



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323171-25

<b>Development</b>	An Integrated Tourism/Leisure Park. An EIAR and NIS have been prepared in respect of the proposed development.
<b>Location</b>	Reenroe, Emlaghmore West, Ballinskelligs, Co. Kerry
<b>Planning Authority</b>	Kerry County Council
<b>Planning Authority Reg. Ref.</b>	24/60322
<b>Applicant(s)</b>	Rínn Rua Holiday Park Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rinn Rua Holiday Park Ltd
<b>Observer(s)</b>	Kate Rosengrave Eugene and Anne McMahon
<b>Date of Site Inspection</b>	November 03 <sup>rd</sup> and 04 <sup>th</sup> , 2025
<b>Inspector</b>	Lorraine Dockery

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## **1.0 Site Location and Description**

- 1.1. The site, which has a stated area of 22.6 hectares, is located on the Iveragh Peninsula, approximately 3.4 km north-east of Ballinskelligs and 4.5 km north-west of Waterville in rural south County Kerry. The nearest large town, Cahersiveen, is located approximately 11 km to the north. The site occupies a coastal location at Ballinskelligs Bay. It is located within the Uíbh Ráthaigh Gaeltacht and is part of the Wild Atlantic Way and Ring of Skellig tourist routes.
- 1.2. The site abuts the R567 to the north and there are two beaches either side of the subject site, An Rinn Rua (Reenroe) beach to the south/east and Tra na Sasanach to the west. The site boundary as outlined in red includes the access road to Reenroe beach and the Reenroe Cliff Walk. The R567 is part of the National cycleway EuroVelo 1.
- 1.3. A derelict hotel, stated to have been built in the late 1960s, currently occupies the site and is a stark feature on the landscape at this location, visually prominent from a number of vantage points. It currently detracts significantly from views in the area, particularly as one travels along the existing cliff walk, along Reenroe beach and along the existing beach road. There is another smaller derelict two-storey structure on site, which is stated to have previously been a dwelling. The remainder of the site area is largely comprised of agricultural land and used for the grazing of sheep.
- 1.4. Lands stated to be within the applicant's control (outlined in blue on submitted drawings) are located to the east and west/south of the subject site.
- 1.5. This is an extremely sensitive rural area, recognised for its natural beauty and sensitive views.
- 1.6. See Chapter 2 of the submitted EIAR for 'Description of Proposed Development'.

## **2.0 Proposed Development**

- 2.1. The proposal comprises the construction of an Integrated Tourism/Leisure Park and associated site development works, which will provide self-catering accommodation and facilities with a maximum of 972 beds or 507 bedrooms. The majority of the proposed development will be located on the west side of the beach access road

with the Wastewater Treatment Plant (WWTP) and associated wetlands located to the east of this road.

2.2. The key details of the proposal are as follows:

Table 1:

Proposed Development	
Site Area	25.8 ha (as increased during FI stage to PA)  (overall land ownership at this location stated to be 55.85 ha)
Proposed Works	<p>Partial demolition, extension and redevelopment of the existing derelict hotel, to include:</p> <ul style="list-style-type: none"> <li>- 4 no. self-catering studio apartments;</li> <li>- 3 no. one bed self-catering apartment;</li> <li>- 15 no. two beds self-catering apartments;</li> <li>- a bar; dining room; rooftop restaurant; shop; ESB substation and switch rooms; standby generator room and bin stores</li> </ul> <p><u>Remainder of development includes:</u></p> <ul style="list-style-type: none"> <li>6 no. Hobbit Huts- S corner of site,</li> <li>21 no. Glamping Pods (one-bed)- SW of hotel parking area,</li> <li>25 no. Holiday Homes (prefabricated lodges)(two-bed)- SE of main entrance,</li> <li>144 no. Mobile Homes (prefabricated)(two-bed)- N &amp; NW of main entrance,</li> <li>20 no. Campervan stands- N corner of site,</li> <li>Washroom and Toilet facilities (58m<sup>2</sup>)- N corner of site,</li> </ul>

	<p>0.8ha Tent Camping Area (40 pitches/ha envisaged)- N corner of site,</p> <p>Leisure Complex (with a swimming pool) (1,339.5m<sup>2</sup>)- adjacent to hotel,</p> <p>Surf Shop (191.7m<sup>2</sup>)/Café 126.5m<sup>2</sup>- adjacent to beach,</p> <p>Maintenance Building (618m<sup>2</sup>),</p> <p>Natural Play Area,</p> <p>Central Park with walkways.</p>
Other Works	<p>Widening of beach access road from R567 to 6m for two-way traffic including a pedestrian/cycle pathway,</p> <p>Upgrading of existing cliff walk as a combined walk/cycleway. Will be tarmacked and widened to 3.0 metres to enable accessibility- all widening on the inland side of the existing walkway</p> <p>New access road to two neighbouring dwellings to the southwest of the development site</p> <p>Preservation of onsite derelict cottage for biodiversity use as bat roost</p> <p>New wastewater treatment system and constructed wetland (proposed as part of FI response to PA)</p> <p>Biodiversity enhancement area on lands to east of site boundary (outside of red line boundary)</p>
Floor Area of demolition Works	38m <sup>2</sup>
Floor area of proposed works	10,051.5m <sup>2</sup>
Access	Main entrance from existing access from beach access road

	<p>A second access is proposed (via existing gate) to north of main access- will allow access to maintenance building, 2 no. existing dwellings (outside of red line boundary) and will serve the holiday park</p> <p>New entrance to WWTP off beach access road (immediately opposite main entrance)</p> <p>New entrance from beach access road to serve café/surf school</p>
Parking	<p><u>Central Area</u>- 151 no. car parking spaces incl 7 no. accessible spaces and 2 coach parking spaces; 7 no. EV charging points; 40 no. bicycle spaces</p> <p><u>Café/surf shop</u>- 7 no. spaces &amp; 1 no. accessible space</p> <p><u>Additionally</u></p> <p>Parking spaces will be provided next to each individual accommodation unit, including camping facilities</p>
Water Supply	New connection to public mains
Wastewater	<p>Molloy Environmental Systems' M1 system WWTP</p> <p>Includes for 2 no. pumping stations</p> <p>As amended by FI to the PA, the proposal also includes for a constructed wetland</p>
Surface water disposal	Soakpit
Flood Zone	Zone C
Phasing	4 phases over a period of 4.5-5 years
Operation	Hotel and park homes will be operational for at least 10 months of each year from February to November

	<p>– peak periods expected between May and September.</p> <p>Camping, hobbit huts/glamping pods and holiday lodges will be open for 5 months from May to September.</p> <p>Intention is for these facilities to remain open year-round, depending on demand</p>
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2.3 The application includes an EIAR and NIS.

2.4 It is stated in the submitted documentation that the ambition of the proposal is to restore and expand the tourist offering at this location and create a sustainable tourism development that benefits the environment, economy and cultural heritage of the local area. It aims to create a sustainable and vibrant holiday village while preserving and enhancing the natural environment.

2.5 See Chapter 2 of submitted EIAR for ‘Description of the Proposed Development’.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission REFUSED for four reasons relating to:

1. Having regard to the scale of the proposed development on this coastal site located in an area zoned ‘Visually Sensitive’ in the Kerry County Development Plan 2022-2028, it is considered that the proposed development would contravene Objectives KCDP 10-31 and KCDP 10-32 of the said Plan in relation to Visitor Accommodation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the scale of the proposed development and the design and complexity of the proposed effluent treatment system, the Planning Authority is not satisfied that the proposed development would not cause pollution of groundwater and surface waters. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale of the proposed development and concerns raised by Uisce Eireann in relation to the impact of the development on the public water supply, the Planning Authority is not satisfied that the proposed development would not cause disruption to the public water supply in the Ballinskelligs Area during periods of high demand. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
4. Based on the information submitted and having regard to the nature, scale and location of the proposal, the Planning Authority is not satisfied that it would not seriously injure biodiversity interests by way of light pollution and water quality deterioration. Increased lighting/sky glow at a coastal location such as this has potential to impact avian SCI species for the 'Puffin Island SPA' and 'Deenish Island and Scariff Island SPA'. The proposal would therefore conflict with development objectives KCDP 11-2, KCDP 11-42 and KCDP 13-1 of the Kerry County Development Plan 2022-2024, would be contrary to the protection of the environment, biodiversity and natural heritage and the proper planning and sustainable development of the area.

3.1.1 **Note:** Reference to Kerry County Development Plan 2022-2024 in the fourth reason for refusal is considered to be a typographical error on the part of the planning authority. In the interest of clarity, I highlight that the Development Plan in place currently and at the time of making of the planning authority decision is the Kerry County Development Plan 2022-2028, as correctly referenced in all other planning authority documentation.

3.1.2 Further Information was requested by the planning authority in relation to (i) environmental matters in particular relating to wastewater, monitoring of Emlaghmore stream, noise, maintenance of swimming pool, waste, surface water management (ii) ecological impacts including request for submission of NIS, impacts on SCI species, water quality, lighting, bats and derogation licence, impacts on chough (iii) archaeology matters including pre-development testing (iv) fire safety (v) stormwater (vi) road safety (vii) visual impacts including details of external finishes.

The planning authority considered the FI response to be significant and requested the submission of revised public notices. These notices were duly submitted by the applicant. The site area was increased to accommodate the changes proposed in the FI response, which included for the provision of an Integrated Constructed Wetland.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- Two Planner's reports. The first requests Further Information from the applicants while the second report reflects the decision of the planning authority; recommends refusal of permission

### 3.2.2. Other Technical Reports

Roads, Transportation & Marine Department- Further Information requested in relation to amendments to site layout plan to show existing public parking are, together with a drawing showing problems identified in Road Safety Audit (date 15/07/2024). No further report received.

Flooding, Coastal and Marine Unit- Further Information requested in relation to drainage and flood risk matters including stormwater layout, stormwater management, capacity of existing drains, possible scouring of beach and consideration of high tides and/or coastal surges (date 24/06/2024).

A subsequent report was received which states that FI has been addressed, no further comments (date 16/05/2025).

County Archaeologist- No further archaeological mitigation required (date 02/05/2025).

A subsequent report was received in which conditions were attached (29/05/2024)

Environmental Assessment Unit- Further Information requested in relation to submission of an addendum AA Screening Report or NIS addressing operational stage water quality matters, impacts on chough, impacts of lighting, consideration of Porpoise, screening requirements and details of bat derogation licence (18/07/2024).

A subsequent report was received on foot of the submission of FI by the applicant, to be read in conjunction with the previous report. A refusal of permission is recommended in relation to impacts of lighting/lack of specificity necessary to rule out impact with scientific certainty on SCI species and concerns regarding water quality deterioration (date 25/06/2025)

Environment Section- Further Information requested in relation to wastewater treatment, groundwater technical assessment, monitoring of Emlaghmore Stream, noise matters, maintenance of swimming pool, waste management and surface water management (date 09/07/2024).

A subsequent report was received on foot of the submission of FI by the applicant. Refusal recommended as cannot be satisfied that the proposed development would not impact negatively on water quality, both freshwater and coastal water and that it would not impact negatively on attainment of the relevant water quality objectives set out in the WFD (date 25/06/2025)

Fire Services Department- No objections, subject to conditions (12/06/2024)

### 3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage- DAU (report dated 18/07/2024)

#### Nature Conservation

The applicant has undertaken all of the surveys that NPWS recommended to inform the EIAR for the proposed development and have consulted with regional NPWS staff regarding the mitigation and the development of the Biodiversity Enhancement Area.

Kerry County Council will require further detail on potential impacts to bird species which are Special Conservation Interests of the SPAs within the potential Zone of Influence, in order to make a determination of No Significant Effect on these sites. The question of whether chough recorded in the development site would be considered part of the Iveragh Peninsula SPA chough population is of particular importance in this regard. The potential effects of operational phase lighting on seabirds including Manx Shearwater, should also be examined in more detail.

The NPWS has learned that Kerry County Council's Environment section has determined that the wastewater treatment system proposed for the development is not adequate. If this is the case, significant effects on the Ballinskelligs Bay and Inny Estuary SAC cannot be ruled out. Kerry County Council will require further information on the wastewater treatment system in order to make a determination.

If any significant effects on SACs or SPAs in the Zone of Influence are identified through further examination of the above, a Natura Impact Statement should be submitted by the applicant in order for Kerry County Council to undertake an Appropriate Assessment of the proposed development.

As bats have been recorded within the development site, a derogation licence will be required. The requirements of the Judgement made by the Court of Justice of the European Union *Namur-Est Environment*, C-463/20, EU:C:2022:121 should be adhered to in this regard.

Department of Housing, Local Government and Heritage- DAU (report dated 11/06/2025)

#### *Nature Conservation*

Notes that the applicant has submitted Further Information in the form of an Addendum to the Appropriate Assessment Screening Report and a Natura Impact Statement (NIS), which considers the impacts of lighting on the Qualifying Interests of the Iveragh Peninsula Special Protection Area (SPA), Puffin Island SPA and the Deenish Island and Scariff Island SPA.

The impacts of lighting on Manx Shearwater and Storm Petrel has been examined, and mitigation has been proposed in Section 6.3 of the NIS. However, this mitigation is very generic and is not tailored to the site. The Lighting Layout submitted with the planning application does not appear to have the recommendations put forward in Section 6.3 of the NIS incorporated into it. For example, the Lighting Layout includes bollard lighting, the use of which is discouraged as per the recommendations of the NIS.

For this reason, the Department is not satisfied that the concerns regarding the impacts of lighting on bird species that are Special Conservation Interests (SCI) of the nearby SPAs have been addressed.

Uisce Eireann: (report dated 17/06/2025)

Further Information requested

The impact of the development on the public water supply is unknown and a model would have to be drawn up by Uisce Eireann to show what the development usage at normal and peak times would be and would it put a strain on the network and cause other areas within Baile and Sceilig (MA04077) to be affected. The DMA of Baile an Sceilig (MA04077) currently becomes overloaded at times of high demand particularly on bank holiday weekends and the months of July and August.

Two options

- (i) water supply for development coming off the 150mm Upvc pumped water distribution mains- issues in times of high usage; development would draw water from the Cloon WPS and this may affect the areas further along the network in Baile and Sceilig (MA04077)
- (ii) development could be supplied from the Mhaoilinn Reservoir, located between Cloon WPS and Sosadh WPS. This reservoir was part of the old network and still in use. For this option to work, the network from Mhaoilinn Reservoir to the cross at the entrance to the proposed development on the R567 would have to be upgraded as this watermain dates to the 1970s.

Uisce Eireann: (report dated 26/06/2024)

No objection in principle

Applicant has engaged with Uisce Éireann via a Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility has been issued to the applicant advising that a water connection is feasible subject to upgrades - namely, the replacement of the existing 50mm uPVC water pipe with approximately 665 metres of 150mm ID. Conditions recommended.

An Taisce (dated 30/05/2024)

Concerns regarding scale of proposed mobile home development- represents an intensification of the subject site which would encroach on visual amenity, as well as attracting an unsustainable and excessive concentration of visitors.

Queries the capacity of the proposal to facilitate appropriate wastewater and general waste management, with pollution impacts to Ballinskelligs beach and beyond very likely given the scale of the proposal

Submits that proposal should be assessed against Article 4 of the WFD to determine whether the project may cause a deterioration of the status of surface/ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status

Potential for wastewater contaminants to encroach upon Ballinskelligs Bay a high-status water body by EPA with high ecological integrity. Queries the conclusion of the AA Screening Report that “calculated effluent concentrations are considered to be of such low risk as to not result in potential impacts to water quality”.

Area is totally exposed visually without any visual buffering in evidence which would represent an intrusion on such a high value landscape for the local community

Introduction of undesirable level of light pollution to area with Ballinskelligs listed as being in Kerry International Dark Sky Reserve within the darkest part of the reserve- notes Policy Objectives KCDP 11-42 and KCDP 11-43 of County Development Plan- contravention of aims of Kerry Dark Sky Reserve

HSE, National Environmental Health Service (NEHS) (dated 23/05/2024)

Report comments on Environmental Health impacts of the proposed development as outlined in the EIAR and the adequacy of the EIAR from the Environmental Health viewpoint.

See individual sections of my EIA Assessment for individual comments

Report concludes that:

- Engagement with sensitive receptors and the local community should be undertaken. A system should be put in place by the developer for dealing with enquiries and/or complaints from members of the public.
- Recommends that mitigation measures included in ‘Water’, ‘Noise’ and ‘Dust’ be included as conditions of planning permission, if granted, and are monitored to ensure their effectiveness.

### 3.4. Third Party Observations

A significant number of observations were received by the planning authority (in excess of 40 no. submissions) raising concerns similar to those contained in the submissions received by ACP.

## 4.0 Planning History

The most recent relevant history is as follows:

06/3543 (PL08.221863)

Permission GRANTED for a hotel (12,914 sqm) comprising 120-bedroom suites in 2 no. two storey wings with central courtyard spa, treatment rooms and pool leisure centre and ancillary site works. Works also included road widening of the entrance road from R567 to hotel site entrance and beach all on a site of 13.86 ha (2007)

04/1459 (PL08.209025)

Permission REFUSED on appeal for construction of hotel, consisting of 106-bedroom suites and demolish existing buildings. The reasons for refusal related to serious injury to visual amenities and possible use of development as holiday homes, which would contravene development plan policies and the proper planning and sustainable development of the area (2005)

01/2024 (PL08.127653)

Permission REFUSED to demolish the existing Waterville Beach Hotel and to construct 1 and 2 storey cottage/hotel, to include shop bar, swimming pool, reception area, health and fitness centre a 9-hole golf course with parking for 40 cars for reasons relating to serious injury to visual amenities, inappropriate location for holiday homes and public health concerns (2001)

Permission GRANTED for 72 cottages, hotel, golf course and restaurant (1992)

## **5.0 Policy Context**

### **5.1. National Planning Policy**

#### Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Guidelines on the Information to be Contained in Environmental Impact Assessment Reports
- Climate Action Plan 2025 (as informed by Climate Action Plan 2024)

#### Other policy documents of note:

- National Planning Framework, First Revision
- Regional Spatial & Economic Strategy for the Southern Region
- Our Rural Future: Rural Development Policy 2021-2025

## 5.2. Local Planning Policy

### **Development Plan**

The Kerry County Development Plan 2022-2028 applies.

Located outside of a settlement boundary. Site is located within Uíbh Rathaigh Gaeltacht.

Designated as a visually sensitive area

Chapter 10 Tourism and Outdoor Recreation

Objective KCDP 10-7 seeks to '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'.

Section 10.3.5 Visitor Accommodation

Objective KCDP 10-29 seeks to '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'.

Objective KCDP 10-30 seeks to 'Encourage the sensitive redevelopment and/or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development. As part of this, potential for impact on wildlife should be taken into account as outlined in S4.3.4 of this plan'.

Objective KCDP 10-31 seeks to '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'.

Objective KCDP 10-32 seeks to 'Ensure the future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g. sand dune systems)'.

Objective KCDP 11-2 seeks to '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 11.3.3.2 Lights and Biodiversity

Objective KCDP 11-42 seeks to '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'.

Objective KCDP 11-43 seeks to 'Support the Kerry International Dark-Sky Reserve and ensure that all new external lights comply with the objectives of the Kerry International Dark Sky Reserve'.

Objective KCDP 11-78 seeks to '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 11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

Views and Prospects are protected southwards from the R567 Regional Road to the north of the site.

Objective KCDP 11-81 seeks to 'Prohibit developments that have a material effect on views designated in this plan from the public road or greenways towards scenic features and/or public areas'.

Objective KCDP 13-1 seeks to 'Ensure compliance with the Water Framework Directive'.

#### Kenmare Municipal District Local Area Plan 2023-2029 applies

The regional towns are Cahersiveen, Kenmare and Killorglin, while Sneem and Waterville occupy an important role as District Towns. Baile an Sceilg, Beaufort, Chapeltown, Dún Géagáin, Glenbeigh, Kilgarvan, Knightstown and Portmagee are the principal villages in the Plan area.

A strategic aim of the Plan is to build a sustainable tourism future that maximises and diversifies tourism product to the highest standard, particularly into non-traditional areas and extends the tourist season taking particular care of the natural and built environment.

#### West Iveragh Local Area Plan 2019-2025

Objective OS-07 seeks to promote the sustainable development of tourism in appropriate locations while protecting the underlying environmental attributes and resources in the area, upon which much of the tourist industry is based.

### **5.3. Natural Heritage Designation**

The nearest designated site- Ballinskelligs Bay and Inny Estuary SAC (Site Code: 000335)- lies adjacent to the subject site. The works to be undertaken are entirely outside of the SAC boundary. The Iveragh Peninsula SPA (Site Code: 004154) is located approximately 3.69km to the SW of the subject site while Deenish Island and Scariff Island SPA (Site Code: 004175) and Puffin Island SPA (Site Code: 004003) are located 10.7km and 10.5km distant respectively.

## 5.4 Appropriate Assessment

5.4.1 An AA Screening Report was submitted with the application documentation and AA Addendum Screening Report submitted to the planning authority in response to their Further Information request. The addendum is to be read in conjunction with the original AA Screening report submitted.

5.4.2 The fourth reason for refusal, which issued from the planning authority states that:

*‘Based on the information submitted and having regard to the nature, scale and location of the proposal, the Planning Authority is not satisfied that it would not seriously injure biodiversity interests by way of light pollution and water quality deterioration. Increased lighting/sky glow at a coastal location such as this has potential to impact avian SCI species for the ‘Puffin Island SPA’ and ‘Deenish Island and Scariff Island SPA’. The proposal would therefore conflict with development objectives KCDP 11-2, KCDP 11-42 and KCDP 13-1 of the Kerry County Development Plan 2022-2024, would be contrary to the protection of the environment, biodiversity and natural heritage and the proper planning and sustainable development of the area’.*

5.4.3 The report of the NPWS stated that the impacts of lighting on Manx Shearwater and Storm Petrel has been examined and they note that mitigation has been proposed in Section 6.3 of the NIS. However, this mitigation is considered to be very generic and is not tailored to the site. The Lighting Layout submitted with the planning application does not appear to have the recommendations put forward in Section 6.3 of the NIS incorporated into it. For example, the Lighting Layout includes bollard lighting, the use of which is discouraged as per the recommendations of the NIS. For this reason, the Department is not satisfied that the concerns regarding the impacts of lighting on bird species that are Special Conservation Interests (SCI) of the nearby SPAs have been addressed. These matters are reiterated in the report of NPWS to An Coimisiún Pleanála (dated 24/09/2025), however they do not recommend refusal of permission in this regard, instead considering that the matter could be dealt with by means of condition.

5.4.4 An Taisce raise concerns in their submission in relation to impacts of light pollution at this location. This matter has also been raised in some of the third-party submissions received.

5.4.5 Unsolicited Further Information was received by the planning authority from the first party on 24/06/2025 which sought to address the matters raised by the NPWS in their submission. I refer An Coimisiún to this detailed submission. It highlights that dedicated bird surveys were undertaken between May 2022 and 2023, which did not record either Manx Shearwater or Storm Petrel. The surveys encompassed the site itself and surrounding marine area. Their submission states that the proposed site and surrounding landscape is not suitable for breeding by either species due to the presence of mammalian predators and human activity/land-use. In terms of suitability for foraging, Ballinskelligs Bay itself is not part of the pelagic zone. It is highly likely that any foraging by these species in the Ballinskelligs Bay area would be limited to deeper areas closer to the mouth of the bay at a considerable remove from the proposed development site, in the context of any potential impacts from operational phase lighting associated with the proposal. Their submission continues by outlining lighting design approach and specification and highlights that the proposal includes a mix of light fittings, each with a specific purpose or use. The design approach sought to minimise light pollution and light spill. The lighting bollard specified is specifically selected for light sensitive locations, with low level lumens and without light spill or glare. They state that lighting on the operational site can be managed and controlled without generating risk or negative impacts to sensitive receptors using the site. In the event that permission is granted, further detailed bollard specifications can be provided. Additionally, lighting effects can be modelled to demonstrate how fittings do not have negative/significant effects.

#### Stage 1- Appropriate Assessment Screening

5.4.6 See Appendix 2

5.4.7 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this screening, I conclude that it is not possible to exclude that the proposed development alone will

give rise to significant effects on three European Site(s) in view of the sites conservation objectives- Iveragh Peninsula SPA (Site Code: 004154); Puffin Island SPA (Site Code: 004003) and Deenish Island and Scariff Island SPA (Site Code: 004175). Appropriate Assessment is required.

5.4.8 This determination is based on:

- The potential for disturbance / displacement effects on the SCI species in the designated Special Protection Areas
- Site may be considered to contain habitat utilised by SCI bird species designated for the nearby Iveragh Peninsula SPA.
- Possible water quality impacts
- Impacts on Manx Shearwater due to artificial lighting which will increase during the operational phase of the development.

