



An
Coimisiún
Pleanála

Inspector's Report ABP-320109-24

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| Development | Construction of 9 glamping pods and associated site works. |
| Location | Rath Ciaran, The Glen, Ballinskelligs, Co. Kerry |
| Planning Authority | Kerry County Council |
| Planning Authority Reg. Ref. | 2360288 |
| Applicant(s) | Niall Galvin |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | Niall Galvin |
| Observer(s) | Comhlacht Forbartha an Gleanna |
| Date of Site Inspection | 4 th August 2025 |
| Inspector | Mary Crowley |

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1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.533 ha is a green field triangle shaped site located within the settlement boundary of An Gleann on the scenic Pormagee / The Glen / Ballinskelligs touring route known as the Skellig Ring. The site is bounded by low stone walls, hedgerow and roads on three sides. The area is characterised as a rural village and there are a number of existing dwelling houses and other structures in the surrounding area. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

2.0 Proposed Development

2.1. Permission was sought on the 7th November 2023 to construct (i) 9 No. Glamping (pods) units (12 sqm x 9) (ii) Wastewater Treatment Unit and Polishing Filter, (iii) site administration office (24 sqm), parking and (iv) all associated site services.

2.2. The application was accompanied by the following:

- Cover Letter
- Site Suitability Assessment Report

2.2.1. In response to a request for further information the applicant submitted the following on 17th May 2024 as summarised:

- Pre-development Archaeological Testing Report – The test excavations trenches proved entirely negative. There are no archaeological constraints pertaining to this planning application.
- Biodiversity Report & Plan - There were no invasive species (such as Japanese Knotweed) recorded. There were no signs of any inhabiting fauna (e.g. Badger) but scattered poor hedgerow in the locality would support native songbirds, with Fox being a potential visitor to the site. There are no trees to support roosting or foraging bat species.
- Surface water proposals – SW will be conveyed to a 450mm diameter public surface water drain located on the roadway at the southwest corner (entrance) to

the site. Drainage plan included. Open drain along the southern boundary to be widened to create bio-diversity pond to overflow to existing culvert.

- Supplementary Site Assessment and details in relation to WWT
- Road Cross Section & Road Construction Specification - It is proposed to surface the site with bituminous macadam
- Residential Amenity Mitigation Measure Report

2.2.2. The FI was accompanied by the following:

- HW Construction Management Environmental Consultants Report

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Kerry County Council issued notification of decision to refuse permission for the following reason:

The Planning Authority is not satisfied on the basis of submissions made in relation to the application that the proposed wastewater treatment system would not cause a risk of odour and/or noise nuisance. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity of the site and would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Case Planner in their first report requested further information in relation to archaeology, site assessment, biodiversity, surface water, surface finishes and residential amenity.

3.2.3. The Case Planner having considered the further information noted that while the proposal is in accordance with the zoning of the site, on the basis of a report from the KCC Site Assessment Unit recommended that permission be refused as the Planning Authority could not be satisfied that the proposed wastewater treatment system would

not cause a risk of odour and/or noise nuisance. The notification of decision to refuse permission issued by KCC reflects this recommendation.

3.2.4. Other Technical Reports

Planning Application

- **Environment (Site Assessment Unit)** – Requested further information:
 - (a) Given the seasonal nature of the proposed activity potential risk of odour and / or noise nuisance to be addressed
 - (b) Sizing of the distribution layer
 - (c) Separation distances between polishing filter / distribution layer and site boundaries
- **County Archaeologist** – No recorded monuments in proximity to the site. Given the scale of the scheme pre-development archaeological testing to be carried out across the site prior to grant of planning permission

Further Information

- **Environmental Assessment Unit (Biodiversity)** – Did not identify any potential for significant effects on the Iveragh Peninsula Special Protection Area (Site Code 004154) in view of the site’s conservation objectives.

Site Assessment Unit, Environment Dept – Report received and recommends a refusal of permission. Report states as follows:

Based the above the Site Assessment Unit cannot make a positive recommendation on this site as it is of the opinion that a new wastewater treatment system could cause a potential risk of odour and/or noise nuisance from the proposed system

- **County Archaeologist** – Pre-development archaeological testing report received. No further mitigation required.

Roads Department KCC – Report received after further information request and includes conditions to be attached in the event of a grant of permission.

