

# Validation Checklist

Lodgement Number : **LDG-081721-25**  
Case Number: **ACP-323171-25**  
Customer: **Rinn Rua Holiday Park Ltd**  
Lodgement Date: **29/07/2025 14:00:00**  
Validation Officer: **Lisa Quinn**  
PA Name: **Kerry County Council**  
PA Reg Ref: **2460322**  
Case Type: **Normal Planning Appeal PDA2000**  
Lodgement Type: **Appeal**



Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ÁBP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Not Applicable
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

BPO1 (amended) ✓

Digital BPO7 ✓

Shoufils created

Appeal scanned

FR 24/12

to J. Dineen



# Lodgement Cover Sheet - LDG-081721-25

ACP. 323141-25



## Details

Lodgement Date	29/07/2025
Customer	Rinn Rua Holiday Park Ltd
Lodgement Channel	Courier
Lodgement by Agent	Yes
Agent Name	MWP
Correspondence Primarily Sent to	Agent
Registered Post Reference	

Lodgement ID	LDG-081721-25
Map ID	
Created By	Lisa Quinn
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

## Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Kerry County Council
Case Type (3rd Level Category)	

## Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Paid	0.00
Refund Amount	

Observation/Objection Allowed?	
Payment	
Related Payment Details Record	

~~Related Fee~~

## Appeal

Run at: 30/07/2025 12:04

Run by: Lisa Quinn

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	
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Run at: 30/07/2025 12:04  
 Run by: Lisa Quinn

## James Sweeney

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**From:** James Sweeney  
**Sent:** Wednesday 27 August 2025 15:31  
**To:** Dan Kearney  
**Cc:** Lita Clarke  
**Subject:** Appeal

Hi,

The Commission has received an appeal dated 29/7/25 from a first party in relation to your reference 2460322.

It was originally deemed invalid but upon further review it is now deemed as valid.

In order for the Commission to validate this appeal, can you please confirm the following;

1. Your date of decision
2. Name and Address of Applicant:
3. Name and Address of Agent (if any):
4. Full Development Description
5. If an EIAR was submitted with the planning application at any stage?
6. If an NIS was submitted with this planning application at any stage?
7. If this planning application is for an LRD (Large Residential Development) or if it is for Normal Planning Application?

Please note our reference is ACP-323171-25.

Kind Regards,  
James



The following information is provided for your information. It is not intended to be a substitute for professional advice. Please consult your attorney for more information.

1. The first section of the document discusses the general principles of the law. It covers the basic concepts and the scope of the law.

2. The second section discusses the specific provisions of the law. It covers the details of the law and the consequences of the law.

3. The third section discusses the application of the law. It covers the practical aspects of the law and the way it is applied in the real world.

4. The fourth section discusses the interpretation of the law. It covers the way the law is interpreted by the courts and the legal system.

5. The fifth section discusses the enforcement of the law. It covers the way the law is enforced by the government and the legal system.

6. The sixth section discusses the remedies available under the law. It covers the way the law provides for the redress of wrongs and the compensation of victims.

7. The seventh section discusses the relationship between the law and other areas of the legal system. It covers the way the law interacts with other areas of the legal system and the overall legal framework.

These are the main points of the document. It is intended to provide a general overview of the law and its application. It is not intended to be a substitute for professional advice. Please consult your attorney for more information.

Yours faithfully,  
 [Signature]

Ref: CO/21513  
29<sup>th</sup> July 2025

**Appeals Section**  
An Coimisiún Pleanála  
64 Marlborough St,  
Rotunda, Dublin 1,  
D01 V902

**Re:** First Party appeal on Kerry County Council's planning decision in relation to Planning Reference 24/60322

<b>AN COIMISIÚN PLEANÁLA</b>	
LDG-	_____
ACP-	_____
<b>29 JUL 2025</b>	
Fee: €	Type: _____
Time: <i>1405</i>	By: <i>Coenrae</i>

Dear Sir/Madam,

MWP on behalf of Rinn Rua Holiday Park Ltd. wish to submit a first party appeal on Kerry County Council's decision to refuse planning permission for an "integrated tourism/ leisure park first comprising of the partial demolition, extension and redevelopment of the existing derelict hotel, 6 no. hobbit huts, 21 no. glamping pods, 25no. holiday homes, 144 no. mobile homes, 20 no. campervan stands, 0.8ha tent camping area, washroom and toilet facilities, maintenance building, Leisure complex (with a swimming pool), surf shop/café, natural play area, central park area, 151 no. car parking spaces, internal roads, footpaths, waste storage areas, widening of beach access road to 6m for two-way traffic including a pedestrian/cycle pathway, upgrading of existing cliff walk, new access road and services lines to two neighbouring dwellings to the southwest of the development site, new wastewater treatment system with clear water pump station and UV system, drainage and percolation areas and all ancillary site works."

An Environmental Impact Assessment (EIA) Report and an Natura Impact Statement were prepared as part of the planning application.

Please find enclosed a document which provides a brief background to the project and sets out the grounds for this appeal.

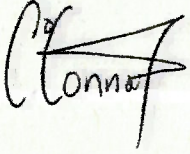
The following is enclosed:

- 2X Copies of Appeal Form
- 2X Copies of Appeal Document

- Receipt of Planning fee of €3,000 paid by EFT

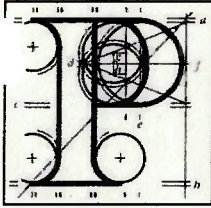
Should you have any questions please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Caoimhe O'Connor'. The signature is stylized with a large 'C' and a long horizontal stroke.

---

Caoimhe O'Connor  
for MWP



An  
Bord  
Pleanála

## Planning Appeal Form

### Your details

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Rinn Rua Holiday Park Limited (Applicant)

(b) Address

Sir Roger's Caravan Park Banna Ardfert, Co. Kerry  
V92 WV83

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Caoimhe O'Connot (MWP)

(b) Agent's address

Reen Point, Blennerville, Tralee, Co. Kerry

## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

**(a) Planning authority**

(for example: Ballytown City Council)

Kerry County council

**(b) Planning authority register reference number**

(for example 18/0123)

24/60322

**(c) Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Reenroe, Emlaghmore West, Ballyskelligs, Co. Kerry

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please refer to attached document

