



An
Bord
Pleanála

Inspector's Report

ABP-320798-24

Development	Construction of a motorhome park with individual pitches, boundary fencing and all associated works.
Location	Reenagappal, Kenmare, Co. Kerry.
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	2360456
Applicant(s)	Martin Arthur
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Colm Murphy
Observer(s)	None.
Date of Site Inspection	2 nd April, 2025
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located approximately 200m southwest of Kenmare town centre on the edge of the built-up area where it occupies a position between a gated roadway and the River Finnihy to the northwest. Access is obtained via Market Street (also referred to as Pound Lane) which extends from Market Square as far as the gated roadway before continuing southwest to allow access to a Stone Circle (a national monument subject to a preservation order made under the National Monuments Acts, 1930-2014, Ref. No. KE093-032001), the recently redeveloped Kenmare Wastewater Treatment Plant (c. 190m southwest of the application site), a dwelling house, and surrounding agricultural lands. Market Street is a relatively narrow roadway characterised by the gradual transition from a mix of commercial & retail uses closer to the town centre to a predominantly residential street on travelling south-westwards. On-street parking is prevalent along the length of this street which serves to narrow the available carriageway while the presence of pedestrian footpaths is increasingly intermittent at increased distance from the town centre.
- 1.2. The site itself has a stated site area of 0.352 hectares, is irregularly shaped, and forms part of a larger landholding which includes the steep embankment between the application site and the River Finnihy, a former limekiln, the Kenmare Stone Circle and an associated ticket booth, and an expanse of hardstanding used as a makeshift recreational area / car park with bench seating and picnic tables. It encompasses a vacant plot of recolonising bare ground which would appear to have been infilled and levelled before being grassed. Access is obtained through the adjacent car park / amenity area via an existing entrance arrangement onto the roadway. The roadside boundary to the south / southeast is defined by stone walling and hedging with a pedestrian footpath passing alongside the site frontage while the northeastern boundary adjoining the service access to the Cromwell's Bridge pumping station is composed of steel mesh fencing. The remainder of the site perimeter is generally defined by a combination of assorted walling and fencing, although the northeastern boundary bordering the steep embankment to the river comprises a raised earthen bank with post & wire fencing erected atop same. The slope leading down to the riverbank to the northwest of the site is covered with scrub vegetation and is partly dominated by the growth of Japanese Knotweed.

2.0 Proposed Development

- 2.1. The proposed development consists of the provision of an “Aire”-style motorhome park with 10 No. individual pitches along with ancillary site development works comprising the erection of fencing, the laying of natural stone chip surfacing, and the setting out of wooden marker posts to delineate each individual motorhome bay. No further engineering or construction works are proposed and the development will not provide any water, wastewater, waste emptying, external lighting or other services / facilities. The site will be accessed from an existing entrance arrangement onto the roadway at the end of Market Street, Kenmare.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 15th August, 2024 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 5 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires the payment of a development contribution in the amount of €2,500.

Condition No. 3 – (i) Requires the details of any externally fitted lighting to be agreed in writing with the Planning Authority.
(ii) Requires riparian vegetation within the landholding to be retained, with the exception of invasive non-native plant species.

Condition No. 4 – Refers to invasive species management.

Condition No. 5 – Requires the disused structure located to the southwest of the recreational / amenity area to be fitted with lockable doors to allow for safe bat access (including the Lesser Horseshoe Bat) and a rough-hewn untreated timber plank to the ceiling(s), or similar suitable alternatives agreed in writing with the Planning Authority, prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

An initial report details the site context, planning history and the applicable policy considerations with the subsequent analysis noting the previous decision to refuse permission for PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18 before referencing the upgrading works currently underway at the Kenmare Wastewater Treatment Plant which are expected to be completed by the end of 2025. The remainder of the report notes that the proposal will not negatively impact on the residential or visual amenity of the area and proceeds to recommend that further information be sought in relation to a number of issues, including the need for Ministerial Consent pursuant to Section 14 of the National Monuments (Amendment) Act, 2004, surface water management, the previous use of the site as a motorhome park, and ecological concerns arising from the 'Appropriate Assessment Screening Report' and the 'Bat Impact Assessment' submitted with the planning application.

Following the receipt of a response to a request for further information, a final report was prepared which concludes that the proposed development will not be visually obtrusive, will not seriously injure the amenities of the area, and will accord with the proper planning and sustainable development of the area. It proceeds to recommend a grant of permission, subject to conditions.

3.2.2. Other Technical Reports

County Archaeologist: An initial report notes the site location adjacent to the zone of archaeological potential / notification around 2 No. recorded monuments (Ref. Nos. KE093-032001: 'Stone circle – multiple stones' & KE093-032002: 'Boulder-burial') both of which are subject to a Preservation Order (ID: 454, PO No: 6/1970). It proceeds to state that given the proximity of the proposed development to these National Monuments, it is likely that Ministerial Consent under the terms of the National Monuments Acts, 1930-2004, will be required for the development and, therefore, an application for consent should be made prior to any grant of permission.

Upon the receipt of a response to a request for further information wherein it was indicated that Ministerial Consent would not be required, another report was prepared which concluded that no further mitigation would be required.

Environmental Assessment Unit: An initial report notes that the application site largely comprises an area of hardstanding which is understood to pre-date the lodgement of an earlier planning application (PA Ref. No. 17/1050) in 2017 and that the subject proposal does not include for the retention of same. It also references the presence of Japanese Knotweed on adjoining lands (within the wider landholding) and further notes that while clearance and excavation works along with the laying of crushed stone have been carried out elsewhere on the landholding (which were the subject of enforcement action issued in August, 2023), those works are located outside of the proposed development site. The biodiversity value of the site is considered low, however, given the site location in close proximity to and upstream of the River Finnihy, the lower reaches of which form part of the Kenmare River Special Area of Conservation, and as it also falls marginally within a core sustenance zone for a Lesser Horseshoe Bat roost associated with the SAC, it is stated that the potential for direct and indirect impacts / significant effects on Otter and Lesser Horseshoe Bat (as qualifying species for the SAC) will require particular consideration. Accordingly, the report concludes by recommending that further information be sought in relation to a number of issues, including any works to be undertaken between the proposed site and the River Finnihy, clarification as regards the 'recreational / amenity area' adjoining the site, the waste management arrangements, details of external lighting, surface water management, the best practice measures proposed in the Appropriate Assessment (AA) Screening Report to minimise any potential impacts on Otter and Lesser Horseshoe Bat, and the plan proposed for the management and eradication of Japanese Knotweed within the landholding. In addition to the foregoing, it is also recommended that the applicant submit an addendum to the AA Screening Report and, where necessary, a Natura Impact Statement, which takes the following into account:

- Changes to the proposed lighting arrangements, including lights from vehicles using the proposed facility.
- The potential for disturbance of Lesser Horseshoe Bat and Otter from the operational use of the site and adjoining lands.
- Works undertaken within the landholding between the site and the River Finnihy as part of in-combination effects.

- Any proposed changes to the proposal resulting from the request for further information.

Following the receipt of a response to a request for additional information, a further report was prepared which stated that the concerns raised as regards the Habitats Directive had been adequately addressed and that no meaningful effects on habitats of use to Lesser Horseshoe Bat were considered likely to arise. In terms of wider biodiversity considerations, no significant impacts are anticipated or considered likely, however, given that the Kerry County Development Plan places a greater emphasis on biodiversity enhancement (e.g. Objective KCDP11-22), and as bat activity has been recorded along the River Finnihy, it has been recommended that lockable doors incorporating bat access be fitted to the disused structure located within the landholding to the southwest of the recreational / amenity area. The report thus concludes by recommending a series of conditions to be attached to any grant of permission.

Kenmare Area Engineer: States that there are no observations from a roads perspective.

3.3. Prescribed Bodies

- 3.3.1. *Health Service Executive / Environmental Health Officer:* Notes that the proposed development encompasses an “Aire”-style motorhome park and thus not does contain the usual buildings traditionally associated with motorhome parks. It is further noted that the development will accommodate the overnight parking of motorhomes on 10 No. separate pitches but does not include for the provision of on-site services such as toilets, shower facilities etc. The report subsequently makes a series of recommendations with respect to a number of issues including the use of best available technology during the construction and operational phases of the development, the implementation of a complaints procedure, waste management, the provision of drinking water, and pest control.

3.4. Third Party Observations

- 3.4.1. A total of 2 No. submissions were received from the appellant, however, in the interest of conciseness, and in order to avoid unnecessary repetition, I would advise the Commission that the principal grounds of objection / areas of concern raised

therein can be derived from my summation of the grounds of appeal in combination with the following additional issues which are also of note:

- The applicant's response to the request for further information is unsatisfactory.
- The failure to provide a waste management plan for the proposed development.
- It is unclear how the requirement that motorhomes not face towards the river or use their headlights when parked will be enforced.
- The lack of certainty as regards the potential for the disturbance of bats and otters.
- The inadequacy of the biosecurity measures and the potential for the spread of Japanese Knotweed.
- A failure to comply with the requirements of Section 15 of the National Monuments (Amendment) Act, 2004.
- The failure of the applicant and the Planning Authority to address the unauthorised use of the site as a motorhome park in the summer of 2023.

3.4.2. A further 2 No. submissions were received from interested third parties in support of the proposed development, the contents of which include the following commentaries:

- The proposed development will address the absence of an overnight motorhome parking facility in Kenmare.
- The provision of a safe, secure and well-managed motorhome park would be of economic benefit to the town.
- The proximity of the site location to the town centre will be beneficial to both motorhome users and businesses in Kenmare.

