

Ref: dt/25609

Date: 3rd September 2025

An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1 D01 V902

Re: Case Number ABP-319843-24 - Proposed Development for a Facility Centre for Water based Activities Magherabeg Beach, Castlegregory, in the Townland of Magherabeg, Co. Kerry.

Subject: Response to Request for Further Information in relation to the effects of the environment of the proposed development.

Dear Sir/Madam

MWP, on behalf of our Clients Kerry County Council, hereby submit this response to the further information request received from An Coimisiún Pleanála (previously An Bord Pleanála) dated 10th February pertaining to the above referenced Application (Case No ABP-319843-24).

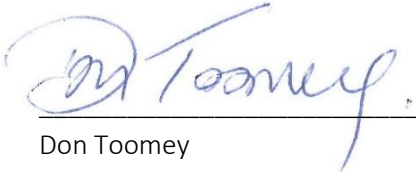
Our response to each further information item is provided below under the relevant heading. The response is supported by the following documentation and drawings:

- Wastewater Treatment System Design Report (Document No. 25609-ZZ-ZZZ-RP-MWP-CE-6001)
- Water Framework Directive Compliance Assessment (Document No. 25609-ZZ-ZZZ-RP-MWP-EN-6002)
- Outline Construction Environmental Management Plan (OCEMP) (Document No. 25609-ZZ-ZZZ-RP-MWP-EN-6003)
- Environmental Impact Assessment Screening Report (Document No. 25609-ZZ-ZZZ-RP-MWP-EN-6004)
- Natura Impact Assessment (NIS) (Document No. 25609-ZZ-ZZZ-RP-MWP-EC-6005)
- Visitor and Wildlife Management Plan (Document No 25609-ZZ-ZZZ-RP-MWP-EC-6006)
- Drawing No 23173-MWP-00-01-DR-C-0100-P02 (Proposed Site Layout)
- Drawing No 23173-MWP-00-01-DR-C-0101-P02 (Site Location Map)
- Drawing No 23173-MWP-00-00-DR-C-0103-P01 (Proposed Percolation Area)

- Drawing No 23173-MWP-00-01-DR-C-0105-P09 (Proposed Drainage Layout)
- Drawing No 23173-MWP-00-01-DR-C-1204-P02 (Proposed Treatment System Section)
- Drawing No 23173-MWP-00-01-DR-C-0420-P02 (SBR treatment System Details)

I trust this response satisfactorily addresses the requested information.

Yours sincerely,

A handwritten signature in blue ink that reads "Don Toomey". The signature is written in a cursive style with a large initial "D".

Don Toomey
for MWP

Request 1 – Drawings/Plans and Levels

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

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

The applicant is therefore requested to:

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

Response to Request 1

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

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

Request 2 – Wastewater Treatment

No information has been provided regarding the water quality of the discharge from the proposed wastewater treatment system in terms of the removal or reduction of nutrients and other chemicals that will be expected to be found in the wastewater. The Project Explanatory Report does not go into any specific detail on this. The following is therefore requested;

- i. Details should be provided on the proposed quality of the discharge that the system can achieve and provide a summary of the key parameters and anticipated values.
- ii. Using the information determined under point i. above, an evaluation of the impact of treated wastewater treatment system on the receiving water should be undertaken. This assessment should be undertaken by a competent professional and should also include an examination of the proposal in terms of compliance with the objectives of the Water Framework Directive (WFD). Details and results of this assessment to be submitted.

Response to Request 2

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

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

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

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

See also attached updated Drawings:

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

As well as additional drawing:

- Drawing No 23173-MWP-00-00-DR-C-0103-P01 (Proposed Percolation Area Layout)

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

Request 3 – Construction and Environmental Management Plan

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

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

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

Response to Request 3

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

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

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

Request 4 – Update Natura Impact Statement (NIS)

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

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

Section 2.1.1 of the NIS refers to:

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

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

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

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

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

The Applicant is therefore requested to:

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

In addition to the above issues, there are also concerns regarding access to the adjoining designated Natura 2000 sites, in particular beach access which is facilitated from the subject site. Given that the facility would attract an increase in users and as a result increased visitors to the surrounding sensitive areas, a Visitor Management Plan is considered a necessary measure. The applicant is therefore requested to:

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

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

Response to Request 4

- (i) The updated civil services proposals clarifies the proposed treatment systems for foul effluent, and stormwater. It is not proposed to treat ‘grey water’ separately from foul effluent. All effluent from toilets, hot showers, sinks and the cleaners sink will be treated in the SBR unit treatment system. All stormwater runoff as well as saltwater washdown from the external coldwater showers will be directed to a separate soakaway. These proposals are now consistent throughout all drawings and revised supporting documents.