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. There is one observation recorded on the planning file from Comhlacht Forbartha an Gleanna (Social Housing Charity). The issues raised relate to:

- Essentially the same application as the previous application (Reg Ref 22/397)
- Interference with adjacent elderly/community houses
- “Inaccuracies” in the information submitted
- Impacts on the adjacent social houses, day care centre and public playground
- Outside of the village boundary as per the west Iveragh LAP 2019-25
- Overdevelopment of the site
- Lack of local amenities/facilities to serve proposed development
- Surface water runoff
- Pod details
- Car parking and access
- Issues of previous application not addressed

4.0 Planning History

4.1. There is no evidence of any previous planning appeal on this site. The following planning history is noted:

- **Reg Ref 22/397** - Permission to construct (i) 10 no. glamping (pods) units (ii) wastewater unit and polishing filter, (iii) site administration office and parking and (iv) all associated site services was withdrawn.
- **Reg Ref 06/91482** - Permission refused for an extension of duration of Reg Ref 06/1482 to construct 5 no dwelling houses as the development would not comply with the requirements of the EPA Code of Practise for single houses.
- **Reg Ref 06/1482** – Permission granted to construct 5 no dwelling houses.
- **Reg Ref 03/992** - Permission granted to erect 8 no. dwellinghouses served by an effluent treatment tank and to develop an access road.

4.1.1. **PP 21/177** - There was a pre planning meeting in relation to this site as follows:

- Proposal for ten camping pods.
- Western part of site zoned M2 - Village Centre in An Gleann LAP and eastern part outside development boundary and zoned Rural General.
- Objective AG-GO-03 An Gleann LAP – Encourage sustainable development of ecotourism and other niche markets.
- Proposal could also be considered under Kerry CDP Policies (Section 13.11) in relation to Camping/Glamping and Caravan Parks due to proximity of site to facilities.
- Onsite effluent treatment system required, EPA Code of Practice Site Assessment.
- Landscaping required to provide screening of the pods and to protect amenities of nearby properties.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Kerry County Development Plan 2022-2028** and the **Kenmare MD LAP 2024 – 2030 (KMD LAP)** (which has replaced the West Iveragh LAP 2019-2025).

5.1.2. Kerry County Development Plan 2022-2028

- **Section 10.3.5 Visitor Accommodation** - The Council recognises that the provision of varied accommodation types is essential to enable growth in the tourism sector. The Council supports the development of tourism throughout the county by encouraging the provision of a wide range of tourist accommodation types including glamping/camping/caravan.
- **Section 10.3.5.1 Camping/Glamping, Campervans and Caravans** - Kerry County Council recognises that the provision of suitable sites for camping/glamping, campervans and caravans is an important element in the range of tourist accommodation offers. The Council considers that camping sites should be located on appropriately zoned land within established/ or adjacent to existing settlements. It is the policy of the council to support developments locating in existing settlements where such proposals demonstrate the provision of safe

pedestrian links to the settlement or at established centres which provide existing services to tourists, subject to the capacity of the site and the location to facilitate the proposal.

- **Section 13.2.2.3 Communal Private Wastewater Treatment Plants** - Communal private wastewater treatment plants will not be considered for residential developments. Private wastewater treatment plants will be considered in exceptional circumstances for commercial and tourism uses. The Council must also be satisfied that the development complies with all relevant EPA guidance, EU Directives and sustainable development and environmental criteria.
- **Objective KCDP 13-17 Communal Private Wastewater Treatment Plants** - *It is an objective of the Council to: Consider the development of private wastewater treatment systems to serve commercial and tourism uses (employment generating developments) outside of serviced settlements and in rural areas where the system is in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2009 and Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centre and Hotels, EPA 1999', and any updated versions of these documents during the lifetime of the Plan, the Water Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.*

5.1.3. Kenmare MD LAP 2024 – 2030 (KMD LAP)

- **An Gleann** is identified as a Small Village Settlement. The appeal site is within the Settlement Boundary of the village. These settlements are the lowest tier on the settlement hierarchy. They display a dispersed residential character, and it is anticipated that their existing character and function will remain primarily as residential, with loose clusters of housing. Small scale residential cluster developments served by individual wastewater treatment systems will be considered in designated small village settlements.
- **Section 3.5 Small Village Settlements** - Development shall occur within the settlement boundary only. All development in these settlements should contribute

to improvements in the villages' urban form and shall preserve their character, heritage and natural features.

