



**An Coimisiún Pleanála [ACP] Case Numbers:  
ACP-323996-26 and ACP-324000-26**

**Proposed development N70 Waterville to Ballybrack Road Improvement  
Scheme Townlands of Waterville, Ballybrack and Eightercua, Co. Kerry**

**KERRY COUNTY COUNCIL [the Council]**

**Response to Submissions**

**May 2026**

It is noted that in the letter from the competent authority inviting a response, that the Council is directed not to furnish any further reports.

The following submissions have been received by the Council in respect of the proposed development.

- 1. Transport Infrastructure Ireland**
- 2. Damien Lee**
- 3. Waterville Tidy Towns**
- 4. IRD Waterville CLG**
- 5. Cllr. Norma Moriarty**
- 6. Abbie Clifford and Others**
- 7. Barry and Bernice O'Donovan**
- 8. Eddie Cagney and Ann Roche – Cagney**
- 9. Department of Housing, Local Government and Heritage**
- 10. Waterville Links Ltd**

## **Submissions 1 to 6**

Submissions 1 to 6 strongly support the proposed development and the contents thereof speak for themselves.

## **Submission 7 and 8**

Following a submission on behalf of Barry and Bernice O'Donovan and also a submission on behalf of Eddie Cagney and Ann Roche–Cagney, the Council has further engaged with the landowners in relation to their concerns. Further engagement is to take place as between the landowners and the Council to address their concerns.

## **Submission 9: Department of Housing, Local Government and Heritage**

### ***Archaeology***

The Council notes the request for the full Cultural Heritage Impact Assessment (and any other relevant documentation omitted from the Application).

The Council will facilitate the Department's request for the full Cultural Heritage Impact Assessment report and any other information deemed necessary by An Coimisiún Pleanála and such further Directions as are made by the competent authority in that regard.

### ***Nature Conservation***

The Council acknowledges the importance of ensuring that *“measures necessary to avoid siltation from construction and road pollutant run-off during operation are fully implemented”*

The Council are committed to ensuring best practice measures are implemented, should An Coimisiún Pleanála grant planning consent. In this regard, a “Preliminary Construction Environmental Management Plan” (Preliminary CEMP) forms part of the application submitted to An Coimisiún Pleanála, as part of the implementation of the mitigation measures and standard construction features, as outlined in the submitted documents including the Natura Impact Statement, PECR and EIA screening report. These measures include the following within the Preliminary CEMP:

1. *Section 1.1 – “The Preliminary CEMP will be updated by the appointed contractor at construction stage as part of the implementation of any Conditions/Restrictions and/or Mitigation Measures enshrined in such Approval by the Competent Authority as may be granted”*
2. *Section 1.2 – “Key to the implementation of this preliminary CEMP is the delegation of responsibility for the CEMP to the Environmental Manager / Safety, Health, Environment and Quality (SHEQ) Officer, or other suitably qualified appointed person*

*on behalf of the Main Contractor, who will regularly liaise with and update Kerry County Council on all environmental issues relating to the project during the construction phase.”*

3. *Section 1.2 – “A suitably qualified Ecological Clerk of Works (ECoW) will be appointed by the Contractor.”*
4. *Section 3.6 – Surface water “runoff will go through treatment via a grassed Channel / swale and petrol interceptor”*
5. *Section 3.6 – “Currently runoff runs untreated off the road into the verge, eventually depositing at the lowest spot located adjacent to the existing pumping station. To improve road drainage within this area, the new proposed drainage scheme will include a combined filter drain which will run on the southern side of the mainline from Ch 0 to Ch 785m where it crosses the road to Ch 812m via a carrier pipe. From Ch 812m to 978m a combined filter drain will convey the water to a petrol interceptor and wetland area.”*
6. *Section 3.6 – “All works associated with the installation of the headwall on the northern bank of the Currane River will be undertaken outside of the salmon spawning season. The construction works will only be undertaken during the period July-September. In addition, Inland Fisheries Ireland (IFI) will be consulted prior to works commencing and a detailed method statement outlining the proposed works and timing of works will be agreed.*
7. *Section 3.6 – “As part of good site practice and to avoid/reduce the release of suspended solids with surface water run-off, the following procedures will be employed:*
  - *Consultation with Inland Fisheries Ireland (IFI) has taken place. Further consultation will be carried out prior to works commencing and a detailed method statement outlining the proposed works and timing of works will be agreed as part of the implementation of any Conditions/Restrictions and/or Mitigation Measures enshrined in such Approval by the Competent Authority as may be granted.*
  - *Silt fences will be erected along the northern and southern banks of the Currane River using a permeable filter fabric (Hy-Tex Terrastop Premium silt fence, or similar) and not a mesh.”*