3.4.3. A representation in support of the proposal was also received from Deputy Michael J. Healy-Rae TD.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18. Was refused on appeal on 1st March, 2019 refusing Martin Arthur permission for (1) Construct a motorhome park with associated individual pitches, access roads and parking facilities. (2) Construct a reception / facilities building containing a reception area, toilets, showers and laundry room. (3) Connect to public services. (4) Carry out all other associated site works relating to the development at Reenagappul, Kenmare Co. Kerry, as revised by the further public notice received by the planning authority on the 30th day of August, 2018.

- It is considered that the proposed development would be premature by reference to the existing deficiencies in the Kenmare wastewater treatment plant to which connection is proposed and the period within which this constraint may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
- On the basis of the information provided with the application and appeal and in absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Site 002158 or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

4.2. Other Relevant Files:

4.2.1. PA Ref. No. 2255 / ABP Ref. No. ABP-313364-22. Was granted on 16th January, 2023 permitting Irish Water permission for upgrades to and increased capacity of the existing municipal wastewater treatment plant and Cromwell's Bridge Pumping Station comprising primarily of the following elements: upgrade of the existing Kenmare wastewater Treatment Plant: the existing inlet channel, control panels, oxidation ditch, two sludge holding tanks will be decommissioned and all redundant civil infrastructure and machinal and electrical assets will be removed. A new inlet

works, treatment system and associated pumping and storage infrastructure will be constructed. A new motor control centre kiosk and a new dosing kiosk will also be constructed, along with all associated ancillary works. Upgrade of the existing Cromwell's Bridge Pumping Station: the existing inlet works, grit separator, wet well, control building (including dry well) and storm tank will be decommissioned and all redundant civil infrastructure and mechanical and electrical assets will be removed. A new wet well, and associated sewer, a new storm tank and retaining wall will be constructed. An odour treatment system and vent stack will be constructed. A new motor control kiosk and a new design kiosk will also be constructed, along with all associated ancillary works. All at Kenmare Wastewater Treatment Plant and Cromwell's Bridge Pumping Station, both in the Townland of Kenmare, Co. Kerry.

5.0 Policy and Context

5.1. Kerry County Development Plan, 2022-2028:

Volume 1:

Chapter 8: Gaeltacht Areas, Culture & Heritage

Section 8.3: Archaeological Heritage:

Section 8.3.1: Recorded Archaeological Monuments

- KCDP 8-24:**
- (i) Secure the preservation in situ of all sites, features, protected wrecks and objects of archaeological interest within the county. In securing such preservation the Council will have regard to the advice and recommendations of the National Monuments Service, Department of Housing, Local Government and Heritage, the National Museum of Ireland, and the County Archaeologist.
 - (ii) Ensure that proposed development (due to location, size, or nature) which may have implications for the archaeological heritage of the county will be subject to an Archaeological Assessment (including Underwater Archaeological Impact Assessment) which may lead to further subsequent archaeological mitigation – buffer zones/exclusion zones,

monitoring, pre-development archaeological testing, archaeological excavation and/or refusal of planning permission. This includes areas close to archaeological monuments, development sites which are extensive in area (half hectare or more) or length (1km or more) or include potential impacts on underwater cultural heritage and development that requires an Environmental Impact Assessment.

KCDP 8-27: Ensure that development (including forestry, renewable energy developments and extractive industries) within the vicinity of a recorded monument, zone of archaeological potential or archaeological landscape does not detract from the setting of the feature and is sited and designed appropriately and sympathetically with the character of the monument / feature / landscape and its setting.

Chapter 9: Economic Development:

KCDP 9-13: Support and promote the recovery of the Tourism Sector in Kerry as it recovers from the effects of the Covid 19 pandemic and re-establishes itself as one of the county's key economic drivers.

Chapter 10: Tourism & Outdoor Recreation:

Section 10.1: Introduction:

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.

Section 10.3: *Tourism in County Kerry:*

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

KCDP 10-11: Encourage tourism developments, increased visitor accommodation, interpretation centres, and commercial / retail facilities serving the tourism sector to be located within established settlements thereby fostering strong links to a whole range of other economic and commercial sectors and sustaining the host communities.

Section 10.3.4: *Tourism Infrastructure:*

KCDP 10-20: Facilitate and support the provision of tourist related facilities, such as information offices and cultural centres, in town and village locations to support and strengthen the existing economic infrastructure of such centres.

KCDP 10-21: Promote and support the sustainable development of all weather and family-friendly attractions and amenities in appropriate locations that will contribute to the dispersal of tourism throughout the County.

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 10-23: Facilitate the sustainable provision of parking including coach parking facilities within and on the edge of towns and villages and at appropriate scenic viewing points and tourist facilities.

Section 10.3.4.3: *Tourism Developments and Tourist Facilities*

Section 10.3.5: *Visitor Accommodation:*

Section 10.3.5.1: *Camping / Glamping / Camper Vans and Caravan Parks:*

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.

Data from the National Vehicle and Driver File, a database of all 2.5 million vehicles in the country, shows the number of campervans in the country rose from about 11,200 in 2018 to almost 12,600 in April 2020 and had reached 13,700 by October of that year.

While the Council considers that camping sites should be located on appropriately zoned land within established/or adjacent to existing settlements, proportionate camping sites may be appropriate to complement tourism assets in rural and coastal locations within or adjacent to existing settlements. The planning authority may facilitate proposals for camping sites which support rural tourism initiatives subject to proper planning and sustainable development.

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.

KCDP 10-28: Support best practice environmental management including energy efficiency, e-charging, waste management and recycling in accommodation providers and tourism enterprises in the County.

KCDP 10-29: Direct tourism-based development including Hotels, Guesthouses and B&Bs to towns and villages where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

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

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

Chapter 11: Environment:

Section 11.2: Biodiversity:

Section 11.2.1: European / National Designations

KCDP 11-1: Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

KCDP 11-2: Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies.

Section 11.2.4: Invasive Species:

KCDP 11-16: Ensure invasive species are managed in compliance with the provisions of the EC (Birds and Habitats) Regulations (SI 477 of 2011), as amended, particularly Sections 49, 50 and the Third Schedule. Best practices, as produced and updated by relevant authorities, are to be adhered to in the management of invasive species particularly on sites proposed for development.

Section 11.3 Air, Noise and Light Pollution:

Section 11.3.3: Light Pollution:

KCDP 11-42: Require proposals for development that include the provision of external lighting, to clearly demonstrate that the lighting scheme is the minimum needed for security and working purposes and also to ensure that external lighting and lighting schemes are designed so that the incidence of light spillage is minimised

ensuring that the amenities of adjoining properties, wildlife and the surrounding environment are protected.

Section 11.3.3.2: *Lights and Biodiversity:*

KCDP 11-44: Take into consideration the Bat Conservation Trust 2018 Note 08/18 Bats and Artificial Lighting in the UK Guidelines when choosing lighting specifications for developments and/or Bat specialist advice, so as to ensure the requirements of the Habitats Directive are adhered to, including Article 10.

Section 11.6: *Landscape:*

Section 11.6.2: *Landscape Sensitivity:*

KCDP 11-77: Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

KCDP 11-78: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

Section 11.6.3: *Landscape Designations:*

Section 11.6.3.2: *Rural General:*

Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.

Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.

Appendix 7: Landscape Review:

The proposed development site is located in the Kenmare Landscape Character Area which is considered to be of 'Medium / High' sensitivity.

Volume 6:

Chapter 1: Development Management Standards & Guidelines:

Section 1.3: General Standards applicable to all Development Types

Section 1.4: Design General

Section 1.12: Tourism Related Developments:

Section 1.12.2: Caravan, Glamping and Camping Developments:

The provision of camping/glamping and tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority. Planning applications for new caravan parks will be required to submit a masterplan for the entire site to which the application relates indicating compliance with the provisions of this Plan and adherence to Fáilte Ireland's publications 'Model Standards for Caravan & Camping Parks' and 'Classification Matrix for Caravan & Camping Parks'. Regard should also be had to Chapter 9 Economic Development and Chapter 10 Tourism & Outdoor Recreation of the Plan.

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

- Parks will be permitted within settlement boundaries only.
- Parks will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such development.
- Location of the development relative to existing services including retail and social facilities.
- Availability of services to cater for the development.
- Impact on existing residential amenities, traffic, waste disposal and general disturbance will be considered.
- Impact on the environment including the integrity of Natura 2000 network.

Applications shall also address the following:

- A high standard integrated design and layout linking pitches to well-located communal areas and on-site facilities and amenities.

- A detailed hard and soft landscaping plan for the overall site.
- Mitigation plans for noise and litter; and
- Details of wastewater disposal for the site

5.2. Kenmare Municipal District Local Area Plan, 2024-2030:

5.2.1. Land Use Zoning:

The proposed development site is located in an area zoned as ‘C5: Tourism’ with the stated land use zoning objective ‘To allow for the development of tourist related uses’ and is intended to ‘Encourage the sustainable provision of an all year-round tourism and recreational facility at appropriate locations’.

(In accordance with the zoning matrix contained in Chapter 2: ‘Land-Use Zoning’ of Volume 6 of the Kerry County Development Plan, 2022-2028, the development of ‘Camping / glamping etc.’ is ‘Permitted in Principle’ on lands zoned as ‘C5: Tourism’).

5.2.2. Other Relevant Sections:

Section 2.8: *Tourism & Outdoor Recreation*

Section 3.2.2: *Kenmare:*

Section 3.2.2.7.3: *Natural Heritage:*

KENMD-KE-16: Ensure that development proposals would not have a significant adverse impact on the SAC and Amenity Areas in and around the town.