5.4.5 In relation to the remaining designated sites identified in Appendix 2, the possibility of significant effects on other European sites has been excluded on the basis of objective information. No measures intended to avoid or reduce harmful effects on European sites (including those outlined in the applicant's NIS) were taken into account in reaching this conclusion. This opinion takes into consideration:

- The distances to these designated sites
- Lack of hydrological pathway or any other pathway to these designated sites

I consider that it reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operational of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interests of Ballinskelligs Bay and Inny Estuary SAC (Site Code: 000335); Killarney National Park, Macgillycuddy's Reeks and

Caragh River Catchment SAC (Site Code: 000365); Valencia Harbour/Portmagee Channel SAC (Site Code: 002262) and Kenmare River SAC (Site Code: 002158).

5.4.6 Stage 2- Appropriate Assessment

5.4.7 See Appendix 3

5.4.8 In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Iveragh Peninsula SPA (Site Code: 004154); Puffin Island SPA (Site Code: 004003) and Deenish Island and Scariff Island SPA (Site Code: 004175) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

5.5 Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of on **Iveragh Peninsula SPA (Site Code: 004154)** can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

5.6 Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of **Deenish Island and Scariff Island SPA (Site Code: 004175), Puffin Island SPA (Site Code: 004003)** cannot be excluded in view of the conservation objectives of these site and that a reasonable scientific doubt remains as to the absence of such effects.

5.7 My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed
- Extent of artificial lighting proposed at this sensitive location

## 6.0 Appeal

### 6.1 Grounds of Appeal

One first-party appeal submission was received, which may be broadly summarised as follows:

- Outlines national, regional and local planning policy
- While project is large in scale, it is well designed and landscape can accommodate such a scale of development
- Planning authority (PA) welcomes the development of hotel and acknowledges that the provision of a stand-alone development at this location would not be viable; no negative commentary on design approach
- Hotel building is not ancillary to main development; proposal provides a sustainable facility that functions to the needs of the marketplace
- Views and prospects identified in CDP would not be compromised while the landscaping scheme matures; phasing allows for planting at outset; strong design and mitigation measures have been put forward in the proposal

#### Reason No. 1- visual impact

- Comprehensive LVIA submitted with application
- No medium or long term adverse effects recorded as part of EIAR assessment which demonstrates that effective mitigation measures were applied to address short-term adverse effects
- Remedial, avoidance and reductive mitigation measures have been put forward at the outset with the effect of minimising visual effects from vantage points in the locality
- No adverse visual effects arising from renovation of hotel
- Landscape strategy as outlined will provide a sustainable long-term solution for integration of the proposed development into the landscape setting thus ensuring positive outcomes in respect of Objectives KCDP 10-31 and KCDP 10-32

## Reason No. 2- wastewater

- Acknowledge that WWTPs for a development with a population equivalent for this project are by definition complex
- The use of such wastewater technology is well proven globally; designed for this specific project and site conditions
- System can cater for a development of this size and can account for seasonal variation in wastewater volumes; no different than any existing Uisce Eireann coastal WWTP that are located in prime tourism locations on our coastline
- Fully designed wetland system was developed which ensures that there are no large volume discharges to water courses or directly to ground
- DoE guidance allows construction of ICW using natural soils without an artificial liner
- Wastewater system treats wastewater down to 3:3 standard with no risk to groundwater of freshwater bodies
- Sets out examples of other permissions granted by the PA for similar type treatment of wastewater
- Design is based on best guidance and the solution put forward has been used elsewhere
- Approach of having a series of constructed wetland ponds at this location also aligns and complements on biodiversity net gain and enhancement; approach will enhance the wetting process, promote vegetation mix and diversity and will restore this area in terms of a functional peatland area
- WWTP will be managed and maintained with an operational plan which is a necessity of all large scale WWTP; common practice for any plant of this scale; ICW requires minimal maintenance as in effect it is mimicking a natural wetland system within an area of peaty/wet soil and existing drains
- Biodiversity report of PA states that in principle it is considered that the provision of an appropriately designed ICW at this location is acceptable and would enhance the local biodiversity value of the lands, which are currently wet grasslands. Proposal would also reverse previous drainage and land

management works undertaken, would restore the habitat and provide functional biodiversity gain

- Proposed system is designed to facilitate naturalisation of the treated effluent, so that it will be compatible with the natural bog water; also restores a degraded bog by re-wetting. An area of former bog has been impacted by artificial drainage network which has likely affected the extent and condition of wetland habitats in the area
- Use of UV in WWTP design and operation is a well proven technically accepted solution. Naturally occurring bacteria will reoccur in the wetland
- No impacts on aquifer so risk to groundwater is low given the treatment to a 3:3 standard; demonstrated in design and is to a standard for discharge
- Concerns for pollution risk to coastal waters or negative impacts on bathing waters at Reenroe beach is unfounded. No technical evidence to prove that what is being proposed will be detrimental to water quality or have negative effect in terms of WFD
- Proposal follows prescribed guidance and best practice and is same approach as adopted by Uisce Eireann for their own WWTP plants that discharge to sea or to waterbodies in the State

#### Reason No. 3- water supply

- Full engagement with planning authority (PA) and Uisce Eireann (UE); serious concerns were not raised in relation to water supply
- Acknowledges network requires upgrading and need for re-use of Spunkane Reservoir; core concern of UE appears to be upgrading works and investment needed to cover ongoing water needs, to cover outages and peak summer loads. Notes two options set out by UE; applicant also proposes inclusion of water storage tanks which would facilitate a sufficient supply of water on site with minimum of 5 days storage; also willing to fund upgrade to pumping stations and pipe upgrading; could be agreed by way of condition
- Number of methods of dealing with concerns of UE

#### Reason No. 4- Ecology

- Positive position of PA noted in terms of operational stage water quality in context of AA/NIS; no realistic pathway for impact on any European site
- Positive conclusion in relation to impacts on Chough; PA notes that NPWS did not raise concerns in this regard
- In terms of lighting, approach from outset has been a controlled, low impact scenario; well within technical ability of light fittings; proposal will not have negative impact in terms of light spill in a manner that would have significant effects on SCI species
- Subject site is not a priority site for either bird species raised as concern by PA; not considered suitable for these species based on their ecological requirements
- No significant risk to EU designated sites and associated species mentioned, nor any other European site in relation to operational stage lighting
- Positive use of ICW acknowledged by PA in Biodiversity report
- Point of ICW and distribution of treated water through a series of ponds enhances the habitat and does not lead to dry conditions or dust associated with same. Neither would it require a continuous use of herbicides to ensure the ponds functionality; considers this reason for refusal to be unsubstantiated

## **6.2 Applicant Response**

N/A

## **6.3 Planning Authority Response**

None

## **6.4 Observations**

Two observations were received from Eugene and Anne McMahon and from Kate Roseingrave which support the decision of the planning authority and which may be summarised as follows:

- Principle of proposal- hotel use abandoned for over 35 years; derelict site with no existing use; abandonment of use; proposal does not seek resumption of hotel use but is predominantly an own-door large scale residential/holiday home complex on unzoned agricultural lands; protection of agricultural lands required, as per KCDP
- Proposal is essentially an apartment block located on pristine Kerry coastline; proposal constitutes residential development as opposed to hotel use; CDP states that primary location for new commercial development will be in key towns and villages (section 9.6)
- Proposal not in compliance with section 10.3.5.1 of CDP; no safe pedestrian link to Dungeagan or Waterville as per Development Plan requirements; proposal is not adjacent to established settlement nodes; outside of any settlement with established infrastructure
- Section 1.12.2 of Vol 6 of CDP states that parks will only be permitted within settlement boundaries and will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such developments
- Proposal contradicts settlement hierarchy; Policy Objective RCI-1 restricts development in 'Open Countryside' to that which supports the rural economy and does not compromise its rural character; no evidence submitted to show that appropriately zoned lands within established settlements are unavailable or unsuitable; site lacks public infrastructure
- Impacts on tourism; Objective TM-8 noted
- Negative impacts on cultural and linguistic inheritance of Gaeltacht
- Impacts on residential amenity- impacts on privacy, overlooking, light, impacts on views
- Noise pollution- due to in excess of 1000 residents staying during peak times on the site
- Impacts proposal will have on living conditions of local residents
- Impacts on Visual amenity- exposed coastal site; visually sensitive; designated as High Sensitivity; designated secondary Special Amenity Area

and NHA; proposal would not satisfactorily integrate into the landscape; would contravene CDP; seriously injure character of landscape; harmful to natural beauty; erosion of local landscape quality; overdevelopment of site; urbanisation of this rural coastal environment

- Design, height, bulk and scale of proposal such that it would be visually obtrusive; prominent when viewed from adjacent beaches; much larger than existing derelict structures on site; would result in loss of beauty; cannot be justified solely on basis of there being an existing derelict structure on site;
- Landscape recognised as major economic asset in CDP; proposal is injurious to landscape and therefore contravenes CDP in this regard
- Interference with views and prospects from R567 including listed view from R567 and Dungeagan Road towards Ballinskelligs Bay (see Map P of CDP)
- Site forms part of Pairc Naisiunta na Mara, Ciarrai; first national marine park
- Light pollution of Kerry International Dark Sky Reserve, part of Wild Atlantic Way
- Wastewater pollution- impacts on seawater; discharge of wastewater to protected habitats and two adjacent beaches; creation of public health risk; risk to public beaches; WWTP should not be located close where there is existing vehicular and pedestrian traffic; increased hard surfaces; exposed to potential storm damage
- Installation of WWTP is fundamentally inappropriate and environmentally unsound; impacts on integrity of ecosystems; impacts on water filtration; concerns regarding future maintenance
- Located in area at risk of flooding and storm erosion; contrary to Objective 11-61 of KCDP; SSFRA should have been undertaken
- Impacts on ecological integrity of highly sensitive wetlands
- Construction Impacts- soil disturbance; transfer of contaminants and introduction of invasive species; construction traffic
- Traffic Safety- increased traffic; construction impacts; safety concerns; impacts on access to local properties

- Other Matters- encroachment of adjoining property; removal of right of way; impacts of non-permanent structures on persons/directly adjoining properties during strong winds; concerns regarding viability of proposal; impacts on property values

## 6.5 Further Responses

6.5.1 The Commission was of the opinion that, in the particular circumstances of this appeal, it was appropriate in the interests of justice to request the 52 observers during the planning stage to make any submissions they may have in relation to the appeal, under section 131 of the Planning and Development Act, 2000 as amended. 16 responses to the appeal were received and the names have been set out in Appendix 1 below:

6.5.2 The submission received from DAU (dated 24/09/2025) may be summarised as follows:

- Concerns raised regarding impacts of lighting proposal and impact on Manx Shearwater
- Example given of impacts on population of Manx Shearwater from Isle of Rum, which is located 27km east of the village of Mallaig (on mainland Scotland). Despite the distance, over twice that between Reenroe and Scarriff Island) 1646 grounded Manx Shearwater were recorded over a six-year period. Fledglings are often disoriented especially by fog and coastal lights
- Reiterates points made in report to PA summarised above in section 3.3
- Condition recommended

6.5.3 The submission received from HSE may be summarised as follows:

- No further observations to make, no new planning matters raised
- Refers to copy of NEHS submission submitted to planning authority – summarised above in section 3.3

6.5.4 The submission received from Dark Sky Ireland (dated 26/09/2025) may be summarised as follows:

- Appeal does not address light pollution and the importance of Kerry Dark Sky Reserve
- Proposed site lies within designated internationally recognised Dark Sky Reserve
- Scale of proposal would create a substantial amount of light pollution and has not adequately addressed how it will mitigate light pollution emitted from the site with a suitable lighting management plan
- Notes long-term environmental and tourism value of the Reserve, meeting Government obligations to promote and expand dark sky places and to ensure its integrity is not compromised

6.5.5 The remaining submissions raise concerns similar to those contained within the two no. observations received, which have been summarised in section 6.4 above.

Additional matters may be generally summarised as follows:

- Derelict hotel closed in mid 1980s and not the early 1990s; used for sheep grazing in the interim
- Kerry Dark Skies Reserve is only Gold Tier Reserve in northern hemisphere
- Location of WWTP is at sea level, approximately 250m from shoreline
- Proposal contravenes national and local policies
- Procedural matters relating to name of applicant; alleged inaccuracies in Figure 2 as outlined does not include the WWTP area to the east of the main development; validity of appeal
- Queries access to swimming pool by locals/lack of facilities for local community
- Concerns regarding anti-social behaviour from bar, on beach, bonfires; beach cleaning
- Widened approach road would ruin the character of this rural area
- Questions future use of proposed site, possible direct provision centre
- Impacts on Gaeltacht region/native population
- Impacts on bats/ impacts on designated sites and associated SCIs

- Capacity of ESB network and water supply/impacts on existing services
- Archaeological concerns

## **7.0 Assessment**

### **7.1 Introduction**

7.1.1 Having regard to the requirements of the Planning and Development Act, 2000 (as amended), this section considers the likely consequences for the proper planning and sustainable development of the area. It is followed by Section 8 which considers the likely effects on the environment (Environmental Impact Assessment). Section 5.4 above, together with Appendices 2 and 3, considers the likely significant effects on a European Site (Appropriate Assessment). In each assessment, where necessary, reference is made to issues raised by all parties. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

7.1.2 It is highlighted to An Coimisiún that the proposal was altered as part of a response to Further Information (FI) to the planning authority. The alterations included, inter alia, the omission of the proposed percolation areas and their replacement with an integrated constructed wetland and an increase in overall site area from just over 22 ha to 25.8ha. An Environmental Technical Note was submitted by the applicants as part of the FI response to the planning authority, which assesses any changes to the environmental effects and mitigation measures identified in the EIAR, on foot of these alterations made at FI stage. A Revised Civil Engineering Report was also submitted, together with a number of other reports/drawings.

7.1.3 In the interests of clarity, I am assessing the proposal as amended by the Further Information (FI) response to the planning authority.

7.1.4 Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and prescribed bodies, having inspected the site, and having regard to

the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of proposed development/policy context
- Refusal reasons
- Other matters

## **7.2 Principle of proposed development/policy context**

7.2.1 The proposal comprises the construction of an Integrated Tourism/Leisure Park and associated site development works, which will provide self-catering accommodation and facilities with a maximum of 972 beds. It includes for the part demolition of the existing structure on site and to refurbish and extend it order to provide 22 self-catering apartments ranging in size from studio to 2 bedrooms, each with either one or two bathrooms. An additional floor will be added on the top – adjacent to the existing tower structure – to provide a panoramic rooftop bar and restaurant. This will bring the maximum height of the proposed structure to four storeys. A two-storey leisure centre will be developed behind the hotel and will include a swimming pool. This will be developed in Phase 4 (last phase) of the construction process.

7.2.2 I highlight to An Coimisiún that the existing derelict structure on site was constructed in the 1960s and previously used as a hotel. It is stated that it ceased operating as such in the late 1980s/early 1990s (there is some discussion between parties as to the exact date). There was therefore a previously established use on the site for a tourism/hotel development but this use has been abandoned for many years (in excess of 30 years). The site is currently in use for grazing sheep and the existing structure on site is derelict. There is a protracted history on the site and in the most recent appeal, permission was granted in 2007 for a hotel (12,914 sqm) comprising 120-bedroom suites with spa, pool, leisure centre and ancillary site works. Previous appeals had been unsuccessful for a grant of permission for similar type uses. It is highlighted that the scale of the proposal permitted in 2007 is much less than that currently proposed. The policy context has also changed in the interim.

7.2.3 The Kerry County Development Plan 2022-2028 supports the development of tourism throughout the county and recognises its economic role. Section 10.3.5 of the aforementioned Plan relates to Visitor Accommodation and recognises that the

provision of varied accommodation types is essential to enable growth in the tourism sector. Section 10.3.5.1 recognises that the provision of suitable sites for camping/glamping, campervans and caravans is an important element in the range of tourist accommodation offers. It further states that the Council supports the development of tourism throughout the county by encouraging the provision of a wide range of tourist accommodation types and will therefore direct new tourist accommodation including hotels, guesthouses, hostels, B&Bs, holiday homes glamping/camping/caravan and campervan sites to towns and villages with good spatial spread throughout the county. It is noted that Baile an Sceilg is designated as a 'village' in the settlement hierarchy (see section 3.10.2 of Plan). This village is however located approximately 3.4km south-west of the subject site- the nearest defined settlement. The subject site is outside of a defined settlement boundary, within the rural area in open countryside. Additionally, there are a number of policies and objectives which seek to promote regeneration and re-use of existing buildings where possible, including KCDP 4-3 and KCDP 10-30. Furthermore, BG-TM-01 (Tourism) of the West Iveragh Local Area Plan 2019 - 2025 seeks to 'Promote the sustainable development of year-round facilities providing increased services to the local area and increasing added value of the tourism product'. The current proposal is not for a year-round facility, although this may change into the future depending on demand.

7.2.4 Objective KCDP 10-29 seeks to 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. The current proposal involves the re-use of an existing derelict building. Additionally, Objective KCDP 10-30 seeks to encourage the sensitive redevelopment and/or return to suitable use, of derelict, vacant or redundant buildings, in appropriate locations in order to provide for visitor accommodation and tourism development. As part of this, potential for impact on wildlife should be taken into account. I would question whether this is an appropriate location for the use proposed and I have concerns regarding impacts on wildlife- see Biodiversity section of EIAR assessment below.

7.2.5 The first reason for refusal which issued from the planning authority states that:

*'Having regard to the scale of the proposed development on this coastal site located in an area zoned 'Visually Sensitive' in the Kerry County Development Plan 2022-2028, it is considered that the proposed development would contravene Objectives KCDP 10-31 and KCDP 10-32 of the said Plan in relation to Visitor Accommodation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.*

7.2.6 Objective KCDP 10-31 of the Plan seeks to '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'. The matter of scale and proportionality is a key factor in this proposal. The overall scale of development consisting of 254 individual accommodation units and another 40 camping sites, occupying a stated 46% of the overall landholding. The proposal is considered to be substantial in its locational context. The first party appeal submission states that while project is large in scale, it is well designed and they consider that the landscape can accommodate a development of the scale proposed. Many of the third party submissions received raise concerns regarding the appropriateness of this proposed development at this location. They also highlight that the use of the site as a tourism facility has long been abandoned.

7.2.7 I concur with the opinion of the planning authority that the proposed development is not in compliance with Objective KCDP 10-31 of the Kerry County Development Plan 2022. I would question the overall scale of development put forward at this sensitive, rural location removed from existing services, facilities and infrastructure. The subject site is not located within or adjacent to an existing settlement, it is outside of any defined settlement boundary. It is located approximately 3.4 km north-east of Ballinskelligs and 4.5 km north-west of Waterville in rural south County Kerry. The nearest large town, Cahersiveen, is located approximately 11 km to the north. While there was previously a hotel use on the site and the remains of the derelict hotel are clearly visible in the surrounding area, this use has long been abandoned. The site has not been used as a tourism asset for in excess of 30 years and is stated to be currently used for agriculture, in particular for sheep grazing. It cannot be considered to be an established tourism asset. The development is not

proposed adjacent to a main farmyard complex. I do not consider the scale of development to be appropriate at this sensitive, coastal location. Having regard to all of the above, I consider that the proposal is not in compliance with KCDP 10-31 of the Kerry County Development Plan 2022 and I recommend a refusal of permission in this regard.

7.2.8 Section 10.3.5.1 of the County Development Plan states that 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 matter of what is considered 'proportionate' has not been defined in the Plan. It is this proportionality that the planning authority have raised concern with and their first reason for refusal references the overall scale of the proposed development. The Planner's second report states that the scale of the caravan/camping/mobile home park is such that the development is primarily a caravan/camping/mobile home park with the renovated and extended hotel building as an ancillary element. The first party refute this claim and state that without the hotel element, there would be no attraction/services for the remainder of the proposal. They claim that it is the hotel element that will draw visitors in the first instance. They further state that a hotel as a stand-alone development at this location would fail; that the remainder of the proposal is necessary to make the venture viable and that the proposal would provide a sustainable facility that would function to needs of marketplace.

7.2.9 While I accept that the leisure element, bar and restaurant are all located within the renovated and extended hotel structure, the remainder of the accommodation offerings form a far larger element of the proposal- there are 22 units proposed within the hotel structure and 256 units (inclusive of 40 camping pitches) within the remainder of the development. I would tend to agree with the opinion of the planning authority in this regard, the figures speak for themselves and while I concur that the leisure amenities within the hotel structure would be a draw for visitors, nonetheless it is my opinion that the hotel structure is ancillary to the remainder of the development in terms of accommodation offerings. Section 10.3.5.1 of the Plan continues by stating that 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. The proposed development is not located within an existing settlement and does not provide safe pedestrian links to a settlement or established centre that provides existing services to tourists. It is therefore my opinion that the proposal is not in compliance with section 10.3.5.1 of the Kerry County Development Plan 2022 in relation to Camping/Glamping, Campervans and Caravans.

7.2.10 Objective KCDP 10-32 of the County Development Plan 2022 seeks to ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems). I deal with this matter in the Landscape and Visual Chapter 10 of the EIAR assessment below and I refer An Coimisiún to same. Furthermore, Objective KCDP 10-11 seeks to 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. The proposed visitor accommodation and associated facilities is located outside of an established settlement and therefore the proposal must be considered not to be in compliance with this objective of the Kerry County Development Plan 2022.

7.2.11 Section 1.12.2 of Volume 6 of the Kerry County Development Plan 2022 states that the provision of camping/glamping and tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority. It continues by stating that proposals will also be assessed with regard to the following matters:

- (i) *Parks will be permitted within settlement boundaries only.* The subject site is located within a rural environment, outside of a designated settlement boundary.
- (ii) *Parks will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such development.* The subject site is located immediately adjacent to the coastline, outside of lands specifically zoned for such development

- (iii) *Location of the development relative to existing services including retail and social facilities.* The subject site is not located relative to existing services
- (iv) *Availability of services to cater for the development.* There are limited, if any, services to cater for the development aside from those included within the application
- (v) *Impact on existing residential amenities, traffic, waste disposal and general disturbance will be considered.* These matters are dealt with in the following section. I have concerns regarding wastewater disposal
- (vi) *Impact on the environment including the integrity of Natura 2000 network.* I have concerns regarding environmental and AA impacts- see Water, Landscape and Visual and Biodiversity sections below

Having regard to the above, I consider the proposal is not in compliance with section 1.12.2 of Volume 6 the Kerry County Development Plan 2022.

7.2.12 To conclude this point, I acknowledge the planning history of the site and its previous tourism use. This use is now abandoned however, and the site has been in agricultural use for in excess of 30 years. I acknowledge that the existing structure on site detracts significantly from the visual amenity of the site. I refer An Coimisiún to the EIAR assessment below for further assessment, including the Landscape and Visual chapter. I acknowledge the substantial support for tourism within the County Development Plan, particularly that which involves renovation/refurbishment of existing buildings. Notwithstanding this, many of the policies and objectives seeks to encourage such development to existing towns and settlements, where they can avail of services and facilities in proximity. I have issue with the overall scale of the proposal in this instance and I consider that the proposed scale is not appropriate for this visually sensitive area, removed from established centres with their existing services and facilities. I consider that the proposal contravenes a number of policies and objectives of the Kerry County Development Plan 2022 including Objective KCDP 10-31 and sections 1.12.2 and 10.3.5.1 of the Plan. I therefore recommend that permission be refused.

### **7.3 Refusal Reasons**

- 7.3.1 As stated above, permission was refused by the planning authority for four no. reasons (outlined above) relating to (i) scale of proposed development and compliance with Development Plan policies/objectives in relation to visitor accommodation (ii) wastewater matters and concerns regarding pollution of ground/surface water (iii) water supply concerns and (iv) impacts on biodiversity.
- 7.3.2 I have dealt with the first reason for refusal in the previous section. In the interest of brevity, I shall deal with the other reasons for refusal in the relevant EIAR sections, namely water and biodiversity chapters.
- 7.3.3 Having regard to the information before me, I generally concur with the concerns of the planning authority in relation to the matters raised in their reasons for refusal. I also have concerns in relation to visual impact. I shall deal with all these matters in detail in the EIAR assessment below and I refer An Coimisiún to same.

### **7.4 Other Matters**

- 7.4.1 Some of the third-party submissions received raise concerns regarding the description of the proposed development as a 'hotel', given that all units are self-contained. I don't consider the description to be inaccurate but would question if it might be more accurately described as an 'aparthotel' given that self-contained units are proposed, as opposed to traditional hotel bedrooms. In any event, the purpose of the public notices is to inform the general public that works are proposed on site and provide a general description of the proposed development. Additionally, I note that a public consultation meeting was facilitated by the applicant, in advance of lodgement of the application. It is clear from the level of submissions received that the general public have been informed about the proposed development.
- 7.4.2 Some of the third-party submissions received raise concerns that the swimming pool element of the proposal would not be available for use by the local population. I note that the first party appeal submission states that the leisure centre element is included in the initial proposals in order to provide more public facilities for the local population. Section 12.7.5 of the EIAR also states that the proposed refurbished hotel bar, dining room, lounge, meeting room and proposed leisure centre, would be open to the public, including the local community. The EIAR further states that the

leisure centre with pool and gym will provide new amenities in the locality for both tourists and local population. I am satisfied in relation to this matter.