- (ii) An updated and revised outline Construction Environmental Management Plan (OCEMP) has been prepared. Refer to MWP Document **25609-ZZ-ZZZ-RP-MWP-EN-6003 Outline Construction Environmental Management Plan (OCEMP)**.
- (iii) The submitted drawings 23172-MWP-00-01-C-0101 and 23173-MWP-00-01-DR-C-0105 and been revised and are replaced by the following: **Drawing No 23173-MWP-00-01-DR-C-0100-P02 (Proposed Site Layout)** and **Drawing No. 23173-MWP-00-01-DR-C-0105-P09 (Proposed Drainage Layout)**.
- (iv) An updated and revised NIS has been prepared. Please see MWP Document **25609-ZZ-ZZZ-RP-MWP-EN-6004 Screening for Appropriate Assessment Report and Natura Impact Statement**. This document fully addresses the following requested information:
 - coordination and consistency particularly wastewater and stormwater proposals as referred to above.
 - Coordinated references to the OCEMP.
 - Consideration of potential impacts from the provision of a temporary construction compound.
- (v) A Visitor and Wildlife management plan has been prepared in response to the concerns raised in item (v). See MWP Document **25607-MWP-ZZ-ZZZ-EC-6006 Visitor and Wildlife Management Plan**. The NIS has included for all relevant measures outlined in the VMP.

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

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

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

Under the Fáilte Ireland Platforms for Growth investment scheme, Fáilte Ireland have prepared an '*Operating Manual and Standard Operating Procedures*' for scheme Facility Centres for Water Sports Activities in conjunction with participating Local Authorities, commercial water sports operators, water sports participants and in line with international and domestic best practice. This guidance provides a clear, detailed, and comprehensive set of principles which outline how these facilities must be managed, maintained, and promoted over the course of

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

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

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

Request 5 – Environmental Impact Assessment (EIA) Screening

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

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

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

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

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

Response to Request 5

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

- Department of Housing, Planning and Local Government (August 2018) Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment;
- Department of the Environment, Heritage and Local Government (August 2003), Environmental Impact Assessment (EIA) Guidelines for Consent Authorities regarding Sub-threshold Development;
- Environmental Protection Agency (2022) Guidelines on the Information to be contained in Environmental Impact Assessment Reports;
- European Commission (2017) Environmental Impact Assessment of Projects. Guidance on Screening.
- European Commission (2024) Interpretation of definitions of project categories of Annex I and II of the EIA Directive.
- Schedule 7 of the Planning and Development Regulations 2001 (as amended)

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

Request 6 – Submissions

The applicant is invited to respond to the various matters raised in the submissions received by the Board. In particular, the Applicant is requested to provide additional information and address the following concerns from the Department of Housing, Local Government and Heritage in relation to:

1. The discharge by percolation of nutrients and shower chemicals on to the adjacent beach and tidal waters.
2. The increased use of the surrounding areas by visitors facilitated by the development, in particular the adjacent shingle bank (used by breeding ringed plover), the offshore islands (which may have increased kayak and recreational traffic), and the surrounding dunes in the area.
3. It would be preferable if a wildlife management plan was developed in tandem with this facility to ensure that users avoided sensitive habitats and species in the vicinity. Please submit details of this plan and timelines for delivery of same.

Response to Request 6

Department of Housing, Local Government and Heritage

1) Treated Wastewater Discharges:

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

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

2) Visitor Management

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

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

While lands outside the Council's jurisdiction — including adjacent private properties, commonage, the foreshore, shingle banks, dune systems, and offshore islands — are not within KCC's remit for direct management or control, the plan aims to educate visitors on the ecological sensitivity and importance of nearby natural habitats. Therefore, the plan adopts an approach centred on providing visitors with clear information and guidance through signage, information boards, and other communication tools.

This not only will support responsible visitor behaviour but also raises awareness of the potential risks that visitor activity may pose to the surrounding environment.

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

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

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

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

3) Wildlife Management Plan

Refer to response to Item 2 above.

Third Party Submission

In relation to the submission by Mrs Sandra Moyles, we wish to highlight to An Coimisiún Pleanála the following:

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

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