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

## Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Dashboard



Accounts



Payments/Payees



Messages



Admin

Customer No. 47496

Payment Reference: 228219572

PRINT

1 Pay from > BANNA LEISURE LTD BULIDING FUND, TRALEE CO KERRY, 17271966

2 Pay to > AN BORD PLEANALA, IBAN IE70AIBK93105500316067

3 Payment details > €3,000.00 on 29/07/2025, SEPA Payment

4 Status > Payment processed

CANCEL PAYMENT

**MWP**

**First Party Appeal**

**Kerry County Council**

**Planning Reference 24/60322**

**Applicant: Rínn Rua Holiday Park Ltd.**

**July 2025**

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Project No.	Doc. No.	Rev.	Date	Prepared By	Checked By	Approved By	Acceptance Code / Status
21513	6026	01	29/07/2025	CO/KF	CO	KF	FINAL

**MWP, Engineering and Environmental Consultants**

**Address:** Reen Point, Blennerville, Tralee, Co. Kerry, V92 X2TK, Ireland

[www.mwp.ie](http://www.mwp.ie)



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## **1. Introduction**

Malachy Walsh and Partners (MWP), Engineering and Environmental Consultants, on behalf of Rínn Rua Holiday Park Ltd. wish to submit a first party appeal to An Coimisiún Pleanála (ACP) in respect of Kerry County Council's (KCC) decision on the 2nd of July 2025, on Planning Ref- 24/60322, to refuse permission for the development of-

*“integrated tourism/ leisure park first comprising of the partial demolition, extension and redevelopment of the existing derelict hotel, 6 no. hobbit huts, 21 no. glamping pods, 25no. holiday homes, 144 no. mobile homes, 20 no. campervan stands, 0.8ha tent camping area, washroom and toilet facilities, maintenance building, Leisure complex (with a swimming pool), surf shop/café , natural play area, central park area, 151 no. car parking spaces, internal roads, footpaths, waste storage areas, widening of beach access road to 6m for two-way traffic including a pedestrian/cycle pathway, upgrading of existing cliff walk, new access road and services lines to two neighbouring dwellings to the southwest of the development site, new wastewater treatment system with clear water pump station and UV system, drainage and percolation areas and all ancillary site works Reenroe, Emlaghmore West, Ballinskelligs, Co. Kerry. An Environmental Impact Assessment (EIA) Report was submitted with the planning application.”*

The purpose of the report is to set out the background of the project, reasons for refusal and the grounds of the appeal.

## **2. Site Context and Description**

### **2.1 Site Context**

The subject site is located on the Iveragh Peninsula, between the coastal villages of Waterville (Tier 3 settlement) and Ballinskelligs (Tier 4 settlement), on the coast of Ballinskelligs Bay. It is within the Uíbh Ráthaigh Gaeltacht. The site is part of the busy Wild Atlantic Way and Ring of Skellig tourist routes. Reenroe Beach is a noted stop along these routes.



Figure 1 Site Location

## 2.2 Site Description

The proposed development site within the redline boundary comprises approximately 22.6 ha and encompasses:

- A large derelict hotel and two storey house,
- the access road to Reenroe beach,
- the Reenroe Cliff Walk, and
- agricultural land.

The site abuts the R567 to the north and Reenroe beach to the south and east. The Dungeagan to Reenroe Walking Loop and the Emlagh Loop Ballinskelligs pass through the site and Trá na Sassanach to the west. There are agricultural fields surrounding the site to the north, east and west. An aerial photograph is included below for reference:



Figure 2 Aerial image of Proposed Site for development (red) and overall landholding boundary (blue)

### 3. Planning History

Waterville Beach Hotel was built in the late 1960s by Billy Huggard from Waterville. It originally offered amenities such as Sand Yachting, Horse Riding, Surfing, Beach Sulkies, an Outdoor Swimming Pool, Indoor swimming Pool, Standing Stones, Beehive Huts, Games Rooms, and Snooker Tables. The hotel also had an Air strip, located on lands to the east. Its fortunes declined with the troubles in Northern Ireland in the early 1970s. The hotel was last open for business in the early 1990s but has been closed since.

There are a number of planning applications associated with the site and these have been included in **Table 3-1** below for information:

**Table 3-1 Planning History**

Planning Ref:	Applicant Name:	Permission Type	Decision:
063543	ECCLESTON INTERNATIONAL LTD	Permission for a hotel (12,914 sqm) comprising 120 bedroom suites in 2 no. Two storey wings, two storey height conference/function rooms together with lounge, bar and ancillary facilities, 3 no. Small conference rooms, retail unit, reception foyer, staff and kitchen facilities restaurant all around central courtyard spa with treatment rooms and pool leisure centre with swimming pool, gymnasium, changing rooms and ancillary areas, plant and storage areas at ground and roof levels. Car parking for 336 cars and 5 coach. Demolition of existing buildings waste treatment plant, hard and soft landscaping, 2 no. Tennis courts, playground and kickabout including road and road widening from the entrance road from r567 to hotel site entrance and beach. A new entrance and signage at the hotel site all on a site of 13.86 Ha	Conditional: 24/01/2007 - Granted at Appeal: 9/11/2007
041459	ECCLESTON INTERNATIONAL LTD	Construct hotel, consisting of 106 bedroom suites in 3 no. Two-storey wings, two storey height conference/function rooms together with lounge, bar and ancillary facilities, 3 no. Small conference rooms, retail unit, reception foyer, staff and kitchen facilities etc. And to demolish existing buildings, waste treatment plan, hard and soft landscaping, 2 no. Tennis courts, playground and kickabout and road widening from entrance road to hotel site entrance	Conditional: 06/09/2004 - Refused at appeal: 11/08/2005
012024	BARIAN LTD	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.	Refused - 05/11/2001
92673	KERRY PARK GOLF & COUNTRY CLUB LTD.	Erect 72 cottages, hotel, golf course, and restaurant	Conditional - 06/08/1992

### 4. Background

The applicant began initiating proposals for this site back in 2021. The main focus of this project was the redevelopment and upgrading of the current Reenroe hotel which at present sits as a deteriorating eyesore in on the scenic Iveragh peninsula. It was clear from the outset that a hotel in this location would not be viable economically on its own, therefore the client who has a great expertise in tourism developments came up with

the proposal for an integrated tourism/leisure park, which would not only create a great tourism product for South Kerry but would also offer a number of amenities for the local community.

A pre-planning meeting was held in December 2022 with MWP, the client and Kerry County Council where the initial proposals were presented. Kerry County Council had concerns regarding the scale of the development, visual impact on the coastal location, effluent disposal, the immediate proximity of the site being adjacent to Ballinskelligs Bay and Inny Estuary Special Area of Conservation (SAC) and archaeology. Following on from this meeting, the scale of the mobile homes and holiday lodges being proposed by the applicant was reduced.