- 7.4.3 Some of the third-party submissions raise concerns regarding impacts on residential amenity, in particular relating to impacts on impacts, overlooking and loss of daylight. Having regard to the location of the proposed development from boundaries, proximity to nearby residential properties and setbacks proposed, to the height of the overall development and the nature of development proposed, I have no information before to believe that impacts on residential amenity would be so great as to warrant a refusal of permission. In addition, I have no information before me to believe that the proposal would lead to the devaluation of property in the vicinity. I refer An Coimisiún to the EIAR assessment below for further assessment, including the Population and Human Health chapter.
- 7.4.4 Concerns raised regarding possible future uses of the site are outside the remit of this appeal. I can only assess the proposal before me, as outlined in the submitted public notices and associated documentation.
- 7.4.5 Matters raised in relation to rights of way and other boundary matters are considered to be legal matters outside the remit of this planning appeal. Appendix 1 of Vol 3 of the Kerry County Development Plan 2022, Public Rights of Way notes the right of way ROW 30a: "Access to the beach via a track from the end the L7535 Reenroe". Pedestrian access to the site is currently possible from the local beach access road (L-7535 leading from the R567 to Rinn Rua Beach), from the Emlagh Loop Walk, from Inny Strand and from the Rinn Rua Cliff Walk. Vehicular access is available from the local (L-7535) road, leading from the R567 (Skellig Ring) to Rinn Rua Beach. Chapter 12 of the submitted EIAR states that a new access road will be provided along the northern boundary of the site for two neighbouring holiday residential properties at the south-western corner of the proposed development site. I refer An Coimisiún to this chapter of the submitted EIAR. Furthermore, the EIAR states that there will be no severance, loss of rights of way or loss of amenities as a result of the proposed development. It is also stated in the EIAR Amendment Report that the existing public walkway through the biodiversity enhancement area will remain unaffected by the proposed development.

- 7.4.6 Matters raised in relation to anti-social behaviour are a matter for An Garda Siochana, outside the remit of this planning appeal. Concerns regarding littering could be adequately dealt with by means of a Waste Management Plan, in the event that An Coimisiún decided to grant permission for the proposed development. I note that a Resource and Waste Management Plan was submitted as part of the Further Information response to the planning authority. See also Chapter 8 of submitted EIAR and assessment relating to same below.
- 7.4.7 I note there are some contradictions within the submitted documentation, mostly minor in nature. For example, there appears to be some discrepancy in relation to the extent of construction works to be undertaken during the peak summer months. There also appears to be some discrepancy between number of overall bedspaces between documents and the distance of the proposed site from nearby settlements. None are so significant as to change the outcome of my recommendation.

## **8.0 Environmental Impact Assessment**

### **8.1 Introduction and Statutory Provisions**

- 8.1.1 This application was received by An Coimisiún Pleanála on 23<sup>rd</sup> July 2025. An Environmental Impact Assessment Report (EIAR) accompanied the application.
- 8.1.2 The proposed development comprises an application for permission to partially demolish, restore and extend an existing derelict hotel, together with the expansion of the visitor offering to include mobile homes, holiday lodges, touring campervans pitches, tent/caravan pitches, glamping pods and hobbit huts and all associated services- see section 2 above for exact breakdown of proposed units. The proposed development also includes visitor services including a shop, bar, restaurant, reception area, leisure centre, surf/water sports school and beach café. A separate habitat enhancement area is also proposed on the lands to the east of the site boundary which are also in the ownership of the applicant (partially outside of the red line boundary).
- 8.1.3 Schedule 5. Part 12(c) of Schedule 5 of the Planning and Development Regulations 2001 relates to Holiday Villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside urban areas which would

have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms. The proposed development is on a 22.6ha site (extended to 25.8 ha in response to FI to PA) and will consist of 254 individual accommodation units and another 40 camping sites. This includes 429 beds. It therefore exceeds the above thresholds and requires mandatory EIA.

- 8.1.4 Additionally, Schedule 5, Part 10(dd) of the Planning and Development Regulations 2001 relates to 'All private roads which would exceed 2000 metres'. The proposal provides for approximately 3475m of new private roadway. It therefore exceeds the above thresholds and requires mandatory EIA.

## **8.2 EIA Structure**

- 8.2.1 This section of the report comprises the EIA of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

(a). consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

(b). includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

- 8.2.2 Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

- 8.2.3 This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant

effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.2.4 The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission’s decision, should they agree with the recommendation made.

### **8.3 Issues raised in respect of EIA**

8.3.1 Any issues raised in third-party submissions and prescribed body submissions are considered later in this report under each relevant environmental parameter.

### **8.4 Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001**

8.4.1 Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Table 2:

<b>Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>	
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development	The development is described in detail in Chapter 2 of the EIAR and associated reports/drawings that accompany the application including a detailed description of the existing site and

<p>(including the additional information referred to under section 94(b)).</p>	<p>surrounding context; the need for the project; an overview of the construction phase works, and associated impacts; and a detailed description of the operational phase and characteristics of the proposed development.</p> <p>I am satisfied that adequate detail has been provided to enable decision making.</p>
<p>A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).</p>	<p>A description of the likely significant effects on the environment are included in each of the technical chapters of the EIAR.</p> <p>Difficulties encountered have been addressed in Chapter 1.8 and within each individual chapter.</p> <p>I am satisfied that the EIAR has provided adequate information on the likely direct, indirect and cumulative effects of the proposed development to enable decision-making.</p>
<p>A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>Mitigation and monitoring measures, where appropriate, are included in each of the technical chapters of the EIAR and the associated appendices of the EIAR. These are collectively presented in Chapter 14.</p> <p>I am therefore satisfied that adequate, up-to-date detail has been provided to enable decision making.</p>

<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b))</p>	<p>Chapter 3 addresses alternatives examined. No alternative sites were examined, but seven different layouts were considered.</p> <p>The applicants indicate the main reasons for opting for the current proposal, which are outlined throughout the application and EIAR. I consider that the description of alternatives is reasonable, and in the current context of the application is satisfactory.</p>
<p><b>Section 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2)</b></p>	
<p>A description of the baseline environment and likely evolution in the absence of the development</p>	<p>A detailed description of the baseline environment is included in each of the technical chapters of the EIAR.</p> <p>I am satisfied that the description of same is sufficient to enable decision making.</p>
<p>A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.</p>	<p>Each chapter of the EIAR outlines the assessment methodology employed, including relevant legislation/guidance; data sources; surveys; and investigations. Each chapter also outlines any difficulties encountered in compiling the information. I am satisfied that the forecasting methods are satisfactory, as will be discussed throughout this assessment.</p>

<p>A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.</p>	<p>The risks of major accidents and disasters that are relevant to the nature of the development have been addressed in Chapter 4.8 of the EIAR and within some technical chapters, where necessary.</p> <p>I consider the approach to be reasonable, and the risks will be assessed in my report where relevant.</p>
<p>A summary of the information in non-technical language.</p>	<p>A Non-Technical summary of the EIAR is provided by the applicant (Volume 1) and describes the likely environmental effects of the development. I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</p>
<p>Sources used for the description and the assessments used in the report.</p>	<p>Where relevant, sources used for the description and assessment of environmental effects are included in each technical chapter of the EIAR and within the Non-Technical summary.</p>
<p>A list of the experts who contributed to the preparation of the report.</p>	<p>Experts are identified in Chapter 1.7 of the Non-Technical Summary, including details of their qualifications and experience. Further details are provided at the outset of each EIAR chapter. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.</p>

## **8.5 Consultations**

8.5.1 Chapter 1 of the EIAR outlines details of consultations carried out as part of its preparation. This includes discussions between the applicant and the planning authority, various Government agencies and the local community. The application has been submitted in accordance with legislative requirements in respect of public notices, prescribed body notification and the availability of documentation.

Submissions received from statutory bodies and third parties will be considered in this report, in advance of decision making.

8.5.2 I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

## **8.6 Alternatives**

8.6.1 Article 5(1)(d) of the 2014 EIA Directive requires:

*“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”*

8.6.2 Annex IV of the Directive (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

*“A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”*

8.6.3 Chapter 3 of the submitted EIAR deals with Consideration of Alternatives and sets out a description of the alternatives to the proposed development site, location and design that were considered during the design process and sets out the rationale for the proposed option chosen. The need for the proposed development has been set out which includes addressing the need to grow tourism and redevelop existing derelict properties. It is also stated that the proposed development will contribute towards alleviating the existing shortage of self-catering holiday accommodation in

Ireland and the current pressure on existing hotels. The Do-Nothing Scenario is stated not to be an option for the developer and is not a socially or economically valuable use of the land and the derelict structures on it.

8.6.4 No alternative sites were considered; however seven layouts and two external designs were examined. Additionally, the EIAR Amendment Report notes that five different options were examined as discharge options for wastewater. The option to discharge to a constructed wetland and then to ground/bog and stream was the preferred option as it was considered that it would have no adverse effect on water quality and would support the proposed biodiversity enhancement plan. Having regard to this requirement and its purpose, I am generally satisfied in relation to alternatives in the context of this application.

## **8.7 Compliance**

8.7.1 Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer including the EIAR Amendment Report is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in the following assessment of likely significant effects.

## **8.8 Assessment of the likely significant direct and indirect effects**

8.8.1 This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000, as amended:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

8.8.2 In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received, and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects

8.8.3 As previously stated, it is highlighted to An Coimisiún that the proposal was altered as part of a response to Further Information (FI) to the planning authority. The alterations included, inter alia, the omission of the proposed percolation areas and their replacement with an Integrated Constructed Wetland, together with an increase in the overall site area from just over 22 ha to 25.8ha. An Environmental Technical Note was submitted by the applicants as part of the Further Information response to the planning authority, which assesses any changes to the environmental effects and mitigations measures identified in the EIAR, on foot of these alterations. A Revised Civil Engineering Report was also submitted. In the interests of clarity, I am assessing the proposal as amended by the FI response to the planning authority.

## **8.9 Population and Human Health**

### **8.9.1 Issues Raised**

Third-party submissions raise concerns about inadequate assessment and impacts relating to:

- Increased pressure on existing infrastructure,
- Traffic concerns associated with congestion, parking, and safety
- Adverse impacts on residential amenity related to construction activity (noise, vibration, dust, and structural damage), anti-social behaviour, littering, noise, overlooking impacts, privacy, and daylight/sunlight.

- Impacts on Gaeltacht culture
- The need for adequate assessment of drainage proposals and downstream capacity, to prevent flood risk and negative impacts on public health.

The planning authority and prescribed bodies have not raised matters specific to population and human health. Matters raised in relation to third party concerns are raised in the following sections and addressed under those headings.

### 8.9.2 Examination of the EIAR

Chapter 4 of the EIAR deals with Population and Human Health and acknowledges that effects may occur in respect of several other environmental factors considered in the EIAR. This chapter follows relevant guidance and legislation and is based on a range of data sources including CSO, online mapping and spatial data sources. The study area focusses on the receiving human environment in the vicinity of the proposed development site including those who reside, work, visit, or use the local road networks in the general area. The assessment includes a detailed description of the baseline environment. The project site is located in a rural, lightly populated area approximately 3.4 km north-east of Ballinskelligs and 4.5 km north-west of Waterville. The land immediately adjacent to the proposed development comprises farmland and individual residential dwellings, half of which are stated to be holiday homes. There are three residential properties immediately adjacent to the proposed development, one of which (to the south-west of the site) is permanently occupied.

In relation to matters raised, I also refer An Coimisiún to my assessment of Chapter 11 Noise and Chapter 13 Air and Climate below.

#### Construction Impacts

Construction effects are set out in Chapter 4.4 of the EIAR and Chapter 4.2 of the NTS. Effects on employment, population and settlement, land use, tourism and activities, human health. It acknowledges that construction activities can cause a nuisance to the local community and are likely to pose temporary minor disturbances locally. The potential nuisance construction effects relate primarily to dust, noise and traffic. Noise and dust would potentially impact local residents, however most of these properties are sufficiently distant from the sources of noise and dust (more

than 45m) to ensure that they are not significantly affected. Construction activities will mostly take place outside of the peak holiday season, which will aid in terms of holiday home residents. Two neighbouring dwellings that are permanently occupied are acknowledged.

The Addendum EIAR address population and human health and acknowledges that there will be some additional construction noise in the proposed wetland area but this will be temporary in nature and similar to other construction work. Proposed road upgrades to the beach access road will be timed to avoid peak holiday season.

#### Construction Phase Mitigation/Monitoring

I refer An Coimisiún to Table 4-17 which sets out construction phase mitigation measures which include for limiting the construction works to off-peak holiday periods and prioritizing the construction of new access roads for dwellings on the boundaries to minimise disruptions to these neighbouring properties. Health and safety mitigation measures provided in the noise, air emissions, water and traffic chapters will be complied with. Following the implementation of mitigation measures, no significant negative effects are predicted.

#### Operational Impacts

Chapter 4.23 of the EIAR outlines the main potential operational effects, many of which are addressed in other sections of the EIAR (e.g. air, visual, traffic). The operational benefits in terms of land-use in terms of increasing amenity use, refurbishment of hotel, extending length of tourism season and reducing demand for holiday homes are considered to be positive long-term significant with the probability of these effects occurring considered likely. Otherwise, no significant operational impacts are predicted.

#### Operational Phase Mitigation/Monitoring

I refer An Coimisiún to Table 4-18 of the EIAR which sets out operational phase mitigation measures which include for employing local people where possible; scheduled clean-up and waste collection routines will be established to promptly

address any littering concerns. The provision of constructed wetland as opposed to previously proposed percolation areas will allow for more amenity use of the lawns on the seaward side of the hotel during peak summer season. Following the implementation of mitigation measures, no significant negative effects are predicted

#### Other Effects

'Do-Nothing'- Would avoid all the slight or and moderate negative effects but also not produce the positive economic benefits of the proposed development. Without the proposed development, the underutilisation of land is likely to continue, depopulation will likely continue and the demand for holiday homes will continue. Considering the location and already existing derelict hotel, the “do-nothing” scenario was deemed not to be an option.

Cumulative- Proposal will result in a significant increase in the amount of self-catering accommodation offerings on the Iveragh peninsula, which is expected to have a significant positive cumulative effect on tourism growth. Temporary negative cumulative effects during construction phase from traffic congestion during peak season. No other significant effects identified.

Residual- Significant positive effects from Biodiversity Enhancement Area and change to high value tourism on the site. No other significant residual effects identified.

### **8.9.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 4 of the EIAR and all of the associated documentation and submissions on file in respect of population and human health. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR is satisfactory.

I acknowledge that the construction stage has the potential to impact on the local community, particularly regarding noise, dust impacts and traffic impacts. I have dealt with these matters in the following sections but I consider that the impacts would generally be short-term in duration, and I am satisfied that the proposed mitigation measures are acceptable, including the noise and traffic measures

outlined in Chapters 11 and 12 respectively of the EIAR. The implementation of CEMP and Construction Traffic Management Plan will aid in minimising any such impacts.

I have no information before me to believe the proposal would negatively impact on the culture of this Gaeltacht region, as raised as a concern by some third-parties.

#### **8.9.4 Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information provided in respect of population and human health, in particular in Chapter 4 of the EIAR it is considered that there is no potential for significant environmental effects on population and human health. Overall, I am of the opinion that it is reasonable to conclude that the proposed development will not result in any significant impacts and that no significant adverse impact will arise for sensitive receptors from the operations within the development site in relation to population and human health.

## **8.10 Biodiversity**

### **8.10.1 Issues Raised**

It is noted that a revised AA Screening Report and an NIS were submitted to the planning authority as part of the FI response. I refer An Coimisiún to the section on Appropriate Assessment for further assessment of biodiversity matters. An Environmental Technical Note was also submitted to the PA as part of the FI response.

#### Planning Authority

The fourth reason for refusal which issued from the planning authority states that:

*‘Based on the information submitted and having regard to the nature, scale and location of the proposal, the Planning Authority is not satisfied that it would not seriously injure biodiversity interests by way of light pollution and water quality deterioration. Increased lighting/sky glow at a coastal location such as this has potential to impact avian SCI species for the ‘Puffin Island SPA’ and ‘Deenish Island and Scariff Island SPA’. The proposal would therefore conflict with development objectives KCDP 11-2, KCDP 11-42 and*

*KCDP 13-1 of the Kerry County Development Plan 2022-2024, would be contrary to the protection of the environment, biodiversity and natural heritage and the proper planning and sustainable development of the area’.*

### Third Parties

Third-party submissions raise concerns about inadequate assessment and impacts relating to:

- Impacts on integrity of ecosystems
- Wastewater impacts on biodiversity
- Spread of invasive species
- Impacts on species of designated sites
- Light pollution

### DAU

The submission of DAU (report dated 11/06/2025) raises concerns regarding impacts of lighting on SCI species of designated sites (AA). Notes that the applicant has submitted Further Information in the form of an Addendum to the Appropriate Assessment Screening Report and a Natura Impact Statement (NIS), which considers the impacts of lighting on the Qualifying Interests of the Iveragh Peninsula Special Protection Area (SPA), Puffin Island SPA and the Deenish Island and Scariff Island SPA.

The impacts of lighting on Manx Shearwater and Storm Petrel have been examined, and mitigation has been proposed in Section 6.3 of the NIS. However, this mitigation is very generic and is not tailored to the site. The Lighting Layout Plan submitted with the planning application does not appear to have the recommendations put forward in Section 6.3 of the NIS incorporated into it; for example, the Lighting Layout includes bollard lighting, the use of which is discouraged as per the recommendations of the NIS.

For this reason, the Department is not satisfied that the concerns regarding the impacts of lighting on bird species that are Special Conservation Interests (SCI) of the nearby SPAs have been addressed.

### An Taisce

The submission of An Taisce (dated 30/05/2024) raises concerns regarding:

- pollution impacts to Ballinskelligs beach and beyond
- light pollution- Ballinskelligs is listed as being within the darkest part of the Kerry International Dark Sky Reserve - notes Policy Objectives KCDDP 11-42 and KCDDP 11-43 of County Development Plan- proposal is in contravention of the aims of the Kerry Dark Sky Reserve

### Dark Sky Ireland

The submission received from Dark Sky Ireland (dated 26/09/2025) may be summarised as follows:

- Appeal does not address light pollution and the importance of Kerry Dark Sky Reserve
- Proposed site lies within internationally recognised Dark Sky Reserve
- Scale of proposal would create a substantial amount of light pollution and has not adequately addressed how it will mitigate light pollution emitted from the site with a suitable lighting management plan
- Seeks to protect long-term environmental and tourism value of the Reserve, meet Government obligations to promote and expand dark sky places and to ensure its integrity is not compromised

### First-Party

Unsolicited Further Information was received by the planning authority from the first-party on 24/06/2025 which responds to the submission of DAU. This notes that dedicated bird surveys undertaken between May 2022 and 2023 did not record either Manx Shearwater or Storm Petrel on either the proposed site or surrounding marine area. It is stated that the proposed site and surrounding landscape is not suitable for breeding by either species. Details were also submitted in relation to lighting design approach and specification. Specifically, the light bollards specified provide directional downward light only and the optical cut-off ensures that there is no upward light spill. The peak use period for the facility is within the summer and holiday periods- during those Spring and Summer periods there is less requirement for external lighting.

### 8.10.2 Examination of the EIAR

Chapter 5 of the EIAR deals with Biodiversity and assesses the biodiversity value of the site, together with the potential impacts of the proposed development on the ecology of the surrounding area. It follows relevant guidance, legislation and best practice and is based on a range of data sources including online mapping and spatial data sources. Consultation was undertaken with a number of prescribed bodies and the planning authority. The core study area for field surveys comprised the proposed development area and an adjacent area of land, which is proposed as a targeted Biodiversity Enhancement Area (BEA). Adjacent habitats ecologically connected to this area, including the shoreline and watercourses in the immediate environs were also included in faunal surveys. Surveys were generally undertaken between April 2023 and February 2024, with bird surveys also undertaken in May 2022. Appendices included in the submitted EIAR relating to Biodiversity include:

Table 3:

Appendix	Documents
Appendix 5-1	Individual Field Surveyor Profiles
Appendix 5-2	Landscape Management Plan
Appendix 5-3	Bird Survey Report
Appendix 5-4	Habitat and Botanical Survey
Appendix 5-5	Terrestrial and Aquatic Invertebrate Survey Report
Appendix 5-6	NRA Ecological Evaluation Criteria
Appendix 5-7	Biodiversity Enhancement Plan

The subject site is situated on a small headland, known as Rinn Rua, located on the northern shore of Ballinskelligs Bay, approximately 3.4 km north-east of Ballinskelligs and 4.5 km north-west of Waterville in rural south County Kerry. The site is presently occupied by two derelict structures, namely a former hotel and a former dwelling house. The study area and immediate surrounds support habitats of local importance, primarily semi-improved pastoral lands and wet grassland on peat soils. These habitats are not intensively managed but are grazed by sheep. The majority of the site is categorised as 'Pastures', with 'Peat bogs' and 'Beaches, dunes and sand' encompassing lands extending eastwards. The study area's coastal fringe supports

sand shores, shingle, and coastal grassland. These are habitats of High Local Importance to County Importance and habitats that represent moderate to high botanical diversity. The EIAR acknowledges Natura 2000 sites in the vicinity and while highlights that the site itself is not subject to any nature designations, notes that part of the site habitats overlap the site boundary of Ballinskelligs Bay and Inny Estuary SAC (Site Code: 000335). In addition, sand shores correspond with Annex I habitats 'mudflats and sandflats not covered by sea water at low tide (1140)' and 'annual vegetation of drift lines (1210)' while shingle correspond to 'perennial vegetation of stony banks (1220)'. The areas supporting these habitats are located outside of the study area boundary. The matter of AA is dealt with in the AA section below.

No rare or protected species were identified within the site during site surveys, although Chamomile was identified within the wider study area.

A wide variety of bird species were recorded over the course of the bird surveys undertaken. Most notable, one pair of breeding chough were identified utilising the derelict hotel for nesting. This pair was monitored during both the 2022 and 2023 breeding seasons and were recorded nesting within the derelict hotel over the two consecutive breeding seasons and successfully fledged young in both years. This pair also used the hotel, albeit a different location within, as a winter roost-site during winter 2022/23. Chough is a QI of the Iveragh Peninsula SPA (Site Code: 004154) and is amber-listed in Ireland. It is stated that that the site holds 1% of the county's breeding population of Chough and the pair is therefore of County Importance. I shall deal with impacts on chough in the context of AA in the following section 9.

Low numbers of several wading birds were recorded occasionally using the grassland habitat on site. It is noted that the wetland area provides unsuitable habitat for them and the surveys determined that the site does not contain key populations of these species.

A number of bat species, including common pipistrelle, soprano pipistrelle and lesser horseshoe bat were recorded roosting in the derelict hotel while two species

(common pipistrelle and Myotis sp.) were recorded roosting within the derelict cottage. Several species were recorded using the site for foraging. Hibernation roosts for common pipistrelle were identified, together with potentially a common pipistrelle maternity roost (all considered of 'Moderate' conservation significance). In relation to the lesser horseshoe bat, a day/night roost was identified within the Middle Tower of the hotel structure comprising 'Small numbers of rarer species. Not a maternity site'. It is acknowledged within the EIAR that the absence of artificial lighting within the site allows a greater degree of usage of more open habitats.

No resting or breeding habitat for otter was identified during ecological walkover nor was any evidence of their activity recorded. A single record of wall butterfly, recorded outside the proposed development site in the bio enhancement area was noted- this species is classed as 'Endangered' in Ireland.

Early infestations of Japanese knotweed, giant rhubarb and rhododendron were identified on site- all of the infestations are minor in extent and highly localised.

### Construction Impacts

Construction effects are set out in Chapter 5.4 of the EIAR and Chapter 5.2 of the NTS- see Table 5.19 of Chapter 5. See also pages 15-18 inclusive of EIAR Amendment Report.

Significant effects on mammals (excluding bats) were not identified.

Permanent, negative loss/disturbance of roosts/roosting bats has been identified with slight to moderate, short-term effects identified in relation to disturbance and displacement.

Very little terrestrial mammal activity was recorded on-site during surveys, other than of Irish hare.

The loss of a breeding site has been identified as potentially significant for chough. Renovation of the hotel will result in the loss of an established nest-site for one pair

of chough which use the hotel for nesting (recorded successfully breeding in 2022 and 2023). Loss of a chough breeding site during the construction phase is assessed as a Medium-term, Likely, Significant, Negative effect. It will also result in the loss of a winter roost-site for this same pair, identified as Medium-term, Likely, Moderate, Negative effects.