- **Section 3.5.3 Tourism & Outdoor Recreation** - Some of these villages are heavily reliant on tourism and passing visitor trade. In most instances this is very seasonal and only for a few short weeks, therefore it is essential to promote the sustainable development of ecotourism and other niche tourism markets in order to sustain and develop these settlements.
- **Objective KENMD-SV-1** - Facilitate the sustainable development of camping/glamping sites at appropriate locations.
- **Objective KENMD-SV-2** - Promote the sustainable development of ecotourism and other niche markets. Encourage the sustainable extension and diversification of tourist facilities at appropriate locations.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site. The nearest European site is the Iveragh Peninsula SPA located c750m to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The first party appeal has been prepared and submitted by Frank Coffey, Consulting Engineer and may be summarised as follows:
- The Kenmare MD LAP 2024 – 2030 (KMD LAP) includes the An Gleann settlement / development boundary map. The scheme is supported by Section 10.3.5.1 and Objective KCDP 10-31 of the Kerry County Development Plan 2022 – 2028 and mirrored by Section 3.5.3 and Objective KENMD-SV-1 of the Kenmare MD LAP. KCC supports glamping on sites adjacent to existing settlements “to compliment tourism”.
 - There is a lack of accommodation in the area. A glamping scheme is regarded as a low impact form of tourist accommodation with small footprint buildings and little visual impact.

- The refusal is on foot of concern by the Site Assessment Unit (SAU) of KCC. Submitted that there was no technical analysis of the information submitted with the application and in FI.
- The scheme included the latest technology for effluent disposal (Tricel Novo IE 36). The WWTU provides tertiary treatment to the effluent and is disposed to the ground via a Tricel Sandcel (sand polishing system).
- The concern that the unit could give rise to odour and / or noise is misplaced and has featured in recent permissions' granted by KCC. Reference is made to Reg Ref 21/1228 (6 glamping pods) and Reg Ref 22/145 (Two Mile School). Odour or noise was not raised as issues by SAU.
- In relation to the seasonal nature of the development giving rise to odours, Tricel state that there is a straightforward solution on odour whereby the system is de-sludged and filled with water at the end of the season together with carbon filters on the vents to render the system odour free. In relation to noise, Tricel have confirmed that the noise level at 48db is very low and barely discernible over the background noise.
- In relation to the third-party observations the following comments are submitted:
 - There is a clear separation between both sites.
 - The glamping will be managed and controlled with guest rules to ensure noise impacts are minimised.
 - Any inaccuracies are insignificant
 - The appeal site is within the settlement boundary of An Gleann (Kenmare MD LAP 2024 – 2030 refers).
 - The scheme could not be considered as over development particularly when compared to the previous permitted 5 and 8 houses on site. Any less than 9 pods would be uneconomically viable.
 - Surface water runoff will be directed to the existing public surface water sewer.
 - 16 no car parking spaces are provided and adequate to cater for the development.
 - The Roads Department of KCC had no issue with the access.

6.1.2. The appeal was accompanied by the following:

- An Ghleann Settlement Map
- Kerry Education & Training Board Letter of Support (Two Mile School) advising that there are no issues with odour of noise and no complaints from neighbours.
- Tricel WWTP (supplier) report in response to refusal
- HW Construction Management Environmental Consultants Report –
- KCDP & KMD LAP Extracts

6.2. **Planning Authority Response**

6.2.1. None

6.3. **Observations**

6.3.1. There is one observation recorded on the planning file from the Trustees of Comhlacht Forbartha an Gleanna, a registered charity providing social housing for the elderly in the Glen as well as a community day centre and other services. The charity owns and manages three community houses which are the closest properties to the appeal site, directly across the road to the south. The issues raised can be summarised as follows:

- Confirms support for the decision of KCC to refuse permission.
- The proposed development is an overdevelopment of a small site that will have a serious impact on tenants' quality of life and The Glen as a community.
- Glamping Pods are not an appropriate means to address a lack of accommodation in the area.
- Increased traffic on the roads surrounding the site will impact on tenants in the social housing
- Proximity of the scheme to the social housing is unacceptable and concern is expressed as to how the glamping pods will be operated and managed
- Section 10.3.5.1 of the Development Plan does not support the scheme as there are concerns in relation to safe pedestrian links to the village and necessity to drive to shops

6.3.2. The submission was accompanied by the observers 2 no previous submissions to Kerry County Council.

6.4. **Further Responses**

6.4.1. None

7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted with the application to KCC on the 7th November 2023 and as amended by further information submitted to KCC on 17th May 2024.

