, other than that occurring from natural patterns of variation</p>	<p>A review of Conservation Objectives digital mapping data for the SPA determined that Wetlands [A999] is mapped along the shoreline and open water of the bay adjoining and extending away from the proposal site. However, due to the overlap with and immediate proximity of this SCI, potential impact pathways have been identified during the construction phase.</p>	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			

## **Assessment of issues that could give rise to adverse effects:**

### **(i) Water quality degradation**

The works will take place in close proximity to the marine zone, adjacent to the SPA and therefore there is considered to be an indirect hydrological link via potential overland or groundwater flow. Sediment-laden run-off, accident fuels/chemicals leaks, and the use/storage of concrete during the construction phase could potentially result in a deterioration of marine and ground water quality, thereby reducing habitat and prey availability for SCI bird species. During the operational phase discharge of foul water to ground in close proximity to the shoreline could theoretically give rise to some degree of indirect ground or surface water impacts in a scenario where a sufficient level of treatment was not achieved prior to discharge. These indirect hydrological links would give rise to potential indirect impacts to the QI bird species of the Tralee Bay Complex SPA.

### **(ii) Disturbance/displacement of species**

Significant disturbance/displacement effects on wintering SCIs during construction and operation are not anticipated; however, on a precautionary basis, it is concluded that, in the absence of mitigation, there is potential for adverse effects on the integrity of the SPA with respect to the site's ecological structure and function.

## **Mitigation measures and conditions**

### Measures to avoid impact on water quality and indirect species disturbance/ displacement impacts via impairment of water quality

- Wastewater will be treated to a very high standard via a new SBR package treatment system followed by tertiary level treatment. The use of a raised percolation area will ensure a sufficient level of treatment is achieved and there will be no direct discharge to the beach or tide. The new treatment system will replace an old septic tank with an EPA compliant system.
- In relation to stormwater, it is proposed to convey stormwater as well as saltwater washdown from the external coldwater showers to a new modern stormwater soak pit via a new drainage network.
- A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction by the appointed Contractor.
- An Environmental Manager (member of contractor site personnel who is to be suitably qualified and trained) is to be appointed prior to works commencing on-site
- Measures to be implemented with regard to runoff and sediment control including clean water runoff to be intercepted and diverted away from construction site runoff, discharge from silt control measures will be discharged into an area of vegetation for dispersion or infiltration, excavations will be minimised, works will be suspended during periods of prolonged rainfall events and temporary stockpiling to be minor with Bunds or other diversions to prevent run off from entering the stockpile.
- All fuels, oils and construction fluids will be stored in an impermeable storage areas at least 30m from any watercourse.
- Refuelling of machinery will only be undertaken at in designated refuelling areas and will be carried out using 110% capacity double bunded mobile bowsers on bunded area, using

drip trays. The bowser will have spill containment equipment which the operators will be fully trained in using.

- Only the required volume of oil will be stored for the works taking place at the time.
- Spill Kits will be available on site.
- Concrete trucks will be prohibited from washing out on-site.
- There shall be no pouring/use of concrete during periods of rain reducing risk of run-off.
- Any small volumes of incidental wash generated from cleaning of hand tools, cement mixers or other plant, as required, will be contained in designated areas within the temporary site compounds. Sediment in washout will be allowed to settle out and reach neutral pH before clarified water is released and allowed to percolate to ground. Settled solids will be appropriately disposed of off-site
- Storage of construction materials is to take place in designated areas only, located at least 20m away from water features.
- Dedicated bunded storage containers will be provided in the temporary site compound for hazardous wastes which may arise such as batteries, paints, oils, chemicals etc, if required

*Measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels.*

- Signage and notice boards will be provided as part of the operational phase. Ecological signage, consisting of at least 2 No. signage structures, will be installed at appropriate and carefully considered locations within the site to inform and raise awareness among visitors as to the sensitivity of the surrounding area. The Signage is to be site-focussed to the sensitivities and characteristics of the development site and surrounds.

