

An
Coimisiún
Pleanála

Inspector's Addendum Report

ABP-320109-24A

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 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-320109-24 dated 26th September 2025.
- 1.2. Kerry County Council expressed concerns regarding the potential for noise and odour from the wastewater treatment system as proposed and the potential to seriously injure the amenities of the properties local to the development. Planning permission was refused 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.

- 1.3. The decision was appealed by the applicant. In considering this case, I discussed the issue of wastewater disposal with Emmet Smyth, Senior Scientist, Environment Team. These discussions formed part of my Inspectors report and informed my recommendation to refuse permission for the following reason:

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

- 1.4. On the 9th October 2025 the Coimisiún having considered the case decided to issue a Section 132 Notice to the applicant regarding the following as summarised:
- 1) Confirmation that effluent from the site can be satisfactorily treated and disposed of on-site having regard to the extreme groundwater vulnerability of the site
 - 2) Detailed longitudinal and cross site sections through the polishing filter and wastewater treatment system

- 3) Site plan to include finished floor levels, site levels, proposed pond, playground, drains, ditches, hard landscaping and hedgerow removal and reinstatement

1.5. The Coimisiún issued a Section 132 Notice to the applicant on the 15th of October 2025.

2.0 Response of Applicant

2.1. The applicant submitted their response on the 4th of November 2025 comprising the following as summarised:

- 1) **Ground Water Vulnerability** - The applicant confirmed that there is 1.3m of suitable subsoil with an average T value of 41.14 available below the proposed filter level to the water table which sits at 2.1m below the existing ground level. Furthermore, there was no bedrock encountered as part of the assessment process. Along with this the trial holes were opened and visually inspected by Kerry County Council site assessment unit as part of the planning application process, and they were satisfied with the description and details of same as described in the site assessment. Essentially, while the area is mapped as having extreme groundwater vulnerability, the trial holes opened during the course of the site assessment indicated that there was ample soil available under the proposed filter to disperse the treated effluent. Neither was bedrock encountered. Submitted that wastewater can be disposed effectively to the underlying groundwater without risk to the quality of the receiving waters or surface waters in the vicinity.
- 2) **Longitudinal & Cross Site Sections** - Detailed sections included with the submission
- 3) **Floor Levels / Site Levels** - Contours and spot levels throughout the site have been recorded on the Bio-Diversity Plan. This plan also indicates the surface gradient direction. Stated that surface drainage from the site cannot enter the surface water drains directly, as the open drains are upgradient of the unit. The pre-existing shallow surface drains on the eastern and southern side of the site are in fact road surface drainage drains and only convey water in times of wet weather and can be dry for extended periods.

- 4) **Conclusion** – The Coimisiún are requested to take the scientific approach to assessment of the WWTS and to acknowledge that the EPA Guidelines have been adhered to in this case.

2.2. The response was accompanied by the following:

- Biodiversity Site Layout Plan (dated 20th October 2025)
- Supplementary Site Assessment Report

3.0 Further Submissions

3.1. The Coimisiún issued a Section 131 notice to all parties on the 9th of December 2025. A single response was received from Comhlacht Forbartha an Gleanna (Social Housing Charity), who are observers to the appeal. Additional comments are summarised as follows:

- Biodiversity Plan – The local stream referred to is the water course that runs along the east side of the community playground managed by the observer. Runoff from the access road / west end of the site will flow onto the road and down to the cross road which in heavy rain is where flooding occur.
- The pond is directly across the road from the 3 no community houses and the management of same is queried and whether it will be allowed to dry out or act as a breeding location for midges and mosquitos. Noted that playground is omitted in plans submitted.
- Ground Water Vulnerability – Noting the surface gradient in the biodiversity plan it is queried how surface water from areas that are downhill from the treatment plant will discharge to same.
- Conclusion – Disagrees with applicant that the proposed scheme fits ideally with tourism demand in the area. Submitted that there are multiple B&Bs and Airbnb's in the area. Additional tourist accommodation could be beneficial, but it would depend on the type of accommodation.

4.0 Coimisiún Direction

4.1. The Coimisiún in their direction of the 8th of December 2025 requested that the Inspectorate prepare an addendum report with input from the ACP Environment Team

if necessary, addressing each of the submissions received since the initial Section 132 notice issued on the 15th of October 2025.