Section 3.2.2.9: *Tourism & Outdoor Recreation:*

KENMD-KE-22: Support and facilitate the provision of camping/glamping & motor home/mobile homes facilities at appropriate locations.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Kenmare River Special Area of Conservation (Site Code: 002158), approximately 14m northwest of the site (the River Finnihy).

- Roughty River Estuary Proposed Natural Heritage Area (Site Code: 002092), approximately 500m southeast of the site.
- Mucksna Wood Special Area of Conservation (Site Code: 001371), approximately 950m south of the site.
- Mucksna Wood Proposed Natural Heritage Area (Site Code: 001371), approximately 950m south of the site.
- Kenmare River Islands Proposed Natural Heritage Area (Site Code: 000363), approximately 3.0km southwest of the site.

5.4. EIA Screening

- 5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (please refer to Form 1 and Form 2 in the 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.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant has previously operated a motorhome park on this site without the benefit of planning permission and, therefore, the subject application should have sought permission for the retention of that unauthorised use.
- There are concerns that the application site and surrounding lands may have been used for the disposal / dumping of industrial waste (possibly including oil, machinery and asbestos roofing) and, therefore, appropriate testing should be undertaken to verify the safety of the area.
- The presence of Japanese Knotweed on site has been identified in the Ecological Impact Statement and, therefore, serious concerns arise as regards the potential for the operation of the proposed motorhome park to

actively spread this invasive species over a wide area. A planning condition requiring the control / management of the Japanese Knotweed would not be appropriate in this instance and it is considered that any application for a motorhome park should not be contemplated until such time as this invasive species has been eradicated on site and the land maintained free from same for a number of years.

It is unclear how the applicant will comply with Condition No. 4(ii) of the notification of the decision to grant permission (which requires the landholding to *'be kept free from all invasive non-native plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended'*, including Japanese Knotweed) considering it has already been conceded that Japanese Knotweed is present on site.

- The supporting documentation submitted with the planning application refers to the proposed development site as comprising *'a cleared, former historic quarry'*. Any such historic site (along with the adjacent lime kiln) should be preserved.
- Contrary to the applicant's assertions, it is not accepted that Market Street *'provides for a high standard of pedestrian and vehicular access to Kenmare Town Centre'*. This is a very busy and narrow street which is often congested, particularly at peak times, along which it is not possible for two vehicles to pass side-by-side. The additional traffic generated by the proposal (noting the likely size and width of the vehicles (i.e. motorhomes) involved) would serve to exacerbate the existing levels of congestion.
- There is a considerable volume of pedestrian traffic along Market Street with tourists visiting the Stone Circle where there are no footpaths which results in people walking along the middle of the road. In such circumstances, there is a risk to public safety posed by motorhomes negotiating their way to and from the proposed park.
- The Draft Kenmare Municipal District Local Area Plan, 2023-2029 cannot be relied upon until such time as it has been passed into regulation.

- Reference to unauthorised development on site (i.e. use as a motorhome park), including any action taken by the Planning Authority in respect of same, should have been included in the planning history provided by the applicant.
- The planning history submitted by the applicant refers to several applications that are of no relevance in terms of location or the nature of the development proposed to the subject proposal e.g. PA Ref. No. 19/309 refers to a change of use from an art studio to residential at Camp, Tralee, c. 70 miles away.
- In relation to the previous assessment of PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18 wherein it was stated that due to ‘. . . *the staggered nature of vehicular movements, the seasonal nature of the site, and the low vehicular speeds, it was considered that pedestrian conflict with vehicular traffic was not a concern*’, the following issues arise:
 - It is unclear how the expected vehicle movements can be described as ‘staggered’ given that most motorhomes (especially those visiting ‘Aire’-type sites) will arrive in the evening and depart in the morning. In the event only 5 No. motorhomes were to attempt to pass along Market Street during the morning peak, traffic chaos would arise.
 - The ‘seasonal’ nature of the site is particularly problematic as this would coincide with the busiest time along Market Street given the extra traffic generated by summer residents and the associated need for increased traffic deliveries.
 - Notwithstanding the potential for conflict between pedestrian and vehicular traffic, the greater concern is the impact attributable to motorhomes accessing the proposed park via Market Street.
- The site location proximate to the busy and historic town centre of Kenmare is entirely unsuited to the proposed development.
- The application site is not zoned for development in the Development Plan and thus is not permissible.
- With respect to the Stone Circle:
 - Comments from An Taisce would be welcomed on the changes made to the Stone Circle since it came under the control of the applicant and / or

his predecessors in title. The planting of evergreen trees around the circle is not considered appropriate and is believed to have damaged the visitor experience at the Stone Circle.

- The proposed development will have a detrimental impact on the setting and visual amenity / appreciation of the Stone Circle.
- In relation to the proximity of the sewerage treatment plant:
 - Given the siting of the proposed development to the nearby sewerage treatment plant, and noting that the previous owners of the site received compensation from the Local Authority for an apparent diminution in value, the applicant is aware that the proposed development will be adversely affected by the treatment plant. Therefore, it must be acknowledged that the proposed development will be adversely affected by the treatment plant and, in particular, the waste vehicles entering and exiting that facility.
 - The applicant has previously complained to Kerry County Council and the Environmental Protection Agency as regards odorous emissions from the sewerage treatment plant and, therefore, it is considered that no development should be permitted so close to the plant. The applicant's previous assertion that smells from the treatment plant adversely impact on the residential amenity of a dwelling house located further away contradicts with any claim that the subject site is suitable for the proposed development.
 - The applicant has previously lodged complaints in relation to the transportation of dried sludge from the sewerage treatment plant. Therefore, it is queried how he could now expect motorhomes to be put in a situation where they could meet trailers transporting dried sludge and also how he could expose visitors to the proposed motorhome park to any such sludge transportation.
- The assertion in the planning application that the site has never flooded conflicts with a letter previously sent by the applicant to the Environmental Protection Agency wherein it was stated that the primary treatment plant had been inundated by 3 feet of water (which would also affect the subject site).

- The application and its consideration by Kerry County Council fail to comply with the requirements of Habitats Directive 92/43 EC. The Appropriate Assessment Screening Report provided with the application is entirely deficient and has failed to recognise that the proposed development is less than 200m from the Kenmare Bay Special Area of Conservation which would in itself necessitate the undertaking of Stage 2 Appropriate Assessment by the applicant.
- In screening the proposed development for the purposes of appropriate assessment, the Planning Authority failed to identify the correct test to be applied under Article 6. It has also failed to have proper regard to cumulative impacts.
- In response to the request for further information, the applicant submitted that the proposed development does not include for a surface water management plan. This statement is fatal to the application and the further information request. The proposed development is of a nature that will facilitate the use and parking of mechanically propelled vehicles which in turn can give rise to significant instances of pollution.
- In response to concerns raised by way of further information as regards the potential for the proposed development to negatively impact on bat species, the applicant has stated without any evidence that the proposal will not result in any direct impact to the river and its potential to function as a foraging habitat for bats and other wildlife. Such a statement is without support and the fact that the Appropriate Assessment Screening Report proposed mitigation is sufficient to justify Stage 2 Appropriate Assessment.
- The appropriate assessment screening exercise includes for mitigation and / or best practice. In this regard, it is submitted that screening for the purposes of appropriate assessment must be conducted in the absence of any mitigation and that if mitigation has been taken into account then any such assessment will be flawed and necessitate Stage 2 Appropriate Assessment.
- The addendum to the appropriate assessment screening report prepared by the applicant and submitted by way of further information is flawed and fatal to the application for the following reasons:

- It has not properly applied the provisions of Article 6 and / or the appropriate tests.
- It is premised on the principle of mitigation / best practice which is precluded in law.
- It has not had proper regard to the direct and / or indirect and / or cumulative impact of the development on species and habitats.
- The application has not considered the impact of the development vis a vis the requirements of the Water Framework Directive (WFD). The WFD imposes a mandatory obligation on developers, local authorities and the Board, and given the hydrological connection between the proposed development site, the Flnnihy River and Kenmare Bay, the Board is precluded from considering and / or granting permission in the absence of such an assessment.
- While it is accepted that the proposed development does not require mandatory Environmental Impact Assessment, it is necessary to carry out EIA on the basis of subthreshold development.

6.2. Applicant's Response

- The subject proposal represents a revised, refined and lower scale version of the development refused permission under ABP Ref. No. ABP-302796-18 and directly addresses the previous grounds for refusal by incorporating technical adjustments and additional assessments, ensuring compliance with local, regional and national planning policies.
- The subject appeal has raised several issues which were fully addressed by the Board in its previous determination of ABP Ref. No. ABP-302796-18. The Inspector's Report in that instance provided a comprehensive review of the issues in question which can be summarised as follows:

Compatibility with Policy Provisions:

Although it was acknowledged that the application site was outside the town centre boundary as designated in the Kenmare Municipal Local Area Plan, the proposal was nevertheless considered to accord in principle with the Kerry

County Development Plan, 2015-2021. Specifically, it was felt that the development supported the expansion of tourism and thus aligned with Section 13.11 of the Plan. In any event, the site is now located within the town settlement boundary as per the Kenmare Municipal District Local Area Plan, 2024 and has been zoned as 'C5' for tourism.

Access and Traffic:

The previous inspector concluded that the limited scale of the 10 No. motorhome pitches proposed would have no adverse impact on traffic. The seasonal nature and proximity to the town centre ensured that the proposal would not significantly increase vehicular traffic. These considerations remain valid for the subject proposal.