A second pre-application meeting was held in June 2023 where the reduced proposed scale was again present to Kerry County Council who welcomed the reduction however the Local Authority still had some concerns. The proposed viewpoints for the visual impact assessment were agreed with KCC at this meeting which was an important step in ensuring the photomontages could clearly demonstrate how the development could be integrated into the landscape.

A Public Information Event was held on the 8<sup>th</sup> of June 2023 in the Ballinskelligs Community Centre. Members of the public were invited to attend at any time during the 3.5-hour window. Draft proposals were put on display and the public were welcomed to view them. While there were a number of negative submissions on this planning application, the majority of those who attended the public event were in favour of the development and the feedback was quite positive with the view that this type of development would be an excellent tourism product in South Kerry. While there was positive feedback the community also has some concerns which are listed in Section 6.1 of the Planning Statement.

During the consultation many attendees expressed the need for a swimming pool in the area due to the nearest public facility being in Killarney, which is approx. 70km away from Ballinskelligs. Originally, the leisure centre element of the proposal was going to be submitted for planning permission at a later stage. However, due to the high demand, the applicant decided to include the leisure centre as part of the initial proposals in order to provide more public facilities for the local population.

The proposed development is located in Uíbh Ráthach Ghaeltacht, therefore MWP met with a member of Comhchoiste Ghaeltacht Uíbh Ráthaigh to discuss how the proposed development could be of benefit in promoting the Irish language within the Gaeltacht. It was discussed that there could be collaboration between the Comhchoiste and the applicant in providing facilities within the proposed development for the services they offer. Please refer to Section 6.2 of the Planning Statement for more details.

## 5. Planning Policy

### 5.1 Natbna I Polcy

#### 5.1.1 National Planning Framework

The Project Ireland 2040 - National Planning Framework (NPF) sets the vision and strategy for the development of the country to 2040. The NPF states that “ The Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, energy, inland waterways, marine, tourism and rural enterprise, while at the same time protecting the capacity of the receiving environment and avoiding ribbon and over-spill development from urban areas.”

The Plan sets out key future planning and development ad place making policies relative to the South West region which include *“Measures to support the integrated development of remoter parts of this region, particularly rural peninsular areas and towns on its western seaboard, including the ongoing investment in the transport and communications area, particularly in the rollout of the national broadband scheme and further promotion and development of attractions to capitalise on underutilised potential in the tourism and local enterprise areas. Integrated planning, management and development of the areas traversed by the Wild Atlantic Way to maximise both the quality and integrity of the visitor experience and the added benefit in economic terms, especially for rural and local communities.”*

Tourism has the capacity to directly and indirectly sustain communities, create employment and deliver real social benefits for rural Ireland. National Policy Objective (NPO) 30 supports the sustainable development of rural areas-

***National Policy Objective 30** Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and offfarm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.*

#### 5.1.2 Our Rural Future: Rural Development Policy 202 1-2025

Our Rural Future represents the Irish Government’s blueprint for the post-Covid recovery and development of rural Ireland over five years. It provides the framework to achieve the vision of transforming the quality of life and opportunity for people living in rural areas. One of the high-level outcomes of this policy is to increase the number of people in rural areas employed/self-employed.

The Covid-19 pandemic seen a significant decrease in economic activity in sectors such as tourism, hospitality etc which employ a large number of people in rural areas. Rural areas will face many challenges in the coming years such as impacts of an ageing population, immigration of the younger generations, the rise of emerging economies, climate change and environmental pressures, increased globalization.

Tourism has been a hugely important economic sector for Ireland and supports many thousands of jobs in rural communities throughout the country. Covid-19 triggered an unprecedented crisis in the Tourism sector. The Tourism Recovery Taskforce estimated that, of the 260,000 jobs in the sector prior to Covid, 180,000 were either lost or vulnerable. Outdoor Activity Tourism is a key growth sector worldwide and Ireland is well placed to capitalise on this trend. The development and promotion of this sector provides opportunities for employment growth in rural areas in particular. Relevant policy measures within the plan include:

**Policy Measure 32-** Develop the Wild Atlantic Way, Ireland's Hidden Heartlands, and Ireland's Ancient East to increase visitor numbers, support local economies in towns and villages, and bring further sustainable benefits to rural communities.

**Policy Measure 33-** Strengthen the identity and branding of the Gaeltacht regions and develop a Tourism Strategy for the Gaeltacht areas.

**Policy Measure 89-** Increase the residential occupancy of rural towns and villages while enabling the Irish countryside to continue to be a lived-in landscape by adopting a balanced approach to planning, in line with relevant national planning policy and guidelines, while avoiding unsustainable ribbon and over-spill development from urban areas.

## 5.2 Regional Policy

### 5.2.1 Regional Spatial and Economic Strategy for the Southern Region (2020)

The RSES sets out the strategic regional development framework for the Region. The primary aim of the RSES is to implement Project Ireland 2040 - the National Planning Framework, at the regional tier of Government and to support NPF policy for achieving balanced regional development.

The RSES recognises that the Southern Region has extensive landscapes and takes a progressive approach in conserving and enhancing them, in line with The National Landscape Strategy for Ireland 2015-25.

The RSES acknowledges the importance of tourism as a significant economic activity and seeks to increase tourist numbers, support sustainable jobs through targeted tourism initiatives, develop activity tourism and leverage natural and built heritage assets. In terms of Kerry's tourism assets RSES states that it is an objective to support the utilisation and realisation of the existing and emerging tourism assets and promote activity tourism subject to appropriate site selection and environmental assessment processes, outlined in RPO53 and RPO54.

## 5.3 Local Policy

### 5.3.1 Kerry County Development Plan 2022-2028

The Kerry County Development Plan 2022-2028 was adopted on the 4<sup>th</sup> of July 2022, and sets the overall strategy for planning and sustainable development within the administration boundaries for County Kerry. Kerry has a very strong tourism offering with many opportunities to enhance the visitor experience. The Plan aims to facilitate the further development of a tourism industry which will act as a key economic driver in a socially and environmentally sustainable manner by ensuring that tourism developments are built in appropriate locations, and at a pace and scale which ensures that the natural and cultural assets are protected in the long term.

Chapter 10 of the plan sets out objectives for tourism in Co. Kerry. The Plan sets objectives supportive of sustainable tourism **KCDP 10-1, KDCP 10-2**. The Plan recognises that tourism is a major economic pillar in the county and a major generator of employment especially in rural communities throughout the county (**KCDP 10-3, KCDP 10-6**).

Policy **KCDP 10-30** encourages 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, while having regard to ecological constraints and architectural heritage requirements.

