

File With

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SECTION 131 FORM

Appeal No

ABP— 323171-25

Defer Re O/H

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Having considered the contents of the submission dated/received 19/08/25 from Kate ROSENGRAVE I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

no in 1820

Section 131 not to be invoked at this stage.

Section 131 to be invoked — allow 2/4 weeks for reply.

Signed

[Signature]

Date

10/9/25

EO

Signed

[Empty box]

Date

[Empty box]

SEO/SAO

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

Date

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EO

Signed

[Empty box]

Date

[Empty box]

AA

L. Quinn

LDG-082188-25



### Planning Appeal Online Observation

Online Reference  
NPA-OBS-004957

#### Online Observation Details

Contact Name  
Kate Roseingrave

Lodgement Date  
19/08/2025 17:21:01

Case Number / Description  
323171

#### Payment Details

Payment Method  
Online Payment

Cardholder Name  
Kate Roseingrave

Payment Amount  
€50.00

#### Processing Section

S.131 Consideration Required

Yes — See attached 131 Form

N/A — Invalid

Signed

*Dawn L. Quinn*

EO

Date

28/08/25

#### Fee Refund Requisition

Please Arrange a Refund of Fee of

€

Lodgement No

LDG—

Reason for Refund

Documents Returned to Observer

Yes  No

Request Emailed to Senior Executive Officer for Approval

Yes  No

Signed

EO

Date

#### Finance Section

Payment Reference

ch\_3RxsHRB1CW0EN5FC09IzL8Ht

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

# Validation Checklist

Lodgement Number : **LDG-082188-25**

Case Number: **ACP-323171-25**

Customer: **Kate Roseingrave**

Lodgement Date: **19/08/2025 17:30:00**

Validation Officer: **Dáire Littleton Caden**

PA Name: **Kerry County Council**

PA Reg Ref: **2460322**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Observation / Submission**



Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP 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
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes

Online Observation

BP40 ✓ SMD 28/8/25

Run at: 28/08/2025 10:52

Run by: Dáire Littleton Caden

Variant	...	...	...
1	...	...	...
2	...	...	...
3	...	...	...
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Handwritten notes or signature at the bottom of the page.

Kate Roseingrave

Reenroe

Emlaghmore

Co Kerry

V23 R263

19 August 2025

The Secretary

An Comisiun Pleanála

64 Marlborough St

Dublin 1

D01 V902

**Re: Planning Application Ref PLO8.323171**

**Applicant Rinn Rua Holiday Park Ltd**

**Development at 22.6ha site at Reenroe, Emlaghmore West, Ballinskelligs, Co Kerry**

Development at 22.6ha site at Reenroe, Emlaghmore West, Ballinskelligs, Co Kerry. The development will consist of an integrated tourism/leisure park first comprising of the partial demolition, extension and redevelopment of the existing derelict hotel, to include 4no. self-catering studio apartments; 3no. one bed self-catering apartment; 15no two bed self-catering apartments, a bar; dining room; rooftop restaurant; shop; ESB substation and switch rooms; standby generator room and bin stores. The remainder of the proposed development will include the following: 6 no. hobbit huts, 21no. glamping pods, 25no. holiday homes, 144no. mobile homes, 20no. campervan stands. 0.8ha tent camping area, washroom and toilet facilities 58m<sup>2</sup>, maintenance building 618m<sup>2</sup>, leisure complex (with swimming pool), 1,339.5m<sup>2</sup> surf shop, 191.7m<sup>2</sup>/café, 126m<sup>2</sup> natural play area, central park area, 151 no. car parking spaces, including coach parking, 40no. bicycle spaces, EV charging points, 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, 2no. standby generators, water services and landscaping. The project includes all ancillary and associated works necessary to facilitate the development.

Dear Sirs

As a directly adjoining neighbour to the Rinn Rua Holiday Park Ltd proposal for an integrated tourism/leisure park at Rinn Rua Headland and its two beaches, Reenroe, Emlaghmore West, Ballinskelligs, Co. Kerry, I make the following observations:

**1. Loss of amenity, privacy, light and view:**

The proposed height and in particular the proposed scale of the application for development will cause a loss of privacy as the application proposes to create accommodation for over 1000 residents which is a population equivalent to the nearby town of Cahersiveen. This on a 22.6 ha site.

The proposed development will cause a loss of privacy due to the number of residents, the number of units, the impact of increases roof-height, both overlooking and encroaching on our adjoining property, the lack of screening and trees and the proposed removal of our right of way which has been in existence for over 50 years.

I object to multiple housing units in what is supposed to be a "protected" rural area of South West Kerry contrary to the provisions of the Kerry County Development Plan.