5.0 ACP Environment Team

- 5.1. In my initial consideration of this case, I discussed the issue of wastewater disposal with Emmet Smyth, Senior Scientist, ACP Environment Team. These discussions formed part of my original report and informed my recommendation to refuse permission as there was concern that effluent from the development could not be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system and infiltration area.
- 5.2. Having regard to the applicant's response to the Section 132 Notice it was considered necessary that input from the ACP Environment Team be sought.
- 5.3. A memo issued to Emmet Smyth, Senior Scientist, ACP Environment Team seeking their written opinion on the 27th January 2026. Following their site inspection a response was received on the 2nd April 2026. The Technical Report concluded that effluent could not be adequately disposed of in a manner that would not be prejudicial to public health and that the inspector's recommendation to refuse permission stands.
- 5.4. This Technical Report is referenced throughout this assessment and is available to the Coimisiún as an appendix to this report; Appendix 1 refers.

6.0 Assessment

- 6.1.1. It is proposed to install a private Tertiary Treatment System and Infiltration /treatment area with discharge to ground water to serve 9 no. Glamping (pods) units (12 sqm x 9) and site administration office. The proposed development will have a PE of 18 and will generate a daily effluent loading of 2.7m³ to be attenuated and disposed of via the sand polishing filter. The site assessor sized the wastewater treatment system to cater for a loading of 3PE per pod equating to a PE of 27

6.2. Site Hydrological Overview

- 6.2.1. The soil type mapped for the site does not correspond to the observations of the ACP Senior Scientist on day of site inspection. Across the site he observed profuse growth of rushes, an indicator of impeded drainage conditions and their presence is supported

by elevated or perched water table. In further support of this the northern boundary of the site c.7m upgradient of the boundary is a watercourse where the water level is c. 700mm BGL which could indicate the presence of the water table at a higher level within the site boundary. On the eastern boundary it was further observed that there is a water course where the water levels appear to be similar to the levels of the watercourse to the north of the site. These observations would indicate that the likely soil type here is either peaty gleys or surface and groundwater gleys with an elevated water table. It is further noted that the aquifer description is of a poor classification with bedrock generally unproductive except for local zones. The recharge co-efficient over the site base is recorded as 22%. This means that most water that falls on the site would run-off the ground rather than infiltrate. This supports what was observed on the site by the ACP Environmental Scientist.

6.3. **Site Characterisation Report (SCR)**

- 6.3.1. The soil type referenced uses the broad soil descriptor of deep well drained mineral soil which would correlate to that of the GSI mapper for the area, however this is not the soil type that was observed at the site by the ACP Environmental Scientist. In the visual assessment there is no reference to poor drainage indicators, ground condition is stated as dry underfoot citing boundary ditches to all sides and no surface water ponding or the presence of watercourse was observed.
- 6.3.2. **Trial Hole** - The trial hole log made no reference to bedrock outcrop or sub crop in the trial hole, with water table met at 2100mm BGL and water ingress observed at 1950mm BGL. There was no mention of mottling within the soil profile but mention of light Brown/grey colouration to 700mm BGL.
- 6.3.3. **Percolation Tests** - Surface percolation tests pre-soaking was carried out on the 28th of June 2021 with percolation testing commencing according to the SCR on the 29th of June 2022 a full year later, if this is the case then there is an issue regarding the validity of these results.
- 6.4. **Conclusion** - In the concluding section of the SCR, the assessor references subsurface percolation values of 41.14 at odds to the value recorded earlier in section 3.3(a). The assessor also states that there is 1300mm of unsaturated material available for disposal of effluent. The assessor further states in section 5.0 of the SCR invert level of gravel bed to be at 700mm BGL. It would appear that the assessor has

given two different surface areas for the gravel distribution layer. The recommendations for the proposal are unclear in this section. Later in an appended table reference is made to a sand polishing filter of 125.33m² and a gravel distribution layer of 376m².