Effluent Disposal:

Although the earlier proposal to connect the development to the Kenmare Wastewater Treatment Plant was deemed unsatisfactory as the plant itself was already operating at capacity during the peak tourist season, the subject application has addressed these concerns by eliminating any need for a connection to the treatment plant. Notwithstanding, upgrading works to the WWTP has since been completed.

Other Issues:

With respect to the National Monuments (i.e. the Stone Circle and lime kiln), the inspector confirmed that Ministerial Consent had been obtained for the development ensuring no adverse impacts consequent on the proposal. In addition, concerns related to flooding and the site's historical quarry use were deemed to be immaterial. These considerations remain unchanged in the subject proposal which is of a lower specification with additional protections incorporated.

Appropriate Assessment:

The previous inspector raised concerns over potential indirect impacts on the Kenmare Special Area of Conservation, primarily due to the overloaded WWTP. The Appropriate Assessment identified potential risk to water quality and protected species, such as the lesser horseshoe bat. The absence of a

Natura Impact Statement also contributed to the refusal of permission. In the subject application, these issues have been addressed through comprehensive environmental assessments, including a Bat Survey Report and AA Screening (along with the removal of wastewater services from the proposal), which concluded that there will be no significant effect on any designated site as a result of the proposed development.

- Both reasons for the refusal of ABP Ref. No. ABP-302796-18 have been addressed in the subject proposal which represents a more conservative and less infrastructure-intensive approach that minimises environmental impacts while aligning with the amenity and planning context of the surrounding area.
 - The proposed 'Aire'-style motorhome park will accommodate a maximum of 10 No. motorhomes at any one time thereby significantly reducing any potential loading on the Kenmare Wastewater Treatment Plant. It is also of relevance to note that permission has recently been granted (PA Ref. No. 22/55 & ABP Ref. No. ABP-313364-22) for upgrading works to the WWTP. In any event, the subject application has completely removed the need for any connection to the WWTP thereby resolving the issues related to wastewater capacity.

Furthermore, unlike traditional campsites, the proposed development will not offer extended-stay services and will encourage visitors to utilise the town's existing amenities such as restaurants, entertainment and waste disposal services.

The submitted design avoids the need for extensive engineering works or wastewater infrastructure. Users will be directed to appropriate waste disposal facilities at 'Whytes' Centre on Killarney Road, Kenmare, and the civic amenity site on the N71 Killarney Road. Strict management protocols will be implemented to prevent littering or dumping thereby further ensuring compliance with environmental standards.

- In light of the concerns previously raised as regards possible impacts on bat species (including lesser horseshoe bat), the site boundary as presently proposed has been revised to omit the lime kiln thereby ensuring that no works will take place in this sensitive area. A detailed bat survey

has also been carried out which has recorded no evidence of bats roosting within the lime kiln or the wider site area. It is considered that these revisions, supported by the findings of the bat survey, fully address the Board's ecological concerns.

The exclusion of the lime kiln from within the site boundary, combined with the minimal nature of the works involved, ensures that no significant ecological risks are posed by the development.

- On the basis that the appellant has objected to the proposed development and appealed the notification of the decision to grant permission on almost identical grounds to those considered and assessed during the determination of PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18, albeit with some additional grounds, it is submitted that the subject appeal should be dismissed pursuant to Section 138(1)(i)(a) of the Planning and Development Act, 2000, as amended, which states:

'where, having considered the grounds of appeal or referral or any other matter to which, by virtue of this Act, the Board may have regard to in dealing with or determining the appeal or referral, the Board is of the opinion that the appeal or referral – (i) is vexatious, frivolous or without substance or foundation'.

The appellant has continually raised the same concerns, the majority of which have already been dealt with and addressed by the Planning Authority during its assessment of both applications and by the Board in its determination of ABP Ref. No. ABP-302796-18. Therefore, the appellant's case may be considered vexatious.

Alternatively, as per Section 138(b) of the Act, the Board may dismiss an appeal based on the following:

'where, the Board is satisfied that, in the particular circumstances, the appeal or referral should not be further considered by it having regard to – (i) the nature of the appeal (including any question which in the Board's opinion is raised by the appeal or referral'.

Notwithstanding the foregoing, it is considered that the demonstrably repetitive nature of the issues raised would warrant the dismissal of the subject appeal.

- With respect to the alleged unauthorised development / use of the site as a mobile home park, it should be noted that following a site inspection by the Planning Authority which recorded no evidence of unauthorised activities (such as overnight camping or the operation of associated facilities), the Council determined that there were no planning breaches and closed its investigation.
- No verifiable evidence has been provided to support the claims about industrial waste on site. This is a cleared brownfield area with no indications of industrial waste as confirmed by visual inspections and photographic evidence. Moreover, given the low impact nature of the proposed works, which will be limited to minor interventions such as resurfacing, fencing, and the installation of wooden markers to delineate parking bays, there is no basis to the appellant's claims.
- There are no traces of Japanese Knotweed within the confines of the application site, however, the applicant has been working with the Local Authority to eradicate this invasive species which is present outside of the site boundary and is separated by a 1m buffer and fencing as per the requirements of the most recent management plan prepared by JKI Environmental Ltd. This issue was comprehensively addressed during the assessment of PA Ref. No. 17/1050 with a detailed Management Plan prepared by Glenburn Landscapes deemed sufficient by Kerry County Council.

The subject application has been accompanied by a new Management Plan and Method Statement for the management of invasive species, including Japanese Knotweed, prepared by JKI Environmental Ltd. This plan outlines robust measures to contain and manage the Knotweed, including isolating affected areas, implementing biosecurity protocols, and ongoing monitoring by qualified environmental consultants. It also incorporates design features to prevent disturbance to Knotweed zones, including fencing with a 1m buffer

zone to prevent access. Public access will be prohibited and clear signage erected. An ongoing monitoring and treatment programme, including herbicidal application, will also be implemented.

- Comprehensive measures have been implemented to preserve nearby historic features, including the Limekiln and Stone Circle, with neither being within the site boundary.

Concerns as regards the Stone Circle have already been addressed with the reporting inspector in their assessment of ABP Ref. No. ABP-302796-18 concluding that the development would not adversely affect the monument's setting given that the site's landscaping and previous use mitigate potential impacts. The subject proposal is at a significant distance from the Stone Circle and has been designed to ensure no alteration of the visitor experience. Furthermore, its modest scale preserves the visual and historical integrity of the monument.

The submitted Archaeological Impact Assessment confirms that the proposed development will not affect the historical features and will instead improve the site's visual amenity.

The development will not interfere with the limekiln or any other significant feature while the quarry has already been determined to have no archaeological merit warranting further action.

- The modest scale of the proposal (10 No. motorhomes) will generate minimal traffic. Moreover, the appellant has failed to acknowledge the previous assessments by the Planning Authority and the Board which concluded that the proposal does not raise significant traffic or pedestrian safety concerns.

Cognisance should also be taken of the existing traffic conditions along Market Street which feature low speed limits and a customary practice of vehicles yielding to one another thereby creating a safe environment for both vehicles and pedestrians. The footpath which extends from the town centre for a distance of c. 150m along Market Street also provides a safe route for pedestrians.

Visitors to the proposed development are expected to arrive in the evening and depart in the morning and this staggered pattern will serve to avoid peak times and will not result in traffic congestion or a significant increase in vehicle movements. Motorhomes are also smaller in size than the HGVs associated with the previous use of the site as a quarry or limekiln. Moreover, the Council has implemented traffic management improvements since 2020 such as enhanced signage and the removal of parking spaces which have improved safety and pedestrian conditions.

The small scale and seasonal operation of the development will not burden the local road network. The pitches will encourage longer stays (2-3 days) thus reducing the frequency of traffic movements while the low speed of the motorhomes (along with their smaller sizes) will minimise bottlenecks and delays.

In the assessment of ABP Ref. No. ABP-302796-18, the reporting inspector concluded that the modest scale of the development would not adversely affect local traffic conditions while the site's proximity to the town centre would encourage walking to nearby amenities thereby alleviating concerns over pedestrian safety and traffic congestion.

- The recently adopted Kenmare Municipal District Local Area Plan, 2024-2030 has zoned the subject site as '*C5: Tourism*' and thus the proposed development accords with the applicable land use zoning.

The site is also ideally suited for the proposed development which will complement Kenmare's existing tourist offerings while respecting the site's character and adhering to both local and national planning policy.

The suitability of the site location for a development of the nature proposed has already been accepted in the determination of ABP Ref. No. ABP-302796-18 wherein the reporting inspector concluded that the proposal accorded with the objective of the County Development Plan to facilitate the growth of tourism in areas close to existing services.

- The claim of unauthorised development is unfounded and irrelevant to the planning history of the site. There is no requirement to seek permission for retention.

The planning history set out in the '*Planning Statement*' considered the immediate history of the site, relevant history within Kenmare, and county-level tourism developments. This analysis supports the proposal's alignment with broader tourism policies.

- Concerns as regards the proximity of the proposed development to the Kenmare Municipal District Wastewater Treatment Plant have already been addressed.

The site is located c. 100m from the WWTP while the upgrading of the treatment plant and the Cromwell's Bridge Pumping Station as approved under PA Ref. No. 2255 / ABP Ref. No. ABP-313364-22 will minimise the risk of odorous emissions. It should also be noted that the proposal is for an 'Aire'-style motorhome park which is intended for short stays only rather than longer-term occupancy. Therefore, in view of the foregoing, any potential odour impact is expected to be minimal.