The Council notes the submission in relation to sandbag erosion, the possible need for reinforcement and the requirement for measures being implemented to be supervised by competent professionals.

The inspection of sandbags by a Chartered Engineer can be incorporated in any CEMP updates and a detailed method statement developed in consultation with Inland Fisheries Ireland and the appropriate actions / measures undertaken on site and subject to such further Conditions as the An Coimisiún Pleanála deem appropriate in any development consent as may be granted.

The Council notes the importance of regular maintenance of hydrocarbon interceptors and an appropriate post-construction maintenance regime and subject to such further Conditions as An Coimisiún Pleanála deem appropriate in any development consent as may be granted.

## **Submission 10: Waterville Links Ltd**

Waterville Links Limited of Waterville House & Golf Links, Waterville, Co. Kerry: Submissions dated February 17<sup>th</sup> 2026.

### ***Overview***

#### **CPO Objection**

The Council notes the content of the letter dated February 17<sup>th</sup> 2026, namely, an objection to the proposed CPO in respect of Waterville Links Limited [Waterville House].

The detail of the Response to the submission by Waterville House in respect of Development Consent applies with equal force to the objection to the CPO and should be considered in equal measure to the CPO objection.

In respect of the statutory test for acquisition, the Council respectfully submits that the material in the Council's response below is equally apposite to this legal test.

In summary and for the more detailed reasons and based on the material set out below in the Council's response, it is submitted that the statutory test for acquisition is met. In particular, the CPO objection fails to provide sufficient material to establish in what manner the alternative proposal meets the statutory test.

Should any further information be required, the Council will comply with any such request.

#### **Submission in respect of Development Consent (Section 177AE)**

The Council expresses its reservations in relation to the alleged support for the objective of the proposed development. It appears to acknowledge a transport infrastructure deficit along this part of the N70 route. However, it is clear from the detailed Submission that Waterville Links Limited opposes the option of having an additional bridge structure to cater for active travel on the western side of the existing masonry bridge and the active travel route on the western side.

The submission raises procedural and substantive objections and puts forward the proposition that the competent authority, An Coimisiún Pleanála, is precluded from granting development in respect of the proposed development as submitted by the Council in December 2025.

The Waterville House submission suggests that an alternative option has lesser impact than the current proposal which is rejected by the Council. The Waterville House submission is '*site-specific*' in the localised area in which the bridge is located and attempts to negate the wider benefits of the proposed development to the community at large and the wider receiving environment, as a whole.

The Council understands that Waterville House is part of and meets the needs of Waterville Golf Club and provides accommodation for the private members of Waterville Golf Club and fee-paying guests associated with their golf user experience at Waterville Golf Club, located remotely from Waterville House. The gardens of Waterville House include vehicular access and provision for a helicopter which is used to transport members and fee-paying guests to and from the Golf Course and beyond. It contains a putting and chipping facility within the grounds as part of the golfing facilities. It is understood that Waterville House is commercially operated in connection with the Golf Club located remotely. It is understood that there are approximately thirteen bedrooms providing accommodation.

Insomuch as the submission contends that their alternative proposal is a more appropriate solution, the Council submits that this proposal is a mis-application of planning and transport policy at local, regional and national levels and its impacts in terms of the landscape, heritage and ecological features which have not been addressed in the submission by Waterville House. On the contrary, it is accepted in their submission that more detailed appraisal is required for such a proposal.

The Waterville House proposal is one which seeks to use existing roadway capacity to provide both active travel and a reduced roadway which, for the reasons explained hereafter, cannot cater in a safe manner for road users whether vehicular, pedestrians or cyclists.