Habitat loss and alteration, loss of potential foraging/resting habitat, species disturbance/displacement and water quality have been identified as potential impacts during the construction phase. The habitats which will be lost do not comprise suitable/typical foraging/resting habitat for waterbirds. Additionally, vegetation and top-soil clearance to construct the wetland ponds will result in direct loss of 1ha of rush-dominated 'Wet Grassland' (GS4) with temporary disturbance to adjoining areas from machinery movement. This habitat loss is classified as being not significant negative effects in the context of the scale of habitat loss, its ecological value and the degree to which it is available in the wider area.

Improper management has the potential to lead to excessive runoff of silt, nutrients and organic matter during heavy rainfall. Significant effects are not anticipated, subject to standard construction measures. Any impacts are anticipated to be minor, temporary in nature and localised to the existing surrounding drainage network. Risk of spread/introduction of invasive species (through soil disturbance, vegetation disturbance and general construction activity and movement of plant/machinery) has been identified.

No other significant effects identified

#### Construction Phase Mitigation/Monitoring

Mitigation by Design (avoidance) and mitigation by management has been put forward. In addition to measures outlined in other chapters, specific biodiversity measures have also been set out. In terms of mitigation by avoidance, it is noted that a habitat constraints map was generated to ensure avoidance of ecologically sensitive habitat, namely the relatively botanically diverse strip of coastal grassland along the cliff-top of the headland. Additionally, to avoid/minimise impacts on this

area of habitat specifically, widening works to the existing Reenroe Cliff Walk are proposed to the landward side only to avoid the area between the cliff walk and the cliff edge.

In terms of mitigation by management, see section 5.5.2 of Chapter 5. These mitigation measures include preparation of CEMP, hiring of Ecological Clerk of Works, general protection of water quality and management of construction waste. A significant number of measures are also proposed which seek to reduce the risk of introduction/spread of invasive species within the area (see Table 14-2 of Chapter 14).

In terms of protection of bats, a Derogation Licence (Licence No. DER-BAT-2024 – 134), issued under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011, has been granted and was submitted as part of the FI response to the PA. Alternative roosts are proposed for common pipistrelle and lesser horseshoe bat. It is proposed to utilise the derelict cottage on site to provide alternative roosting sites for bats.

The principal function of this structure as a proposed alternative roost site will be to mitigate for loss of common pipistrelle and lesser horseshoe bat 'moderate significance' bat roosts associated with the proposed development. While providing principally for these species, it will also aim to accommodate/provide roosting habitat for other bat species recorded on-site, such as soprano pipistrelle, to reduce impacts on local bat populations.

To mitigate for loss of the nest for the pair of chough within the hotel building, the provision of alternative nesting sites for chough are proposed. It is proposed to install alternative, suitable nesting habitat for this pair within their territory. To maximise the chance of successful uptake of the proposed alternative nesting-habitat by chough, it is proposed to install two different types of artificial nest, to be installed at separate locations within the applicant's lands.

Additional surveys will be undertaken to investigate for the presence of otter, badger and amphibians.

In terms of protection of water quality, installation of dam checks within existing drains prior to construction works will attenuate any movement of run-off and eliminate any risk of sedimentation entering the Inny stream.

Following the implementation of mitigation measures, no significant negative effects are predicted.

### Operational Impacts

With regard to chough, tourist development generally at some coastal sites may displace some feeding chough, but the species is extremely tolerant of human presence and has been found to continue to breed at several tourist spots.

Long-term, negative impacts in relation to disturbance/displacement of bats due to noise and human activity with moderate to significant, negative impacts in terms of lighting identified for all bats.

Habitat alteration, species disturbance/displacement such as waders and water quality have been identified as potential impacts during the operational phase. Increased use of artificial lighting is identified as potentially significant for bats, if unmitigated.

Operational phase effects on chough and waders which may arise as a result of increased human activity and noise are assessed as long term, likely, slight, negative effects.

Over time naturally colonising vegetation within fringing areas of the constructed wetland will integrate with native wetland flora within the ponds to form an ecologically valuable wetland within the area. The creation of a permanent wetland resource is assessed as long-term, significant positive effect. The enhanced level of treatment will ensure effluent is treated to such a level as to be rendered inert and

harmless to the environment and safe for release to ground with potential effects on existing surface drainage network/groundwater assessed as being imperceptible neutral effects.

Small species that may have been temporarily displaced due to construction of the wetland area are likely to utilise the general area again within a short period. This area will increase in ecological value as it matures and the creation of the wetland will increase the extent of wetland habitat in the general area and enhance the overall value of the site for a wide variety of species. Long-term, significant, positive effects are detailed.

There will be a considerable increase in artificial light levels within the site in the context of current baseline conditions to facilitate the proposed development. During the operational phase, there will be a permanent and significant increase in the level of artificial lighting across the site. Use of artificial lighting during this phase in particular is expected to have the most potential to result in impacts on bats. Increased lighting has the potential to also result in disturbance/displacement impacts on some terrestrial mammal species, in particular those which are typically more active at night, such as badger, otter and hedgehog. Potential disturbance/displacement impacts on mammals (excluding bats) as a result of increased noise, lighting, human activity and vehicle traffic, are assessed as long term, likely, not significant to slight, negative effects. Disturbance/displacement due to increased artificial lighting on avian species which migrate, forage or are otherwise active at night/during low light conditions, post mitigation, is assessed as being negative, not significant, localised and long-term.

No other potentially significant effects were identified.

#### Operational Phase Mitigation/Monitoring

Mitigation by design and management have been put forward, together with monitoring proposals. In addition to measures outlined in other chapters, specific biodiversity measures have also been set out which include for a Lighting Plan, which seeks to ensure the protection of bats.

Following the implementation of mitigation measures, no significant negative effects are predicted.

### **Other Effects**

'Do-Nothing'- likely that the current land-use practices will continue. It is also anticipated that the structures on-site will continue to fall into dereliction.

Cumulative- no significant cumulative effects on any habitats or species are predicted as a result of the proposed management of wastewater or stormwater during the operational phase. In the absence of mitigation, there is potential for potential cumulative habitat loss effects on local bat and bird populations which breed and/or roost at the site. However, mitigation measures to avoid or reduce impacts on these fauna associated with construction of the proposed development are proposed which seek to providing alternative suitable breeding/resting habitat. With mitigation, significant cumulative habitat or species impacts are not envisaged as a result of the proposal.

Residual- No significant residual effects identified

### **8.10.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 5 of the EIAR and all of the associated documentation and submissions on file in respect of biodiversity. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR is satisfactory.

I highlight to An Coimisiún that a Biodiversity Enhancement Plan has been submitted (included in Appendix 5-7). It appears that elements of this enhancement area are outside the red line boundary for development and therefore those elements cannot be included within any assessment of the proposed development.

I have examined all of the information before me in relation to impacts on the pair of breeding chough, including the applicant's response to the FI request from the PA (section 2.2.4 in particular). From an environmental aspect, I am satisfied that the proposal would not result in significant impacts on this species, provided the

mitigation measures proposed are implemented in full. I shall deal with the AA implications in the appendices below. The pair are to be excluded from the hotel building prior to the breeding season and alternative locations provided for them. This has been detailed in the submitted documentation. It is considered that the breeding pair do not form part of the Iveragh Peninsula SPA population as they are outside the foraging range distance of the SPA population. The planning authority, their Environmental Assessment Unit nor the NPWS have raised concerns in this regard.

There are strong overlaps between the EIAR and AA in relation to impacts of the proposed lighting scheme and I recommend that An Coimisiún read each section in conjunction with the other. The EIAR acknowledges that there will be a considerable increase in artificial light levels within the site in the context of current baseline conditions and that increased lighting has the potential to result in disturbance/displacement impacts on some avian species which migrate, forage or are otherwise active at night/during low light conditions, such as Manx Shearwater, Curlew and Brent goose. Operational phase effects which may arise as a result of potential disturbance/displacement impacts on avian species identified as IEFs as a result of increased lighting are assessed as Long term, Likely, Slight to Moderate, Negative Effects. This matter was subsequently examined and mitigation proposed within the NIS (see section 6.3 of NIS). A Lighting Layout was submitted was submitted with the application documentation. The subject site is currently devoid of any form of artificial light. Notwithstanding the submission of Further Information which included for the submission of an NIS, the NPWS have residual concerns in this regard and highlight that the mitigation is very generic and is not tailored to the site. They note that the Lighting Layout submitted with the planning application does not appear to have the recommendations put forward in Section 6.3 of the NIS incorporated into it; for example, the Lighting Layout includes bollard lighting, the use of which is discouraged as per the recommendations of the NIS. I highlight to An Coimisiún that their report dated 24<sup>th</sup> September 2025, in response to the appeal, the NPWS does not recommend a refusal of permission in this regard- a condition is recommended requesting that prior to commencement of development, the lighting design and available lighting units be reviewed in consultation with a qualified Ornithologist, taking into account best practice mitigation in order to refine the design

to accommodate the least light spillage to Ballinskelligs Bay. This matter of lighting and impacts of protected species is of concern from both an environmental and appropriate assessment viewpoint, given the species involved are QI species for designated sites (See AA section for further analysis). The NPWS note that although Ballinskelligs Bay and the proposed development site are outside the SPA, nevertheless this is an obligation under Article 4(4) of the UE Birds Directive to strive to avoid pollution and deterioration of habitats outside protected areas.

The Environmental Assessment Unit (EAU) of the planning authority consider that the design and specifications for the proposed bollards is satisfactory and unlikely to attract seabirds. They are also satisfied that the design of the 6m high lighting columns is such that the lighting would be focused downwards within the site. Modern LED street lighting is noted for being highly directional and manageable without the need for external cowling. The EAU accepts that the street lighting elements of the proposal have the greatest potential to result in light impact, given the scale of the proposal and the prominent setting of the existing hotel building. However, they consider assessment of other lighting sources is also required and are of the opinion that it is combination of all light sources on site which could contribute to the overall light and skyglow which could be an attractant, for example street lighting, car lighting and lighting from buildings. The EAU suggests additional mitigation measures which could be examined including restrictions on car use, more specific specifications for lighting of accommodation units and protocols for search, rescue and release of any grounded birds during September. The EAU considers that while the risk is considered to be particularly low given that the SPAs are greater than 10km distant, nonetheless the overall lighting proposal submitted lack the specificity necessary to rule out impact with scientific certainty and as clarification of FI was not available to them, a refusal of permission is recommended.

I acknowledge the case put forward by both the applicant and the EAU with regards to the proposed bollard lighting and I consider that if my concerns related to this matter alone, it could in all likelihood be adequately dealt with by means of condition, in the event of permission being granted for the proposal. I too however have concerns regarding the overall cumulative, combination of light sources given the overall scale of development proposed, which includes for a part four-storey hotel, taken in conjunction with the exposed nature of the site. These concerns are two-

fold, both relating to impacts on SCI species associated with the Puffin Island SPA and Deenish Island and Scarriff Island SPA and also impacts on the Dark Sky Reserve.

I note that this site is devoid of any artificial light, being an undeveloped coastal site. The importance of this is recognised, such that the site is located within the Kerry Dark Sky Reserve, only one of two Dark Sky Reserves in Ireland and stated to be the only Gold Tier Reserve in the northern hemisphere. The Kerry Dark Sky Reserve spans 700 square kilometres of pristine wilderness and the subject site is located therein. I note section 11.3.3.1 of the Kerry County Development Plan 2022 which recognises the potential of the Dark-Sky reserve as a significant tourism attraction, and as a result the control of light pollution in this area is important. It further states that this is particularly true of mountainous and peatland areas where there is little or no light pollution, serviced by adjoining rural communities. The subject site would be considered to fall into this category. Objective KCDP 11-43 seeks to support the Kerry International Dark-Sky Reserve and ensure that all new external lights comply with the objectives of the Kerry International Dark Sky Reserve. Kerry Dark Sky Ireland raise concern in relation to the proposed development and consider that the scale of the proposal is such that it would create a substantial amount of light pollution. They further consider that this has not adequately been addressed with a suitable lighting management plan. They raise concerns regarding impacts on the long-term environmental and tourism value of the Reserve, meeting Government obligations to promote and expand dark sky places and seek to ensure its integrity is not compromised. The NPWS state in their report to An Coimisiún Pleanála (dated 24/09/2025) that according to a recent European Commission document on light pollution, the first of ten golden rules for dark night conservation for marine habitats is to include appropriately qualified biologists in the lighting design process as well as light management guidance and regulations. Notwithstanding the impacts on SCI species associated with designated sites, I also have concerns regarding the environmental impacts from the lighting associated with a development of the nature and scale proposed, given its location within the Dark Sky Reserve, and I am not satisfied in relation to the lighting proposals put forward. My concerns relate to the cumulative lighting of the entire proposal from street lighting, lighting from vehicles, from the hotel building and other accommodation offerings. The degree of lighting

required to facilitate the proposed development is such that it may have impacts on other species within the site including bats. It also has the potential to severely detract from the Kerry Dark Sky Reserve and lead to the urbanisation/negative landscape impacts and light pollution of this pristine, rural area which is recognised as being of international importance from a dark sky perspective. I recommend that permission is refused in this regard.

In terms of protection of bats, a derogation licence (dated 27/06/2024) was submitted with the response to Further Information to the planning authority. The licence states that the actions which it authorises shall be completed between the 1<sup>st</sup> September 2024 and 31<sup>st</sup> December 2024. It is accepted that this licence has now expired and the applicants state that they have re-applied for a new one. The licence is issued in respect of the lesser horseshoe bat, common pipistrelle and soprano pipistrelle. I acknowledge that this derogation licence has now expired. However, it was in date/valid at the time of lodgement of the application and appeal. I note that the mitigation proposed was accepted by the NPWS. I am satisfied that the proposals in relation to dealing with bats on site are acceptable and consider that the expiration of the derogation licence during the appeal process should not form the basis of a reason for refusal, in this instance. An Coimisiún may wish to request Further Information from the applicant in relation to this matter, however given the substantiative recommended reasons for refusal below, I do not recommend this. The NPWS or planning authority have not raised concerns in relation to impacts of the proposal on bats. In terms of lighting and bats, I note that the EIAR recognises that it is vital that the operational lighting proposal is sensitive to bats and other fauna and use of artificial light is minimised to reduce impacts on bats. I do have concerns with regards the lighting plan proposed and the impacts this may have on species in the area. These concerns are similar to those detailed above for bird species.

The wider biodiversity measures are noted and generally welcomed, many of which would enhance the biodiversity value of the lands. The planning authority raise some concerns regarding the use of herbicides on a regular and long-term basis at the proposed constructed wetlands. The first party state that this would not be required. This matter could be adequately dealt with by means of condition, if An Coimisiún were disposed towards a grant of permission.

The planning authority consider that the proposal would conflict with Objectives KCDP 11-2, KCDP 11-42 and KCDP 13-1 of the Kerry County Development Plan 2022, would be contrary to the protection of the environment, biodiversity and natural heritage and the proper planning and sustainable development of the area. As cited above in the Policy Context section, Objective KCDP 11-2 seeks to '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'. I highlight that there is an overlap with this Objective and matters of Appropriate Assessment and I recommend that An Coimisiún read this section in conjunction with the Appropriate Assessment section above and associated appendices. As stated above, the proposed development has the potential to impact significantly on designated species within Puffin Island SPA and Deenish Island and Scarriff Island SPA and therefore I would concur with the opinion of the planning authority that the proposal conflicts with Objective KCDP 11-2. Objective KCDP 11-42 seeks to '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'. Notwithstanding the information put forward by the first party and having regard to the concerns of the planning authority, the NPWS, An Taisce and Dark Sky Ireland in this regard, I would also concur that the proposal is in conflict with this objective of the Kerry County Development Plan 2022. Further specific information pertaining specifically to the subject site is required in a detailed Lighting Management Plan to address these concerns. Objective KCDP 13-1 seeks to 'Ensure compliance with the Water Framework Directive'. I shall deal with the matter of compliance with the Water Framework Directive in the following section on 'Water'. Based on all of the above, I recommend a refusal of permission in this regard.

#### 8.10.4 **Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information provided in respect of biodiversity, in particular in Chapter 5 of the EIAR it is considered that, by virtue of the biodiversity importance of the site and the wider area and the predicted level of disturbance to species from the proposed artificial lighting, there is potential for significant environmental effects on biodiversity. Overall, I am of the opinion that it is reasonable to conclude that the proposed development could result in a significant impact and that significant adverse impact could arise for sensitive receptors from the operations within the development site in relation to biodiversity. This concern relates primarily to the nature and extent of artificial lighting proposed throughout the site and impacts this may have on species in the vicinity of the site.

### 8.11 **Land and Soil**

#### 8.11.1 **Issues Raised**

Third-parties have raised concerns in relation to soil disturbance and contamination.

#### 8.11.2 **Examination of the EIAR**

Chapter 6 of the EIAR deals with Land and Soils. Methodology used is outlined in Chapter 6.2. Land and soils are considered both in geological terms and with reference to current, historical and planned land use.

The subject site is presently occupied by two derelict structures, namely a former hotel and a former dwelling house. Lands within the site are managed for agriculture, primarily used for sheep grazing while surrounding lands are predominantly in low-intensity agricultural use. The site and surrounding area slopes upward from the bay in a northerly direction to a maximum elevation of 12m above ordnance datum (AOD) adjacent to the R567 road. The site is bounded by the sea to the south with steep cliffs on the southwestern part of the site.

The bedrock geology of the site area is predominantly composed of Ballinskelligs Sandstone Formation, purple sandstone & siltstone. The predominant soil types of the site are "AminPDPT - Peaty poorly drained mineral (Mainly acidic)", "AminPD - Mineral poorly drained (Mainly acidic)" and "BktPt - Blanket peat". There are no

geomorphology features, no external geotechnical sites and no recorded landslide events at the proposed development site/vicinity.

The proposal involves soil and subsoil being excavated, moved, altered and/or removed from certain areas of the site during construction works. All excavated soils and rock will be reused in landscaping and no excavated material will be removed from the site. The total volume of excavated topsoil and subsoil for the proposed development is approximately 30,065 m<sup>3</sup>.

The wetland system has been designed with minimal excavation of existing peat and the remainder of any excavated soils will be used to construct perimeter berms around each pond. The wetlands will enhance the retention of moisture in the peat soils and restore natural hydrological function of the peatlands to allow their continued long-term retention.

### Construction Impacts

It is acknowledged that the majority of effects will occur during the construction phase when works include excavation and movement of soil. Without mitigation, erosion, compaction, slippage and contamination/pollution may occur. Construction effects from contamination/pollution are assessed as being significant, negative and likely without mitigation.

No other significant effects are identified.

### Construction Phase Mitigation/Monitoring

Mitigation includes

- planting of various native tree and other plant species on exposed soils and berms following the construction phase for landscaping
- minimising the footprint of the temporary works area: keeping all works within the designated footprint to avoid unnecessary soil sealing
- reusing all excavated material on site in landscaping

A CEMP is proposed which will include for site management controls (included in Appendix 2-1 of Vol 3 of the submitted EIAR). It will deal with matters of contamination/pollution prevention and will include such measures as drainage within the temporary site compound being directed to an oil interceptor to prevent pollution if any spillages occur; bunded containment area will be provided; correct storage of materials and storage of stockpiles of topsoil in appropriate locations.

Following the implementation of mitigation measures, no significant negative effects are predicted.

### Operational Impacts

The development will not require any further use of land or soils during the operational phase. The majority of excavation will be reinstated. There is still a risk that contamination from on-site oils, fuels from vehicles and brown water can affect the land and soil environment, without appropriate management/mitigation. As vegetation becomes established and equilibrium is achieved, erosion rates will reduce to existing baseline levels.

No other potentially significant effects were identified.

### Operational Phase Mitigation/Monitoring

A Landscape Plan will provide details the maintenance, care and management of the soils and plants during the lifetime of the development. New tree and hedge planting along old field boundaries will establish green corridor networks. Existing hedgerows will be maintained and enhanced using native species. A habitat enhancement area to conserve and enhance biodiversity is proposed to the east of the proposed development site.

Following the implementation of mitigation measures, no significant negative effects are predicted.

### **Other Effects**

'Do-Nothing'- likely that the current land-use practices will continue. Land and soil environment would remain unchanged.

Cumulative- no significant cumulative effects are anticipated.

Residual- No significant residual impacts identified

#### **8.11.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the associated documentation and submissions on file in respect of land and soils. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR is satisfactory.

I have examined all of the information before me in relation to land and soils. Neither prescribed bodies or the planning authority have raised concerns in this regard. I am satisfied that with the information before me in relation to allaying the concerns of third parties. All excavated soils and rock will be reused in landscaping on site. No excavated material will be removed from the site. The CEMP will satisfactorily deal with any predicted impacts of contamination/pollution. I am satisfied that appropriate mitigation measures have been incorporated to prevent significant impacts.

#### **8.11.4 Conclusion: Direct and Indirect Effects**

Having regard to the examination of environmental information provided in respect of land and soils, in particular in Chapter 6 of the EIAR it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impact will not arise for sensitive receptors from the operations within the development site in relation to land and soils.

## 8.12 Water

### 8.12.1 Issues Raised

#### Planning Authority

The second reason for refusal which issued from the planning authority stated that:

*'Having regard to the scale of the proposed development and the design and complexity of the proposed effluent treatment system, the Planning Authority is not satisfied that the proposed development would not cause pollution of groundwater and surface waters. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.*

The third reason for refusal which issued from the planning authority stated that:

*'Having regard to the scale of the proposed development and concerns raised by Uisce Eireann in relation to the impact of the development on the public water supply, the Planning Authority is not satisfied that the proposed development would not cause disruption to the public water supply in the Ballinskelligs Area during periods of high demand. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.*

#### Uisce Eireann

The report of Uisce Eireann (dated 17/06/2025) to the planning authority requested Further Information in relation to water supply. Their report stated that the impact of the development on the public water supply is unknown and a model would have to be drawn up by them to show what the development usage at normal and peak times would be and would it put a strain on the network and cause other areas within Baile and Sceilig (MA04077) to be affected. The DMA of Baile an Sceilig (MA04077) currently becomes overloaded at times of high demand particularly on bank holiday weekends and the months of July and August.

The report of Uisce Eireann states that there are two options for supply of water the proposed development. The first option is that water supply for development comes from the 150mm Upvc pumped water distribution mains. Uisce Eireann state however that there are issues with this and that in times of high usage the

development would draw water from the Cloon WPS. This may affect the areas further along the network in Baile and Sceilig (MA04077). The second option put forward by Uisce Eireann for water supply to the proposed development is from the Mhaoilinn Reservoir, located between Cloon WPS and Sosadh WPS. This reservoir was part of the old network and is still in use. They state however that for this option to work the network from Mhaoilinn Reservoir to the cross at the entrance to the proposed development on the R567 would have to be upgraded as this watermain dates to the 1970s.

A previous report (dated June 2024) expressed no objections to the proposed development, subject to conditions.

### HSE

Recommend that mitigation measures put forward in Chapter 14 and within the CEMP be included as conditions of any grant of permission. Also recommends additional mitigation measures be implemented.

### Third-Parties

Concerns were raised in relation to wastewater pollution in particular given locational context of site; capacity of water supply/impacts on existing service; that a Site-Specific Flood Risk Assessment should have been prepared.

### First-Party

The first party appeal submission acknowledges that the network requires upgrading and need for re-use of Spunkane Reservoir. They note that the core concern of UE appears to be upgrading works and the investment needed to cover ongoing water needs, to cover outages and peak summer loads. The appeal submission notes the two options set out by Uisce Eireann but also proposes the inclusion of water storage tanks which would facilitate a sufficient supply of water on site with minimum of 5 days storage. The applicant states that they are also willing to fund upgrades to pumping stations and pipe upgrading, which could be agreed by way of condition.

### 8.12.2 Examination of the EIAR

Chapter 7 of the EIAR deals with Water and examines the potential effects on the existing water environment arising from the proposed development. Methodology used is outlined in Chapter 7.2.

There are no surface waterbodies located within the site boundary. However, there are river waterbodies directly to the east and west of the site boundary and the coastal waterbody 'Ballinskelligs Bay' is located directly south of the site. Contrary to third-party assertions, a Site-Specific Flood Risk Assessment (SSFRA) has been undertaken which notes that the site is located within Flood Zone C, at low probability of flooding from rivers and sea. The SSFRA states that the site is considered appropriate for a development of the nature proposed and a Justification Test is not required.