In addition, there are no specific guidelines mandating separation between a WWTP and motorhome parking. The 100m setback proposed is considered sufficient to prevent any negative impact on the visitor experience.

It is not anticipated that the routine transportation of sludge from the wastewater treatment plant will interfere with the motorhome park or result in any conflicting traffic movements.

These issues have previously been assessed with the Board finding no evidence to support concerns as regards the WWTP's impact on the development.

- The site is not located within any flood zone identified in the Kerry County Development Plan, 2022-2028 or the Kenmare Municipal District Local Area Plan, 2024-2030. Additionally, the Office of Public Works' flood database confirms that the site has no history of flooding and lies outside the low, medium and high probability flood zones for Kenmare town. The flood risk to the site has not changed from that previously assessed under ABP Ref. No. ABP-302796-18.

- Given that the proposed motorhome park involves minimal development works with no significant excavation or construction, a surface water management plan is not warranted. The proposed gravel surfacing will allow for permeable drainage ensuring natural surface water runoff.

The suggestion that the absence of a surface water management plan would lead to environmental harm or pollution lacks any factual or technical basis.

- The assertion that the application does not comply with the Habitats Directive and that the Appropriate Assessment Screening Report is deficient lack any technical evidence.

The subject proposal has been revised from that refused permission under ABP Ref. No. ABP-302796-18 and provides for a 'lighter touch' approach. More notably, it has eliminated the need for a connection to the Kenmare WWTP and thus addresses one of the main concerns of the previous application. Furthermore, a bat survey report has confirmed that there no bat roosts on site thus indicating no potential impact on the Lesser Horseshoe Bat, a qualifying interest of the Kenmare River SAC. Therefore, the submitted proposal ensures no significant impact on the SAC or any other European Site.

For the purposes of clarity, the proposed development does not rely on mitigation measures to address potential impacts. Instead, it incorporates best practice measures and has been specifically redesigned to proactively address environmental concerns. The site layout includes a 15m setback from the River Finnihy and preserves existing vegetation along the riverbank, eliminating the need for mitigation as the primary means of impact avoidance. These design modifications demonstrate that the proposed development avoids significant impacts from the outset.

The AA Screening is accurate and compliant with statutory requirements, reflecting the projects' avoidance of adverse effects on the River Finnihy and its wildlife without relying on mitigation measures. This negates the necessity for a Stage 2 Appropriate Assessment.

The suggestion that the applicant and Kerry County Council did not apply the correct test under Article 6 of the Habitats Directive and also failed to consider

cumulative impacts is unfounded. The Council, as the competent authority, is responsible for ensuring compliance with European and national environmental regulations and it determined that there would be no significant impacts on designated sites as a result of the proposed development.

Use of the River Finnihy as a foraging habitat is not supported by the submitted bat surveys. The response to the request for further information, along with the revised Bat Survey Report, comprehensively assesses the potential impacts on local bat populations, including the Lesser Horseshoe Bat, a qualifying species within the Kenmare River Special Area of Conservation.

The proposed design avoids adverse impacts on bat populations by ensuring no vegetation along the riverbank is removed thus preserving the foraging habitat. Construction works will also be limited to daylight hours while the overall development is to be set back 15m from the riverbank thereby safeguarding the habitat.

During the operational phase, best practice will be implemented, including restricting nighttime lighting and promoting quiet behaviour by guests to minimise disturbance to bats and other wildlife. The proposed development has been designed to avoid impacts on the ecosystem and its role as a foraging habitat and is not reliant on mitigation measures.

- Compliance with the Water Framework Directive is primarily the responsibility of the Planning Authority which has assessed the proposal against the applicable regulations.

The proposed development will be set back 15m from the Finnihy River and features an earthen mound to effectively manage runoff, ensuring water quality remains unaffected.

- The proposed development is significantly below the thresholds set out in Annexes I & II of the EIA Directive and the Planning and Development Regulations, 2001, as amended.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The merits of the third-party appeal
- The principle of the proposed development
- Wastewater treatment & disposal / servicing arrangements
- Traffic implications
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. **The Merits of the Third-Party Appeal:**

7.2.1. With regard to the applicant's commentary that the third-party appeal is 'vexatious', which would appear to imply that it should be dismissed pursuant to the provisions of Section 138(1) of the Planning and Development Act, 2000, as amended, having considered the grounds of appeal, I am satisfied that they raise legitimate material planning considerations and thus I propose to assess same accordingly.

7.3. **The Principle of the Proposed Development:**

7.3.1. The proposed development site is located within the settlement boundary for Kenmare on lands zoned as 'C5: *Tourism*' in the Kenmare Municipal District Local

Area Plan, 2024-2030 with the stated land use zoning objective '*To allow for the development of tourist related uses*' wherein the development of '*Camping / glamping etc.*' is '*Permitted in Principle*' in accordance with the zoning matrix contained in Chapter 2: '*Land-Use Zoning*' of Volume 6 of the Kerry County Development Plan, 2022-2028. Moreover, the intended purpose of this land use zoning is described as being to '*Encourage the sustainable provision of an all year-round tourism and recreational facility at appropriate locations*'. Accordingly, I am satisfied the overall nature and intended purpose of the proposed development as overnight tourist accommodation is such as to be comparable to camping / glamping activities and thus is permissible on the subject site.

- 7.3.2. Further credence is lent to the principle of the proposed development by reference to Section 3.2.2.9: '*Tourism & Outdoor Recreation*' of the Local Area Plan which states that the further expansion of hotel, guesthouse and other overnight visitor facilities in Kenmare town will be supported where they contribute positively to the historic environment and respect the sensitive setting in which they are located. More notably, specific reference is made to the absence of parking facilities in the town for campervans and motorhomes having become problematic in recent years and thus the Plan is fully supportive of the provision of suitable parking facilities for such vehicles at appropriate locations as given effect by Objective No. KENMD-KE-22 which aims to '*Support and facilitate the provision of camping/glamping & motor home/mobile homes facilities at appropriate locations*'.
- 7.3.3. The broader principle of the proposed development is also supported by the overarching aims of the Kerry County Development Plan, 2022-2028, with particular reference to Objective KCDP 10-7 which seeks to promote and facilitate sustainable tourism, including the provision of caravan, camping & glamping facilities, and Objective KCDP 10-31 which supports the development of appropriately scaled camping / glamping, campervan and caravan type accommodation located within / or adjacent to existing settlements.
- 7.3.4. Therefore, in view of the foregoing, along with the proximity of the proposed development to the town centre, its relatively modest size, and the pattern of development in the surrounding area (all of which were considered by the previous reporting inspector in their assessment of ABP Ref. No. ABP-302796-18 and remain valid considerations), it is my opinion that the subject proposal would accord with the

provisions of the Kerry County Development Plan, 2022-2028 and the Kenmare Municipal District Local Area Plan, 2024-2030 as regards the siting of such developments on appropriately zoned lands within existing settlements where local services and amenities are available.

7.4. Wastewater Treatment & Disposal / Servicing Arrangements:

- 7.4.1. The proposed development involves the provision of an “Aire”-style motorhome park with 10 No. individual pitches and in this respect it can be distinguished from the earlier development proposal refused permission under PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18 in that it does not include for any connection to water or wastewater services. Instead, it is envisaged that visitors to the site will avail of existing services / amenities in the town as well as the dedicated motorhome support services (including toilets, showers, water, and facilities for the disposal of black water / wastewater etc.) available at ‘Whytes’ Centre on Killarney Road, Kenmare, and the civic amenity site on the N71 Killarney Road. In effect, the proposal as submitted negates any concerns as regards the operating capacity or potential for the overloading of the Kenmare Wastewater Treatment Plant given the absence of any connection to the public mains sewerage network.
- 7.4.2. By way of further comment, I would advise the Commission that the upgrading works to the Kenmare Wastewater Treatment Plant and Cromwell’s Bridge Pumping Station approved under PA Ref. No. 2255 / ABP Ref. No. ABP-313364-22 are currently underway and are expected to be completed by the end of 2025. In this regard, any future proposal to provide on-site services for the proposed development, with specific reference to wastewater services, should be assessed accordingly.

7.5. Traffic Implications:

- 7.5.1. Access to the proposed development will be obtained through the adjacent car park / amenity area via an existing entrance arrangement onto the gated roadway bounding the application site to the south / southeast that leads from Market Street (also referred to as Pound Lane) which in turn extends from Market Square in the town centre. In this regard, concerns have been raised that the volume and nature of the traffic likely to be generated by the proposed development will serve to exacerbate the existing levels of traffic congestion along Market Street while the lack

of adequate footpath provision will result in conflicting pedestrian and vehicular traffic movements to the detriment of public safety.

7.5.2. Following a review of the available information, and having conducted a site inspection, I would suggest that the circumstances of the proposed development remain broadly unchanged from those previously considered during the assessment of PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18 wherein it was held that the additional vehicular movements expected to be generated by the development of 10 No. motorhome pitches would not adversely impact the prevailing traffic conditions and would not give rise to material concerns as regards pedestrian safety along the laneway (presumably in reference to Market Street). In this regard, I would advise the Commission that Market Street continues to be a relatively narrow roadway characterised by the gradual transition from a mix of town centre uses to a predominantly residential street on travelling south-westwards with the prevalence of on-street parking along much of its length serving to narrow the carriageway thereby reducing traffic speeds and largely inhibiting unrestricted two-way vehicular movements. Similarly, the footpath provision along Market Street appears to be unchanged and generally comprises a continuous but narrow pedestrian footpath which extends along the southern side of Market Street between Market Square and Parnell Place for a distance of approximately 120m beyond which footpath provision along the public road becomes increasingly intermittent and haphazard (although there is a footpath along the full length of the site frontage with the gated roadway). It is also of note that no development with the potential to result in significant traffic generation along Market Street has been approved in the interim since the refusal of PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18.