I am satisfied that the preventative measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality and measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels are captured in Planning Conditions 2, 7 and 8 of the Inspectors Report.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

***Findings and conclusions***

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Tralee Bay Complex SPA (SITE CODE – 004188). The

mitigation measures will ensure that suspended solids and other pollutants will not be discharged to ground or surface waters during construction and operation, and that there will be no deterioration in water quality or reduction in habitat quality and prey availability. In the operational phase ecological signage will be installed to inform and raise awareness among visitors as to the sensitivity of the surrounding area thereby limiting potential indirect habitat alteration and species disturbance/ displacement. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the maintenance of the Conservation objectives of the the Tralee Bay Complex SPA (SITE CODE – 004188). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

**Dingle Peninsula SPA (SITE CODE - 004153):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

Increased human activity/footfall/access could result in a deterioration of sensitive designated habitats.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
Fulmar ( <i>Fulmarus glacialis</i> ) [A009]	To restore the favourable conservation condition in relation to population size and distribution – Long term population stable or increasing, Sufficient availability of suitable nesting sites, Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target, Disturbance occurs at levels that do not significantly impact on breeding population, and Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA	Fulmar is a species of seabird which feed offshore. Fulmar breed in colonies, mainly on grassy or rocky sea cliffs, or steep. Due to the nature, scale and location of the works the proposal is not envisaged to have any potential for Fulmar.	None

<p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	<p>To maintain the favourable conservation condition in relation to population size and distribution – Long term population stable or increasing, Sufficient availability of suitable nesting sites, Sufficient number of locations, area of suitable habitat, and available prey biomass (i.e. small- to medium-sized birds, mammals), and Disturbance occurs at levels that do not significantly impact on breeding population</p>	<p>Peregrine is a species of raptor which breed on inland and coastal cliffs. The habitats encompassed within and extending away from the proposed development site are not suitable for either peregrine. Due to the nature, scale and location of the works the proposal is not envisaged to have any potential for peregrine</p>	<p>None</p>
<p>Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>	<p>To restore the favourable conservation condition in relation to population size and distribution – Long term population stable or increasing, Maintain sufficient quality and quantity of coastal grassland and other relevant habitats to support the population target, Disturbance occurs at levels that do not significantly impact upon Chough in the SPA</p>	<p>Chough is a species of corvid which favour short-cropped coastal grassland typically maintained by grazing for foraging. Chough nest in caves, on cliff-faces, and in derelict structures. No suitable breeding habitat exists on site and the habitats within the proposal site are subject to a high degree of disturbance and so are sub-optimal for foraging chough. However, there is potentially suitable foraging habitat in the dunes and grassland in the wider area. Due to the overlap with and immediate</p>	<p>In the operational phase ecological signage and sensitive species including the choughs will be erected to raise awareness among visitors as to the sensitivity of the surrounding area</p>

		<p>proximity of the SPA, potential impact pathways have been identified on foraging chough, primarily during the operational phase.</p>	
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects:**

**(i) Disturbance/displacement of Chough**

Significant disturbance/displacement effects on foraging chough during operations are not anticipated as the potential increased human presence associated with the proposed recreational use, is considered not to be of a scale which will be considerably over and above existing baseline levels. However, on a highly precautionary basis, disturbance/displacement impacts could arise during the operational phase, in the absence of appropriate mitigation measures.

**Mitigation measures and conditions**

Measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels.

- Signage and notice boards will be provided as part of the operational phase. Ecological signage and sensitive species including the choughs, consisting of at least 2 No. signage structures, will be installed at appropriate and carefully considered locations within the site to inform and raise awareness among visitors as to the sensitivity of the surrounding area. The Signage is to be site-focussed to the sensitivities and characteristics of the development site and surrounds

I am satisfied that the mitigation measures proposed which are aimed at interrupting the potential impact pathway is targeted at the key threat and by arresting this pathway or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels is captured in Planning Condition 2 of the Inspectors Report.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

**Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Dingle Peninsula SPA (SITE CODE - 004153). The mitigation measures will ensure that ecological signage will be installed to inform and raise awareness among visitors as to the sensitivity of the surrounding area thereby limiting potential indirect habitat alteration and species disturbance/ displacement. I am satisfied that the mitigation measure proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the maintenance of the Conservation objectives of the Dingle Peninsula SPA (SITE CODE - 004153). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

**Magharee Islands SPA (SITE CODE - 004125):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (ii) Potential impact pathways have been identified for qualifying habitats and species which would result in a deterioration of marine and ground water quality, thereby reducing habitat and prey availability for SCI bird species.
- (iii) Treatment of wastewater in close proximity to the shoreline could give rise to negative impacts on the coastal habitats, thereby reducing habitat and prey availability for SCI bird species.
- (iv) Increased human activity/footfall/access could result in a deterioration of sensitive designated habitats.

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Targets and attributes (summary- inserted)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary)</b>
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<p>Storm Petrel (<i>Hydrobates pelagicus</i>) [A014]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p>	<p>To maintain the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, Sufficient availability of suitable nesting sites, Sufficient number of locations, area of suitable habitat, and available forage biomass to support population target, Disturbance occurs at levels that do not significantly impact on breeding population and Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA</p>	<p>Despite the intervening distance of 3.7km, due to the nature of the proposed development, potential impact pathways have been identified</p> <p>Source impact pathway for potential significant effects identified resulting in deterioration in water quality thereby reducing habitat quality and prey availability.</p>	<p>Detailed Mitigation Measures to avoid impact on water quality during construction and operations are outlined within section 4.10 and include but are not limited to:</p> <p>A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction, Implementation of measures in CEMP, all fuels, oils and construction fluids will be stored in an impermeable storage areas and only the required volume of oil will be stored on site, spill kits will be available, concrete trucks will be prohibited from washing out on-site and storage of construction materials is to take place in designated areas only, located at least 20m away from water features.</p> <p>In the operational phase ecological signage will be erected to raise</p>
<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p>	<p>To restore the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, Sufficient availability of suitable nesting sites, Sufficient number of locations, area of suitable habitat, and available forage biomass to support population target, Disturbance occurs at levels that do not significantly impact on breeding population and Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA</p>	<p>On a precautionary basis due to increased access/activity there is potential for adverse effects on the SPA with respect to the site's ecological structure and function</p>	<p>Implementation of measures in CEMP, all fuels, oils and construction fluids will be stored in an impermeable storage areas and only the required volume of oil will be stored on site, spill kits will be available, concrete trucks will be prohibited from washing out on-site and storage of construction materials is to take place in designated areas only, located at least 20m away from water features.</p> <p>In the operational phase ecological signage will be erected to raise</p>
<p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p>	<p>To restore the favourable conservation condition in relation to population and distribution – Long term population stable or increasing, Sufficient area and availability of suitable habitat, disturbance occurs at levels that do not significantly impact the achievement of targets for population trend and distribution, Barriers do not significantly impact the wintering population's access to the SPA or other</p>		<p>In the operational phase ecological signage will be erected to raise</p>

	ecologically important sites outside the SPA, Sufficient number of locations, area of suitable habitat and available forage biomass, Sufficient number of locations, area and availability of suitable roosting habitat and Sufficient area of utilisable habitat available in ecologically important sites outside the SPA		awareness among visitors as to the sensitivity of the surrounding area
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

**Assessment of issues that could give rise to adverse effects:**

**(i) Water quality degradation**

The works will take place in close proximity to the marine zone and therefore there is considered to be an indirect hydrological link via potential overland or groundwater flow. Sediment-laden run-off, accident fuels/chemicals leaks, and the use/storage of concrete during the construction phase could potentially result in a deterioration of marine and ground water quality, thereby reducing habitat and prey availability for SCI bird species. During the operational phase discharge of foul water to ground in close proximity to the shoreline could theoretically give rise to some degree of indirect ground or surface water impacts in a scenario where a sufficient level of treatment was not achieved prior to discharge. These indirect hydrological links would give rise to potential indirect impacts to the QI bird species of the Magharee Islands SPA.