The plan supports development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements, and established tourism assets (KCDP-10-31). In coastal areas these developments must not be visually intrusive or impact on sensitive coastal environments (KCDP 10-32).

Preserving the Irish language in Gaeltacht areas within Kerry is an important aim of the Plan. It is important to ensure that any developments within the recognised Gaeltacht areas are of benefit to the Irish language and the Gaeltacht communities. The plan aims to promote and develop the Gaeltacht as a centre of linguistic and cultural heritage in tandem with policies which will encourage sustainable economic development in order to ensure vibrant communities (KCDP 8-1). The plan also aims to encourage the provision of facilities for the teaching/learning of the Irish Language (KCDP 8-3).

The plan recognises the importance of tourism in rural economies and promotes opportunities for enterprise and employment creation in rural-based tourism where it can be demonstrated that the development will not have a negative impact on the rural environment (KCDP 10-67).

### **5.3.2 Kenmare Municipal District Local Area Plan 2023-2029**

The Kenmare Municipal District Local Area Plan was adopted on the 12<sup>th</sup> of April. Within the Plan area, 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. This LAP is underpinned by a strategic vision which is intended to guide the future development of the area in a sustainable manner, in a way that reflects the existing character and amenities of the area and improves quality of life for the existing and future population.

Some of the strategic aims of the Plan include:

- Reinforcement of the social and economic strength of the area by building critical mass of population and jobs in the designated towns and villages;
- Broadening the economic base to ensure future prosperity and maximise the potential of the region.
- To build a sustainable tourism future that maximises and diversifies the 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.
- To ensure that the Irish language will be preserved and promoted as the living community language of the Gaeltacht and that Gaeltacht communities will be supported to strengthen and expand the social networks that nourish Irish as the community language.
- The sustainable management of the land resource in the settlements, through targeting dereliction, vacant and underutilised sites in towns and villages to ensure development is carried out in an integrated and consolidated manner and through regeneration stimulation opportunities, whilst avoiding inappropriate development

The Plan recognises and supports the ambitions of the Uíbh Ráthach Gaeltacht Interagency Taskforce and any reports/plans/actions that they promote in keeping with the principles of proper planning and sustainable development.

- **KENMD – 13** Promote and develop the Uíbh Ráthach Gaeltacht as a centre of linguistic and cultural heritage in tandem with policies that will encourage sustainable economic development in order to ensure vibrant communities.
- **KENMD – 15** Encourage the sustainable provision of facilities for the teaching / learning of the Irish language and for the production of traditional entertainment and the presentation of culture through the medium of Irish.

- **KENMD – 16** Encourage the sustainable development of Irish Language schools/Coláiste Samhraidh in the area, at an appropriate location.
- **KENMD – 17** Support the development of Irish Language Tourism in the Uíbh Ráthach Gaeltacht

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

This Local Area Plan has been prepared by Kerry County Council to provide a statutory framework for the future growth, development and improvement of the West Iveragh area. This Local Area Plan is underpinned by a strategic vision which is intended to guide the future development of the West Iveragh area in a sustainable manner, in a way that reflects the existing character and amenities of the area and improves quality of life for the existing and future population.

Some overall strategic development objectives include:

- **OS-05** Provide for the development of the area in a manner which is environmentally sustainable and protects its social, cultural, environmental and economic assets for future generations.
- **OS-06** Facilitate the development of local employment opportunities in locations compatible with surrounding uses.
- **OS-07** 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.

The plan recognises the importance of tourism in this region as a generator of employment. The plan states that “Tourism growth must be managed in a sustainable manner that finds a balance between sustaining the quality of the overall product and protection of the natural environment. In order to protect the underlying environmental attributes and resources in the area, upon which much of the tourist industry is based, it is important that due consideration is given to environmental attributes”.

The plan highlights the how the Gaeltacht Uíbh Ráthaigh constitutes an important part of the linguistic, social, and cultural tradition of the county. It is the policy of Kerry County Council to preserve and promote the use of Irish as a living daily-use language and Gaeltacht communities will be supported in order to strengthen and expand the social networks that nourish Irish as the community language. The plan supports the ambitions of the Uíbh Ráthach Task Force in their regeneration plan.

- **G-01** Promote and develop the Gaeltacht as a centre of linguistic and cultural heritage in tandem with policies that will encourage sustainable economic development in order to ensure vibrant communities.
- **G-02** Seek to enhance the unique cultural identity and secure the sustainability of the Gaeltacht communities into the future.
- **G-03** Ensure that all signage erected in the Gaeltacht is in Irish only or complies with Objective H-20 of the Kerry County Development Plan 2015-2021 and Scéim Gaeilge 2018-2021.
- **G-04** Encourage the provision of facilities for the teaching / learning of the Irish language and for the production of traditional entertainment and the presentation of culture through the medium of Irish.
- **G-08** Support the development of Irish Language Tourism in the Uíbh Ráthach Gaeltacht.

## 6. Request for Further Information

A Request for Further Information (RFI) was issued by Kerry County Council on the 18th July 2024 relating to Environmental Impact, Ecological Impact, Archaeology, Fire Safety, Storm Water, Road Safety and Visual Impact. Some of the main concerns addressed in this RFI are discussed below.

### 6.1 Environmental Impact

Following Kerry County Council's request for further information (RFI) the process of commissioning the additional studies and data requested was initiated and subsequently concerns were raised about the viability of the proposed percolation area. The design and assessment team discussions around alternative options. As a result of these discussions, it was agreed that the proposed percolation areas in front of hotel building presented a risk, particularly in relation to long term maintenance of the percolation drains and possible variations in permeability of the soil. To reduce this risk a number of options were considered, the two main options being: 1) discharging the treated effluent to a constructed integrated wetland to the east of the proposed WWTP, or 2) discharging to the sea via the existing hotel septic tank and outfall. The constructed wetland option was considered to be the most appropriate discharge option and this is the revised discharge option and was therefore proposed. In addition, the developer agreed to recycle as much treated effluent as possible for use in the gardens. An estimated 30% of this discharge could be used up in this way. Notwithstanding this the proposed wetland ponds were designed on the basis of capacity to treat all discharged water providing an increased level of redundancy to the system.

A Tier 3 groundwater technical assessment was undertaken for the proposed constructed wetland site. The Tier 3 Hydrological Assessment used the topographical survey data and the ground investigation data to design and assess the proposed constructed wetland discharge system. This assessment took into consideration the existing water quality data and the seasonal variations in the discharge volumes and rainfall and concluded that the proposed wetland discharge option is suitable, would have enough storage capacity for the maximum discharge volume, would serve to naturalise the effluent to the same chemical characteristics of the groundwater in the peat, would not have a significant effect on ground and surface water, and will serve to aid the re-establishment of the peatland in this area and enhance biodiversity.