7.5.3. Therefore, given that there has been no notable or material change in the circumstances of the subject site from a traffic perspective, and as the scale, nature and likely traffic impact of the proposed development (in reference to the provision of 10 No. motorhome pitches) remains unchanged from that previously considered on site under PA Ref. No. 17/1050 / ABP Ref. No. ABP-302796-18 (which was deemed not to impact on the prevailing traffic conditions or to give rise to pedestrian safety concerns), it is my opinion that the subject proposal is similarly acceptable.

7.6. Other Issues:

7.6.1. *Archaeological Implications:*

Both the 'Stone Circle' (Ref. No. KE093-032001) and the 'Boulder' (Ref. No. KE093-032002) located on those lands to the southwest of the proposed development site have been designated as a National Monument subject to a preservation order made under the National Monuments Acts, 1930 to 2014 (PO no. 6/1970), and although no works are proposed which would directly impact those monuments (including within the Sites and Monuments Record Zones of Notification surrounding same), concerns have been raised as regards the potential for the proposal to adversely impact on the setting and visual amenity / appreciation of the 'Stone Circle'. In this regard, I would draw the Commission's attention to Section 5.3 of the Archaeological Impact Assessment submitted with the application wherein it is stated that although the proposed development will be visible from the Stone Circle, it will not obscure the views from the monument along the Finnihy River and will also serve to improve the visual amenity of the development site. In addition, it is of note that the subject proposal involves a 'lower impact' form of development (as described by the applicant) than was previously assessed under ABP Ref. No. ABP-302796-18 with the reporting inspector in that instance being of the opinion that the development then proposed would not have an adverse impact on the setting of the Stone Circle, subject to suitable site landscaping and boundary treatment.

7.6.2. Having considered the available information, and following a site inspection, I am satisfied that in light of the visual and physical separation involved, the wider site context, and the overall nature and scale of the proposal, the proposed development would not have a detrimental impact on the setting or amenity of the National Monument (i.e. Ref. Nos. KE093-032001 & KE093-032002).

7.6.3. With regard to the appellant's request for commentary on alleged changes to the 'Stone Circle' since it came under the control of the applicant and / or his predecessors in title, with specific reference to the planting of evergreen trees around its perimeter, in my opinion, such matters are beyond the remit of this appeal.

7.6.4. By way of further comment, given its location outside of the site boundary and the limited nature and scale of the works proposed, no impacts are anticipated on Recorded Monument No. KE093-104 'Lime kiln'.

7.6.5. *Allegations of Previous Instances of Unauthorised Development:*

With respect to the appellant's allegations as regards the unauthorised operation of a motorhome park on site, it is my understanding that these concerns were previously investigated by the Enforcement Section of the Planning Authority which found no evidence of any such facilities and ultimately closed its file on the matter (as detailed in the applicant's response to the request for further information). Given that no sign of any such unauthorised activity was observed during the course of my site inspection, I do not propose to comment further other than to state that the Commission has no function in respect of issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority in the first instance.

7.6.6. *Allegations of Waste Disposal / Dumping:*

On the basis of the available information, I am inclined to concur with the applicant's response to the grounds of appeal that no verifiable evidence has been provided to support the appellant's claims that the application site has been used for the dumping / disposal of industrial waste. From a visual inspection, the site comprises a vacant plot of recolonising bare ground that would appear to have been infilled and levelled, however, there are no obvious indications of industrial waste disposal / dumping. Accordingly, I do not propose to engage further on the matter.

7.6.7. *Flooding Implications:*

On examination of the most up-to-date flood mapping for the area prepared by the Office of Public Works as part of its CFRAM programme (which is available on www.floodinfo.ie and has informed the development of Flood Risk Management Plans for specific areas), it can be confirmed that the entirety of the proposed development site is located within Flood Zone 'C' (where the probability of flooding is lowest) as defined by the '*Planning System and Flood Risk Management, Guidelines for Planning Authorities*'. By way of further analysis, a review of the flood zones detailed in the Strategic Flood Risk Assessment prepared as part of the Kerry County Development Plan, 2022-2028, as well as those shown in Figure 3.38: '*Flood Risk Zones – Kenmare*' of the Kenmare Municipal District Local Area Plan, 2024-2030, serves to confirm that the proposed development site is located outside of Flood Zones 'A' & 'B'. Therefore, having considered the available information, I am satisfied that the proposed development will not be at risk of flooding nor will it

negatively impact on the flood regime of the surrounding area through the displacement of floodwaters.

7.6.8. *Surface Water Management:*

In reference to the appellant's concerns as regards the absence of a surface water management plan, it should be noted that the proposed development provides for the laying of a natural stone chip surfacing across the site with the result that surface water will be allowed to percolate to ground directly in a manner akin to that of the existing colonising bare ground / grassed surface already in place on site. It is not proposed to install any more formalised surface water drainage system or to provide an outfall to any drainage ditch or other watercourse etc. Furthermore, given the absence of any new buildings, hardstanding or other paved surfaces etc., the proposed development will not generate any additional surface water runoff. However, Section 3 of the Ecological Impact Statement submitted with the planning application describes the proposed development as incorporating certain environmental controls with a surface water management plan to be developed for the construction and operational phases of the development with a view to eliminating any possible contamination of surrounding surface waters.

7.6.9. Therefore, given the limited nature and modest scale of the development proposed, I am satisfied that the submission of a surface water management plan for clarification purposes by way of condition would be acceptable in this instance.

7.6.10. *Historic Quarry Use:*

Any historical use of the application site for quarrying purposes is not pertinent to the assessment of the subject proposal. While the adjacent limekiln is recorded in the Sites and Monuments Record (Ref. No. KE093-104), the previous use of the site as a quarry has not been deemed to be of such significance as to warrant any level of protection.

7.6.11. *The Proximity of the Kenmare Wastewater Treatment Plant:*

In response to the suggestion that visitors / patrons of the proposed motorhome park would be adversely affected by smells / odours and traffic movements (including the transportation of dried sludge) associated with the operation of the nearby Kenmare Wastewater Treatment Plant, I would suggest that any such concerns would likely have been taken into consideration during the preparation of the Kenmare Municipal

District Local Area Plan, 2024-2030 and the decision to zone the subject site as 'C5: *Tourism*' whereupon the development of '*Camping / glamping etc.*' is '*Permitted in Principle*'.

7.6.12. Notwithstanding the foregoing, it would be reasonable to anticipate that the upgrading works currently underway at the Kenmare Wastewater Treatment Plant and Cromwell's Bridge Pumping Station (which are expected to be completed by the end of 2025) will serve to improve overall operations at those facilities thereby reducing the likelihood of any incidences of odorous emissions etc.

7.6.13. *Invasive Species:*

Concerns have been raised as regards the presence of Japanese Knotweed (an invasive plant species listed in Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, as amended) both on site and in the immediate surrounds, along with the potential for the operation of the proposed motorhome park to actively spread this invasive alien species over a wide area. In this respect, I would draw the Commission's attention to the Ecological Impact Statement (EclS) submitted with the initial application which states that Japanese Knotweed has been identified along the riverbank to the northwest as well as within the steep slope extending between the river and the northern / north-western site boundary (although it is acknowledged that the winter walkover habitat surveys may not have recorded all incidences of the plant), and that in the absence of appropriate mitigation and control, the development of the site could potentially cause the further spread of Japanese Knotweed within and outside of the site to the detriment of ecological receptors. Therefore, it is proposed to avoid the spread and introduction of invasive species and noxious weeds by adopting appropriate mitigation measures as per the '*Guidelines on the Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads*' (National Roads Authority, 2010), the aim of which will be to eliminate Japanese Knotweed from the site and to prevent further spread during both the construction and operational phase of the motorhome park. Management actions will include:

- The continued ongoing chemical treatment in areas where the plant persists (noting that a treatment programme is currently being carried out

within and surrounding the site by Kerry County Council as part of the Flood Relief Scheme).

- Adherence to a strict hygiene regime during the construction phase to ensure all vehicles, machinery, and operatives / site visitors do not leave the site with any contamination. Hygiene measures will be put in place at the entrance / exit to the site.
- Continued monitoring and on-site treatment during the operational phase with any parts of the site where Japanese Knotweed persists to be cordoned off and no access permitted thereby preventing potential spread.
- No soil to be removed from the site. In the unforeseen event that soil does need to be removed, a license will be obtained from the NPWS for off-site removal.

(The Ecological Impact Statement also notes the presence of Himalayan Honeysuckle and Butterfly Bush within the site, but states that these are not seen as problematic and do not pose a significant risk to biodiversity or ecological constraints. Considering the scale of infestation, it has been suggested that these species can be dealt with relatively easily by standard control measures).