6.5. Section 132 Response

- 6.5.1. The ACP Environmental Scientist states that the applicant's response is at odds with what was returned in the trial hole log which referenced water ingress at 1.95 BGL. It is noted that this is the point where water table level should be taken, but that there are a number of other site conditions not referenced which would query the amount of vertical separation available on the site. As pointed out by the ACP Environmental Scientist these include the colouration of grey brown observed in the trial hole at c.700mm BGL is suspected to be mottling and the presence of poor drainage indicators in this case rushes, and the level of water observed in the watercourse just outside the northern boundary which was c.700mm BGL (this is an indicator of the availability of unsaturated material available as it is regarded as an expression of the water table). As the site is marginally lower evidence of a water table higher in the soil profile should be observed on the subject site than recorded.
- 6.5.2. The ACP Environmental Scientist noted that the groundwater under the site has an extreme vulnerability rating and the rationale for this is based on the low permeability soils, which it is believed exist on this site as observed during their site inspection.
- 6.5.3. As pointed out by the ACP Environmental Scientist the cross sections submitted on Section B-B appear to show the wastewater treatment system underneath the sand polishing filter, whereas section A-A appears to show the Tricell Novo IE36 upgradient of the sand polishing filter. In addition, percolation values for the surface should have been submitted given that it is proposed to utilise topsoil as a part of the polishing filter. With reference to the earlier concerns pertaining to the availability of unsaturated material underlying the site I agree with the ACP Environmental Scientist that the cross sections as referenced in drawing number 16/02 submitted under the Section 132 notice are not satisfactory.

6.6. Wastewater Disposal Conclusion

- 6.6.1. The ACP Environmental Scientist concluded as follows:

I am not satisfied that the effluent could be adequately disposed of in a manner that would not be prejudicial to public health. Additionally given the conditions I observed onsite run-off would dominate over infiltration here, this given the likely inability of the site to adequately dispose of effluents from the proposed development and the likelihood of effluent breakout as a result there would remain the potential to impact on the local surface water quality. I would not agree with the submission received on foot of the Section 132 notice. I am of the of the opinion that the inspector's recommendation stands.

6.6.2. As evidenced in the foregoing, the difficulty with this site in relation to effluent disposal is poor soil conditions and a high-water table as observed on site, that would lead to poor filtration and the potential to impact local surface water quality and associated public health concerns. These observations, as documented by the ACP Environmental Scientist in their report are at variance with the findings and conclusions of the applicant. Further the response to the Section 132 request has not alleviated the concerns raised.

6.6.3. I refer to my original Inspector's Report and recommendation on this application dated 26th September 2026. Having regard to the additional submissions received together with the detailed Technical Note provided by Emmet Smyth, ACP Senior Environmental Scientist it remains that effluent cannot be adequately disposed of on this site in a manner that would not be prejudicial to public health.

7.0 Recommendation

7.1. I conclude that the applicant has failed to adequately address the issues as raised by the Board. Refusal is recommended.

8.0 Reasons and Considerations

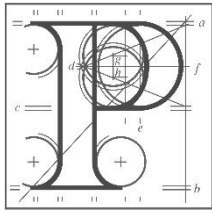
1. Having regard to the soil conditions and high water table, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Inspector _____ **Date:** 8th April 2026
Mary Crowley SPI

Approved (ADP) _____ **Date** _____
Karen Hamilton ADP

9.0 Appendix 1 – Technical Note



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Technical Note
PL08.320109

To: Mary Crowley
From: Emmet Smyth
Re: Rath Ciaran, The Glen, Ballinskelligs, Co. Kerry- Wastewater
Date: 2nd April 2026

Development description:

The applicant is applying for permission for the construction of 9 No. Glamping pods, a wastewater treatment system and polishing filter, site administration office and parking and all associated site services at Rath Ciaran, Ballinskelligs, Co. Kerry. The subject site is located in the townland of Rath Ciaran c.4.5kilometres to the south-east of the village of Portmagee and c. 4.8 km to the northwest of Ballinskellig village. The site is served by a local road and regional road the R566 to the south. The topography of the lands is gently rising to the northeast, with the site itself relatively flat and exposed. The general area is defined by limited agricultural uses with some dispersed rural residential dwellings served by onsite wastewater systems.

Kerry County Council & ACP Direction (CD020917-25) Comments:

The Local Authority expressed concerns regarding the potential for noise and odour from the wastewater treatment system as proposed and the potential to seriously injure the amenities of the properties local to the development.

On the 10th of October 2026 the Commission deferred the decision of the case and issued a Section 132 Notice regarding the following.

- Given the subject site is in an area mapped as having extreme groundwater vulnerability, having predominantly shallow soils with bedrock at the surface, with surface water drains indicated on the eastern and southern boundaries (drawing number 16/02 rev 2. F. Coffey Consulting Engineer, Biodiversity Plan prepared by Kerry Ecological Services) and evidence of rushes along the site boundaries, the applicant is requested to confirm that the effluent from the site can be satisfactorily treated and disposed of on the site.
- The applicant is requested to submit detailed longitudinal and cross site sections through the polishing filter and wastewater treatment system showing invert levels relative to site specific ground levels, boundary ditches road level and finished floor level of pods.
- Applicant is requested to submit site plan to include finished floor levels, site levels, proposed pond, existing drains ditches, extent of hard landscaping, extent of hedgerow removal and reinstatement.