The proposed development site is located within the 'South-Western' River Basin District and Hydrometric Area No. 21, also known as Dunmanus-Bantry-Kenmare Catchment, within the Sub-Catchments 21\_1 (COOM\_SC\_010) and 21\_10 (Inny(Kerry)\_SC\_010). The River Emelaghmore (IE\_SW\_21E010400) is located approximately 50 m to the west of the site boundary. The EPA WFD river water quality status of the Emelaghmore is considered 'Moderate' for the period 2013 - 2018. The WFD Risk Score for this river waterbody is 'At Risk'. This watercourse, which drains lands to the north-west of the proposed development site, discharges to the bay at Trá na Sassanach, approximately 50m west of the proposed development site boundary, at the closest point. The river waterbody An Rinn Rua (IE\_SW\_21I010900) is located approximately 185m east of the proposed development site boundary and the EPA WFD river water quality status of this is considered 'Moderate' for the period 2013-2018. The WFD Risk Score for this river waterbody is 'At Risk'. The river waterbodies in this area flow in a general southerly direction and enter Ballinskelligs Bay west and east of the proposed site boundary. They drain lands within the proposed development site and are fed by numerous field ditches that traverse the site.

The coastal waterbody Ballinskelligs Bay (IE\_SW\_200\_0000) is located directly west, south and east of the proposed site boundary. The EPA WFD coastal waterbody status of Ballinskelligs Bay is considered “High” for the period 2013-2018. The WFD Risk Score is “Not at Risk”. Ballinskelligs Bay is designated for one Natura 2000 site, Ballinskelligs Bay and Inny Estuary SAC (Site code: 000335). The river waterbodies entering Ballinskelligs Bay and Inny Estuary near the proposed site are also partly within and hydrologically connected with this SAC.

There are no records of groundwater wells or springs, no Group Scheme and Public Supply Source Protection Areas or Ground Water Scheme Abstraction Points located on or adjacent to the proposed development site. There are no recorded karst landforms located on the proposed development site. There is a Locally Important Aquifer -Bedrock underlying the site. The resource value is limited by risk of saline intrusion. A significant thickness of peat was identified on site, underlain by till, overlying rock. There will therefore be no significant hydraulic interaction between the peat and bedrock. In terms of groundwater vulnerability, the majority of the proposed site is underlain by an aquifer of ‘high vulnerability’. The Groundwater Body underlying the site is the Beara Sneem Groundwater Body (GWB) (EU code: IE\_SW\_G\_019). Currently, the EPA classifies the Beara Sneem GWB as having WFD Status (2013-2018) of ‘Good’, with a current WFD risk score of ‘Not at Risk’.

In terms of wastewater drainage, the expected maximum foul discharge from this facility is 144,400 litres per day. The wastewater from the proposed development will be treated at a new on-site tertiary waste-water treatment plant to be built by the developer, located to the east of the beach access road. The matter of suitability of the site was raised by the planning authority in their request for Further Information (FI) and I refer An Coimisiún to the applicants RFI Response Summary Statement in this regard, together with the submitted EIAR Amendment Report. A Civil Engineering Report and ground investigation report were also submitted to the planning authority as part of the response to FI. It was accepted by the applicants that the proposed percolation areas in front of the hotel presented a risk, particularly in relation to long-term maintenance of the percolation drains and possible variations in permeability of the soils. The provision of a constructed wetland was considered

the most appropriate alternative for discharge and a revised discharge option was put forward. The proposed wetland ponds are based on treating all discharged water and it is proposed that up to 30% of treated effluent would be used in the gardens. A Tier Three Hydrological Assessment was undertaken for the proposed constructed wetland which states that it would not have a significant effect on ground and surface water. It states that the proposed wetland discharge option is suitable and would have sufficient storage capacity for maximum discharge volume. The WWTP involves the provision of a Sequencing Batch Reactor treatment plant, a coconut-fibre media infiltration system, UV treatment and an integrated constructed wetland system. It has been designed with a series of modular large storage tanks that, it is stated, will be sufficient to deal with peak flows from the proposed development. These tanks allow for management of flow, storage and treatment to account for seasonal variations in wastewater load. The proposal also allows for the passing of discharge effluent through a UV tube to kill pathogenic organisms before discharge to the wetlands system. The final effluent from this system would infiltrate to the in-situ peat layer underlying the site but may also discharge directly to an adjoining surface water drain, via an overflow pipe during extreme wet periods. The Tier 3 Groundwater Technical Assessment concludes that the difference in chemistry between the treated effluent and the groundwater in the peat will be minimal at this tertiary stage. The proposed constructed wetland would provide enough storage capacity for 54 days during the dryer and busier summer months. Baseline monitoring of the Emlaghmore stream was undertaken which will be taken as baseline indicators of the existing water quality going forward.

In terms of water supply, the existing site is served by a 50mm diameter connection from the main 150mm line on the R567. It is proposed to connect the proposed development to the main system and a Confirmation of Feasibility issued from Uisce Eireann (dated November 2023) which stated that the water connection was feasible subject to upgrades for 207 units. This CoF was superseded by the report of Uisce Eireann to the PA referenced above (dated 17/06/2025). I note that a development in excess of 207 units is currently proposed.

In terms of existing stormwater drainage, the existing hotel is located at the highpoint

of the site, from here the terrain is sloped downwards on all sides with the greatest falls running to the east and southwest. Existing hardstanding, access road and hotel footprint drain eastwards to an existing drainage ditch that runs alongside the main beach access road and discharges to the sea via an 800mm diameter pipe running under the road. The southern section of the site drains directly into the sea via overland flow while the western portion of the site drains to an existing land drain and enters the sea close to the mouth of the Emlaghmore River. Stormwater will exit the site via the existing drainage network prior to discharge to two interceptors. All new surface water drainage within the development will be designed and constructed in accordance with SuDs principles. An underground attenuation tank is proposed to allow storage of surface water and a flow control device will be fitted on the outlet to limit discharge rates to the greenfield run off rate from the site for the 1 in 30-year storm event.

#### Construction Impacts

Potential for construction sites to cause contamination to the underlying aquifer and to local watercourses due to increased suspended solids and mobilisation of potentially existing contamination within the disturbed soil from excavations have been identified. The potential spillage of hydrocarbons from fuel and oils used during construction have the potential to contaminate the underlying ground water regime on the site. Groundwater may be affected through percolation of contaminants. These are assessed as being negative, slight and localised.

Potential for excavation works to cause negative effects during the construction phase have been identified. Excavation works during construction of the proposed development have the potential to cause noticeable localised changes in the groundwater regime if groundwater is encountered, but without significant consequences. This would occur over a short-term period. An assessment of negative, not significant, short-term effects on hydrogeology and a negative, not significant, short-term effect on hydrology as a result of excavations during construction has been put forward, without mitigation. Similarly, it is considered by the applicants unlikely that there will be a negative, slight short-term effect on

hydrogeology and a negative, not significant, short-term effect on hydrology as a result of fuel and oil spillages during construction.

No significant effects are identified.

#### Construction Phase Mitigation/Monitoring

A number of measures have been put forward including:

- A CEMP is proposed which will include for site management controls (included in Appendix 2-1 of Vol 3). The CEMP will deal with matters of contamination/pollution prevention and will include such measures as drainage within the temporary site compound will be directed to an oil interceptor to prevent pollution if any spillages occur; bunded containment area will be provided; correct storage of materials and storage of stockpiles of topsoil in appropriate locations.
- Surface Water Management Plan during construction will reduce the risk of contamination to watercourses.

Following the implementation of mitigation measures, no significant negative effects are predicted.

#### Operational Impacts

Proposal will have a positive effect on the hydrology of the peatlands on the constructed wetland site, without having any significant change/adverse effect on water quality in drains, the Inny stream or the sea. During the operational phase, impacts from wastewater discharge have been identified. There is no potential for any negative effects on hydrogeology and hydrology that are capable of measurement with significant consequence over a long-term period of 15 – 60 years.

The operational phase of the development will represent a permanent change to the existing environment. The quality of the local hydrological and hydrogeological environment can potentially become compromised as a result of poorly designed surface management systems in operational developments. Surface water drainage network will be designed so as to ensure surface water flow is controlled during the

operational phase of the proposed development and therefore minimising the potential for effects on hydrology or hydrogeology. Surface water from all paved areas will enter gullies across the site.

The effect of storm water drainage on hydrogeology and hydrology during the operation phase of the proposed development will be neutral, not significant, localised and long-term. No potentially significant effects were identified.

#### Operational Phase Mitigation/Monitoring

Measures put forward include:

- An Operation and Maintenance Plan will be prepared and implemented by an appointed WWTP operator to ensure the WWTP is operated and maintained according to the manufacturer's instructions with regular inspections carried out by competent personnel in accordance with best practice.
- An Emergency WWTP Plan shall be prepared.
- The WWTP and associated infrastructure will include additional storage capacity and a back-up power supply for the pumps. The system will also be continually monitored by a trained operator and will include in-built alarms and shut down mechanisms to identify, prevent and manage any problems.

No further mitigation measures are proposed.

#### **Other Effects**

'Do-Nothing'- existing hydrology and hydrogeology of the site will remain unaffected.

Cumulative- no significant cumulative effects are anticipated.

Residual- No significant residual impacts identified.

#### **8.12.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 7 of the EIAR and all of the associated documentation and submissions on file in respect of water. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR,

which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory.

My concerns outlined below relate to the operational phase of development. I am of the opinion that construction phase effects could be adequately dealt with by means of condition.

### *Water Supply*

Based on the information before, I have concerns regarding water supply to the proposed development, in particular relating to capacity. Previous reports of Uisce Eireann are noted, together with their Confirmation of Feasibility which dated back to 2023 and related to a lesser number of units. I am having regard to the most recent report of Uisce Eireann available to me, dated June 2025 whereby they raise concerns regarding water supply to the proposed development putting a strain on the network and causing other areas within Baile and Sceilig to be affected. They state that the DMA of Baile an Sceilig (MA04077) currently becomes overloaded at times of high demand particularly on bank holiday weekends and the months of July and August. I note that this is the period when it is anticipated that there would be greatest demand from the proposed development. I note the possible upgrade options put forward by Uisce Eireann, together with the options put forward by the first party in their appeal submission which include provision of above ground water tanks. I am of the opinion that there is too much uncertainty in this regard at the present time and more definitive proposals are required to be put forward relating to this matter. This is particularly pertinent given the overall scale of the proposed development and the likely demands on the water supply network, in particular during the peak summer months. Having regard to the information before me, including the reports of the planning authority and Uisce Eireann, I recommend a refusal of permission in relation to this matter.

### *Wastewater*

I acknowledge the significant volume of information that has been put forward by the applicants to the planning authority as part of their response to the Further Information request including, inter alia, Wastewater Treatment System Proposal Report, Environmental Technical Note, Proposed Design of Wetland Treatment System Planning Report, Revised Civil Engineering Report - Roads, Water, Waste

Water, Storm Water & Flood Risk Assessment Report. A number of site assessments have also been undertaken. I also acknowledge the contents of the first-party appeal submission. I have had regard to all the information before me, together with national guidance in this regard. I again highlight to An Coimisiún that one of the major alterations to the proposed development, on foot of the FI request from the planning authority, was the introduction of the constructed wetland to deal with wastewater from the proposed development.

The subject site is not connected to mains infrastructure, and the proposal includes for a WWTP, located to the east of the site. Molloy Environmental Systems' M1 system has been proposed as the most suitable wastewater treatment method (sequential batch reactor), which is capable of treating design loadings for the proposed development. The average maximum discharge from the proposed development is 1.67l/s. It is stated in the documentation that the wetlands would serve to naturalise the effluent to the same chemical characteristics of the groundwater in the peat.

I refer An Coimisiún to the detailed report of the Environment section of the planning authority in this regard (dated 25/06/2025). Notwithstanding the level of information put forward, I also have serious concerns in relation to this matter from an environmental viewpoint. These concerns relate to the principle of dealing with wastewater from a development of the size and scale proposed on a private wastewater system at this highly sensitive location. If this proposed system were under the control of Uisce Eireann, my concerns may be somewhat alleviated as may be the case if the site were located within a less sensitive location, in an area with less sensitive receptors. In terms of wastewater drainage, the expected maximum foul discharge from this facility is stated as being 144,400 litres per day and the average maximum discharge from the proposed development is stated as 1.67l/s. This is considered to be significant given the locational context.

Notwithstanding the emergency management plans put forward, I have concerns regarding the consequences in the event of failure of the proposed system, in particular at peak season, together with concerns regarding its on-going supervision, maintenance and management into the future. I note the EAU highlight that the practicalities of maintaining the constructed wetland have not been fully addressed. Such a system may be acceptable for a smaller scale development at a less

sensitive location, however taking a precautionary principle, I have serious concerns regarding impacts on water quality/groundwater as a result of the method of wastewater proposed in this current appeal, given the sensitivities of the site and the overall scale of the development proposed. I concur with the opinion of the planning authority that a complex system has been put forward in this instance. It includes for constructed wetlands and UV treatment. Aside from the principle of such a treatment method for a development of this scale at such a sensitive location, my concerns also relate to what are the overall risks in the event of the system not operating correctly and not being managed/maintained properly. This is particularly pertinent given the average maximum discharge, which is considered to be significant. Based on the information before me, and particularly the locational context of the site, I cannot say with certainty that the proposed method of wastewater treatment will safeguard the environment at this location. The site is located close to the coast with limited buffer between it and the waters of Ballinskelligs bay. There are a number of sensitive receptors in the locality. The peatland nature of the land is noted. The waters at the nearby beaches are used for bathing (although are not EPA designated bathing waters). The proximity to the Ballinskelligs SPA is noted. Any impacts from the proposed development could be significant given the locational context. While I am of the opinion that this system may be appropriate at other less sensitive environments, I have concerns given the sensitivities of this current site, including its location close to beaches where people are bathing. Any risks could include for public health impacts.

Having regard to the Water Framework Directive, I am not adequately satisfied that the proposed development would not result in deterioration in the status of nearby waterbodies, which are currently considered to be at-risk of not attaining the quality status requirements of the Wastewater Framework Directive. Given the proximity of the proposed development from nearby beaches, including Reenroe beach, I cannot be satisfied that it would not impact on the water quality of these coastal waters. I therefore recommend refusal of permission in this regard.

### *Flooding*

Contrary to the opinion of third-parties, a Site-Specific Flood Risk Assessment was prepared and is included in the Revised Civil Engineering Report- Roads, Water, Waste Water, Storm Water and Flood Risk Assessment. I refer An Coimisiún to

same. I noted at the time of my site visit that ground conditions were wet underfoot, with some ponding evident. This was after a period of heavy rain however. The subject site is located in Flood Zone C. There are no reported incidents of flooding at the site. The Flooding Coastal and Marine Unit of the planning authority states that the proposal will not have any negative impacts on adjacent properties in terms of flood risk. Based on the information before, I am satisfied that the site is not at significant risk of flooding, nor will the proposal lead to flooding elsewhere.

#### **8.12.4 Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to water. Both Uisce Eireann and the planning authority have raised concerns in this regard. Having regard to the examination of environmental information provided in respect of water, in particular in Chapter 7 of the EIAR it is considered that after the application of mitigation and monitoring measures that it is not reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impact will arise for sensitive receptors from the operations within the development site in relation to water.

### **8.13 Material Assets**

#### **8.13.1 Issues Raised**

Third-parties raised concerns regarding capacity of ESB network to cater for proposed development.

The planning authority included the matter of waste management in their request for FI and were satisfied with the response received from the applicants.

#### **8.13.2 Examination of the EIAR**

Chapter 8 of the submitted EIAR deals with Material Assets including electrical, aviation, telecommunications, gas, water and wastewater infrastructure and waste management.

Some third-parties have raised concerns in relation to waste management.

I have dealt with the matters of water and wastewater in the preceding section and I refer An Coimisiún to same.

The existing site is served via ESB MV (10KV/20KV) overhead lines. All works in the vicinity of ESB Networks infrastructure will be carried out in consultation with ESB networks. Where new services are required, the contractor will apply to ESB Networks for a connection permit.

There are no identified gas network utilities within the proposed development site boundary or surrounding areas. There are no effects on gas networks in the area during construction or operation. In terms of telecommunications, there is no telecoms infrastructure within the proposed development site. In the event of interference to television and telecommunication services arising from the proposed development, the applicant will work with telecommunication providers to remedy any issues of interference to affected communication links. The nearest airport is Kerry airport, located approximately 61km NE. There is evidence of a disused landing strip to the north of Reenroe beach- east of the proposed development site. The project site is also outside of any aeronautical restricted area.

#### Construction Impacts

No significant effects are identified.

#### Construction Phase Mitigation/Monitoring

Measures will be put in place to ensure that there are no interruptions to existing services and all services and utilities are maintained unless this has been agreed in advance with ESB Networks. The applicant will work with telecommunication providers to remedy any issues of interference to affected communication links. No other specific mitigation measures put forward

#### Operational Impacts

During the operational phase, potential for significant, negative effects from waste, if unmitigated

No other significant effects identified

### Operational Phase Mitigation/Monitoring

Waste management measures have been put forward. Waste will be managed in accordance with the waste hierarchy in Council Directive 98/2008/EC on waste and section 21A of the Waste Management Act 1996, as amended. All chemical, hydrocarbon or other controlled wastes will be stored in designated areas in appropriate approved containers within bunds or on spill pallets, as required. All waste to be removed from site will be undertaken by authorised waste contractors and transported to an authorised facility in accordance with best practice.

### **Other Effects**

'Do-Nothing'- Material assets will remain unaffected.

Cumulative- No significant cumulative effects are anticipated.

Residual- No significant residual impacts identified.

### **8.13.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 8 of the EIAR and all of the associated documentation and submissions on file in respect of material assets. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory.

I do not consider that the proposed development would result in any unacceptable impacts in this regard. I am satisfied that there would be no unacceptable impacts on other services such as waste, electricity, gas, aviation and telecommunications, subject to agreement with the relevant service providers. I have no information before me to believe that existing infrastructure referenced above does not have capacity to cater for the proposed development.

### **8.13.4 Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to material assets. The planning authority have not raised concerns in this regard. Having regard to the examination of environmental information provided in respect of material assets, in particular in Chapter 8 of the EIAR it is considered that after the application of

mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impact will not arise for sensitive receptors from the operations within the development site in relation to material assets.

## **8.14 Cultural Heritage**

### **8.14.1 Issues Raised**

None

The report of the County Archaeologist of the planning authority stated that no further archaeological mitigation required (dated 02/05/2025). A subsequent report is noted in which conditions were attached (dated 29/05/2024).

### **8.14.2 Examination of the EIAR**

Chapter 9 of the submitted EIAR deals with cultural heritage and considers the potential effects on relevant cultural heritage assets arising from the proposed development. Appendix 9-1 sets out a List of Shipwrecks in Ballinskelligs Bay. Methodology used is set out in Chapter 9.2. The study area encompasses the Ballinskelligs Bay area extending to Hogs Head at the south; to the eastern limits of Bolus Head (Ballinskelligs Village/Harbour Horse Island area) and to the east as far as Waterville. The study area extends inland around the bay extending to a maximum of c.3.0km. No significant limitations were encountered during field work. The site contains a ruinous hotel dating back to the 1960s, together with a derelict, two storey dwelling house, most likely of early 20<sup>th</sup>/late 19<sup>th</sup> century construct. Eight vernacular pre-famine structures are depicted on the 1st Edition 1841 OS map in two clusters one in the centre of the site and second at its southern limits. No evidence of any over-surface evidence of these structures were noted during the field survey although sub-surface remnants may survive. It is stated that remains (if any) of structures located in the general central area of the site were probably impacted during construction of the old hotel.

There are no National Monuments, Recorded Monuments or NIAH structures (including Protected Structures) within the subject site. The only National Monument in State ownership in the study area is Ballinskelligs Abbey (NM no. 168) situated

c.4km SW from the proposed development. No previously unrecorded sites, features of archaeological or cultural heritage importance were noted within the subject site during field survey.

#### Construction Impacts

No significant effects are identified.

There is a potential for the subject site to contain unrecorded sites and artefacts (there is high potential for preservation of stray finds within peat). The excavation of topsoil /peat may likely impact on any new sites or artefact if present. Pre-mitigation negative effect of the impact is considered to be significant and permanent.

Construction phase may impact on sub-surface remains of the vernacular structures if present. A negative effect of the impact is considered to be moderate (pre-mitigation) and permanent.

#### Construction Phase Mitigation/Monitoring

Pre-construction, mitigation measures include pre-development test excavations and archaeological monitoring during the construction. During the construction phase, archaeological monitoring of all groundworks associated with topsoil/peat stripping should be undertaken to recover any potential artefacts.

No other specific mitigation measures put forward

#### Operational Impacts

No direct effects identified. Indirect effects by the proposed development during the operational phase are deemed to be imperceptible.

#### Operational Phase Mitigation/Monitoring

None

#### **Other Effects**

'Do-Nothing'- No significant impacts to cultural heritage or archaeological assets and the derelict structure of the old hotel will remain.

Cumulative- No significant cumulative effects are anticipated.

Residual- No significant residual impacts predicted.

#### 8.14.3 **Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 9 of the EIAR and all of the associated documentation and submissions on file in respect of cultural heritage. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory. I do not consider that the proposed development would result in any unacceptable impacts in this regard.

#### 8.14.4 **Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to cultural heritage. The planning authority have not raised concerns in this regard, subject to conditions. Having regard to the examination of environmental information provided in respect of cultural heritage, in particular in Chapter 9 of the EIAR it is considered that after the application of mitigation and monitoring measures, it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impacts will not arise for sensitive receptors from the operations within the development site in relation to cultural heritage.

### 8.15 **Landscape and Visual**

#### 8.15.1 **Issues Raised**

##### Planning Authority

The first reason for refusal which issued from the planning authority stated that:

*'Having regard to the scale of the proposed development on this coastal site located in an area zoned 'Visually Sensitive' in the Kerry County Development Plan 2022-2028, it is considered that the proposed development would contravene Objectives KCDP 10-31 and KCDP 10-32 of the said Plan in relation*

*to Visitor Accommodation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area’.*

### Third-Parties

Third-parties have raised concerns in relation to impacts on visual amenity and consider that this is an exposed, visually sensitive coastal site, designated as having high sensitivity; designated a secondary special amenity area and NHA. They consider that proposal would not satisfactorily integrate into the landscape; would seriously injure its character and would be harmful to the natural beauty of the area. They further reference the urbanisation of this rural coastal environment and consider that the design, height, bulk and scale of the proposal is such that it would be visually obtrusive; prominent when viewed from adjacent beaches and much larger than the existing derelict structures on site. They consider that the proposal cannot be justified solely on basis of there being an existing derelict structure on site; that the proposal is injurious to the landscape and therefore contravenes the County Development Plan in this regard. Furthermore, they state that the proposal interferes with views and prospects from the R567 including listed views from R567 and Dungeagan Road towards Ballinskelligs Bay (see Map P of CDP).

### First-Party

The first party appeal submission highlights that a comprehensive LVIA was submitted with application and that no medium or long-term adverse effects were recorded as part of EIAR assessment, which demonstrates that effective mitigation measures were applied to address short-term adverse effects. They further state that remedial, avoidance and reductive mitigation measures have been put forward with effect of minimising visual effects from vantage points in the locality at the outset. They state that there will be no adverse visual effects arising from the renovation of the hotel and that the landscape strategy as outlined will provide a sustainable long-term solution for the integration of the proposed development into the landscape setting. This will therefore ensure positive outcomes in respect of Objectives KCDP 10-31 and KCDP 10-32 of the Kerry County Development Plan 2022.

## 8.15.2 Examination of the EIAR

Chapter 10 of the submitted EIAR deals with landscape and visual. It identifies and

discusses the landscape and visual effects in relation to the proposed development. An LVIA was prepared in accordance with best practice and a series of verified photomontages are included in Volume IV- 10 viewpoints in total. Within Chapter 10.5.2 each viewpoint is described as per the existing (baseline) condition, the sensitivity of the visual receptor, the magnitude of change brought about by the proposed development and the significance of visual effect. I refer An Coimisiún to same. The study area is identified in Figure 10-9. Methodology used is set out in Chapter 10.3. Values which should be conserved and those that provide opportunity for enhancement have also been included in the assessment. Site visits were undertaken in November 2022, December 2023 and in March 2024. No limitations were encountered.

The proposed development site is located on the site of the former Rinn Rua hotel at Rinn Rua, in the townland of Ballinskelligs, Co. Kerry. It contains a derelict hotel building (maximum three-storey in height) and a derelict farm building (two-storey in height) and the site is currently used as pasture lands for sheep. The topography of the wider landscape is relatively flat comprising pasture lands and areas of bogland, with coastal cliff formations, mature hedgerows and isolated tree lines evident. The site is situated on a slightly elevated grass field with a cliff edge towards the south and southeast. There are extensive views to the sea and the mountains beyond from the site. Its southern part consists of the cliff walk with associated grass mounds and some dry-stone walls, with rugged cliffs and rocky shoreline below. The closest buildings to the proposed development are two houses located approximately 30m west of the site boundary.

The subject site is located within the Landscape Character Area of Valentia Island and St. Finan's Bay (32), which includes the subject site at Ballinskelligs Bay, as set out in p.279-280 of the Kerry County Development Plan 2022. The *Perceptual Qualities* of the area are stated as being a scenic coastal landscape of medium to high sensitivity. The *Visual Amenities* are of views from high roads in the Ballinskelligs area that are of high sensitivity. The *Landscape Values* are based on views & prospects along extensive stretches of the roads along the coast, with the Wild Atlantic Way passing through the area. The Landscape Values include coastal,

island and elevated landscapes, and are classified as high quality, and of high sensitivity.