**(ii) Disturbance/displacement of species**

Significant disturbance/displacement of breeding/non-breeding SCIs, during operational phase are not anticipated as the intervening distance is considered sufficient to discourage the vast majority of people visiting the Maherabeg area from travelling to the SPA via boat/kayak etc. However, on a highly precautionary basis, it is concluded that, in the absence of mitigation, there is potential for adverse effects on the integrity of the SPA with respect to disturbance/displacement impacts on breeding/non-breeding SCIs.

**Mitigation measures and conditions**

Measures to avoid impact on water quality and indirect species disturbance/ displacement impacts via impairment of water quality

- Wastewater will be treated to a very high standard via a new SBR package treatment system followed by tertiary level treatment. The use of a raised percolation area will ensure a sufficient level of treatment is achieved and there will be no direct discharge to the beach or tide. The new treatment system will replace an old septic tank with an EPA compliant system.

- In relation to stormwater, it is proposed to convey stormwater as well as saltwater washdown from the external coldwater showers to a new modern stormwater soak pit via a new drainage network.
- A detailed, site specific Construction Environmental Management Plan (CEMP) will be prepared in advance of construction by the appointed Contractor.
- An Environmental Manager (member of contractor site personnel who is to be suitably qualified and trained) is to be appointed prior to works commencing on-site
- Measures to be implemented with regard to runoff and sediment control including clean water runoff to be intercepted and diverted away from construction site runoff, discharge from silt control measures will be discharged into an area of vegetation for dispersion or infiltration, excavations will be minimised, works will be suspended during periods of prolonged rainfall events and temporary stockpiling to be minor with Bunds or other diversions to prevent run off from entering the stockpile
- All fuels, oils and construction fluids will be stored in an impermeable storage areas at least 30m from any watercourse
- Refuelling of machinery will only be undertaken at in designated refuelling areas and will be carried out using 110% capacity double bunded mobile bowsers on bunded area, using drip trays. The bower will have spill containment equipment which the operators will be fully trained in using
- Only the required volume of oil will be stored for the works taking place at the time.
- Spill Kits will be available on site.
- Concrete trucks will be prohibited from washing out on-site.
- There shall be no pouring/use of concrete during periods of rain reducing risk of run-off.
- Any small volumes of incidental wash generated from cleaning of hand tools, cement mixers or other plant, as required, will be contained in designated areas within the temporary site compounds. Sediment in washout will be allowed to settle out and reach neutral pH before clarified water is released and allowed to percolate to ground. Settled solids will be appropriately disposed of off-site
- Storage of construction materials is to take place in designated areas only, located at least 20m away from water features.
- Dedicated bunded storage containers will be provided in the temporary site compound for hazardous wastes which may arise such as batteries, paints, oils, chemicals etc, if required

*Measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels.*

- Signage and notice boards will be provided as part of the operational phase. Ecological signage, consisting of at least 2 No. signage structures, will be installed at appropriate and carefully considered locations within the site to inform and raise awareness among visitors as to the sensitivity of the surrounding area. The Signage is to be site-focussed to the sensitivities and characteristics of the development site and surrounds.

I am satisfied that the preventative measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality and measures to avoid potential indirect habitat alteration and species disturbance/ displacement impacts via increased visitor numbers/access/activity levels are captured in Planning Conditions 2, 7 and 8 of the Inspectors Report.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

**Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Magharee Islands SPA (SITE CODE - 004125). The mitigation measures will ensure that suspended solids and other pollutants will not be discharged to ground or surface waters during construction and operation, and that there will be no deterioration in water quality or reduction in habitat quality and prey availability. In the operational phase ecological signage will be installed to inform and raise awareness among visitors as to the sensitivity of the surrounding area thereby limiting potential indirect habitat alteration and species disturbance/ displacement. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the maintenance of the Conservation objectives of the the Magharee Islands SPA (SITE CODE - 004125). Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125) can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of the construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the maintenance, attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Tralee Bay and Maharees Peninsula, West to Cloghane SAC (002070), Magharee Islands SAC (002261), Tralee Bay Complex SPA (004188), Dingle Peninsula SPA (004153) and Magharee Islands SPA (004125.)