A response was received on the 4th of November 2025. Consequently, the input of the Environment team was sought addressing the input of each of the matters outlined above.

Site Hydrogeological overview:

The site is described and mapped under the Geological Survey of Ireland mapper as an area of Extreme Vulnerability. Vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease with which groundwater may be contaminated by human activities. In areas of this vulnerability the likelihood of groundwater contamination from human activities is at the extreme end. The bedrock underlying the site is of the Valentia Slate formation which is described as a purple mudstone and siltstone. The subsoil or Quaternary sediment is listed as till derived from Devonian sandstones. The soils within this area are a

collective of (i) Peaty gley's which are poorly drained, (ii) lithosols and regosols with elevated bedrock generally shallow and well drained materials, (iii) surface and groundwater gley's which are a poorly drained component (iv) Acid Brown Earths and brown podzolics which are well drained. The rationale for listing all the soil types local too the proposed development is that the soil type mapped for the site would not correspond to my observations at the site. The Geological survey mapper has the site recorded as an acid brown earth and brown podzolic and as referenced above the drainage characteristics are well drained.

Across the site I observed profuse growth of rushes, an indicator of impeded drainage conditions and their presence is supported by elevated or perched water table. This indicator plant thrives in wet, nutrient poor acidic conditions. In further support of this the northern boundary of the site c.7m upgradient of the boundary is a watercourse draining to the southwest and joining the surface waterbody (Reference IE_SW_21A160930 good status and not at risk of attaining WFD objectives.) Water level in this watercourse is c. 700mm BGL just north of the site boundary, it should also be noted that the land is rising as we move north of that boundary which could indeed indicate the presence of the water table at a higher level within the site boundary. On the boundary to the east there is a water course also that appears to drain to another tributary to the south within the same waterbody referred to above. The water levels at this watercourse would appear to be similar to the levels of the watercourse to the North of the site. Essentially this is indicating that the water table is at a minimum of c. 700mm BGL at these higher points of the site. The elevation at the site falls away as we move southwest, with this being the lowest point of the site and from this we can infer that water table at this lower portion of the site is higher than 700mm BGL. In this area there were areas of ponded water sitting in and around ground level with the ground soft underfoot. These observations would indicate that the likely soil type here is likely one of the following peaty gleys or surface and groundwater gleys with an elevated water table.

The aquifer description is of a poor classification with bedrock generally unproductive except for local zones. The recharge co-efficient over the site based is recorded as 22%, this essentially mean that 225.5mm of the effective rainfall (1002.10mm/year) at the site over a year infiltrates to groundwater. This essentially means we would expect to see most water that falls on the site to be run-off the ground rather than infiltrate, this would support what I observed on the site.

Contours at the site and local topography would likely indicate groundwater flow moving perpendicularly through the site from the northeast to the southwest.

Site Characterisation report.

The subject development incorporates 9 glamping pods capable of double occupation or PE 18, generating a daily effluent loading of 2.7m³ to be attenuated and disposed of via the sand polishing filter. The site assessor is sizing the wastewater treatment system to cater for a loading of 3PE per pod equating to a population equivalent of 27. The soil type referenced uses the broad soil descriptor of deep well drained mineral soil which would correlate to that of the GSI mapper for the area, however this is not the soil type that is observed at the subject site in my opinion.

The assessor reports that the site is underlain by a poor aquifer productive only in local zones, as mapped on the GSI mapper. The site assessor has ticked the site vulnerability as extreme which is also corroborated by the GSI mapper. Given the foregoing the groundwater protection response matrix is R2₁ which requires the following response, *Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required (EPA, 2021) are met and that the likelihood of microbial pollution is minimised.*

In the visual assessment there is no reference to poor drainage indicators, ground condition is stated as dry underfoot citing boundary ditches to all sides. No surface water ponding was observed and the presence of watercourses, none.

