

File With _____

SECTION 131 FORM

Appeal NO: ACP 323171

Defer Re O/H

Having considered the contents of the submission dated/ received 24-09-25
from

Dan 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 new plan issues

E.O.: Rus O

Date: 3/10/25

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage.

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

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ACP 323141-25

M _____

Please treat correspondence received on 24/9/25 - email as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>23</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Commission's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
	3. Keep Copy of Commission's letter <input type="checkbox"/>

Amendments/Comments
<u>DAU - response to S131</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input checked="" type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Rose J</u>	AA: <u>[Signature]</u>
Date: <u>26/9/25</u>	Date: <u>26/9/25</u>

James Sweeney

LC+LQ

From: Housing Manager DAU <Manager.DAU@npws.gov.ie>
Sent: Wednesday 24 September 2025 18:46
To: Appeals2
Subject: Your Ref: ACP-323171-25 Planning Ref: 2460322 - Kerry County Council
Attachments: ACP-323171-25.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

A Chara,

Attached please find the nature conservation observations/recommendations of the Department in relation to the aforementioned.

Can you please confirm receipt of same?

Kind Regards,
Sinéad

—
Sinéad O' Brien
Executive Officer

—
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
Newtown Road, Wexford, County Wexford Y35 AP90
—



Your Ref: ACP-323171-25
Planning Ref: 2460322 - Kerry County Council
(Please quote in all related correspondence)

24 September 2025

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Via email: appeals@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Re: Appeal Referral regarding Kerry Planning Application 2460322 for permission for the development at a 22.6ha site at Reenroe, Emlaghmore West, Ballinskelligs, County 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; 4 no. self-catering studio apartments; 3 no. one bed self-catering apartment; 15 no. two beds 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, 21 no. glamping pods, 25 no. holiday homes, 144 no. mobile homes, 20 no. campervan stands, 0.8ha tent camping area, washroom and toilet facilities 58m², maintenance building 618m², leisure complex (with a swimming pool) 1,339.5m², surf shop 191.7m²/café 126.5m², natural play area, central park area, 151 no. car parking spaces, including coach parking, 40 no. 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, 2 no. standby generators, water services and landscaping. The project includes all ancillary and associated works necessary to facilitate the development.

A Chara

I refer to correspondence received in connection with the above.

Outlined below are nature conservation observations/recommendations of the Department co-ordinated by the Development Applications Unit.



Lighting and Manx Shearwater

The proposed development is located c.12 km from Scarriff Island, which is part of Deenish Island and Scariff Island Special Protection Area (SPA) (Site Code: 004175), designated¹ for, amongst other species, Manx shearwater. The fledglings of this species leave the nest in September and October to begin their migration to the south Atlantic, and are often blown off course, and disorientated, especially in fog, by coastal lights.

For instance, the village of Mallaig (on the west coast of mainland Scotland) is located c. 27km east of the Isle of Rum, and a large population of Manx shearwater breed on the island. Despite the distance (over twice that between Reenroe and Scarriff Island), 1,646 grounded Manx shearwater were recorded over a six-year period².

Although Ballinskelligs Bay and the proposed development site at Reenroe are outside the SPA, nevertheless, there is an obligation, under Article 4(4) of the EU Birds Directive to strive to avoid pollution and deterioration of habitats outside protected areas.

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

According to a recent European Commission document on light pollution³ (Figure 19), the first of “ten golden rules for dark night conservation for marine habitats”, is to: “Include appropriately qualified biologists in the lighting design process as well as light management guidance and regulations.”

Recommendation for Condition

The following type of condition is therefore recommended:

Prior to commencement of the project, the lighting design and available lighting units shall be reviewed in consultation with a qualified Ornithologist, taking into account best practice mitigation, in order to refine the design to accommodate the least light spillage to Ballinskelligs Bay. During construction, and at the commencement of operation, the lighting

¹ By S.I. No. 63 of 2010.

² Syposz, M., Gonçalves, F., Carty, M., Hoppitt, W. and Manco, F. (2018) Factors influencing Manx shearwater grounding on the west coast of Scotland. *Ibis* **160**: 846-854.

³ Science for Environment Policy (2023) *Light Pollution: Mitigation measures for environmental protection*. Future Brief 28. Brief produced for the European Commission DG Environment by the Science Communication Unit, UWE Bristol. Available at: https://environment.ec.europa.eu/publications/future-brief-light-pollution-mitigation-measures-environmental-protection-issue-28_en



and, in the latter case, light spillage to sea, shall be assessed by the Ornithologist, and a report sent to the Planning Authority and to the National Parks and Wildlife Service

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@npws.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Sinéad O'Brien

Sinéad O' Brien
Development Applications Unit
Administration