## Appendix 4 – Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP - 319843-24</b>
<b>Proposed Development Summary</b>	Facility Centre for Water Based Activities.
<b>Development Address</b>	Magherabeg Beach, Castlegregory, in the townland of Magherabeg, Co. Kerry
<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>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, 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 checked="" 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>	It is not a Class specified in Part 2 of the Planning and Development Regulations 2001 (as amended)

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

<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"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Appendix 5 - Water Framework Directive

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Comisiun Pleanála ref. no.</b>	<b>ABP-319843-24</b>	Townland, address	Maherabeg Beach, Castlegregory, Co. Kerry
<b>Description of project</b>		Proposed development for a Facility Centre for Water Based Activities	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located on the Maharees tombolo, a coastal feature on the Dingle Peninsula. The site is currently used as an informal carpark and adjoins Maherabeg beach. There are no drainage ditches or watercourse on the site.	
<b>Proposed surface water details</b>		During operations stormwater as well as saltwater washdown from the external coldwater showers will be conveyed to a new stormwater soakaway area and discharged to groundwater.	
<b>Proposed water supply source &amp; available capacity</b>		Water supply will remain unchanged and will be via the existing Uisce Eireann watermain on the public road.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		<p>The site currently provides free to use toilet facilities to beach users in the form of a portable structure on a concrete base with 2 no toilets connected to an existing onsite septic tank.</p> <p>The proposed development includes 7 shower/changing rooms, 5 WC's and 4 free outdoor cold washdown showers. These facilities will be pay to use.</p> <p>It is also proposed to retain the free to use existing toilets albeit at a relocated position. A new wastewater treatment system and raised polishing filter is proposed to cater for both the proposed pay-per-use toilet/shower facilities and free to use toilet facilities.</p>	

Others?			N/A			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Coastal Waterbody	Immediately adjacent the site	Outer Tralee Bay IE_SH_040_0000	Good	Review	Agriculture	Potential for surface water run-off during construction works to enter the coastal waterbody, Discharge to ground from WWTS has potential to impact water quality.
River Waterbody	Circa 770m to the south of the site	Gowlane_010 IE_SH_23G160300	Poor	Review		Not hydrologically connected to surface water body. Works are down gradient from the surface waterbody.

Lake Waterbody	Circa 1.5km to the south of the site	Lough Gill IE_23_72	Moderate	At Risk	Nutrients Agriculture	Not hydrologically connected to surface water body. Works are down gradient from the surface waterbody.
Transitional Waterbody	Circa 1.5km to the south of the site	Lough Gill SH_040_0100	Unassigned	Review		Not hydrologically connected to surface water body. Works are down gradient from the surface waterbody.
Groundwater waterbody	Underlying site	Brandon Head IE_SH_G_044	Good	Not at risk	No pressures	Potential for surface water runoff during construction works to enter groundwater body, Discharge to ground from WWTS has potential to impact water quality.
<b>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.</b>						
<b>CONSTRUCTION PHASE</b>						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Outer Tralee Bay IE_SH_040_0000	Potential for surface water run-off during construction works	Potential for release of suspended solids during soil disturbance works. Potential for release of hydrocarbons (oils, fuels) from construction plant and equipment or concrete, cement from construction activities	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	No, mitigation measures will ensure no residual risk that WFD status could be impacted.	Screened In
2.	Surface	Gowlane_010 IE_SH_23G160300	None	None	None	No	Screened out
3.	Surface	Lough Gill IE_23_72	None	None	None	No	Screened out
4.	Surface	Lough Gill SH_040_0100	None	None	None	No	Screened out
5.	Ground	Brandon Head IE_SH_G_044	Potential for construction run-off to enter groundwater	Potential for release of suspended solids during soil disturbance works.	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take	No, mitigation measures will ensure no residual risk that WFD	Screened In