I am deeply concerned about the impact on and denial of my enjoyment of my private property both during the 5-year construction period and forever after.

**2. Removal of existing right of way to our property:**

The proposed application states that a "new access road and service lines to two neighbouring dwellings to the southeast of the development site". As a resident of one of the directly adjacent dwellings, I am concerned that the application seeks to remove our existing right of way which has been in existence for over 50 years.

**3. Pollution: litter pollution, noise pollution, waste water pollution and light pollution.**

The proposed application for development intends to cater for more than 1000 residents and will necessarily cause various forms of pollution.

**Noise Pollution**

The proposed application for development will cause noise pollution resulting from over 1000 residents congregating outside of campervans, tent camping areas, hobbit huts, mobile homes in addition to use of outdoor washrooms, toilets, play areas, car parks and EV charging points. The proposed application will necessarily generate excessive noise from maintenance buildings, an ESB sub-station, switch rooms and standby generator units.

There will be significant noise pollution from vehicular traffic on the site.

#### **Waste water Pollution**

I would not feel safe swimming in the sea a short distance from an effluent processing plant.

The proposed application for development will create a public health risk and unacceptable pollution risk to public beaches. The scale of the wastewater treatment plant has to cater for more than 1,000 residents. The wastewater treatment plant should not be located where there is existing vehicular and pedestrian traffic. Due to the high-water table on site and at the proposed Wastewater Treatment Plant to the east of Reenroe beach access road (L-7535), effluent could not be adequately disposed of and therefore would create a risk to public health. The wastewater treatment plant is exposed to potential storm damage.

The shoreline shows extensive evidence of storm erosion and flooding. The scale of the proposal would result in a significant discharge of wastewater to the protected habitat and two adjacent beaches used for bathing and water sports.

The site is in an area at risk of flooding and in close proximity to Emlaghmore River, Inny Estuary, Reenroe and Trá na Sasanach beaches, Ballinskelligs blue flag beach and generally the special area of conservation for quality of marine and shoreline habitat (ref Kerry County Development Plan 11-61: *support coastal initiatives such as the Green Coast Award and Blue Flag scheme and seek to ensure that coastal areas and bathing waters are maintained to the highest level to provide valuable recreational resources in the County*).

#### **Light pollution**

The proposed development will cause light pollution in the Kerry International Dark Sky Reserve part of the Wild Atlantic Way.

#### **Litter pollution**

The proposed development will necessarily cause litter pollution.

#### **4. Structural Damage**

The proposed development consists of non-permanent structures such as: *6 no. hobbit huts, 21no. glamping pods, 25no. holiday homes, 144no. mobile homes, 20no. campervan stands. 0.8ha tents.*

Non-permanent structures do not by their nature have the structural integrity to withstand gale force winds which are frequent on the West Coast of Ireland. The site of the proposed development is situated directly on the Atlantic Ocean where strong winds will potentially damage these non-permanent structures which could seriously damage persons and directly adjoining properties such as our property.

I am very concerned about the direct impact on my existing property.

**5. Ballinskelligs Bay and Inny Estuary is a Highly Sensitive Landscape:**

There will be an injurious impact on highly sensitive wetlands. A development of this scale and density would be in direct contravention of the ecological integrity of the wetlands and contrary to the preservation of same.

The site of the proposed development is an exposed coastal site lying between the road and the sea, in an area which is visually sensitive and designated as a Secondary Special Amenity Area and a Natural Heritage Area for the quality of its marine and shoreline habitat, in the current Kerry County Development Plan and which also lies adjacent to a designated environmentally sensitive area.

The proposed scheme would not integrate satisfactorily into the landscape which is designated as a rural secondary amenity and would contravene the development plan and be contrary to the proper planning and sustainable development of the area.

The proposed development would, therefore, seriously injure the character of the landscape the preservation of which is fundamental and necessary and would be contrary to proper planning and sustainable development of the area.

Kerry Development Plan 2022-2028 Landscape Review Map 32 categorises the area's overall sensitivity as high. The proposal is intrusive to the landscape and profoundly harmful to the natural beauty of the area eroding local landscape quality, ultimately leading to long-term job losses.

The site forms part of the **Páirc Náisiunta na Mara, Ciarrai**; the State's first national marine park as part of 70,000 acres of lands and seas. The National Parks and Wildlife Service has stated that:

"The Páirc will be dedicated to the protection and restoration of its internationally-significant biodiversity and archaeological heritage – including the globally significant UNESCO World Heritage site of Scelig Mhicil".

The proposed application will have an injurious impact on internationally important seabirds and destruction of natural habitats.

**6. Unzoned Land with well-established agricultural use:**

The hotel use of the site has been abandoned for over 35 years as the property is a derelict site. There is no existing use on the site at Reenroe, Emlaghmore West, Ballinskelligs, Co. Kerry.