Trial Hole:

The trial hole log stated that the trial hole was dug to a depth of 2400mm BGL and remained open for the requisite minimum period of 48 hours. The trial hole log made no reference to bedrock outcrop or sub crop in the trial hole, with water table met at 2100mm BGL and water ingress observed at 1950mm BGL. There was no mention of mottling within the soil profile but mention of light Brown/grey colouration to 700mm BGL.

Photograph of the trial hole were submitted in support of the site assessment. The assessor expressed expected percolation values of the subsurface of 50 mins/25mm, with no surface percolation values carried out.

Percolation tests: Surface percolation tests pre-soaking was carried out on the 28th of June 2021 with percolation testing commencing according to the SCR on the 29th of June 2022 a full year later, if this is the case then there is an issue regarding the validity of these results. Percolation results for the sub-surface of 38.11mins/25mm were returned with no sub-surface percolation testing carried out.

In concluding section of the SCR, the assessor references subsurface percolation values of 41.14 at odds to the value recorded earlier in section 3.3(a). The assessor also states that there is 1300mm of unsaturated material available for disposal of effluent. The assessor further states in section 5.0 of the SCR invert level of gravel bed to be at 700mm BGL. It would appear that the assessor has given two different surface areas for the gravel distribution layer. The recommendations for the proposal are unclear in this section. Later in an appended table reference is made to a sand polishing filter of 125.33m² and a gravel distribution layer of 376m².

Response from the applicant regarding the Section 132 notice.**Regarding Point 1**

The applicant stated as follows: confirming that there is 1.3m of suitable subsoil with an average T value of 41.14 available below the proposed filter level to the water table

which sits at 2,1m below the existing ground level. Furthermore, there was no bedrock encountered as part of the assessment process. Along with this the trial holes were opened and visually inspected by Kerry County Council site assessment unit as part of the planning application process, and they were satisfied with the description and details of same as described in the site assessment.

Comment.

This is at odds to what was returned in the trial hole log which referenced water ingress at 1.95 BGL this is the point where water table level should be taken, however there are a number of other site conditions not referenced which would query the amount of vertical separation available on the site, The colouration of grey brown observed in the trial hole at c.700mm BGL which I would suspect to be mottling and the presence of poor drainage indicators in this case rushes, and the level of water observed in the watercourse just outside the northern boundary which was c.700mm BGL (this is an indicator of the availability of unsaturated material available as it is regarded as an expression of the water table). It should also be noted that the subject site is marginally lower and as such we may observe evidence of water table higher in the soil profile on the subject site than recorded.

The groundwater under the site has an extreme vulnerability rating and the rationale for this is based on the following in low permeability soils, which I believe to exist on this site, a subsoil thickness of 0-1m exists. My observations on this site would support this.

In this regard I am not satisfied that the effluent could be adequately disposed of in a manner that would not be prejudicial to public health. Additionally given the conditions I observed onsite run-off would dominate over infiltration here, this given with the inability of the site to adequately dispose of effluents from the proposed development and the likelihood of effluent breakout as a result there would remain the potential to impact on the local surface waters quality also. I would not agree with the submission received on foot of the Section 132 notice.

Regarding Point 2

Detailed sections included with the submission

Comment

The cross sections submitted on Section B-B appear to show the wastewater treatment system underneath the sand polishing filter, whereas section A-A appears to show the Tricell Novo IE36 upgradient of the sand polishing filter. Given that the applicant would be proposing to utilise topsoil as a part of the polishing filter, based on the drawings submitted, percolation values for the surface should have been submitted. Again, referencing my earlier concerns pertaining to the availability of unsaturated material underlying the site I would not be satisfied with the cross sections as referenced in drawing number 16/02 submitted under the Section 132 notice.

Regarding point 3

Contours and spot levels throughout the site have been recorded on the Bio-Diversity Plan. This plan also indicates the surface gradient direction. Surface drainage from the site cannot enter the surface water drains directly, as the open drains are upgradient of the unit.

Comment

The site layout submitted under the Section 132 would appear to show the layout of the proposal.

Conclusion

In this regard I am not satisfied that the effluent could be adequately disposed of in a manner that would not be prejudicial to public health. Additionally given the conditions I observed onsite run-off would dominate over infiltration here, this given the likely inability of the site to adequately dispose of effluents from the proposed development and the likelihood of effluent breakout as a result there would remain the potential to

impact on the local surface water quality. I would not agree with the submission received on foot of the Section 132 notice. I am of the of the opinion that the inspector's recommendation stands.

Emmet Smyth, Senior Environmental Scientist.

Date 2nd April 2026.