7.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle
- Refusal Reason – Wastewater Disposal
- Residential Amenity
- Other Issues

7.3. **Principle**

7.3.1. Permission is sought to construct (i) 9 No. Glamping (pods) units (12 sqm x 9) (ii) Wastewater Treatment Unit and Polishing Filter, (iii) site administration office (24 sqm), parking and (iv) all associated site services within the settlement boundary of An Gleann, a designated Small Village Settlement. The Kenmare Municipal District Local Area Plan 2024-2030 refers. It is the general policy of Kerry County Council as set out in the County Development Plan and the Local Area Plan to support the provision of a wide range of tourist accommodation types including glamping/camping/caravan and particularly small villages that are reliant on tourism and passing visitor trade at suitable locations. Accordingly, I am satisfied that the proposal is acceptable in principle at this location.

7.4. Refusal Reason – Wastewater Disposal

7.4.1. Kerry County Council refused permission for the following reason:

The Planning Authority is not satisfied on the basis of submissions made in relation to the application that the proposed wastewater treatment system would not cause a risk of odour and/or noise nuisance. The proposed development would, therefore, seriously injure the amenities of properties in the vicinity of the site and would be contrary to the proper planning and development of the area.

7.4.2. Section 13.2.2.3 Communal Private Wastewater Treatment Plants of the County Development Plan states that private wastewater treatment plants, such as that proposed, will be considered in exceptional circumstances for commercial and tourism uses. It is further stated that the Council must also be satisfied that the development complies with all relevant EPA guidance, EU Directives and sustainable development and environmental criteria.

7.4.3. It is proposed to install a private Tertiary Treatment System and Infiltration /treatment area with discharge to Ground Water. This is a tourism use and therefore the principle of a private wastewater treatment plant onsite is acceptable. In relation to compliance all relevant EPA Guidance and Environmental criteria I refer to the Site Suitability Assessment Report - Site Characterisation Report and Specifications for a Wastewater Treatment Unit and Sand Polishing Filter and other technical information available on the appeal file. I have discussed the case with the ACP Environment Team who have set out the following:

- The area is mapped s extreme vulnerability and extreme vulnerability with rock with locally important aquifer with moderately productive bedrock in local zones. The site is mapped as having predominantly shallow soils with bedrock at the surface Lithosols and peats, or gleyey peats with varying recharge across the area. Essentially the rainfall can readily go to ground or not.
- Based on the supporting photographs and Google streetview the front boundary would appear to have drainage ditches with likelihood of water, the levels of water in these drains would indicate the amount of unsaturated material available, which would by experience be a lot less that that referenced in the Site Characterisation report.

- Boundary ditches (indicating possible poor draining material) have rush species in them (these species tend to thrive in wet moist conditions) this may also be an indication of saturation within the upper soils. There are rushes evident also suggestive of poor drainage also in the photographs.
- Invert level of 700mm below ground level is being referenced in the SCR. The cross sectional drawings A & B supporting the SCR would appear to be contradictory. There is no indication as to the invert level relative to ground level in cross section B-B.
- The Gravel distribution layer of 375m² underlying a SPF of 125m² would appear to be adequately sized based on the percolation values submitted.
- PE 50 equates to 7.5m³ in 24 hours at max occupancy, this is a Licensable discharge under Section 4 of the WP Act 1977, as amended as it exceeds the threshold of 5m³ in any 24 hours.

7.4.4. I share the concerns raised by the ACP Environment Team that there is impeded drainage on the site and inconsistencies in the site characterisation assessment. I am not satisfied that on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and infiltration area. Refusal is recommended.

7.5. Residential Amenity

7.5.1. There is one observation recorded on the planning file from the Trustees of Comhlacht Forbartha an Gleanna, a registered charity providing social housing for the elderly in the Glen as well as a community day centre and other services. The charity owns and manages three community houses which are the closest properties to the appeal site. The observers raise concerns in relation to the impact of the proposed Glamping site on tenants' quality of life and The Glen as a community.