				Potential for release of hydrocarbons (oils, fuels) from construction plant and equipment or concrete, cement from construction activities	place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	status could be impacted.	
<b>OPERATIONAL PHASE</b>							
1.	Surface	Outer Tralee Bay IE_SH_040_0000	Discharge to ground from WWTS has potential to impact water quality	As system discharges to ground there is potential to impact water quality in the bay given the proximity	Wastewater will go through a primary, secondary and tertiary treatment which will ensure no discharge directly into the surface waterbody. The discharge to ground will be treated to the acceptable level as per EPA Code of Practice	No	Screened In
2.	Surface	Gowlane_010 IE_SH_23G160300	None	None	None	No	Screened out
3.	Surface	Lough Gill IE_23_72	None	None	None	No	Screened out
4.	Surface	Lough Gill SH_040_0100	None	None	None	No	Screened out
5.	Ground	Brandon Head IE_SH_G_044	Discharge to ground from WWTS has	As system discharges to ground there is	Wastewater will go through a primary, secondary and	No	Screened In

			potential to impact water quality	potential to impact water quality in the GWB	tertiary treatment before being released to ground and will be treated to the acceptable level as per EPA Code of Practice		
<b>DECOMMISSIONING PHASE</b>							
5.	N/A						
<b>STAGE 2: ASSESSMENT</b>							
<b>Details of Mitigation Required to Comply with WFD Objectives</b>							
<b>Surface Water</b>							
<b>Development/Activity</b> e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b><u>Objective 1:Surface Water</u></b> <b>Prevent deterioration of the status of all bodies of surface water</b>	<b><u>Objective 2:Surface Water</u></b> <b>Protect, enhance and restore all bodies of</b>	<b><u>Objective 3:Surface Water</u></b> <b>Protect and enhance all artificial and heavily modified bodies of water with</b>	<b><u>Objective 4: Surface Water</u></b> <b>Progressively reduce pollution from priority substances and</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development</b>		

		surface water with aim of achieving good status	aim of achieving good ecological potential and good surface water chemical status	cease or phase out emission, discharges and losses of priority substances	cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
<b>Development Activity 1 - Construction works</b> Site clearance works, stockpiling of excavated soil, removal of seasonal toilets demolition of concrete apron, installation of WWTS, construction of new facility and 2 disabled parking spaces	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	N/a	N/a	Yes
<b>Development Activity 2 - Operational phase</b> Operational wastewater discharges	Wastewater will go through a primary, secondary and tertiary treatment which will ensure no discharge directly into the surface waterbody. The discharge to ground will be treated to the acceptable level as per EPA Code of Practice	Wastewater will go through a primary, secondary and tertiary treatment which will ensure no discharge directly into the surface waterbody. The discharge to ground will be treated to the acceptable level as per EPA Code of Practice	N/a	N/a	Yes

**Details of Mitigation Required to Comply with WFD Objectives – Template**

<b>Groundwater</b>				
<b>Development/Activity</b> e.g. abstraction, outfall, etc.	<b>Objective 1: Groundwater</b> <b>Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater</b>	<b>Objective 2:Groundwater</b> <b>Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*</b>	<b>Objective 3:Groundwater</b> <b>Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	
<b>Development Activity 1- Construction works</b> Site clearance works, stockpiling of excavated soil, removal of seasonal toilets demolition of concrete apron, installation of WWTS, construction of new facility and 2 disabled parking spaces	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	Standard Construction Practice CEMP, Silt control measures (silt traps), no works to take place in adverse weather, monitoring of site run-off, septic tank to be emptied by licenced contractor prior to removal, fuels/oils to be stored in bunded area, spill kits available on site	N/A	Yes
<b>Development Activity 2 -Operational phase</b> Operational wastewater discharges	Wastewater will go through a primary, secondary and tertiary treatment before being released to ground and will be treated to the	Wastewater will go through a primary, secondary and tertiary treatment before being released to ground and	N/A	Yes

	acceptable level as per EPA Code of Practice	will be treated to the acceptable level as per EPA Code of Practice		
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