The proposed development is changing the abandoned derelict structure to residential in the form of converting an existing derelict hotel into a 22-unit single aspect apartment block with food, beverage and leisure offering for a larger temporary and permanent own-door residential type scheme catering for 1,000 residents which is contrary to Kerry County Development Plan 2022-2028 objectives.

Eamon Galligan B.L. notes the following in relation to the abandonment of use:

"A use which has been discontinued is regarded as having been abandoned if there is:

- (i) a factual cessation of activity
- (ii) An intention not to resume the said activity"

The property or site involved is then deemed to have "no" use.

(Galligan, 1997:78)

In a similar vein, Garrett Simons (formerly senior counsel now High Court Judge) noted:

"It seems that the issue of an intention to resume the development is an important factor in determining whether or not there has been abandonment. Thus, where the use of premises as a general industrial building was suspended for a period of four years without any satisfactory explanation, it was held that the use had been abandoned" (Simons, 2007:89;2-75.)

The proposed application **does not** seek the resumption of hotel use but is predominately an own-door large scale residential/ holiday home complex with varying degrees of permanency on un-zoned agricultural land.

## **7. The Nature, Bulk, Scale, Design and Layout:**

The proposal by virtue of its nature, bulk, scale and increased roof-height on an open and exposed site in a highly scenic part of South West Kerry would seriously injure the amenities of the area by reason of its obtrusiveness and would profoundly interfere with the character of the landscape which is necessary to preserve according to the Kerry County Development Plan 2022-2028.

The proposed application for development intends to provide accommodation for approximately 1,000 people which is similar to the population settlement of Cahersiveen with a population of 1,041 people (figures as of 2016).

The proposal is in excess of 216 new green field units with varying degrees of permanency.

The proposal would be very prominent when viewed from two adjacent wide sandy beaches with the mountainous backdrop which is an exemplary Kerry landscape.

The proposed development is much larger in bulk and scale and higher than the existing derelict ruin on the site. The proposal would cause a loss of beauty in a designated area.

The nature, scale, design and layout of the proposed development would create an irreconcilable feature in the landscape and coastline and could not be justified solely on the basis of being the means of dealing with the existing weathered dereliction.

It is a stated objective of Kerry County Council to protect the landscape of the county as a major economic asset as well as for its invaluable amenity value. The proposed application for development would be injurious to Kerry County Council's stated objective and be wholly in contravention of same.

**8. Site classification is visually sensitive, and the proposal materially affects protected views/prospects:**

The proposed development would interfere with views and prospects from the R567 and Dungeagan Road, the preservation of which is considered necessary and the proposed development by reason of its prominent and elevated position would be also seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

Existing listed views which would be affected by the proposed development include the view from the R567 and Dungeagan Road towards Ballinskelligs Bay.

The landscape designation of the site is classified *as visually sensitive with protected views* and prospects as per Map P of the Kerry County Development Plan 2022-2028 volume 4:

- 11.6.3 states that *permission will not be granted for development which cannot be integrated into its surroundings.*
- 11.6.3.1 states that *visually sensitive areas are to be protected.*
- 11.6.5 states that *any development which hinders or materially affects protected views/prospects will not be permitted.*

Kerry County Development Plan 11-79 notes the objective *to preserve the view and prospects* as defined on maps contained in volume 4.

**9. No safe pedestrian links:**

The proposal does not comply with the Kerry County Development Plan 2022-2028 at 10.3.5.1 Camping/Glamping, Campervans and Caravans guidelines of the tourism and outdoor recreation section as there is no safe pedestrian link to Dungeagan or Waterville. The proposal is not in or adjacent to established settlement nodes but is in fact outside any existing settlement with established infrastructure.

The proposal is contrary to Kerry County Council Development Plan 2022-2028 policies and objectives, contrary to proper planning and sustainable development and contrary to settlement strategy.

**10. Caravan, Glamping and Camping Developments:**

The Kerry County Development Plan 2022-2028 Volume 6 at 1.12.2 states that *parks will only be permitted within settlement boundaries. Parks will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such developments.*

**11. Gaeltacht:**

The proposed application for development will have a negative impact on cultural and linguistic inheritance of Gaeltacht.

Please acknowledge my submission and advise me of The Comisiun's decision.

Yours sincerely

*Sent by email and accordingly bears no signature*

**Kate Roseingrave**

Handwritten marks and scribbles in the top right corner.

The proposed...  
also...  
...

10. Overall Strategy and Program Development

The...  
...  
...

11. Budget

The proposed...  
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Please...  
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Your...  
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Best...  
...

Kate...  
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