7.6.14. In response to a request for further information, the applicant subsequently submitted a '*Remedial Works for Invasive Plant Species, Market Street, Kenmare, Management Plan & Method Statement, 2024*' prepared by JKI Environmental which has identified 3 No. distinct stands of Japanese Knotweed proximate to the proposed development, the largest of which (identified as 'JK001' on Map 1 of the Management Plan) encroaches into the application site and is shown to extend into that area proposed to be occupied by Parking Bay Nos. 1-5 inclusive (Map 2). In order to avoid any disturbance of the existing growth stands, the remedial actions set out in Section 7.1 of the Management Plan are broadly twofold, although the two actions together only apply to that area identified as 'JK001'. Firstly, it is proposed to cordon off 'JK001' by erecting permanent fencing (with a 1m buffer between the knotweed and the fencing) to ensure that the knotweed is not disturbed (the cordoned off area will not be accessible to the public and no mowing or cutting will be allowed in the knotweed locations) which is to be followed by a programme of herbicidal treatment and monitoring carried out by suitably qualified persons over

several years. Secondly, it is proposed to amend the layout of the proposed development so as to avoid any conflict with 'JK001' by moving the parking bays away from the knotweed locations (please refer to Map 3 of the Management Plan and Appendix 'D' of the response to the request to further information received by the Planning Authority on 12th July, 2024). This revised layout, when taken in combination with the permanent fencing also proposed, will ensure that the motorhome parking bays and all ancillary activities within the site are sufficiently isolated from the knotweed locations.

- 7.6.15. In my opinion, the revised site layout (whereby the proposed motorhome parking bays and all associated development works will be repositioned so as to avoid encroaching into any area undergoing further remedial action for the eradication of Japanese Knotweed), when taken in conjunction with the implementation of the full spectrum of measures set out in the 'Remedial Works for Invasive Plant Species, Market Street, Kenmare, Management Plan & Method Statement, 2024', including those pertaining to the sequencing of works and biosecurity protocols, will ensure that the construction and operation of the proposed development will not pose an undue risk of Japanese Knotweed being spread beyond the site confines.

7.6.16. *Water Framework Directive:*

Screening the need for Water Framework Directive Assessment Determination.

The subject site is located c. 200m southwest of Kenmare town centre on the edge of the built-up area where it occupies a position between a gated roadway and the River Finnihy approximately 14m to the northwest. It is situated within the FINNIHY_020 WFD River Sub Basin (EU_CD: IE_SW_21F010510) ('Moderate' Status) and the Kenmare Ground Water Body (EU_CD: IE_SW_G_040) which has 'Good' chemical, quantitative and overall GW status (and is 'Not at Risk' of meeting its environmental objective of 'Good' status). There are no existing drainage ditches, channels or outfalls from the site to the river with a raised berm / embankment along the northern site boundary preventing any overland flow in that direction. The development itself does not include for any water or wastewater services.

- 7.6.17. The proposed development comprises the provision of an "Aire"-style motorhome park with 10 No. individual pitches along with ancillary site development works comprising the erection of fencing, the laying of natural stone chip surfacing, and the

setting out of wooden marker posts to delineate each individual motorhome bay. No further engineering or construction works are proposed and the development will not provide any water, wastewater, waste emptying, external lighting or other services / facilities. Access is to be obtained from an existing entrance arrangement onto the roadway at the end of Market Street, Kenmare.

7.6.18. Within the grounds of appeal, the following concerns have been raised as regards the potential for water deterioration:

- The use and parking of mechanically propelled vehicles on site posing a risk of pollution.
- The need to consider the proposed development as regards the requirements of the Water Framework Directive given the hydrological connection between the proposed development site, the Finnihy River and Kenmare Bay.

7.6.19. Having reviewed the available information, and following a site inspection, it can be confirmed that the proposed development site is not hydrologically connected to any surface watercourse, including the River Finnihy, and that the presence of an existing raised berm / embankment along the northern site boundary serves to prevent any overland flow in that direction (with a further berm located at the foot of the embankment along the riverside also intercepting and redirecting runoff). Surface water percolates directly to ground on site (which is described as comprising 'Made' ground on the National Soils Hydrology Mapping thereby corresponding with the infilling and levelling of the former quarry use).

7.6.20. Given the absence of any hydrological pathways to surface waters, and noting the low-impact nature of the physical works proposed along with the implementation of standard best practice construction measures (with respect to hydrocarbon spillages etc.), it is my opinion that the construction, operation and decommissioning of the proposed development does not pose any conceivable risk to any surface water body either qualitatively or quantitatively.

7.6.21. In light of the low-impact nature of the physical works proposed along with the implementation of standard best practice construction measure, the small scale, occasional (including seasonal) and short-stay usage of the proposed development during its operational phase, and the likely minimal risk of water pollution attributable

to any incidental leakage / spillage of fuel / oil / hydrocarbons or other pollutants from the vehicles of visitors to the site, I am satisfied that the construction, operation and decommissioning of the proposed development does not pose any conceivable risk to any ground water body either qualitatively or quantitatively.

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

7.6.23. The reason for this conclusion is as follows:

- The small scale and nature of the development, including the low-impact nature of the physical works proposed and the anticipated usage of the proposed development; and
- The nature of the receiving environment.

7.6.24. *Conclusion*

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

7.7. **Appropriate Assessment:**

7.7.1. 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 the Kenmare River SAC or the Mucksna Wood SAC, or any other European Site, in view of the

sites' Conservation Objectives, and Appropriate Assessment (and the submission of a NIS) is not therefore required.

7.7.2. This determination is based on:

- The information on file, which is considered adequate to undertake a screening determination;
- The nature, scale, and design of the proposed development;
- The nature of the receiving environment; and
- The weak indirect connections between the proposed development and European Sites.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

9.1. Having regard to the site location on lands zoned as 'C5: Tourism' in the Kenmare Municipal District Local Area Plan, 2024-2030, the policies of the planning authority as set out in the Kerry County Development Plan, 2022-2028 and the Kenmare Municipal District Local Area Plan, 2024-2030 for the area generally, the site location within walking distance of local services, the nature and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the amenities of the area, would not detract from the integrity, character or setting of archaeological features in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of July, 2024 and the 22nd day of July, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an Operational Management Plan, including arrangements for the management of traffic to and within the site along with motorhome parking, control of visitor numbers, camp site rules, details of site manager and contact numbers (including out of hours) and any arrangements for the removal of on-site structures outside of the operating period.

Reason: In the interests of public safety and residential amenity and in the interest of protecting the environment.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interests of sustainable drainage and surface water management.

4.
 - a) The site shall be landscaping in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. The following nature conservation requirements shall be complied with:

- The full implementation and monitoring of the 'Remedial Works for Invasive Plant Species, Market Street, Kenmare: Management Plan & Method Statement 2024' received by the planning authority on the 12th day of July, 2024.
- Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, an Invasive Alien Plant Species monitoring and treatment programme for the site with monitoring and treatment records to be maintained for future reference.

Reason: To control the risk of spread of invasive alien species from this site.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction / demolition waste.

Reason: In the interest of public safety and amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Robert Speer
Senior Planning Inspector

19th June, 2025

Form 1 – EIA Pre-Screening

Case Reference	ABP-320798-24
Proposed Development Summary	Construction of a motorhome park with individual pitches, boundary fencing and all associated works.
Development Address	Reenagappal, Kenmare, 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? (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.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, 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.	State the Class here.
<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	

<p>under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold.</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(iv) – Part 2, Schedule 5: Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>Class 12(d) – Part 2, Schedule 5: Permanent camp sites and caravan sites where the number of pitches would be greater than 100.</p>

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"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320798-24
Proposed Development Summary	Construction of a motorhome park with individual pitches, boundary fencing and all associated works.
Development Address	Reenagappal, Kenmare, Co. Kerry.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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>The proposed development involves the provision of an "Aire"-style motorhome park (across a site area of 0.352 hectares) with 10 No. individual pitches along with ancillary site development works comprising the erection of fencing, the laying of natural stone chip surfacing, and the setting out of wooden marker posts to delineate each individual motorhome bay. No other engineering or construction works are proposed and the development will not provide any water, wastewater, waste emptying, external lighting or other services / facilities. Access will be obtained via an existing entrance arrangement onto the roadway at the end of Market Street, Kenmare.</p> <p>It is considered that there are no environmental implications with regard to the size, design, cumulation with existing / proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.</p>
Location of development (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>The proposed development site is located c.200m southwest of Kenmare town centre on the edge of the built-up area where it occupies a position between a gated roadway and the River Finnihy to the northwest. It is accessed via Market Street which is characterised by the gradual transition from a mix of commercial & retail uses closer to the town centre to a predominantly residential street on travelling south-westwards.</p> <p>The site itself is of low ecological value and comprises a vacant plot of recolonising bare ground which would appear to have been infilled and levelled before being grassed.</p> <p>A steep embankment extends from the site to the River Finnihy which forms part of Kenmare River Special Area of Conservation (Site Code: 002158), approximately</p>

	<p>14m to the northwest. There are no existing drainage ditches, channels or outfalls from the site to the river with a raised berm / embankment along the northern site boundary preventing any overland flow in that direction.</p> <p>The Roughly River Estuary Proposed Natural Heritage Area (Site Code: 002092) is located approximately 500m southeast of the site.</p> <p>Screening for the purposes of appropriate assessment has concluded that the proposed development would not be likely to have a significant effect on any European site.</p> <p>A 'Stone Circle' (Ref. No. KE093-032001) and 'Boulder' (Ref. No. KE093-032002) on lands to the southwest of the site have been designated as a National Monument subject to a preservation order made under the National Monuments Acts, 1930 to 2014 (PO no. 6/1970). A former 'Lime Kiln' (Recorded Monument No. KE093-104) is located marginally beyond the western site boundary and at a lower elevation.</p> <p>There are no further environmental sensitivities in terms 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. wetlands, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.</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>Having regard to the scale of the proposed development, the limited nature of construction works associated with the development, the absence of any direct pathways to sensitive sites, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment factors listed in Section 171A of the Act.</p>
<p>Conclusion</p>	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Screening for Appropriate Assessment