7.5.2. I note the concerns raised in the observation in relation to how the glamping pods will be managed and if it will be used for stags / hens. These are valid concerns given the setting of the proposed site. I note from the appeal submission that the glamping will be managed and controlled with guest rules to ensure noise impacts are

minimised. No further details are provided in this regard. Appropriate management of the site is imperative and therefore it is recommended that a condition be attached requiring that a management plan be put in place and agreed with the Planning Authority restricting the use of the development for stags / hens

7.5.3. I note the concerns raised in the third-party observations in relation to safe pedestrian links to the village, necessity to drive to shops reflecting the lack of local facilities to serve the development and inadequate tourist parking in the area. As stated in the observation these requirements align with Section 10.3.5.1 Camping/Glamping, Campervans and Caravans of the County Development Plan. The absence of public footpaths adjoining the site is noted. However, given the location of the site fronting onto what is effectively a cul de sac, the nature of the road in terms of vertical and horizontal alignment, width and surface, taken together with the proposed access to the development at the closest point to the village and existing development on this road I am satisfied that no significant pedestrian safety issues should arise. In terms of local facilities, this is a Small Village Settlement (as per the Development Plan) that displays a dispersed residential character and where one not readily expect to find a shops. Therefore, driving to shops is a reasonable and acceptable expectation. In relation to car parking, I am satisfied that there is adequate provision of same on site.

7.5.4. As documented in the Principle section of this appeal the site is located within the settlement boundary of the village where development of this nature is acceptable. Having regard to the scale of the development proposed taken together with the recommended condition in relation to managing the development I do not consider that the development will have a significant negative impact on existing residential amenity.

7.6. Other Issues

7.6.1. **Biodiversity Report & Plan** - There were no invasive species (such as Japanese Knotweed) recorded. There were no signs of any inhabiting fauna (e.g. Badger) but scattered poor hedgerow in the locality would support native songbirds, with Fox being a potential visitor to the site. There are no trees to support roosting or foraging bat species. The report recommends the following:

- **Native hedgerow** - Plant native hedging inside the northern bounding bank / stonework and southern bounding stone wall, along with on the eastern bounding bank to provide shelter from the salt air.
- **Wildflower meadow** - Retain a portion (240sqm) uncut meadow, cutting only once or twice during the Spring –early Autumn season – preferably after mid-August at the northern end of the site. Fertilisation and the application of chemicals should not occur within wildflower meadows.
- **Pond** – Consideration should be given to developing a pond at the southeastern corner at the termination of the open drain to provide an additional habitat for aquatic species as well as being utilised by visiting mammals and birds.
- **Other** – The existing open drain along the eastern boundary should be retained along with its narrow fringe of Common Reed. A small area of seeded wildflower meadow can be considered on the proposed banks enclosing the treatment facility.

7.6.2. The foregoing proposals are to be welcomed. Noted that the foregoing recommendations have been incorporated into revised plans and particulars submitted by way of further information. No issues arise in this regard.

8.0 Environmental Impact Assessment

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

9.0 Appropriate Assessment Screening Determination

9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Iveragh Peninsula Special Protection Area (Site Code 004154) in view of the conservation

objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- Nature of the project, site and receiving environment
- Location and distance from nearest European site and lack of connections
- The considerations of the planning authority in its screening report.

10.0 Water Framework Directive

10.1. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am **not satisfied** that it can be eliminated from further assessment as there may be a risk to surface and/or groundwater water bodies reason of impeded drainage on the site and inconsistencies in the site characterisation assessment.

10.2. On the basis of objective information, the proposed development and tertiary treatment system and infiltration /treatment area may result in a risk of deterioration on a water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently cannot be excluded from further assessment.

10.3. However, given the substantive issues in relation to wastewater treatment on the site I do not consider that this matter necessitates a separate reason for refusal. It is however recommended that any future application at this site would clearly demonstrate compliance with the WFD.

11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my

assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason and considerations and subject of the conditions outlined below.

12.0 Reasons and Considerations

1. Having regard to the soil conditions and high water table, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and infiltration area. The proposed development would, therefore, be prejudicial to public health

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.