Landscape Sensitivity is assessed as being High in the wider landscape, and Medium-High in the vicinity of the site. The site is located within a sparsely populated area with little in the way of artificial light- the site itself is currently devoid of artificial light. It is located within the core of the Kerry International Dark-Sky Reserve. The CDP recognises the potential of the Dark-Sky Reserve as a significant tourism attraction. Therefore, it considers the control of light pollution in this area to be important, particularly of mountainous and peatland areas where there is little or no light pollution (Objectives KCDP 11-42 and KCDP 11-43 are noted).

It is stated by the applicants that the impact of the proposed development is the change of the site from its current neglected wet grassland with a prominent derelict building to a new tourism facility with modern hotel similar in scale to the existing structure, additional accommodation in low rise units and ancillary services, all set in a new landscape of mixed hedgerows and tree planting. It is further stated that whilst the extent of the development is large, the low-rise nature of much of it will quickly integrate in the landscape as the new planting matures. The new hotel will be prominent but an attractive replacement to the existing neglected building, its off-white colour reflecting traditional building finishes of the locality.

The EIAR sets out predicted landscape impacts and effects in Chapter 10.5.1 and predicted visual impacts and effects within Chapter 10.5.2 and I refer An Coimisiún to same.

### Construction Impacts

Chapter 10.5.2 sets out predicted visual impacts and effects. See Table 10-18 for a summary of construction phase visual effects for each of the 10 no. viewpoints. There will be a notable temporary change from open rural lands to one of a construction site, which will occur as works progress on the site over a phased period up to 5 years.

Significant, adverse effects are identified for Viewpoints 1,3,4,6 but all would be temporary in nature. Many of the viewpoints are considered to be Neutral. Given the sensitivity of the environment and the extent of development, the significance is regarded as Moderate-Significant, with the more significant effects occurring in the higher sensitivity areas, for example the cliff walk and wet grassland areas. Duration is assessed as being temporary to short-term and qualitatively this change would be adverse.

#### Construction Phase Mitigation/Monitoring

A Landscape Management Plan sets out proposed mitigation measures which seek to contain the proposed development in the receiving landscape and improve the characteristics of the existing lands. Significant planting is proposed. The use of hoarding around these areas being developed, and subsequent planting works will limit views of the site works during Phase 1 and later.

No other specific mitigation measures put forward.

#### Operational Impacts

Chapter 10.5.2 sets out predicted visual impacts and effects- see Table 10-19 for a summary of operational phase visual effects for each of the 10 no. viewpoints.

Visual effects in the Operational Phase range from Not Significant (more distant views) (Ballinskelligs Bay) to Significant (Coastal path next to site; Reenroe Beach).

The Significant or Moderate-Significant views are closer to the site where the change is the greatest, however it is noted that the majority of the proposed views are considered to be neutral in quality while two are beneficial in quality (Reenroe Beach and houses at Reenroe west of site).

The restored hotel and new leisure centre is assessed as being the most prominent element of the proposed development in the short, medium and long term by virtue of their prominent location and lightly coloured elevational finishes. In relatively close up views 4, 5 and 6, the transition of the existing derelict hotel structure to its restored condition, along with the leisure centre, is recorded as a beneficial effect. In long distance views 7, 8 and 9, the hotel and leisure centre are also the only visible elements of the proposed development by virtue of the light colour finishes. Distance

has a significant diminishing effect in these views such that the facility appears as a distant reference point not too dissimilar to dwellings which appear in the wider coastal landscape.

#### Operational Phase Mitigation/Monitoring

As above. No other specific mitigation measures put forward

#### **Other Effects**

'Do-Nothing'- No significant impacts. The derelict structure of the old hotel will remain. Land will continue to be used for agriculture

Cumulative- No significant cumulative effects are anticipated

Residual- No significant residual impacts predicted

### **8.15.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation and submissions on file in respect of landscape and visual. Volume IV of the submitted EIAR contains photomontages and I have examined these in conjunction with Chapter 10. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory. I am also satisfied that the LVIA considers an appropriate range of visual receptors.

The proposal includes for the part demolition, refurbishment and extension of the existing derelict hotel structure. An additional floor, over a portion of the existing structure, will be added to provide a rooftop bar and restaurant. The planning authority welcome in principle the renovation of the existing derelict hotel structure and their concerns in terms of visual amenity appear to relate to the proposal in the context of the Policy 10-31 and 10-32 in relation to visitor accommodation and the overall scale of the development proposed. While I would concur with the planning authority in this regard, I also have serious reservations in relation to the impacts of the proposal on the visual amenity/landscape character of this area.

As stated above, the County Kerry Landscape Review has designed the landscape sensitivity of the Valentia Island and St. Finan's Bay (32) landscape character area,

in which the site is located, as having an overall High sensitivity value. The Ballinskelligs Bay and Inny Estuary pNHA is located to the south of the site. There are protected views and prospects in a southerly direction from R567. Contrary to third-party submissions, there do not appear to be Special Amenity Area Orders in the vicinity of the site. The submitted EIAR considers that the site has a slightly lesser sensitivity to that of the surrounding areas of unspoilt or limited development coastal lands due to the previously alterations by way of the former hotel accommodation. I would concur with this assertion and would also acknowledge that currently, the site consists of a degraded landscape due to the presence of the derelict hotel.

This is an exposed coastal site, highly visible from a number of vantage points. I fully concur with all parties that the existing derelict hotel detracts significantly from the visual amenity of this sensitive area. It is a stark feature on an otherwise largely undeveloped landscape. It could be described as a landmark/reference point within the area and is visible in varying degrees from vantage points within the wider area including from points along the R567 regional road to the north of the site and along the EuroVelo (EV1) route cycle route to the west of the site. I concur with the EIAR that its weathered pre-cast concrete panel façade very much defines the visual quality in this location and it is prominent in views from both the beach and the cliff walk, as well as views from roads/property in the vicinity. These views from the beach and the coast/cliffs close to the hotel are scenic and the existing structure currently detracts significantly from them.

I acknowledge the benefit that the appropriate renovation of the existing hotel structure itself would bring to the amenity of the area. An alternative option would be its complete demolition and the restoration of the site back to its original condition. I am of the opinion that the presence of this structure and its proposed renovation/extension should not in itself justify a development of the scale proposed. The subject site is within a zone defined as visually sensitive, views and prospects of value are noted in a southerly direction from the roads R566 and R567 (see Map P of the Kerry County Development Plan 2022) and it is highly exposed. Section 11.6.5 of the County Development Plan states that any development which hinders or materially affects these views/prospects will not be permitted. I concur with the

applicants that distance has a significant diminishing effect on these views. However, it is impacts on views in the nearer distance, in particular of the hotel structure, which I consider to be most significant. I consider that the proposed development, which now includes for a part four-storey hotel structure has the potential to hinder or materially affect these designated views and prospects and also other non-designated views within the vicinity.

I acknowledge that the hotel would be the most visible element of the proposed development when viewed from near and distant viewpoints. This is partly due to the increase in height proposed and the pale colouring of the proposed elevations. The structure presently is grey concrete and is easily camouflaged with the sky. The glazed elements of the top rooftop element would be particularly visible at night. I consider a part four-storey structure at this location to be substantial given the exposed nature of the landscape. I acknowledge that the existing tower element provides additional height above the main bulk of the existing structure, however this additional height has far less scale and massing than that currently proposed. The proposed additional area at third floor is stated as being 534m<sup>2</sup> - which is considered to be substantial. I acknowledge the proposed landscaping plan/ planting put forward by the applicants, which seeks in part to screen the proposed development from public viewpoints. It includes for native trees, native screen planting, pollinator planting, hedging and ornamental grasses. Aside from the hotel structure itself, the remaining elements of the proposed accommodation offerings and visitor services are all low rise in height and would not be unduly visible in distant views.

Notwithstanding the mitigation measures put forward, including the landscape plan, the overall development would be visible in varying degrees from various vantage points in the immediate vicinity including the walking loops/cliff walks that pass through site and also from the nearby beaches. This includes for both the Dungeagan to Reenroe Walking Loop and the Emlagh Loop which pass through the site. While the upgrade of the cliff walk is welcomed in principle, I would also have some reservations regarding the provision of a tarmacked surface and the impacts this would have on the visual amenity of the area. Currently the cliff walk comprises a gravel path and grassed track, having minimal impacts from a visual perspective.

I would have concerns also regarding the cumulative impacts given the scale of accommodation offerings proposed. At night, the light from the proposed hotel,

including the rooftop panoramic bar and restaurant would make this structure highly visible on the skyline in an area largely devoid of artificial light. This would have impacts on the Kerry International Dark Sky Reserve. I have dealt with this matter above in relation to impacts on biodiversity and I refer An Coimisiún to same. My concerns in this section relate to landscape/visual impacts. I note Objective KCDP 10-32 of the County Development Plan 2022 seeks to 'Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems)'. Given my concerns regarding impacts on water quality outlined in the Water section above, it may also have impacts on this coastal environment. Having regard to the overall scale of development proposed, together with the increased height and elevational treatment of the proposed hotel element, I consider that the proposed development would be visually intrusive at this location, would significantly detract from the character of this sensitive coastal environment and therefore would not be in compliance with Objective KCDP 10-32 of the Plan. I also consider that the proposal would be contrary to Objective KCDP 11-78 of the Plan which seeks to 'Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly upon such landscape will not be permitted'. I consider that the proposal would impact on the character, integrity, distinctiveness and scenic value of this visually sensitive landscape. I accept the need to achieve a certain scale in order for such proposals to be viable and I also accept the importance of tourism to the economy of the area. Notwithstanding this, I would recommend that permission should not be granted for a development of the scale proposed. Given its locational context, the site is particularly sensitive to developments that will significantly detract from the landscape which is so important to the economy of the County. The scale of the development is such that it is very difficult to integrate it into its surroundings, as per section 11.6.3. of the Plan. The Plan recognises that the County enjoys both national and international reputation for its scenic beauty and that it is imperative in order to maintain the natural beauty and character of the County, that these areas be protected. I consider that the proposed development, due to landscape and visual impacts would not protect the natural beauty and character of the County. I consider that any alterations to landscape and

visual would be negative, significant and of permanent, long-term duration. I recommend that permission be refused in this regard.

#### **8.15.4 Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to landscape and visual. While I welcome the renovation of the hotel structure in principle, I have serious concerns regarding the scale of the overall development and the subsequent impacts on the visual amenity and landscape character at this location.

Notwithstanding the measures put forward to minimise the impact of the proposal including extensive planting and low-rise nature of many of the proposed units, I consider that the impacts of the proposal would be negative, significant, adverse and long-term in duration. The impacts on the visual amenity would be particularly impactful at night when all of the units were lit and external lighting in place. The proposal, if permitted would also set an undesirable precedent for further similar developments in highly exposed, highly sensitive areas of natural beauty. Having regard to the examination of the environmental information provided in respect of landscape and visual, in particular in Chapter 10 of the EIAR and associated Volume IV it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will result in a significant impact and that significant adverse impacts will arise for sensitive receptors from the operations within the development site in relation to landscape and visual.

## **8.16 Noise and Vibration**

### **8.16.1 Issues Raised**

Third-parties have raised concerns in relation to noise pollution and vibrations given the nature and scale of development proposed.

The planning authority nor prescribed bodies have not raised concerns in this regard. The HSE recommends conditions in the event of permission being granted for the proposed development, including additional mitigation measures and the preparation of Noise Management Plan.

### 8.16.2 *Examination of the EIAR*

Chapter 11 of the submitted EIAR deals with noise and vibration and considers the potential effects of the proposed development on sensitive receptors. The nature and probability of effects on noise and vibration sensitive receptors arising from the overall project have been assessed. The study area comprised of the proposed development site and its immediate environs. Noise sensitive receptors that could potentially be affected by noise and vibrations as a result of the proposed development were identified- 11 in total with 1 noise monitoring location. Noise surveys were undertaken in June 2023. No limitations were encountered.

An environmental noise survey has been undertaken at the proposed development site to characterise the existing baseline noise environment. The main baseline sources were identified as being noise from sea waves, winds and intermittent traffic from cars travelling on the access road to Reenroe Beach and the other further distant surrounding roads. During the daytime period, measured noise levels were in the range 33 to 63 dB LAeq, 30 min with an average value of 44dB LAeq, 30 min. while during the night time period, measured noise levels were in the range 35 to 56 dB LAeq, 30 min with an average value of 45dB LAeq, 30 min. Predicted noise levels have been assessed against relevant noise limit criteria for both the operational and construction phases at the nearest sensitive receptors. The noise levels described are indicative only and are based on theoretical worst-case assumptions in order to demonstrate that it will be possible to undertake the works without significant noise effects. It is stated that best practice is to adopt worst case assumptions using typical sources which tends to overestimate the effect.

A baseline survey of vibration was not undertaken as existing levels in the vicinity of the proposed development are not expected to be of a magnitude sufficient to cause disturbance to people or structural damage to property.

The closest receptors to most onsite sources of noise will consist of the proposed onsite residents either in the hotel or other accommodations, visitors frequenting hotel grounds and employees. Onsite noise sources will be controlled so as to minimise noise impacts at receptors. This in turn will benefit receptors outside site

boundaries.

### Construction Impacts

The main noise sources of noise during the construction phase will include heavy machinery and support equipment used to construct the various elements including heavy earth moving machinery, generators and material transport trucks; noise emissions from plant used onsite while sporadic emissions may arise from other sources such as voices and hammering.

In the absence of mitigation, the associated construction phase noise effects within 45 metres are likely to be negative, moderate to significant, temporary to short-term, local, and direct depending on the timing, location and phase of the construction works while beyond 45 metres, construction noise effects are likely to be negative, not significant, temporary to short-term, local and direct.

Construction traffic noise will likely result in a neutral, imperceptible, temporary to short-term, local and direct effect on sensitive receptors.

There will be no significant, sources of vibration during the construction phase. No other impacts identified.

### Construction Phase Mitigation/Monitoring

Best practice mitigation techniques as specified in BS 5228:2009+A1 2014 – Noise and Vibration Control on Construction and Open Sites will be implemented during the construction phase. A number of mitigation measures have been put forward (see Chapter 11.5.1.1) including if construction limits are found to be exceeded, noise screens will be utilised around noisy plant and machinery such as generators and cutting stations. Additionally, site activities will be staggered when working in proximity to any receptor. Construction works will be outside of peak season when there are visitors to nearby receptors which are mostly holiday homes.

### Operational Impacts

In the absence of mitigation, operational traffic noise will likely result in a negative, slight to moderate, local, long term and direct effect on sensitive receptors.

In terms of inward noise, the proposed development will provide self-catering accommodation and facilities with a maximum of 972 beds or 507 bedrooms, all of which will require the absence of noise at nuisance levels. During the operation phase of the proposed development, inward noise will likely cause a neutral, imperceptible, local, long-term and direct effect on the hotel residents and self-catering accommodation residents.

Breakout noise from the proposed facilities has been assessed including from deliveries, amplified music at premises, waste management, patrons and vocalisations the leisure complex. Any sources of music will come from areas of the proposed hotel and will be approximately 180 metres from the nearest sensitive receptor. In the absence of mitigation measures, the effects from the proposed development facilities noise sources is likely to cause negative, not significant, long term, local, and direct effects to noise sensitive receptors.

Noise from mechanical plant and services has been assessed. With the implementation of design goals, the resultant noise effects from the source will be neutral, long term, imperceptible, local, and direct on noise sensitive receptors.

There will be no significant sources of vibration during the operational phase.

No other significant effects were identified.

#### Operational Phase Mitigation/Monitoring

A detailed acoustic design process with respect to building specifications is proposed. A noise management strategy will be developed to include hours of operation, staff training and signage to notify the public of the potential effect their activities, particularly at night may have on nearby residents.

#### **Other Effects**

'Do-Nothing'- No significant impacts. Noise environment is unlikely to change significantly in the near term

Cumulative- No significant cumulative effects are anticipated.

Residual- No significant residual impacts predicted

### 8.16.3 **Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 11 of the EIAR and all of the associated documentation and submissions on file in respect of noise and vibration. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory. I do not consider that the proposed development would result in any unacceptable impacts in this regard. I consider that any noise-related matters could be adequately dealt with by means of condition, if An Coimisiún were minded to grant permission.

I note third-party concerns in relation to amplification within the proposed development and impacts on nearby residents. This has been addressed in the EIAR, which states that any sources of music will come from areas of the proposed hotel building and will be approximately 180 metres from the nearest sensitive receptor. I am of the opinion that any impacts from noise and vibration on the nearest noise sensitive receptors would not be so great as to warrant a refusal of permission. I am satisfied that, if An Coimisiún is disposed towards a grant of permission, this matter could be adequately dealt with by means of condition.

### 8.16.4 **Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to noise and vibration. The planning authority or prescribed bodies have not raised concerns in this regard, subject to condition. The HSE recommends conditions, in the event of permission being granted for the proposed development. Having regard to the examination of environmental information provided in respect of noise and vibration, in particular in Chapter 11 of the EIAR, it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse

impacts will not arise for sensitive receptors from the operations within the development site in relation to noise and vibration.

## **8.17 Traffic and Transportation**

### **8.17.1 Issues Raised**

Third-parties have raised concerns regarding additional traffic in the vicinity; traffic safety, construction impacts and impacts on access to local properties

The planning authority and prescribed bodies have not raised concerns in this regard. The Roads Section of the planning authority requested Further Information in relation to a number of matters. The applicant duly responded. The Planner's Report stated that the response was referred to the Roads Department whose follow-up report states that the FI response addressed the queries raised. This follow-up report from the Roads Department does not appear to be on the digital file. This does not impact on the outcome of my recommendation.

### **8.17.2 Examination of the EIAR**

Chapter 12 of the submitted EIAR deals with traffic and transportation and assesses the impact of traffic generated by the proposed development on the existing and proposed local road and transport network. Methodology used is set out in Chapter 12.2. PICADY software was used for calculated estimates of capacity. Existing baseline traffic volumes were established on the basis of on-site morning and evening peak period traffic counts carried out August 2023 – the highest traffic volume month during the peak summer tourist season. Morning and evening peak traffic volume hours occurred during 11.00 a.m. to 12.00 noon and 4.00 p.m. to 6.00 p.m. Three junctions were examined. A Road Safety Audit was prepared and together with the PICADY Junction Capacity Analysis is included in the appendices. Collisions data for the local road network was unavailable for the preparation of this chapter. Otherwise, there were no limitations/difficulties encountered.

The subject site is located south of the R567 Regional Road and west of the N70 National Road. The entrance to the site is located approximately 300 metres south of the R567 junction, off an access road that links with Reenroe Beach. This access

road has a carriageway width of 3.2 metres, with verges on both sides.

Approximately 20 metres south of the existing site entrance, the access road widens to circa 6.4 metres, to facilitate a parking area for Reenroe Beach. The proposal provides for approximately 3475m of new private roadway.

During the construction phase, the lodges and hobbit huts/glamping pods will be delivered, assembled and constructed on site. The mobile park homes will be constructed by the suppliers and delivered by vehicle to site. Mobile homes will be delivered at a rate of up to two per week at night, during the tourist off-season. Peak construction delivery and heavy vehicle volumes would generate a peak total of 16-20 vehicles/day, both to and from site. This would not coincide with peak construction staff. Typical daily construction delivery vehicle volumes would be four to six heavy vehicles, both inbound and outbound.

During the operational phase, the proposed development will be seasonal. The proposed hotel and park homes will be operational for at least 10 months of each year from February to November. The intention is for these facilities to remain open all year round, depending on demand. The camping, hobbit huts/glamping pods and holiday lodges would be open for five months annually from May to September. The number of persons employed during the operational phase will range from 40-55 during the peak holiday season and 12-20 during the low season.

Future baseline traffic volumes were established on the basis of TII's Travel Demand Projections and the recorded 2023 traffic volumes were factored into 2026, 2031 and 2041 levels. Predicted peak season external vehicle trips daily are stated as being a total of 751 trips (377 in; 374 out). The proposed development would increase peak season peak hour vehicles on the proposed upgraded beach access road by up to 71 vehicles. Existing road junctions will continue to operate within capacity when the proposed development is fully operational.

The existing site access will be upgraded with a defined pedestrian crossing location on the upgraded beach access road immediately on the south side of the upgraded site access junction. A new access road will be provided along the northern

boundary of the site for two neighbouring holiday residential properties at the south-western corner of the proposed development site.

The proposed works include for the existing beach access road to be upgraded to include a 6m wide road carriageway, together with a shared pedestrian/cycle facility on the east side of the road, with a green verge between the road carriageway and the shared facility from the junction with the R567 to the beach. The existing parallel beach parking area south of the main site entrance on both sides of the road will be retained. The beach access road will remain open to traffic during the proposed road upgrade construction works.

The proposal seeks to maintain and upgrade the existing cliff walkway within the subject site. Public access to this walkway will be maintained. This walkway will be tarmacked and widened to 3.0 metres to improve accessibility, with all widening on the inland side of the existing walkway.

The proposed development will also include for internal bus bays and turning facility to facilitate a Rural Link bus stop.

### Construction Impacts

The construction effects of the proposed development were assessed as being slight negative to moderate negative and temporary-to-short term. No significant adverse impacts identified.

### Construction Phase Mitigation/Monitoring

Proposed mitigation measures include preparation of CEMP and Construction Management Plan. Additionally, other than during the initial construction phase (Phase 1), the proposed construction phases exclude the July and August summer tourist season, which is the peak traffic season locally.

### Operational Impacts

The operational effects of the proposed development on traffic and transportation were assessed as being slight negative to moderate negative, and long term to permanent. No significant effects identified.

### Operational Phase Mitigation/Monitoring

The proposal includes for the widening and upgrading of the existing beach access road, including a shared pedestrian and cycle facility, realigned junction tie-in at its R567 junction and provision for Rural Link public transport. It is stated that no additional operational mitigation is warranted.

### **Other Effects**

'Do-Nothing'- Existing situation will remain unchanged

Cumulative- No significant cumulative effects are anticipated during construction stage; slight to moderate and long term to permanent effects identified during operational phase

Residual- No significant residual impacts identified

### **8.17.3 Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 12 of the EIAR and all of the associated documentation and submissions on file in respect of traffic and transportation. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory. I do not consider that the proposed development would result in any unacceptable impacts in this regard.

While I note the concerns of third-parties, I consider that the information before me indicates that the proposal would not lead to the creation of a traffic hazard or obstruction of road users. The existing road infrastructure has capacity to deal with a development of the nature and scale proposed. Construction traffic will be dealt with by means of a Construction Traffic management Plan. No construction works

will take place during peak months of July and August. The proposal will involve the upgrade of the access road to Reenroe beach and cliff walk and this is welcomed.

The proposal includes for the provision of a new access road along the northern boundary of the site for two neighbouring holiday residential properties at the south-western corner of the proposed development site. Exact details pertaining to this access road would need to be clarified and I consider that these details could be adequately dealt with by means of condition, in the event of permission being granted for the proposal.

The planning authority nor Prescribed Bodies have raised concerns in this regard. I am of the opinion that any matters relating to traffic and transportation could be adequately dealt with by means of condition, if An Coimisiún is minded towards a grant of permission. The existing road network is relatively lightly trafficked and I have no information before me to believe that this existing road network does not have capacity to deal with the anticipated traffic generated by the proposed development. I have no information before me to believe that the proposed development, if permitted, would lead to the creation of a traffic hazard or obstruction of road users. I am generally satisfied in relation to traffic and transportation matters.

#### **8.17.4 Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to traffic and transportation. Having regard to the examination of environmental information provided in respect of traffic and transportation, in particular in Chapter 12 of the EIAR and associated documentation, it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impacts will not arise for sensitive receptors from the operations within the development site in relation to traffic and transportation.

## **8.18 Air and Climate**

### **8.18.1 Issues Raised**

Third-parties have raised concerns regarding dust impacts and impacts from high wind on temporary structures.

Neither the planning authority nor prescribed bodies have raised concerns in this regard. The HSE notes the dust mitigation measures contained in Chapter 13 and CEMP and recommends these by attached as conditions to any grant of permission.

### **8.18.2 Examination of the EIAR**

Chapter 13 of the submitted EIAR deals with air quality and climate. It describes and evaluates the effect which the proposed development may have on air quality and climate, together with effects on climate change. The assessment was prepared in accordance with the relevant guidelines and legislation including the Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA 2022). Scope and methodology of assessment is described in Chapter 13.2.

The nearest representative weather station collating detailed weather records is Valentia Weather Station, located approximately 10km north of the subject site. The predominant wind direction is from a south-westerly direction. The closest Natura 2000 sites are Ballinskelligs Bay and Inny Estuary SAC and Ballinskelligs Bay and Inny Estuary pNHA and Kenmare River SAC. The principal local receptors that may be effected by the development are existing dwellings to the north, west, south and east of the proposed development site. Many of these dwellings are holiday homes which are vacant for most of the year.