Kerry County Council also had concerns regarding the capability of the proposed wastewater treatment system in treating all wastewaters to the required standard at all times due to seasonal variation. The proposed WWTP has been specifically designed by Molloy Engineering for the proposed development. This system is fitted with a series of modular large storage tanks that will be sufficient to deal with the peak flows from the proposed tourism development. The modular design comprising a series of integrated tanks allows for management of flows, storage and treatment in order to account for seasonal variations in wastewater load. The design of the wastewater treatment plant includes passing the discharge effluent through an UV filter to kill pathogenic organisms before discharge to the constructed wetlands system.

### 6.2 Ecological Impact

The Ecology department requested an addendum to the AA Screening Report submitted and or a Natura Impact Statement (NIS) to address operational water quality matters, queries regarding the bird species Cough, impact of operational stage lighting on sea birds, consideration of Porpoise which had recently been added as a qualifying interest of the Kenmare River SAC and to have due regard to the Judge Finlay test regarding AA Screening Requirements. An Addendum to Appropriate Assessment Screening report and a Natura Impact Statement were

prepared by MWP and submitted in response to the points raised by KCC in their RFI to assist them in completing their own Appropriate Assessment.

The Ecology Department also requested details in relation to proposals regarding nesting Chough, the Bat derogation license and possible interaction between potentially increased water levels in the proposed Biodiversity Enhancement Area and the proposed wastewater treatment plant. These details were provided to KCC.

### **6.3 Archaeology**

Kerry County Council request that archaeological testing should be carried out. The archaeological investigation established that there are no features of archaeological significance within the trenches excavated and therefore no mitigation is required.

### **6.4 Fire Safety**

The Fire Authority in Kerry County Council had some recommendations regarding access for emergency vehicles to the various units within the site. A revised site layout plan was submitted to address this in compliance with fire safety regulations.

### **6.5 Stormwater**

Kerry County Council had concerns regarding the stormwater disposal and flooding. Updated drawings and revisions to the civil engineering report were submitted which addressed these concerns.

### **6.6 Road Safety**

The Roads Department requested that a drawing is submitted which shows how the problems identified in the Road Safety Audit are proposed to be addressed. This was submitted and addressed the query raised.

### **6.7 Visual Impact**

Kerry County Council requested to be provided with the external finishes of the proposed renovated hotel building and leisure centre. Drawings were provided to illustrate this.

## 7. Grounds for Appeal

The grounds for appeal focus on the decision of Kerry County Council in their assessment of the application and accompanying documentation. The Planning Authority (PA) has cited four reasons for refusal and in our view these reasons for refusal do not take into account the design, assessments, EIAR, NIS and consultations/engagement that were completed over the previous 3 years. The proposed development was refused planning permission for the following 4 reasons:

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.

All four reasons for refusal start with the same premise, namely - *Having regard to the scale of the proposed development*, and while this project is large in scale it is well designed, follows all guidance and standards and was subject to a full and detailed EIAR. While each reason for refusal mentions scale of development and design, the planners report and reasons for refusal themselves do not address either topic.

The planners report and assessment on pages 30 to 32 deals with a number of key aspects including Policy and Zoning, Visual Impact, Road safety/Traffic, Ecology, environment etc. The opening paragraphs are positive in terms of policy and zoning and welcome the re-development of the now derelict hotel. In accepting the development of the hotel is positive it also acknowledges that the provision of a standalone hotel in this location would not be economically viable and that additional complimentary accommodation would be required.

This fact was also recognised by the applicant when developing the concept and layout for the project. The project needed a mix of accommodation and supporting facilities. The hotel and leisure complex were fundamental to

approach along with different type of accommodation units. This gives a wide spread of accommodation offerings for the tourism product in south Kerry and has a particular focus on families from the Irish market. The provision of the surf school, beach café and improved access to Reenroe also benefits the development and makes it multifaceted. The mix of facilities also allows for an extended season offering in south Kerry.

The first paragraph on page 31 of the Planners Report states that the renovated and extended hotel building is ancillary to the main development and that the mobile homes, holiday homes, hobbit huts and glamping pods are the primary use. This is not the case. The premise from the outset was to design a facility that had multiple aspects and when fully integrated gives a facility that would function for the needs of the marketplace and be sustainable. Scale and mixed use along with the elements like the pool and the beach facilities and other amenities on site is what make the redevelopment of this site possible. While the scale on plan is large the landscape is able to accommodate it and the topography and low-lying nature of the majority of structures sit well within the landscape and are assisted by the detailed landscape plan that was developed. The LVIA assessment in the EIAR confirms this approach.

The assessment concludes that based on the assumption that the renovation of the hotel is not the primary focus of the scheme and rather the mobile homes and other accommodation elements are in fact the primary element of the scheme then leads to the coastal location and scale of the overall facility means that the project contravenes Objective 10 – 32. The number and density of the mobile home units seems to be a key consideration in the PA assessment and of course that density could have been reduced by planning condition.

On visual impact the main concern would seem to be the short to medium term while the landscaping plan beds in and all planting and screening matures. This would be common in development where vegetation does take time to mature. The views and prospects and scenic routes encompassed in the CDP would not be compromised while the landscaping scheme matures. In reality such a project will have defined phases and part of that phasing includes the planting at the outset along with the key elements of infrastructure, WWTP, Hotel facilities and then phased sections of the wider accommodation. A project of this nature and scale can be managed and delivered in a way that the overall landscaping plan comes into play in tandem with completion of the scheme. In the commentary there is no negative commentary on the design approach for the hotel and the other main structures including the beach facilities, leisure centre and accommodation types. Considerable time and analysis was spent in order to develop the final scheme that was lodged with planning and the planner's assessment doesn't demonstrate or spell out what is specifically what is negative on design other than the broad brush statement on location and scale and it ignores the very strong mitigation and design measures for the overall layout.

The final assessment of further information (pages 41 to 45) in the planers report reviews each RFI item requested and on balance the majority of items addressed the queries raised with the exception of the core points of concern on lighting, water quality from WWTP and the submissions received. Visual Impact was not identified as a concern.

The conclusion of the assessment would seem to be mainly supportive other than in relation to KCDP 10-31 and 10 – 32 due to the scale of the proposed holiday accommodation. The opinion is couched on the basis that the primary element of the development is the caravan/camping/mobile home accommodation effectively forms a *caravan/camping/mobile home park with the redeveloped hotel as ancillary*.