Mary Crowley

Senior Planning Inspector

26th September 2025

13.0 Appendix 1 - Form 1 - EIA Pre-Screening

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| Case Reference | ABP-320109-24 |
| Proposed Development Summary | Construction of 9 glamping pods and associated site works. |
| Development Address | Rath Ciaran, The Glen, Ballinskelligs, Co. Kerry |
| | In all cases check box /or leave blank |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. |
| | <input type="checkbox"/> No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 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? | |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. | |

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| EIA is Mandatory. No Screening Required | |
| <input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | Class 12(d) of Schedule 5 Part 2 – <i>permanent camp site or caravan site where the number of pitches would be greater than 100.</i> The proposed development falls significantly below this threshold comprising a development of 9 no pods on a site of 0.533 ha |

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| 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)? | |
| Yes <input type="checkbox"/> | Screening Determination required (Complete Form 3) |
| No <input checked="" type="checkbox"/> | |

Inspector _____ Date _____

DP/ADP _____ Date _____

(only where Schedule 7A information or EIAR required)

14.0 Appendix 2 - Form 2 - EIA Screening Determination

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| An Bord Pleanála Case Reference | ABP-320109-24 |
| Proposed Development Summary | Construction of 9 glamping pods and associated site works. |
| Development Address | Rath Ciaran, The Glen, Ballinskelligs, Co. Kerry |
| <p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p> | |
| <p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p> | <p>The development is for the construction of 9 glamping pods and associated site works to include a Wastewater Treatment Unit and Polishing Filter. Surface water runoff will be directed to the existing public surface water sewer.</p> <p>The development is not significant in size or scale. No demolition works are required. Excavation works are required for the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.</p> <p>The nature and scale of the proposed development will have a visual impact at a local level but would not give rise to significant visual environmental effects in</p> |

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| | <p>terms of scale and design at a wider spatial level.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution. The project characteristics pose no significant risks to human health.</p> <p>There is impeded drainage on the site and inconsistencies in the site characterisation assessment. This matter has been assessed in Section 7.4 of this report above where refusal of the scheme has been recommended.</p> <p>There are no SEVESO / COMAH sites in the vicinity of this site. The development, by virtue of its type and scale, does not pose a risk of major accident and / or disaster and therefore presents no risks to human health.</p> |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The site is within settlement boundary of An Gleann as set out in the Kenmare MD LAP 2024-2030</p> <p>The site is not located within or adjoining any of the following designated / sensitive sites:</p> <ul style="list-style-type: none"> ▪ European site (SAC/ SPA/ pSAC/ pSPA) ▪ NHA/ pNHA ▪ Designated Nature Reserve ▪ Designated refuge for flora or fauna |

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| | <p>There are no known monuments or other archaeological features on the subject site.</p> <p>The site is not located within or proximate to any designated ACA.</p> <p>The site is not at risk of flooding.</p> <p>The site is served by a local urban road network. No significant contribution to traffic congestion is anticipated.</p> <p>It is considered that, having regard to the limited nature and scale of the development and the existing tree cover that provides a landscape buffer, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation)</p> | <p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 12 Tourism & Leisure of the Planning and Development Regulations 2001 as amended.</p> <p>The construction impacts which would arise on foot of the development reflect typical leisure/tourist developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water</p> |

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| | <p>run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed through an agreed Construction and Environmental Management Plan.</p> <p>No significant operational impacts are predicted. Decommissioning is not anticipated.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p> <p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act</p> |
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Conclusion

| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
|--|---|------------------|
| There is no real likelihood of significant effects on the environment. | EIA is not required. | No |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment. | Schedule 7A Information required to enable a Screening Determination to be carried out. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector _____ **Date** _____

DP/ADP _____ **Date** _____

(only where Schedule 7A information or EIAR required)