#### Construction Impacts

The most significant potential air quality effect from the proposed development will occur from dust emissions during the construction phase (Phase 1). As Phase 1 of will be the longest construction phase, it represents the period with the longest and largest dust emission magnitude potential- carried out over 18 months. There are 3 sensitive receptors within 20m of the EIAR boundary, including currently occupied residential properties. Based on the IAQM criteria, the worst-case sensitivity of the area to dust soiling is considered medium. The sensitivity of the area to ecological effects can be considered high given that the Ballinskelligs Bay and Inny Estuary

SAC and Ballinskelligs Bay and Inny Estuary pNHA are within 20m from the proposed development boundary.

In the absence of mitigation, dust effects are predicted to be negative, moderate to significant, short-term to temporary, localised and direct on sensitive receptors.

Construction stage traffic will likely have a negative, imperceptible, local, direct and temporary to short-term effect on air quality.

The impact of the construction phase on climate is considered likely to be negative, imperceptible, extensive, temporary to short-term and direct.

#### Construction Phase Mitigation/Monitoring

Construction works will be avoided during peak holiday periods, for Phase 2 to Phase 4. Construction during peak holiday periods will only occur during Phase 1 of the proposed development. Proactive controls of fugitive dust will ensure that the prevention of significant emissions.

Other mitigation measures include:

- a full Traffic Management Plan and Dust Management Plan will be incorporated into the Construction Environmental Management Plan (CEMP) in order to minimise dust emissions
- good site management including responding quickly to adverse weather conditions
- bowsers or suitable watering equipment will be available during periods of dry weather and
- vehicles delivering/collecting material with potential for dust emissions shall be enclosed, covered or wetted at all times to restrict the escape of dust.

Greenhouse gas (GHG) emissions shall be mitigated by site-specific mitigation measures including the prevention of vehicles from leaving engines idling and implementation of the Traffic Management Plan to minimise congestion.

### Operational Impacts

The effect to air quality from traffic emissions during the operational phase of the development will likely be negative, imperceptible, local, long-term and direct. In accordance with the EPA Guidelines (EPA, 2022) the ecological effects associated with the operational phase traffic emissions are overall neutral, imperceptible, local, long-term and direct.

During the operational stage the increase in greenhouse gas emissions will likely be negative, imperceptible, extensive, long-term and direct.

Effects associated with climate change which could potentially effect the proposed development were assessed including flood risk, coastal erosion, increased temperatures, ice/snow and major storm damage. No significant effects were identified.

In the absence of mitigation, intense storms would likely result in a negative, moderate to significant, temporary, local and direct effect on the proposed development infrastructure.

### Operational Phase Mitigation/Monitoring

Air Quality- None

GHG Emissions- EV charging points will be installed; parking for bicycles and provision for local link bus access to site

Climate Change- incorporated by design to prevent effects of climate change including effective cooling systems, structures designed for snow/ice loading and to mitigate against wind damage, floor levels designed to a level to mitigate against flood risk; landscaping

### **Other Effects**

'Do-Nothing'- Existing situation will remain unchanged

Cumulative- No significant cumulative effects are anticipated

Residual- No significant residual impacts identified

### 8.18.3 **Inspector's Evaluation and Assessment: Direct and Indirect Effects**

I have examined, analysed and evaluated Chapter 13 of the EIAR and all of the associated documentation and submissions on file in respect of air quality and climate. I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors discussed in the EIAR, which will be addressed in later sections of this report. I am satisfied that the information contained in the EIAR and other associated documents is satisfactory. I do not consider that the proposed development would result in any unacceptable impacts in relation to air quality and climate.

I note a discrepancy in the information- Chapter 12 traffic and transportation states that no construction works will take place during peak holiday months of July and August. This chapter states that construction works will take place in peak months for Phase 1 of construction. In the event of An Coimisiún being disposed towards a grant of permission, I recommend that this matter be clarified by means of condition.

The matter of management of fugitive dust has been addressed in the submitted documentation and I consider that if An Coimisiún were disposed towards a grant of permission, that this matter could be adequately dealt with by means of condition. The flood risk assessment has identified that the site is within Flood Zone C and the hotel floor is designed at a level which is above sea level and future predicted sea levels. Therefore, the risk of coastal erosion effecting the hotel directly is greatly reduced and the elevation of the proposed development provides a natural protection against the immediate effects of coastal erosion. The matter of dealing with structures during high winds has also been addressed and mitigation measures put forward. Details could be clarified if An Coimisiún is disposed towards a grant of permission.

### 8.18.4 **Conclusion: Direct and Indirect Effects**

I have examined all of the information before me in relation to air and climate. The planning authority nor Prescribed Bodies have raised concerns in this regard. The HSE have recommended conditions be attached, in the event of permission being granted for the proposal. Having regard to the examination of environmental

information provided in respect of air and climate, in particular in Chapter 13 of the EIAR, it is considered that after the application of mitigation and monitoring measures that it is reasonable to conclude that the proposed development will not result in a significant impact and that significant adverse impacts will not arise for sensitive receptors from the operations within the development site in relation to air and climate.

## **8.19 Interactions**

8.19.1 Chapter 14 of the submitted EIAR provides a collation of all proposed mitigation measures, for pre-construction, construction and operational phases. Chapter 15 provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

8.19.2 I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions in relation to all matters with the exception of Biodiversity, Water and Landscape and Visual.

8.19.3 I consider that, based on the information before me, including the relevant chapters of the EIAR, effects arising on Biodiversity, Water and Landscape and Visual cannot be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures or suitable conditions.

## **8.20 Reasoned Conclusion on the Significant Effects**

8.20.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicants, and the submissions from the planning authority, Prescribed Bodies, appellant and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans
- Biodiversity impacts relating to impacts of lighting and water quality cannot be mitigated by condition. Based on the sensitivities of the site and residual concerns by both the planning authority and NPWS, there remains unanswered questions which mitigate against providing a reasonable scientific conclusion that the proposal would not have significant effects on Biodiversity
- Land and Soils impacts mitigated by construction management measures including minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Water impacts namely wastewater treatment and water quality cannot be mitigated by best practice measures, other mitigation measures or by condition. Given the complexity of the proposed wastewater treatment measures; the scale of the development and the locational context/sensitivities of the site and its environs it cannot be stated with certainty that the proposed method of treatment will safeguard the environment.
- Landscape and Visual impacts which will not be avoided by conditions or best practice construction site management or by proposed landscaping given the exposed nature of the site; the environmental sensitivities including site located with designated High sensitivity area and the overall scale of the development proposed.
- Climate and Air Quality impacts mitigated by dust minimisation plan and good construction practices
- Traffic and Transportation impacts mitigated by the management of construction traffic; Construction and Environmental Management Plans
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.

8.20.2 The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (2022) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the

individual EIAR chapters are considered satisfactory. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described and assessed in relation to Landscape and Visual, Biodiversity and Water. I consider that they would require or justify refusing permission for the proposed development, as they could not be overcome without substantial amendments to the proposed development.

## **9.0 Recommendation**

9.1 I recommend that permission be REFUSED, for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

1. Objective KCDP 10-31 of the Kerry County Development Plan 2022-2028 seeks to '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'. Having regard to its overall scale, located in an exposed, visually sensitive coastal area removed from existing settlements, established tourism assets or main farmyard complex, the proposed development is considered to contravene this Objective of the Kerry County Development Plan 2022. Furthermore, the proposal is considered not to be in compliance with sections 1.12.2 and 10.3.5.1 of the Plan in relation to Caravan, Glamping and Camping developments and Camping/Glamping, Campervans and Caravans respectively. The proposed development, if permitted, would set an undesirable precedent for further similar development at such locations. Having regard to all of the above, the proposal is therefore considered to be contrary to the proper planning and sustainable development of the area.
2. Having regard to the locational context of the subject site and its proximity to designated sites including Ballinskelligs Bay and Inny Estuary SAC, to the scale of the proposed development and the design and complexity of the proposed

effluent treatment system, An Coimisiún is not satisfied that effluent from the development can be satisfactorily treated and/or disposed of on-site, notwithstanding the proposed use of a wastewater treatment system and associated constructed wetland. It has not been adequately demonstrated that the proposed development would not cause pollution of groundwater and surface waters and it must therefore be considered to be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale of the proposed development and concerns raised by Uisce Eireann in relation to the impact of the development on the public water supply, An Coimisiún Pleanála is not satisfied that the proposed development would not cause disruption to the public water supply in the Ballinskelligs area during periods of high demand. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
4. Objective KCDP 10-32 of the Kerry County Development Plan 2022 seeks to 'Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems)'. Having regard to the overall scale of the development proposed, together with the increased height and elevational treatment of the proposed hotel element, An Coimisiún considers that the proposed development would be visually intrusive at this location and would significantly detract from the character of this sensitive coastal environment. Furthermore, Objective KCDP 11-78 of the Plan seeks to 'Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly upon such landscape will not be permitted'. An Coimisiún considers that the proposal would impact on the character, integrity, distinctiveness and scenic value of this visually sensitive landscape by virtue of the scale, height and location of the proposed development within a designated Visually Sensitive area where there are protected views/prospects. These designations are considered reasonable. It is considered that the proposed development would

form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape and would set an undesirable precedent for other such prominently located development in the vicinity. Having regard to the above, the proposed development is considered to contravene the above objectives of the Kerry County Development Plan 2022-2028 and would be inconsistent with the proper planning and sustainable development of the area.

5. Objective 11-2 of the Kerry County Development Plan 2022-2028 seeks to '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' while Objective KCDP 11-42 seeks to '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'. Based on the information submitted and having regard to the nature, scale and locational context of the proposed development, it has not been adequately demonstrated that it would not seriously injure biodiversity interests by way of light pollution. Increased lighting/sky glow at a coastal location such as this has the potential to impact nocturnal species including avian SCI species for the 'Puffin Island SPA' and 'Deenish Island and Scariff Island SPA'. The proposal would therefore conflict with Development Plan Objectives KCDP 11-2 and KCDP 11-42 of the Kerry County Development Plan 2022-2028, would be contrary to the protection of the environment, biodiversity and natural heritage and would be inconsistent with the proper planning and sustainable development of the area.

6. Section 11.3.3.1 of the County Development Plan notes that International Dark Sky Reserves are areas recognised as possessing an exceptional or distinguished quality of starry nights and nocturnal environment specifically protected for scientific, natural, educational, cultural, heritage or public enjoyment. The subject site, which is currently devoid of artificial light, is located within the core of the Kerry International Dark-Sky Reserve, which is considered to be of international importance. The Plan recognises the potential of the Dark-Sky Reserve as a significant tourism attraction, and as a result the control of light pollution in this area is important. Objective KCDP 11-43 seeks to support the Kerry International Dark-Sky Reserve and ensure that all new external lights comply with the objectives of the Kerry International Dark Sky Reserve. Having regard to the scale of the development proposed, together with its associated lighting, it is considered that the proposal would create a substantial amount of light pollution, the management of which has not been adequately addressed in the submitted documentation. The proposal could therefore have impacts on the integrity and long-term environmental and tourism value of the Reserve and on meeting Government obligations to promote and expand dark sky places. The proposed development is therefore considered to be contrary to the section 11.3.3.1 and Objective KCDO11-43 of the Kerry County Development Plan 2022-2028 and inconsistent with the proper planning and sustainable development of the area.

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

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Lorraine Dockery  
Senior Planning Inspector

17<sup>th</sup> February 2026

## **Appendix 1- List of response received on foot of section 131 notice from An Coimisiún Pleanála**

Charlie Taylor

Stephen Kelleghan

Lyn Fellowes

Rory Fellowes

Richard Marshall

John Callaghan

Helen Richmond

DAU

Daithi O'Fionnghail

Soren Thorvald

Michael Sheehan

Roisin Ni Chionnfhaolaidh

John Houlihan

HSE

Nicola Spain

Michael Farren

Dark Sky Ireland

## Appendix 2: AA Screening Determination

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	<p>See section 2.0 above</p> <p>I have considered the proposed integrated tourism development and associated site works at Ballinskelligs, Co. Kerry in light of the requirements of S177U of the Planning and Development Act 2000 as amended.</p> <p>A detailed description of the proposed development is presented in Section 2 of my report. In summary, the subject site is located within a rural, coastal area, within a recognised visually sensitive area. It is agricultural in nature, used for grazing sheep. The subject site contains a derelict hotel structure and two-storey structure on an overall site area of 25.8 hectares. There are no watercourses within the proposed development boundary. The proposed development will be served by public water supply while a wastewater treatment plant with constructed wetlands is proposed for wastewater disposal. SUDS principles are applied. Rates of entry of potential runoff and drainage to surface waters mimic the existing drainage regime. The site is not located within a flood risk area.</p> <p>The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Integrated tourism development and associated site works.</p> <p>See Chapter 6 Land and Soils and Chapter 7 Water above.</p>

<b>Screening report</b>	Y (additionally an Addendum to AA Screening Report was submitted to the PA as part of FI response)
<b>Natura Impact Statement</b>	Y (submitted as part of Further Information response to PA)
<b>Relevant submissions</b>	<p>The planning authority have refused permission for reasons including increased lighting/sky glow at a coastal location such as this as it has the potential to impact avian SCI species for the 'Puffin Island SPA' and 'Deenish Island and Scariff Island SPA'. Permission was also refused for reasons relating to impacts on water quality. The report of the Ecologist in the PA Environmental Assessment Unit (EAU) reflects the decision of the planning authority. In relation to water quality, the EAU notes that no meaningful or realistic pathways for impact to any European site exists by way of water quality aspects. It is considered that the nearby Ballinskelligs Bay and Inny Estuary SAC nor its three QIs are not vulnerable to water quality impacts as could potentially arise. Petalwork resides above the high-water mark and saltmarsh vegetation are both geographically removed from the site and tolerant of elevated sediment and nutrient conditions, which are characteristic of estuarine environments. In relation to cough, the EAU considers that the resident cough does not form part of the Iveragh Peninsula SPA population and notes that the NPWS submission does not raise concerns in relation to potential Cough impact. In terms of operational stage lighting, the EAU report notes that the site itself is not considered suitable for SCI species of Puffin Island SPA and Deenish Island and Scariff Island SPA. Attraction to lights is especially true of some taxonomic groups including some burrow nesting seabirds. An example has been given that Manx Shearwater fledglings associated with the Blasket Islands have in the past been attracted to lighting in Dingle during the month of September. Fledglings on their maiden flights in September are more vulnerable to being disoriented or grounded by artificial lights. The EAU do not have concerns in relation to the proposed bollard lighting but note the combination impacts of all light sources on site- see assessment of Chapter 5 Biodiversity above.</p> <p>The NPWS stated that impacts of lighting on Manx Shearwater and Storm Petrel has been examined and notes that mitigation has been proposed in Section 6.3 of the NIS. However, they consider that this mitigation is very generic and is not tailored to the site. The Lighting Layout submitted with the planning application does not appear to have the recommendations put forward in Section 6.3 of the NIS incorporated into it; for example, the Lighting Layout includes bollard lighting, the use of which is discouraged as per the recommendations of the NIS.</p> <p>The NPWS is not satisfied that the concerns regarding the impacts of lighting on bird species that are Special Conservation Interests (SCI) of the nearby SPAs have been addressed. I highlight however that their report to An Coimisiún Pleanála (dated 24/09/2025) does not recommend a refusal of permission and instead recommends a condition in relation to lighting design and available lighting units in consultation with a qualified Ornithologist.</p>

Third- party submissions raise concerns regarding impacts of proposed development on designated sites and their Qualifying Interests.

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

The proposed development site is not located within any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA) but is located immediately adjacent to Ballinskelligs Bay and Inny Estuary SAC (Site Code: 00335).

Seven European sites are potentially with a zone of influence of the proposed development.

European Site (Code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening Y/N
<p><b>Ballinskelligs Bay and Inny Estuary SAC (Site Code: 00335)</b></p> <p><u>Conservation Objective</u></p> <p>Maintain or restore the favourable conservation condition of the species and habitats listed as QI/SCI for this SPA</p>	<p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p> <p><u>Ballinskelligs Bay and Inny Estuary SAC   National Parks &amp; Wildlife Service (2014)</u></p>	<p>Adjacent</p>	<p>Y</p> <p>No spatial overlap</p>	<p>Y</p> <p>As the proposed development site is located on the fringes of the SAC, a pathway for potential effects may occur</p>

<p><b>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (Site Code: 000365)</b></p> <p><u>Conservation Objective</u></p> <p>Maintain or restore the favourable conservation condition of the species and habitats listed as QI/SCI for this SAC</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	<p>5km E</p>	<p>N</p> <p>No spatial overlap identified</p> <p>No likely pathway from subject site</p>	<p>N</p> <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p>
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	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Geomalacus maculosus</i> (Kerry Slug) [1024]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p> <p><i>Alosa fallax killarnensis</i> (Killarney Shad) [5046]</p> <p><i>Vandenboschia speciosa</i> (Killarney Fern) [6985]</p> <p><u>Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC   National Parks &amp; Wildlife Service (2012)</u></p>			
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<p><b>Valencia Harbour/Portmagee Channel SAC (Site Code: 002262)</b></p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]          Large shallow inlets and bays [1160]          Reefs [1170]</p> <p><u>Valencia Harbour/Portmagee Channel SAC   National Parks &amp; Wildlife Service (2012)</u></p>	<p>5.6 km N</p>	<p>N</p> <p>No spatial overlap identified</p> <p>Waterbodies in the vicinity of the site are located in a separate catchment area than those that drain to the SAC.</p> <p>No pathway for significant effects</p>	<p>N</p> <p>The contained nature of the site (defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p>
<p><b>Iveragh Peninsula SPA (Site Code: 004154)</b></p>	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]          Peregrine (<i>Falco peregrinus</i>) [A103]          Kittiwake (<i>Rissa tridactyla</i>) [A188]          Guillemot (<i>Uria aalge</i>) [A199]          Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p> <p><u>Iveragh Peninsula SPA   National Parks &amp; Wildlife Service (2013)</u></p>	<p>3.6km SW</p>	<p>Y</p> <p>No spatial overlap identified</p> <p>A pair of chough were found within the proposed development area. Consequently, the site may be considered to contain habitat utilised by SCI bird species designated for the nearby Iveragh Peninsula SPA.</p> <p>Piscivorous bird species designated for the site may forage in coastal waters near the proposed development site.</p>	<p>Y</p> <p>Further assessment required</p>

<b>Kenmare River SAC (Site Code: 002158)</b>	<p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>European dry heaths [4030]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Submerged or partially submerged sea caves [8330]</p> <p><i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]</p>	<p>9.5km S</p>	<p>Y</p> <p>No spatial overlap identified</p> <p>Far-ranging species harbour porpoise may be found in coastal waters of Ballinskelligs Bay with NBDC records identifying them on a number of occasions where they may be foraging.</p> <p>Plausible source-pathway-receptor pathway identified via water quality impacts.</p>	<p>Y</p> <p>Further assessment required</p>

	<p>Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p><u>Kenmare River SAC   National Parks &amp; Wildlife Service</u> (2013)</p>			
<p><b>Puffin Island SPA</b> <b>(Site Code: 004003)</b></p>	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Manx Shearwater (Puffinus puffinus) [A013]</p> <p>Storm Petrel (Hydrobates pelagicus) [A014]</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183]</p> <p>Razorbill (Alca torda) [A200]</p> <p>Puffin (Fratercula arctica) [A204]</p> <p><u>Puffin Island SPA   National Parks &amp; Wildlife Service</u> (2010)</p>	10.5km W	<p>Y</p> <p>No spatial overlap identified</p> <p>Far-ranging and dynamic seabird species such as Manx Shearwater may forage within the vicinity of the proposed development where interactions may occur.</p> <p>Storm Petrel and Manx Shearwater are sensitive to artificial lighting which will increase during the operational phase of the development.</p> <p>Plausible source-pathway-receptor pathway identified.</p>	<p>Y</p> <p>Further assessment required</p>
<p><b>Deenish Island and Scariff Island SPA</b> <b>(Site Code: 004175)</b></p>	<p>Fulmar (Fulmarus glacialis) [A009]</p> <p>Manx Shearwater (Puffinus puffinus) [A013]</p> <p>Storm Petrel (Hydrobates pelagicus) [A014]</p>	10.7km S	<p>Y</p> <p>No spatial overlap identified</p>	<p>Y</p> <p>Further assessment required</p>

	<p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p><u>Deenish Island and Scariff Island SPA   National Parks &amp; Wildlife Service (2013)</u></p>		<p>Far-ranging and dynamic seabird species such as Manx Shearwater may forage within the vicinity of the proposed development where interactions may occur.</p> <p>Storm Petrel and Manx Shearwater are sensitive to artificial lighting which will increase during the operational phase of the development.</p> <p>Plausible source-pathway-receptor pathway identified.</p>	
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

<b>Site name</b> <b>Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Ballinskelligs Bay and Inny Estuary SAC (Site Code: 00335)</b>	<p>Direct:</p> <p>None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Loss of grassland/agricultural land</p> <p>Indirect:</p> <p>Potential for impacts on water quality</p>	<p>The project is not directly connected with or necessary to the management of this European Site.</p> <p>It is stated by applicants that there is limited potential for significant effects to water quality to arise when the Sequential Batch Reactor system, including tertiary treatment, and constructed wetlands are implemented. Following tertiary treatment, treated effluent will be pumped from the WWTP to the proposed constructed wetland ponds where it will undergo further tertiary treatment. As the effluent leaving the proposed system will be of high quality, the potential effects on water quality within the existing surface drainage network/local</p>

		<p>groundwater resource are unlikely to result in significant effects. In the occurrence of a system failure within the WWTP, the system is designed to allow for additional storage capacity and back-up power supply should such an event occur.</p> <p>The inclusion of hydrocarbon interceptors will prevent any petrol or oils from entering coastal waters from existing drains and the implementation of sustainable drainage systems will ensure rates of entry of potential runoff and drainage to surface waters mimic the existing drainage regime.</p> <p>I have raised concerns from an environmental viewpoint in relation to possible impacts on water quality arising from the proposed WWTP and constructed wetland. From an AA perspective, I consider that QI are not vulnerable to water quality impacts as could potentially arise. Petalwork resides above the high-water mark and saltmarsh vegetation are both geographically removed from the site and tolerant of elevated sediment and nutrient condition.</p> <p>As stated, my concerns relating to impact on water quality detailed above in the EIAR assessment relate to environmental concerns and are not concerns in the context of appropriate assessment and/or impacts on the conservation objectives of designated Natura 2000 sites.</p> <p>Possibility of significant effects can be ruled out without further analysis and assessment.</p>
<p><b>Killarney National Park SAC (Site Code: 000365),</b></p>	<p>Direct: None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Indirect:</p>	<p>The project is not directly connected with or necessary to the management of this European Site.</p> <p>Given the relatively isolated coastal location of the site, together with the intervening distance between SAC and proposed development site, there is no likely pathway for potential effects to occur.</p> <p>Possibility of significant effects can be ruled out without further analysis and assessment.</p>

<b>Valencia Harbour/ Portmagee Channel SAC (Site Code: 002262)</b>	Direct: None  Indirect: None	The project is not directly connected with or necessary to the management of this European Site.  Possibility of significant effects can be ruled out without further analysis and assessment
<b>Iveragh Peninsula SPA (Site Code: 004154)</b>	Direct: Habitat loss/alteration with the removal of chough nesting habitat within the derelict hotel. No risk of fragmentation or any other direct impact  Loss of grassland/agricultural land  Indirect: Impacts on water quality	Uncertainty as to whether a pair of chough and/or those observed foraging within the hotel ground during winter surveys form part of the population of the Iveragh Peninsula. Habitat loss as a result of proposed works will result.  In terms of water quality, in light of distance, significant dilution factor, and implementation of sustainable drainage systems and hydrocarbon interceptors during the construction phase, there is no likely significant effects to water quality which may impact the SCI bird species.  No viable pathway for any significant direct or indirect effects to SCI bird species to occur and there is no likelihood of significant effects to water quality arising from the proposed development which may affect SCI bird species designated for the Natura 2000 sites.  My concerns relating to impact on water quality detailed above in the EIAR assessment relate to environmental concerns and are not concerns in the context of appropriate assessment and/or impacts on the conservation objectives of designated Natura 2000 sites.  Possibility of significant effects on Chough cannot be ruled out without further analysis and assessment
<b>Kenmare River SAC (Site Code: 002158)</b>	Direct: None. No risk of habitat loss, fragmentation or any other direct impact  Loss of grassland/agricultural land  Indirect:	No significant effects to water quality are likely to occur to the Kenmare River SAC for which Harbour Porpoise is designated. The impact mechanism and QI cetacean species are screened out for further assessment.  My concerns relating to impact on water quality detailed above in the EIAR assessment relate to environmental concerns and are not concerns in the context of appropriate assessment and/or impacts on the conservation objectives of designated Natura 2000 sites.