This could not be further from the focus of the development from the outset. A hotel on its own at this location will fail. Likewise, a standalone *caravan/camping/mobile home park* would also fail at this location as on their own they are not viable and particularly not with the supporting infrastructure, leisure facilities and service offering for tourism needs.

The process over three years included significant engagement with the planning authority, relevant statutory and non-statutory consultees and with the community through an open evening for information, along with the planning process itself.

Each reason for refusal focuses on one aspect or area of concern, namely, visuals, water supply, wastewater and biodiversity. While any project has to stand up on all grounds and be in accordance with the policies and objectives of the development plan, regional and national policy it also has to comply with technical and environmentally standards and guidance.

The EIAR completed does not identify significant effects under any of the topic headings. The NIS does not conclude a negative result or outcome. The work done on design development along with detailed engagement with the PA and other stakeholders focussed on getting the concept right and one which would be sustainable for this location.

The following sections discuss and address each reason for refusal, but this appeal submission should also be read in conjunction all of the detailed studies and assessments provided as there is a significant amount of information that informs the project and final design.

### **7.1 Refusal Reason 1- Visual impact**

The proposed development is located in an area designated as being visually sensitive in the Kerry County Development Plan (KCDP) 2022-2028. As outlined in Map P Landscape Designations from the KCDP, the wider area of south Kerry has this broad sensitivity class and while this designation is in place it does not preclude development in those areas. Each development needs to be assessed in the context of its layout, topography, levels and nearby and relevant scenic routes or viewpoints.

A comprehensive Landscape and Visual Impact Appraisal (LVIA) accompanied the planning application as part of the EIAR in line with current guidelines, taking account of the sensitive coastal landscape setting and views from local designated scenic routes.

There are no medium or long-term adverse effects recorded as part of the assessment demonstrating that effective mitigation measures were applied to address some short-term adverse effects arising in respect of four of the ten viewpoints assessed.

Remedial mitigation measures are based on the establishment of a network of native hedgerows throughout the subject site which will screen the proposed mobile homes, glamping pods and lodges as the vegetation matures. The matrix of hedgerows is reflective of existing field patterns in the locality and the emerging green infrastructure will assist integration of the proposed mobile homes, glamping pods and lodges in the local landscape setting as demonstrated in the photomontage images which accompanied the LVIA.

Avoidance and reductive mitigation measures associated with the development include the careful consideration of materiality and colour finishes for each of the accommodation categories mentioned above which have the effect of minimising visual effects from vantage points in the locality from the outset.

In respect of the proposed hotel restoration, the assessment finds that there will be some visual effects arising from its restoration and extension given its prominent location and proposed light colour finish in its elevations. There are no adverse visual effects arising, however, as the proposed colour is in keeping with prevailing house colours in the area, and restoration of the hotel will have a positive transformative effect in replacing the current derelict structure, albeit at a slightly larger scale. This point is highlighted in Kerry County Councils planners report which states that the repurposing of the hotel while increasing the visual bulk will be a positive visual impact due to the current negative impact the hotel has on the landscape.

In conclusion, it is submitted that the landscape strategy for the site as outlined above will provide a sustainable long-term solution for integration of the proposed development in the landscape setting thus ensuring positive outcomes in respect of Objectives KCDP 10-31 and KCDP 10-32.

## 7.2 Refusal Reason 2- Wastewater

Waste water treatment plants for developments with a population equivalent for this project are by definition complex. They include specialist pieces of plant and infrastructure and include standard management systems, monitoring, maintenance and operational protocols. The use of such wastewater technology is well proven globally. The WWTP plant was designed for this specific project and site conditions. The objective from the outset was to put in place a state-of-the-art plant that can achieve a treated wastewater standard that is suitable for discharge to ground, or to other media including surface water, or indeed to sea, if the need arose under a Discharge Licence.

In the early days of interaction with the PA the scale of the development in terms of layout, density and population was a concern, but the approach was to look at that head on and adopt the best approach and deploy up to date modern wastewater technology to achieve what is required. The system that was designed can cater for the population equivalents for this development and can account for seasonal variation in wastewater volumes. Seasonal variation in load can be managed with a WWTP Management system and is no different than any existing Uisce Eireann coastal wastewater treatment plants that are located in prime tourism locations on our coastline.

The PA raised concern on the initial proposal to discharge treated wastewater to ground within the lands of the development. At meetings with the PA and the environment section of KCC this concern was discussed. The proposal to use a constructed wetland was then discussed and put forward. A detailed RFI was issued by the PA seeking additional survey work, SI, water quality monitoring, new studies and assessments and to also address the concerns set out.

This body of work was completed over a number of months and a fully designed wetland system was developed. The treated wastewater would discharge through a series of unlined ponds/depressions within an area of lands to the east with a mixture of peat and high-water table. The principle of using a series of ponds adopts the process of treated water going through the series of ponds and in so doing it is partly evaporated, taken up by the reed system and is also absorbed within the wet peat strata. This approach ensures that there is no large volume discharges to water courses or directly to ground.

The wastewater system treats the wastewater down to a 3:3 standard and holds the volume before discharge to the pond system in a managed and timed manner.

The reason for refusal states that the *PA is not satisfied that the proposed development would not cause pollution of groundwater and surface waters*. This view is informed by internal Memo from the Environment Department to the Planner.

The memo acknowledges that waste management and noise management are appropriately dealt with. Wastewater treatment is the main concern addressed in the memo. The initial paragraph under this section sets out the population equivalent and also describes the system being proposed and also confirms that any treated water was to discharge to ground or to surface waters would need a licence. This section then goes on to address a number of points as outlined below:

1. *The basis of this design is not entirely clear. The unlined ponds not being standard and no working example of such as system being provided.*

The guidance on the use of wetlands for wastewater is the Department of the Environment, Heritage and Local Government Integrated Constructed Wetlands Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications 2010, which does allow construction of Integrated Constructed Wetland's (ICW) using natural soils without an artificial liner. The guidance note on Page 71 addresses soil permeability and states " A

*permeability of  $1 \times 10^{-8}$  m/s is necessary to both establish the wetland soil and protect ground water".* There are two aspects to this requirement the first being the wetland soil, which in the pond's location is primarily a wet peat strata and this is set out in the Tier 3 assessment submitted with the RFI response in Appendix 2. The second aspect is permeability. The Tier 3 assessment in Section 6.2 includes Table 3 which sets out the soil permeability on site at the pond locations.

The permeability as set out in Table 3 reflects an impermeable wet soil of a peatland nature (peat in itself being an impermeable soil type) at the locations of the proposed ponds. The ranges stated are in line with low permeability soils and are in line with the requirements of the Guidance note and parameters set out in Page 71.