Test for likely significant effects

Step 1: Description of the project and local site characteristics

Brief description of project	<p>The project involves the provision of an “Aire”-style motorhome park with 10 No. individual pitches along with ancillary site development works comprising the erection of fencing, the laying of natural stone chip surfacing, and the setting out of wooden marker posts to delineate each individual motorhome bay. No other engineering or construction works are proposed and the development will not provide any water, wastewater, waste emptying, external lighting or other services / facilities. Access will be obtained via an existing entrance arrangement onto the roadway at the end of Market Street, Kenmare.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The development site has a stated site area of 0.352 hectares and is located c. 200m southwest of Kenmare town centre on the edge of the built-up area where it occupies a position between a gated roadway and the River Finnihy to the northwest. It is of low ecological value and comprises a vacant plot of recolonising bare ground which would appear to have been infilled and levelled before being grassed. A steep embankment extends down from the site to the River Finnihy which forms part of Kenmare River Special Area of Conservation (Site Code: 002158), approximately 14m to the northwest, however, there are no drainage ditches, channels or outfalls from the site to the river while a raised berm / embankment along the northern site boundary prevents any overland flow in that direction. Surface water percolates directly to ground on site.</p> <p>Japanese Knotweed has been identified along the riverbank to the northwest as well as within the steep slope extending between the river and the northern / north-western site boundary. A ‘Remedial Works for Invasive Plant Species, Market Street, Kenmare, Management Plan & Method Statement, 2024’ has identified 3 No. stands of Japanese Knotweed proximate to the proposed development, the largest of which</p>

	<p>(identified as 'JK001' on Map 1 of the Management Plan) encroaches into the application site.</p> <p>Environmental safeguards incorporated into the design compromise best practice construction methods, including a prohibition on works along the river corridor (beyond the site boundary), the re-fueling of machinery in designated areas, and the storage of fuels in bunded units.</p> <p>The Mucksna Wood Special Area of Conservation (Site Code: 001371) is located approximately 950m south of the site.</p> <p>Potential impact mechanisms are hydrological connectivity with the release of pollutants (such as silt, sediment, hydrocarbons etc.) giving rise to a deterioration in water quality, and ecological connectivity such as by way of increased noise, lighting and disturbance.</p>
Screening report	<p>An 'Appropriate Assessment Screening Report' (December, 2023) has been prepared and submitted with the planning application which has concluded that there are not likely to be any significant effects on the Natura 2000 network of sites resulting from the proposed development of an "Aire"-style motorhome park at the subject site. This is supplemented through the submission of an 'Addendum to [the] Appropriate Assessment Screening Report' (along with further details) in response to a request for additional information issued by the Planning Authority.</p> <p>Kerry County Council has screened out the need for AA.</p>
Natura Impact Statement (NIS)	<p>An NIS has not been included with the application.</p>
Relevant Submissions	<p>The grounds of appeal have questioned the adequacy of the screening exercise for the purposes of Appropriate Assessment undertaken by both the applicant and the Planning Authority. Concerns have also been raised as regards the reliance placed on mitigation (by way of adherence to best practice measures).</p>

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

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Kenmare River Special Area of Conservation (Site Code: 002158)	<p>[1160] Large shallow inlets and bays</p> <p>[1170] Reefs</p> <p>[1220] Perennial vegetation of stony banks</p> <p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>[1330] Atlantic salt meadows (Glauco- Puccinellietalia maritimae)</p> <p>[1410] Mediterranean salt meadows (Juncetalia maritimi)</p> <p>[2120] Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[4030] European dry heaths</p>	c. 14m northwest of the site.	<p>No direct connection.</p> <p>Potentially weak and indirect hydrological / ground & surface water connectivity.</p> <p>Potential ecological connectivity attributable to proximity.</p>	Yes.

	<p>[5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>[6130] Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>[8330] Submerged or partially submerged sea caves</p> <p>[1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i></p> <p>[1303] Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i></p> <p>[1351] Harbour Porpoise <i>Phocoena phocoena</i></p> <p>[1355] Otter <i>Lutra lutra</i></p> <p>[1365] Harbour Seal <i>Phoca vitulina</i></p> <p>ConservationObjectives.rdl</p>			
<p>Mucksna Wood</p> <p>Special Area of Conservation</p> <p>(Site Code: 001371)</p>	<p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>ConservationObjectives.rdl</p>	<p>c. 950m south of the site.</p>	<p>None – The proposed development is ecologically isolated from this SAC.</p>	<p>No.</p>
Further Commentary / Discussion:				

Having regard to the nature and scale of the development under consideration, the site location and the nature of the receiving environment, the limited ecological value of the lands in question, the physical separation from and absence of likely connectivity pathways to any further European Sites, it is considered that the proposed development would have a limited potential zone of influence on any ecological receptors.

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Kenmare River SAC (Site Code: 002158): [1160] Large shallow inlets and bays [1170] Reefs [1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts [1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1410] Mediterranean salt meadows (Juncetalia maritimi)	Direct: None. Indirect: Potential hydrological connection via ground & surface waters - impact mechanisms include surface water discharges during construction works and surface water infiltrating to ground once operational resulting in a deterioration in the quality of ground and / or surface waters.	The proposed development site is not hydrologically connected to any surface watercourse, including the River Finnihy. There are no drainage ditches, channels or outfalls from the site to the SAC and the presence of an existing raised berm / embankment along the northern site boundary prevents any overland flow in that direction. A further extant berm at the foot of the embankment between the proposed development and the riverside also serves to intercept and redirect runoff. Surface water percolates directly to ground on site. Therefore, given the low-impact nature and duration of the construction works along with the implementation of standard best practice construction measures, it is considered that the weakness of the hydrological pathway is such that significant downstream impacts which could affect

<p>[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[4030] European dry heaths</p> <p>[5130] <i>Juniperus communis</i> formations on heaths or calcareous grasslands</p> <p>[6130] Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>[8330] Submerged or partially submerged sea caves</p> <p>[1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i></p> <p>[1303] Lesser Horseshoe Bat <i>Rhinolophus hipposideros</i></p> <p>[1351] Harbour Porpoise <i>Phocoena phocoena</i></p>	<p>Indirect: Potential ecological connection – the disturbance of protected species in proximity to the development site (Otter & Lesser Horseshoe Bat) through noise, lighting, and increased activity.</p>	<p>habitats or water quality within the SAC for the QIs listed are unlikely.</p> <p>During the operational phase of the development, surface water will be allowed to percolate to ground directly in a manner akin to that of the existing colonising bare ground / grassed surface already in place on site. Given the small scale, occasional, and short-stay usage of the development and the minimal risk of water pollution attributable to any incidental leakage / spillage of fuel / oil / hydrocarbons or other pollutants from the vehicles of visitors to the site, it is considered that the weakness of the hydrological pathway is such that significant impacts which could affect habitats or water quality within the SAC for the QIs listed are unlikely.</p> <p>Conservation Objectives would not be undermined.</p> <p>The Ecological Impact Statement has confirmed that no otter holts or spraints were recorded during a walkover survey along the riverbank. Considering the preferred habitat of Otter (the river corridor), the development is unlikely to cause any disturbance impact to this species.</p>
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<p>[1355] Otter <i>Lutra lutra</i></p> <p>[1365] Harbour Seal</p> <p><i>Phoca vitulina</i></p>		<p>Although the proposed development site is located at the edge of the mapped core sustenance zone of a Lesser Horseshoe Bat roost (a souterrain at Dunkerron known to support in excess of 100 No. lesser horseshoe bats during the winter hibernation season), it has been established (from survey work) that there are no roosting opportunities within the footprint of the site and that its land cover presently offers low value foraging opportunities for bats.</p> <p>Manual bat transects surveys of the River Finnihy and its banksides conducted in 2018 & 2023 did not record any lesser horseshoe bat activity.</p> <p>The results of an automatic bat detector survey recorded only low levels of lesser horseshoe bat activity with only 17 No. passes over 74 No. nights of monitoring thereby indicating that the stretch of the River Finnihy adjacent to the project site is not relied upon by lesser horseshoe bats as core foraging habitat.</p> <p>No bat activity was recorded during inspections and roost emergence surveys of the limekiln adjoining the development site. Given the absence of any proposed direct interaction with this structure there is no potential for the development to</p>
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		<p>alter the bat roost potential of the structure (which is adjudged to be low).</p> <p>The proposed construction works will also be removed from any semi-natural habitat that may be used by lesser horseshoe bat.</p> <p>During the operational phase, it is considered that the presence of people both on site and in the vicinity will be representative of quiet and non-intrusive activities.</p> <p>Considering the location, scale and characteristics of the development, and the best practice measures that will be followed during the development, no disturbance impacts of significance on Lesser Horseshoe bat are considered likely.</p> <p>Therefore, given the low-impact nature and duration of the construction works along with the implementation of standard best practice construction measures, it is considered that the weakness of the ecological pathways are such that significant impacts which could affect protected species within the SAC for the QIs listed are unlikely.</p> <p>Conservation Objectives would not be undermined.</p>
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	Habitat loss due to the spread of Japanese Knotweed.	A comprehensive plan to eradicate Japanese Knotweed from the site and to prevent its spread is to implemented. This measure serves as a continuation of a management and eradication programme already in effect.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site. No.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Kenmare River Special Area of Conservation (Site Code: 002158) or the Mucksna Wood Special Area of Conservation (Site Code: 001371). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures (other than adherence to standard best practice construction standards) are required to come to these conclusions.</p>		