15.0 Appendix 3 – Appropriate Assessment Screening Determination

| Screening for Appropriate Assessment | |
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| Test for likely significant effects | |
| Step 1: Description of the project and local site characteristics | |
| Case file: ABP 320109-24 | |
| Brief description of project | Normal Planning Appeal See Section of 2.0 of the Inspectors Report Construction of 9 glamping pods and associated site works to include a Wastewater Treatment Unit and Polishing Filter at Rath Ciaran, The Glen, Ballinskelligs, Co. Kerry. Surface water runoff will be directed to the existing public surface water sewer. |
| Brief description of development site characteristics and potential impact mechanisms | This site is semi-improved agricultural grassland located at a crossroad just outside the village of The Glen. |
| Screening report | No |
| Natura Impact Statement | No |
| Relevant submissions | KCC Environmental Assessment Unit (Biodiversity) – Did not identify any potential for significant effects on the Iveragh Peninsula Special Protection Area (Site Code 004154) in view of the site’s conservation objectives. |
| Step 2. Identification of relevant European sites using the Source-pathway-receptor model | |

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

The Iveragh Peninsula Special Protection Area (SPA code 4154) occurs approximately 500m to the south-west and south-east of the proposed development. Valentia Harbour / Portmagee Channel SAC (code 2262) is <5km to the north, while Ballinskelligs Bay and Inny Estuary Special Area of Conservation (SAC code 0335) occurs approximately 5km to the south-east.

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

- Iveragh Peninsula Special Protection Area (Site Code 004154) located c750m to the southwest

The Conservation Objective for each QI is to maintain the favourable conservation condition of the stated QI in Iveragh Peninsula SPA, which is defined by the list of attributes and targets listed in the NPWS Conservation Objective Series (<https://www.npws.ie/protected-sites/spa/004154>).

Noted that this SPA overlaps with Ballinskelligs Bay and Inny Estuary SAC (000335), Killarney National Park, Macgillycuddy's Reek and Caragh River Catchment SAC (000365), Kenmare River SAC (002158) and Valencia Harbour / Portmagee Channel SAC (002262) and is adjacent to Puffin Island SPA (004003) and Castlemaine Harbour SPA (004029).

| European Site (code) | Qualifying interests (summary) Link to conservation objectives (NPWS, date) | Distance from proposed development | Ecological connections | Consider further in screening Y/N |
|----------------------|---|------------------------------------|------------------------|-----------------------------------|
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|---|---|------------------------|-----------|---|
| Iveragh Peninsula SPA (Site Code 004154) | <p>Habitats</p> <ul style="list-style-type: none"> ▪ None <p>Species</p> <ul style="list-style-type: none"> ▪ Fulmar ▪ Peregrine ▪ Kittiwake ▪ Guillemot ▪ Chough <p>(NPWS 23rd May 2025)</p> <p>https://www.npws.ie/protected-sites/spa/004154</p> | c750m to the southwest | Hydrology | N |
|---|---|------------------------|-----------|---|

The Fulmar, Kittiwake and Guillemot are all seabirds that forage at sea and their habitats for nesting are along exposed cliffs along the coastline / offshore islands. The appeal site does not contain suitable habitat for these species.

The Peregrine is a raptor that also nests on coastal cliffs. They may commute locally and move to estuaries and other wetland areas in winter. The appeal site does not contain suitable habitat for these species and the proposed development is unlikely to affect the species and / or its breeding sites.

The Chough is associated with coastal sand dune habitats and coastal grasslands with a tight sward. Breeding sites are associated with cliffs / ruinous old buildings / structures. Taken together with the site's location close to the village the appeal site and area is not an optimal habitat for this species and is not a suitable breeding habitat. The improved grassland on this site is not particularly attractive to Chough which generally forage on open, low sward heath habitat close to the coast. Further there is ample prime habitat within the SPA along the coast.

The proposed WWTP will discharge to groundwater. None of the QI species are reliant on freshwater quality.

Iveragh Peninsula SPA (Site Code 004154)

Direct - None.

Indirect – None

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

The nature, scale and extent of the proposed works, the absence of a direct hydrological link, implementation of standard construction techniques, location of site close to the village within an area that is not an optimal habitat or a suitable breeding habitat for the species identified and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect the qualifying interests listed

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

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

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

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

No mitigation measures aimed at avoiding or reducing impacts on European sites are required to come to these conclusions.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites namely Iveragh Peninsula SPA (Site Code 004154) or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- Nature of the project, site and receiving environment.
- Objective information presented in the appeal case documentation
- Absence of any meaningful pathways to any waterbody
- Distance from and weak indirect connections to the European sites
- Location of the site close to the village centre within an area that is not an optimal feeding or breeding habitat for the qualifying interests listed
- The considerations of the planning authority in its screening report