Of importance here is the standard of treated water that will be passing through the wetland ponds which is treated to a 3:3 standard which is clean water and thus of no risk to ground water of freshwater bodies.

Furthermore, the effluent will be treated to a tertiary standard before entry to the system so fundamentally the system is designed principally to allow discharge of the hydraulic load whilst allowing naturalisation with the bog water.

Kerry County Council permitted a similar system in Lixnaw in conjunction with Uisce Eireann, in addition to other systems granted permission by KCC such as in Caherdaniel 2024 (subject to ABP appeal, who upheld the grant).

Kildare County Council granted permission for a similar approach in July of 2024. The approach has an unlined pond approach and based on ground permeability and full assessment. Planning Ref 23/969.

The basis of design is based on guidance and the solution put forward is and has been used elsewhere. It is possible to design, construct and operate an ICW without issue.

The approach of having a series of constructed wetland ponds at this location also aligns and complements on Biodiversity Net gain and enhancement. Historically this area of land was in a more natural state with little or no land drainage other than the natural watercourse that passed through the area. In recent years a series of land drains had been opened up, and in this has had the effect of dewatering lands and changing vegetation mix. The approach adopted here with the series of constructed wetland ponds on impermeable soil will enhance the wetting process and promote vegetation mix and diversity and will restore this area in terms of a functional peatland area.

2. The complexity of the WWTS, seasonal variations of load and the need for ongoing skilled management and great care.

The WWTP will have to be managed and maintained in accordance with an operational plan which is a necessity of all large scale WWTP. The operational plan includes managing flow, treatment standards, monitoring maintenance and day to day and seasonal aspects. This would be common practice with any plant of this scale. The ICW infrastructure requires minimal maintenance as in effect it is mimicking a natural wetland system with an area of peaty/wet soil and with existing drains. The location and extent of the ICW is within an area targeted for biodiversity gain and both go hand in hand. Over time the pond areas along with their associated low-lying berms and depression will be colonised by natural vegetation and the area will in effect work like a naturally occurring wetland area. Maintenance of a wetland is minimal as the system becomes naturalised into the environment. The KCC biodiversity report concurs with this approach and on the final page of that report it states that, in principle, it is considered that the provision of an appropriately designed integrated constructed wetland (ICW) at this location is acceptable and would enhance local biodiversity value of the lands, which are currently wet grasslands. The ICW approach and the proposals for biodiversity enhancement in this area also reverse the previous drainage and land management works undertaken and would thus restore this habitat and provide real functional biodiversity gain.

3. Any discharge into the stream (classified as having moderate status and at risk) would have to improve the water quality.

The proposed system is designed to facilitate naturalisation of the treated effluent, so that it will be compatible with the natural bog water. The system also restores a degraded bog by re-wetting restoring what would have been there before to a large extent. Currently this area of land is drained by a network of primary and secondary drains which are actively maintained. This area of former bog has been impacted by this artificial drainage network which has likely affected the extent and condition of wetland habitats in this area.

4. Not convinced the ultraviolet treatment would be effective – given the size of the development.

The UV will eliminate pathogens. The use of UV in WWTP design and operation is a well proven technically accepted solution for the elimination of pathogens. Bacteria will re-occur in the wetland, but these will be naturally occurring bacteria. Because it is an open water system, there will be predation of any residual pathogens by other natural organisms, and further natural UV activity.

5. The large scale and size of the development, and the complexity of the proposed wastewater treatment system and ICW system is mentioned.

The system now proposed with the WWTP combined with an ICW came about due to discussions with the Environment section of KCC. The system is simpler than the initial system proposed, and a better environmental fit. The ICW is effectively restoring a degraded bog by re-wetting. It is stated in our report that there will be no impact on the aquifer, so the risk to groundwater is low given the treatment down to a 3:3 standard and this has been demonstrated in the design.

6. Water Framework Directive is discussed in terms of impacts to adjacent water body and Reenroe Beach.

The design of the WWTP ensures that wastewater is treated down to a standard that is suitable for discharge. The purpose of the ICW is to assist in the distribution/discharge of the treated water through the pond system and in so doing the water is naturalised and filters through the ground strata and within naturally occurring wetland vegetation. The concern for pollution risk to coastal waters or having negative impacts on bathing waters at Reenroe Beach is unfounded. The design approach was to develop a system and solution that is safe and acceptable as otherwise it would directly against the principles of the overall scheme in this location for tourism. There is no technical evidence to prove that what is being proposed will be detrimental to water quality or have a negative effect in terms of the Water Framework Directive.

It states that it is our opinion that the discharge of effluent from the proposed wastewater treatment plant could potentially have a negative impact on both groundwater and surface waters, but without any evidence or justification.

In our view this basis for refusal is not fully broken down or explained and rather it is an opinion. Yet the basis of design for the WWTP and the ICW follows prescribed guidance and best practice and is the same approach as adopted by IW for their own WWTP plants that discharge to sea or to waterbodies in the state.

### 7.3 Refusal Reason 3- Water Supply

At the outset of the project there was full engagement with the PA and with Uisce Eireann. At no point did either cite a concern of a nature that would raise serious concerns on water supply. The initial submission from Uisce Eireann was in response to a scoping request MWP had issued. It set out what aspects should be addressed in the

EIAR. Uisce Eireann made a submission to the PA in June of 2024 and that set out its requirements based on the proposed layout for the development. The requirements were set out below.

#### **Uisce Éireann's Assessment/Observation(s):**

The 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 50 mm uPVC water pipe with approximately 665 metres of 150mm ID

Uisce Éireann respectfully requests any grant of permission be conditioned as follows:

The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.

The submission also included recommendations relation to standard conditions.

Based on the interaction with the PA and Uisce Eireann water supply was not raised as a concern or issue from the outset. Following submission of our RFI response to the PA, the PA deemed the information submitted as significant new information and accordingly the application was open to new submissions from all parties.

Uisce Eireann submitted a further letter on the 17<sup>th</sup> of June 2025 which had additional information on Uisce Eireann's assets in the area and also addressed supply for the development. Our RFI response was submitted to KCC on the 25<sup>th</sup> of April 2025.

The UE submission sets out the constraints on the network in the Waterville and Ballinskellig areas. The network does need upgrading of pumping stations and the re-use of the Spunkane Reservoir in due course. It would appear from the submission and from discussions with Uisce Eireann that there is sufficient water supply and the core issue or concern is the upgrading works and investment needed to cover ongoing water needs, to cover any outages and to cover peak summer loads going forward. The submission also sets out two options for water supply, both of which would need investment.