	Potential for the release of silt, sediment and hydrocarbons to enter coastal waters via run-off and by existing drains thus entering coastal waters wherein harbour porpoise may forage for fish.	Possibility of significant effects can be ruled out without further analysis and assessment
<b>Puffin Island SPA (Site Code: 004003)</b>	<p>Direct:</p> <p>None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Habitat loss/alteration</p> <p>Species disturbance /displacement</p> <p>Indirect:</p> <p>Impacts of artificial light on Manx Shearwater and Petrels</p> <p>Impacts on water quality</p> <p>Noise impacts</p>	<p>Certain SCI bird species such as Storm Petrel and Manx Shearwater are highly sensitive to artificial lighting which will increase during the operational phase and therefore, in consideration of the proposed lighting during the operational phase, likely significant disturbance effects to SCI birds designated for these SPAs cannot be ruled out at this stage.</p> <p>In terms of water quality, in light of distance, significant dilution factor, and implementation of sustainable drainage systems and hydrocarbon interceptors during the construction phase, there is no likely significant effects to water quality which may impact the SCI bird species. No viable pathway for any significant direct or indirect effects to SCI bird species to occur and there is no likelihood of significant effects to water quality arising from the proposed development which may affect SCI bird species designated for the Natura 2000 sites.</p> <p>My concerns relating to impact on water quality detailed above in the EIAR assessment relate to environmental concerns and are not concerns in the context of appropriate assessment and/or impacts on the conservation objectives of designated Natura 2000 sites.</p> <p>Construction phase effects such as noise will be limited to the immediate vicinity of the works area and will not have significant effects.</p> <p>Possibility of significant effects from artificial light on SCI species cannot be ruled out without further analysis and assessment</p>
<b>Deenish Island and Scariff Island SPA (Site Code: 004175)</b>	<p>Direct:</p> <p>None. No risk of habitat loss, fragmentation or any other direct impact</p> <p>Habitat loss/alteration</p>	<p>Certain SCI bird species such as Storm Petrel and Manx Shearwater are highly sensitive to artificial lighting which will increase during the operational phase and therefore, in consideration of the lighting proposed during the operational phase of the proposed development, likely significant disturbance effects to SCI birds designated for these SPAs cannot be ruled out at this stage.</p>

	<p>Species disturbance /displacement</p> <p>Indirect:</p> <p>Impacts of artificial light on Manx Shearwater and Petrels</p> <p>Noise impacts</p>	<p>In terms of water quality, in light of distance, significant dilution factor, and implementation of sustainable drainage systems and hydrocarbon interceptors during the construction phase, there is no likely significant effects to water quality which may impact the SCI bird species. No viable pathway for any significant direct or indirect effects to SCI bird species to occur and there is no likelihood of significant effects to water quality arising from the proposed development which may affect SCI bird species designated for the Natura 2000 sites.</p> <p>My concerns relating to impact on water quality detailed above in the EIAR assessment relate to environmental concerns and are not concerns in the context of appropriate assessment and/or impacts on the conservation objectives of designated Natura 2000 sites.</p> <p>Construction phase effects such as noise will be limited to the immediate vicinity of the works area and will not have significant effects.</p> <p>Possibility of significant effects from artificial light on SCI species cannot be ruled out without further analysis and assessment</p>
	<b>Likelihood of significant effects from proposed development (alone):Y</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
<b>Further Commentary / discussion</b>		
<p>I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within the submitted reports (including Addendum Report) is considered sufficient to allow me to undertake</p>		

an Appropriate Assessment screening of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, bird surveys, bat surveys, Construction and Environmental Management Plan and Outdoor Lighting details.

I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

#### Invasive Species

During ecological field surveys of the study area, three high-impact invasive plant species listed under the Third Schedule of the European Communities Regulations 2011 (S.I. 477 of 2015) were recorded on-site- Japanese knotweed, giant rhubarb and rhododendron (*Rhododendron ponticum*)- see Chapter 5.3.7 of submitted EIAR. The distribution of Japanese knotweed was found to be highly restricted within the site, occurring in one location within the conifer treeline adjoining the existing site access lane. The extent of infestation was extremely localised. A single immature giant rhubarb plant was recorded several metres away, also within the conifer treeline. The ground in this area looks to have been previously disturbed and/or had material disposed of at this location, which is a potential source of the infestation. One rhododendron plant was also recorded in the same general area. It is acknowledged in the EIAR that treatment/management of invasive species has potential for inadvertent habitat/flora impacts through potential use of chemical herbicides and risk to surrounding flora and/or water quality, and/or risk of spread within the site where physical treatments are employed or use of plant and machinery within or near infestations is required. Chapters 5.5.2.16 and 5.5.2.17 set out a number of biosecurity and management measures that seek to reduce the risk/introduction/spread of invasive species in the area.

Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from the identified invasive species due to the distances involved and limited extent of infestation. I am of the opinion that there is no significant risk of alteration of habitat due to spread of invasive plant species due to the distances involved and extent of infestation. I am screening this out for all designated sites, due to the nature of the development proposed, distances from designated sites; together with the conservation objectives of the designated sites. There are unlikely to be significant effects in this regard. I am satisfied in this regard. I recommend that if An Coimisiún is disposed towards a grant of permission, an invasive species management plan should be prepared which will ensure that the plants are not spread during construction. This will include appropriate treatment and training for site personnel. This matter could be adequately dealt with by means of condition.

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

Based on the information provided in the screening report (including Addendum Report), site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on **Deenish Island and Scariff Island SPA (Site Code: 004175), Puffin Island SPA (Site Code: 004003) and Iveragh Peninsula SPA (Site Code:**

**004154).** I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SPAs when considered in relation to impacts from artificial light pollution related pressures on QIs and disturbance on QI chough habitats and species.

I therefore consider that it is not possible to exclude the possibility that proposed development alone would result significant effects on **Deenish Island and Scariff Island SPA (Site Code: 004175), Puffin Island SPA (Site Code: 004003) and Iveragh Peninsula SPA (Site Code: 004154).**

An appropriate assessment is required on the basis of the possible effects of the project. Further assessment of in-combination with other plans and projects is also required at screening stage.

### **Screening Determination**

#### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the **Deenish Island and Scariff Island SPA (Site Code: 004175), Puffin Island SPA (Site Code: 004003) and Iveragh Peninsula SPA (Site Code: 004154)** in view of the conservation objectives of a number of qualifying interest features of these sites.

It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

**Inspector:** Lorraine Dockery

**Date:** 17<sup>th</sup> February 2026

## Appendix 3: AA Determination

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of **Deenish Island and Scariff Island SPA (Site Code: 004175)**, **Puffin Island SPA (Site Code: 004003)** and **Iveragh Peninsula SPA (Site Code: 004154)** based on scientific information provided by the applicant.

Table 5-3 of the NIS sets out the selection of Qualifying Features for impact assessment. The Qualifying Interests of assessment for **Deenish Island and Scariff Island SPA (Site Code: 004175)** and **Puffin Island SPA (Site Code: 004003)** are impacts on Shearwater Manx and Storm Petrel.

The Qualifying Interests of assessment for **Iveragh Peninsula SPA (Site Code: 004154)** is chough.

There is no potential for significant effects on any other Qualifying Interests and thus the NIS states that assessment is not required. I would concur with this assertion.

The information relied upon includes the following:

- Natura Impact Statement prepared by MWP, Engineering and Environmental Consultants

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

**Submissions/observations**

Third- party submissions- concerns regarding impacts of proposal on SCI species of designated sites.  
See Appendix 2 above for comments of planning authority and NPWS.

**NAME OF SAC/ SPA (SITE CODE): Deenish Island and Scariff Island SPA (Site Code: 004175)**

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

**(i) Impacts of artificial lighting on Manx Shearwater and Storm Petrel during the operational phase of development**

**See Table 5-3 of NIS**

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)  NIS section 6
Manx Shearwater (Puffinus puffinus) [A013]	Maintain the favourable conservation condition  <u>Attributes/Target</u>	Impacts from increased artificial lighting, particularly during operational phase. This species is particularly sensitive to artificial light sources.	See Table 6.2 of NIS- Operational Phase

	<p>Breeding population size- long term population trend stable or increasing.</p> <p>Productivity Rate- sufficient to maintain a stable or increasing population</p> <p>Distribution- sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population. Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target</p> <p>Disturbance at breeding site- Disturbance occurs at levels that do not significantly impact on birds at the breeding site</p> <p>Disturbance at areas ecologically connected to the colony- occurs at levels that do not significantly impact on breeding population</p> <p>Barriers to connectivity- barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA</p>	<p>Potential for significant effects during operational phase including disturbance, disorientation, forced landings, decreased fitness and increased mortality in sensitive species. Therefore, assessment is required regarding the adverse effects on the integrity of the SPA with regards to this species.</p>	<p>Guidelines incorporated into Lighting Plan- will remain in place throughout the operational phase.</p>
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<p>Storm Petrel (Hydrobates pelagicus) [A014]</p>	<p>Maintain the favourable conservation condition</p> <p><u>Attributes/Target</u></p> <p>Breeding population size- long term population trend stable or increasing.</p> <p>Productivity Rate- sufficient to maintain a stable or increasing population</p> <p>Distribution- sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population. Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target</p> <p>Disturbance at breeding site- occurs at levels that do not significantly impact on birds at the breeding site</p> <p>Disturbance at areas ecologically connected to the colony- occurs at levels that do not significantly impact on breeding population</p>	<p>Impacts from increased artificial lighting, particularly during operational phase. This species is particularly sensitive to artificial light sources.</p> <p>Potential for significant effects during operational phase including disturbance, disorientation, forced landings, decreased fitness and increased mortality in sensitive species. Therefore, assessment is required regarding the adverse effects on the integrity of the SPA with regards to this species.</p>
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	Barriers to connectivity- barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA		
<p><b>NAME OF SAC/ SPA (SITE CODE): Puffin Island SPA (Site Code: 004003)</b></p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b></p> <p><b>(i) Impacts of artificial lighting on Manx Shearwater and Storm Petrel during the operational phase of development</b></p> <p><b>See Table 5-3 of NIS</b></p>			
Manx Shearwater (Puffinus puffinus) [A013]	<p>Maintain the favourable conservation condition</p> <p><u>Attributes/Target</u></p> <p>Breeding population size- long term population trend stable or increasing.</p> <p>Productivity Rate- sufficient to maintain a stable or increasing population</p> <p>Distribution- Sufficient availability of suitable nesting sites throughout the SPA to maintain a stable or increasing population. Sufficient number of locations, area of suitable</p>	<p>Impacts from increased artificial lighting, particularly during operational phase. This species is particularly sensitive to artificial light sources.</p> <p>Potential for significant effects during operational phase including disturbance, disorientation, forced landings, decreased fitness and increased mortality in sensitive species. Therefore, assessment is required regarding the adverse effects on the integrity of the SPA with regards to this species.</p>	<p>See Table 6.2 of NIS- Operational Phase Guidelines incorporated into Lighting Plan- will remain in place throughout the operational phase.</p>

	<p>habitat and available forage biomass to support the population target</p> <p>Disturbance at breeding site- Disturbance occurs at levels that do not significantly impact on birds at the breeding site</p> <p>Disturbance at areas ecologically connected to the colony- Disturbance occurs at levels that do not significantly impact on breeding population</p> <p>Barriers to connectivity- Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA</p>		
<p>Storm Petrel (Hydrobates pelagicus) [A014]</p>	<p>Maintain the favourable conservation condition</p> <p><u>Attributes/Target</u></p> <p>Breeding population size- long term population trend stable or increasing.</p> <p>Productivity Rate- sufficient to maintain a stable or increasing population</p> <p>Distribution- Sufficient availability of suitable nesting</p>	<p>Impacts from increased artificial lighting, particularly during operational phase. This species is particularly sensitive to artificial light sources.</p> <p>Potential for significant effects during operational phase including disturbance, disorientation, forced landings, decreased fitness and increased mortality in sensitive species. Therefore, assessment is required regarding the adverse effects</p>	<p>See Table 6.2 of NIS- operational phase Guidelines incorporated into Lighting Plan- will remain in place throughout the operational phase.</p>

	<p>sites throughout the SPA to maintain a stable or increasing population. Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target</p> <p>Disturbance at breeding site- Disturbance occurs at levels that do not significantly impact on birds at the breeding site</p> <p>Disturbance at areas ecologically connected to the colony- Disturbance occurs at levels that do not significantly impact on breeding population</p> <p>Barriers to connectivity- Barriers do not significantly impact the population's access to the SPA or other ecologically important sites outside the SPA</p>	<p>on the integrity of the SPA with regards to this species.</p>
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<p><b>NAME OF SAC/ SPA (SITE CODE): Iveragh Peninsula SPA (Site Code: 004154)</b></p> <p><b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b></p> <p><b>(i) Habitat loss/disturbance for chough</b></p> <p><b>See Table 5-3 of NIS</b></p>			
<p>Chough (Pyrrhocorax pyrrhocorax) [A346]</p>	<p>Restore the favourable conservation condition</p> <p><u>Attributes/Target</u></p> <p>Population size/trend- breeding population is increasing. Population trend stable or increasing</p> <p>Productivity Rate- sufficient to maintain population size target</p> <p>Foraging Habitat- maintain sufficient quality and quantity of coastal grassland and other relevant habitats to support the population targets</p> <p>Food Availability- maintain adequate levels of prey biomass</p> <p>Distribution of roosting sites- The distribution of preferred roosts is maintained</p>	<p>A pair of chough and/or their offspring reside within the derelict hotel. They potentially comprise part of the Iveragh Peninsula SPA. There is potential for significant effects on chough. Assessment is required regarding the adverse effects on the integrity of the SPA with regard to this species.</p>	<p>See Table 6.1 of NIS- Construction Phase</p> <p>Exclusion of chough will be implemented where the nest-site has been identified</p> <p>Installation of two different types of artificial nests within the site</p> <p>Off-site chough nesting platform will be constructed in advance of construction works</p> <p>Second alternative nest/roost-site provided</p> <p>Regular monitoring of the chough nest-boxes/platforms is to be carried out</p> <p>A chough breeding season survey is to be undertaken by a suitably qualified ecologist to assess breeding activity and determine the outcome of the nests</p>

	Disturbance- occurs at levels that do not significantly impact upon chough in the SPA	
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

### Assessment of issues that could give rise to adverse effects view of conservation objectives

#### Deenish Island and Scariff Island SPA (Site Code: 004175) and Puffin Island SPA (Site Code: 004003)

The same matters relate to both designated sites, therefore I shall deal with them together in the interests of brevity.

##### (i) Impacts of artificial light

Potential impacts of the proposed development relate to impacts on Manx Shearwater and Storm Petrel as a result of increased artificial light, during the operational phase of development was identified and it was acknowledged that there is potential for significant effects. The Conservation Objectives for both sites are identified above, together with link to NPWS website. The Conservation Objectives in relation to Disturbance at breeding site for both designated sites states that disturbance occurs at levels that do not significantly impact on birds at the breeding site.

The NPWS states that **Deenish Island and Scariff Island SPA** is a site of high ornithological importance on account of the internationally important population of Storm Petrel and nationally important populations of Manx Shearwater. The islands support important populations of breeding seabirds. The Seabird 2000 survey recorded 1,960 pairs of Manx Shearwater on Scariff Island and 351 pairs on Deenish in 2000, giving a total of 2,311 pairs which is equivalent to c. 5% of the national total. On Scariff, the shearwaters breed in burrows on the cliff tops on the south and west of the island. Birds also breed within the ruins, including the souterrain below the oratory. On Deenish, birds breed in burrows on steep grassy slopes with rock outcrops in a limited area on the south-east side of the island. Scariff Island has long been known as a breeding site for Storm Petrel. Whilst there are no recent survey data for this nocturnal species, an estimate of 6,200 pairs is given for the two islands. Given that the species breed on the islands, the subject development site is therefore not a breeding ground for either QI and disturbance to the breeding site is therefore unlikely.

The NPWS states that **Puffin Island SPA** that it is one of the most important seabird sites in Ireland. In the Seabird 2000 survey, it supported internationally important populations of Storm Petrel (5,177 pairs) and Manx Shearwater (6,329 pairs). Puffin Island is the second most important site in Ireland for Manx Shearwater. Puffin Island SPA is of international importance for its breeding seabird assemblage. As above, given that the species breed on the island, the subject site is therefore not a breeding ground for either QI and disturbance to the breeding site is therefore unlikely.

The conservation objectives for Manx Shearwater and Storm Petrel for both designated sites aims to maintain the favourable conservation condition of the species.

The Conservation objectives for both designated sites states in relation to 'disturbance at areas ecologically connected to the colony' that disturbance occurs at levels that do not significantly impact on breeding population. I note that impacts from artificial lighting are not explicitly referenced for either designated site. However, the conservation objectives note that factors such as intensity, frequency, timing, and duration of a (direct or indirect) disturbance source must be taken into account to determine the potential impact upon the targets for population size and spatial distribution.

I also note the distance of the proposed designated sites from the development site, both over 10km distant. No habitat loss or alteration is envisaged for Manx Shearwater or Storm Petrel. The proposed development area does not contain suitable foraging or breeding habitat for either species

Notwithstanding the above, both Manx Shearwater and Storm Petrel are nocturnal species and forage for fish at sea and then return to the islands under darkness. They breed during the summer months on the islands, at a time when the proposed development would be at its peak season. Fledglings on their maiden voyage in September are more vulnerable to being disoriented or grounded by artificial lights. An example has been given by the planning authority that Manx Shearwater fledglings associated with the Blasket Islands have in the past been attracted to lighting in Dingle during the month of September.

Notwithstanding the submission of Further Information which sought to, inter alia, address the concerns of the NPWS in this regard. I note the residual concerns of the NPWS, in particular with regards the mitigation measures put forward in the NIS and their incorporation into the Lighting Layout Plan. The applicant has submitted a response which seeks to address the concerns regarding the proposed lighting bollards, together with additional mitigation measures detailed above.

The EAU of the planning authority are satisfied with the bollard lighting put forward and their concerns relate to the cumulative impacts of all lighting on site, including from buildings, external lighting and lights from vehicles. These have a greater potential to impacts on the QI and other species, given the overall scale of the development, the rural area in which it is proposed which is largely devoid of artificial light and its prominent settling. I would concur with these assertions. I have similar concerns relating to the overall impacts of the proposed lighting of the development in its entirety, including the additional floor to the hotel building which is comprised of a significant amount of glazing thus making any lighting therein additionally visible.

While noting the response by the first party to the NPWS concerns, I too consider that the mitigation measures put forward are too generic in nature and not specific to this sensitive site. I consider that a comprehensive lighting scheme for the entirety of the scheme, prepared in consultation with appropriate professionals, which addresses at the outset the possible significant effects on these QI species needs to be put forward.

Based on the sensitivities of the site, the residual concerns raised by the NPWS and the concerns of the planning authority, I consider that there are unanswered questions regards impacts of artificial lighting within the proposed development on these two QI species. For that reason, I recommend a refusal of permission in this regard.

## Iveragh Peninsula SPA (Site Code:004154)

### (i) Impacts on chough from disturbance

All other species, aside from chough, were deemed outside the zone of influence. Potential impacts of the proposed development relate to loss of habitat/disturbance as a result of the removal of their nesting area from the derelict hotel during the construction phase of development.

Chough is a coastal bird species primarily found along Ireland's western seaboard, from Donegal to Wexford. It inhabits short-cropped grasslands, such as clifftops, dunes, and grazed heathlands, where it feeds on invertebrates and other insects. The Iveragh Peninsula SPA is a significant area for choughs and meets the criteria for it to be considered an Important Bird Area (IBA). The SPA encompasses a huge area of coastline (c. 3,487 ha) representing a mix of marine coastal/supratidal areas, mesophile grasslands, and heathland areas. There is an abundance of such habitats through the range of the SPA. The conservation objectives for chough within the Iveragh Peninsula SPA aim to restore the favourable conservation condition of the species.

There is no spatial overlap between the proposed development site and this SPA, therefore direct habitat loss will not occur.

During the initial site visit, a pair of breeding chough were identified utilising the derelict hotel for nesting and as a winter roost site. This pair was monitored during both the 2022 and 2023 breeding seasons (including an extended period into June 2023). Chough roosting activity within the hotel by the same pair was monitored during winter 2022/23. The pair were also identified foraging in the vicinity of the hotel structure.

The proposed development will require the removal of the chough nest within the derelict hotel. This will disturb the resident pair of chough and result in disturbance and displacement of the species occurring within the proposed development site. Furthermore, the development of the site will displace chough where grass habitats are removed in the immediate environs of the derelict hotel where chough have been observed to forage during surveying.

It is difficult to ascertain with certainty whether the pair or their potential future offspring constitute part of the population designated for the Iveragh Peninsula SPA. However, taking a precautionary approach, the loss of the building and the chough nest site it supports is considered potential habitat loss and/or alteration for chough associated with the Iveragh Peninsula SPA, located 3.6km to the west of the proposed development. Consequently, on a precautionary basis, mitigation is required to offset potential loss to chough habitat located within the proposed development site as a result of the construction phase.

The operational phase will not introduce any new sources of disturbance/displacement effects to SCI species.

**Mitigation measures and conditions- Deenish Island and Scariff Island SPA (Site Code: 004175) and Puffin Island SPA (Site Code: 004003)**

The focus of mitigation measures relates to the provision of a Lighting Plan and measures included therein to avoid/minimise unnecessary lighting- see section 6.3 and Table 6.2 of NIS. As detailed above, I consider that there are unanswered questions in relation to this matter and I am not satisfied that the implementation and installation of the above mitigation measures will prevent the harmful significant effects of artificial lighting on sensitive seabirds including Manx Shearwater and Storm Petrel.

I am not satisfied that the preventative measures will reduce possible effects to a non-significant level and adverse effects can be prevented. I recommend that permission is refused in this regard.

**Mitigation measures and conditions- Iveragh Peninsula SPA (Site Code:004154)**

The focus of mitigation measures proposed are at providing alternative nest sites/shelters. This is to be achieved via exclusion measures for chough which will be implemented throughout the hotel bedroom block where the nest-site has been identified, application of specific mitigation measures and monitoring effectiveness of these measures. Detail is provided on the exclusion measures and on the type of nest boxes proposed, their construction, location and monitoring. See Table 6.4 of NIS.

I am satisfied that the preventative measures will reduce possible effects to a non-significant level and adverse effects can be prevented. If An Coimisiún is disposed towards a grant of permission, mitigation measures related to chough could be adequately dealt with by means of condition.

**In-combination effects**

I am satisfied that in-combination effects has been assessed adequately in the NIS. Plans and projects that could act in combination with the proposed development are detailed and assessed. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

**Findings and conclusions**

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

In terms of QI species for **Iveragh Peninsula SPA (Site Code:004154)**, direct impacts are predicted on chough but mitigation measures are proposed, which are considered satisfactory. Monitoring measures are also proposed. Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for **Iveragh Peninsula SPA**. I am satisfied that the mitigation measures proposed to prevent effects of habitat

loss/disturbance for chough have been assessed as effective and can be implemented and conditioned if permission is granted. Neither the planning authority nor the NPWS have raised concerns in this regard.

Based on the information provided, I am not satisfied that adverse effects arising from aspects of the proposed development can be excluded for **Deenish Island and Scariff Island SPA (Site Code: 004175) and Puffin Island SPA (Site Code: 004003)**. I am not satisfied that the mitigation measures proposed to prevent effects of artificial lighting on QI Manx Shearwater and Storm Petrel have been assessed as effective and can be implemented and I recommend a refusal of permission in this regard. Both the planning authority and the NPWS have also raised concerns in this regard.

#### **Reasonable scientific doubt**

I consider that reasonable scientific doubt remains as to the absence of adverse effects QI of **Deenish Island and Scariff Island SPA and Puffin Island SPA** in particular relating to Manx Shearwater and Storm Petrel.

#### **Site Integrity**

The proposed development will affect the attainment of the Conservation Objectives of the **Deenish Island and Scariff Island SPA and Puffin Island SPA**. Adverse effects on site integrity cannot be excluded and reasonable scientific doubt remains as to the absence of such effects.

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

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on **Deenish Island and Scariff Island SPA (Site Code: 004175), Puffin Island SPA (Site Code: 004003) and Iveragh Peninsula SPA (Site Code: 004154)** in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the **Iveragh Peninsula SPA (Site Code: 004154)** can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Iveragh Peninsula SPA (Site Code: 004154)

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the **Deenish Island and Scariff Island SPA (Site Code: 004175) and Puffin Island SPA (Site Code: 004003)** cannot be excluded in view of the conservation objectives of these sites and that reasonable scientific doubt remains as to the absence of such effects- primarily effects of artificial lighting on QI species associated with these designated sites.

**Inspector:** Lorraine Dockery

**Date:** 17<sup>th</sup> February 2026