A third option is the inclusion of water storage tanks on site at Rinn Rua Holiday Park and this could easily be accommodated within the layout either above or below ground. On site storage would facilitate a sufficient supply on site with a minimum of a 5 days storage so as to cover both normal or high-capacity needs during peak season. However, given the timing of the UE submission it was not possible to incorporate this design solution.

The applicant could also fund upgrades to the pumping stations mentioned along with the necessary pipe upgrading that was initially suggested by Uisce Eireann and this could be done by way of a planning condition. Uisce Eireann did not recommend a refusal.

On balance while Uisce Eireann have concerns on the network locally, its infrastructure needs investment, but there are a number of methods of dealing with these concerns as outlined above. Accordingly, we don't see this as a reason for refusal, rather it's a function of a design solution and funding by UE along with contributions from the applicant under a planning condition.

#### **7.4 Refusal Reason 4- Ecology**

The starting point of this reason for refusal states *based on the information submitted*, which suggests that there could be additional information that could assist the PA in its determination and allay its concerns.

The reason goes on to state that *the Planning Authority is not satisfied, that it would not seriously injure biodiversity interests by way of light pollution and water quality deterioration.*

Upon reading through the KCC Biodiversity Assessment there are a number of headings under which the proposal and concerns are addressed, as follows:

1. AA Screening/NIS
  - o Operational stage water quality
  - o Chough Considerations
  - o Operational Stage Lighting
  - o Porpoise considerations
2. Wider biodiversity considerations

The following addresses or comments on each topic as listed in the KCC Biodiversity Assessment and above in the context of the MWP Ecological assessments undertaken for the proposal. In terms of the AA Screening and NIS, four items are raised.

In relation to operational stage water quality, the first section reaches a positive position in terms of AA and NIS, as it is concluded that there is no realistic pathway for impact to any European site with regard to potential water quality impacts. In relation to Chough, it also reaches a positive conclusion and this aligns with the outcomes of surveys completed on site and aligns with the commentary on Chough. It also notes that NPWS did not raise concerns relative to Chough. This also aligns with our ecologist's engagement and consultation with NPWS staff.

In relation to the AA Screening and NIS and operational stage lighting, it contains a detailed discussion on the focus bird species of Manx Shearwater and Storm Petrel. It would appear that the consideration of what has been proposed in terms of layout, design and specifications for lighting is positive and well within the means of specifications for light fittings. It should also be noted that the approach to lighting from the outset has been a controlled, low impact scenario with fittings selected to minimise and contain light spill effectively. This is well within the technical ability of light fittings and we would contend that what has been proposed will not have a negative impact in terms of light spill in a manner that would have a significant negative effect on the SCI species mentioned and of relevance to the Puffin Island SPA and the Deenish Island and Scarriff Island SPA. The report puts forward mitigation measures that could be used and none of which would change the lighting design or fittings proposed on site. They relate to more specificity with regard to lighting associated with accommodation units and management measures rather than any change to design or technical specifications. The final paragraph in this section acknowledges and confirms that the SPA's are over 10km away and states that there is not scientific certainty and it's not possible to rule out impact. It is clear that our proposed site is not a priority site for either bird species. The earlier part of the biodiversity report concludes that the site is not considered suitable for these bird species based on their ecological requirements. Manx shearwaters breed mainly on uninhabited off-shore islands, otherwise remaining at sea. Storm petrel breed on sea-cliffs and rocky off-shore islands along the western coast which are free from mammalian predators. The habitats on site and disturbed mainland location are not the preferred location for breeding or foraging for either bird species This is confirmed by the results of site surveys undertaken.

We would contend that this section of the biodiversity submission along with our own surveys and assessment does provide the scientific certainty required to conclude that there is no significant risk to the EU designated sites and associated species mentioned, nor any other European site, in relation to operational stage lighting.

In relation to porpoise, considerations have been adequately addressed.

The KCC Biodiversity Assessment also discusses wider Biodiversity considerations and reviews the wider aspects on biodiversity including chough and the proposed construction of an ICW to the east. This section again is positive in analysis and tone.

The final paragraphs then mention the negative concerns from the Environment Department in terms of the design, operation and maintenance of the wastewater proposals. It states the protection of ground and surface water in the area needs to be adequately addressed. It also questions the practicality of maintaining unvegetated peat lined final pond along with possible dust, landscape change and carbon loss.

The basis of the ICW in this area is that the existing lands/habitat here is an area of wet peat and soils along with associated vegetation and that vegetation occurs due to the wet nature of the area. This habitat if left to its own devices and kept wet will thrive. The proposed series of ponds brings additional treated water into this habitat and through the ponds, it enhances the wetness of the area and the associated species that thrive here due to this soil mix.

The biodiversity report itself acknowledges the positive use of an ICW – *In principle, it is considered that the provision of an appropriately designed integrated wetland (ICW) at this location is acceptable and would enhance the local biodiversity value of the lands, which are currently wet grasslands.* It goes further and is very positive on the benefits of a ICW for wastewater treatment and for the benefits to the habitat which would support insects, small mammals, amphibians, birdlife including wintering seabirds and otter.

The final paragraph raises points that are not well informed in terms of how an ICW would function here in an area of wet habitat. The point of the ICW and the distribution of the treated water through a series of ponds actually enhances this habitat and does not lead to dry conditions or dust associated with same. Neither would it require continuous use of herbicides to ensure the ponds functionality. The points raised in this final paragraph do not have a basis.

In its recommendation to the planner, it states that the two areas of concern on light pollution and water quality deterioration have not been substantiated. Accordingly, it would be our view that this reason for refusal is unsubstantiated.

## **8. Conclusion**

This report sought to set out the grounds for this first party appeal against Kerry County Councils decision to refuse permission for the proposed development. The grounds for appeal are based on the four refusal reasons which we feel were majorly addressed within the extensive assessments submitted along with the planning application. As discussed within the report Kerry County Council were engaged with at a very early stage and the development took into account concerns raised.

The EIAR and NIS along with all the associated specialists surveys, studies do not identify significant effects from the construction or operation of the facility. The issues raised in the RFI have been fully addressed and the four reasons identified for refusal have not been fully substantiated or backed up by data or assessments by the PA.

The assessment by the PA in the planners report and in the internal reports from the Biodiversity and Environment sections are silent on the many positives outcomes from all the studies and assessments complete. It is also completely silent on the many areas of policy that the project aligns with.

It is considered that the proposed development is in line with policy at all levels and has the potential to enhance the tourism offering in South Kerry and positively contribute to the local economy.