The Waterville House alternative proposal has not been assessed in the wider environmental envelope and no consideration has been given to the imposition of signal controls on each side of an existing bridge, the issue of queuing on each side of the bridge including cars, coaches or HGVs and the potential impacts that can have on the receiving environment locally including overlooking of Waterville House.

To the extent that issues are raised in relation to ecological landscape or architectural heritage issues, it is the function of An Coimisiún Pleanála to assess in the context of the totality of the material presented to it, what if any, impacts can arise and what if any impacts could be deemed to be significant for the purpose of its assessment under Section 177AE of the Planning and Development Act 2000 as amended [PDA].

It is difficult to countenance a situation where Waterville House is supportive of the objectives of the Scheme when they are opposed to any additional bridge and to contend that the existing bridge can be considered adequate to cater with present and future long term needs of all road users in the receiving environment and its objection to the active travel route on the western side.

The bridge over the Currane River forms an important strategic access point both to Waterville as a village and its surrounding area and to the Ring of Kerry and Wild Atlantic Way.

In terms of the purpose and function of providing active travel access to Waterville and to the Ring of Kerry and the Wild Atlantic Way, the Submission by Waterville House fails to acknowledge the obvious constraints in the alternative option which, while addressing subjective concerns of Waterville House, fails to deliver on the objectives of a scheme to

benefit the functional area and the receiving environment, as a whole. This is more fully detailed supra.

In respect of the sectoral grounds of submission, the Council proposes to deal with each in turn as identified in the grounds of Submission.

## 1. Section 177AE

It is noted that the Submission is deemed to be a submission in relation to the application for development consent and an objection in relation to the Compulsory Purchase Order in so far as it affects the lands owned by Waterville House.

The rights of Waterville House to participate in the statutory process which is an ongoing and iterative process are fully reflected and respected in the provisions of Section 177AE.

The submissions and observations of Waterville House form part of the totality of material comprising the application by the Council, the submission / observations in relation to the development consent (and any associated submissions in relation to the making of the Compulsory Purchase Order), the response by the Council at the request of An Coimisiún Pleanála, any additional further information sought by the competent authority in the context of the iterative decision making process including the conduct of an oral hearing, at the discretion of and the right of An Coimisiún Pleanála to consider the wider environmental concerns – see *Save Cork City v An Bord Pleanála* [2022] IESC 52; *Klohn v An Bord Pleanála* [2008] IEHC 111.

## 2. Site Context

It is not in dispute that there is a recorded monument which is noted and recognised in the report prepared by the Council as part of its preparation for its submission to the An Coimisiún Pleanála, the competent authority. It is not in dispute that the River Currane is part of a network which includes European sites.

As far as there are fishing rights associated with Waterville House, these will not be interfered with as part of the proposed development and the proposed development has been subject to a Natura Impact Statement for consideration by the competent authority in the overall context of its decision-making process.

It is acknowledged that the N70 forms part of a nationally important tourism route.

The Council does not accept that the main pedestrian facilities within Waterville Village are confined to the eastern side of the village - see also Policy 'KENWD-WE-14', to '*facilitate and support the extension of the existing seafront walkway southwards along the N70 to existing facilities and services to provide an amenity walkway (subject to environmental assessment)*'. It is respectfully submitted that the characterisation of the grounds of Waterville House and its grounds or a demesne overstates its architectural significance in the present day and fails to acknowledge the changes over time to the house and grounds up to the present day.

### **3. Planning Policy Compliance**

The Council welcomes the opportunity to update planning policy and for that purpose the following are updated planning policy references and to set out hereunder key project objectives from a planning and sustainability perspective.

#### **3.1 Policy Compliance and Positive Benefits of the Subject Planning Application**

- 3.1.1 Revised National Planning Framework and National Strategic Outcomes [NSO's]: The proposed scheme ensures alignment with NSO 2 [*Enhanced Regional Accessibility*] and NSO 5 [*Sustainable Mobility*]. The National Road Network is identified as a 'Strategic Investment Priority' and the proposed N70 improvement works ensure significant investment and enhancement of this strategic national road route.
- 3.1.2 Revised National Planning Framework and National Strategic Objectives: National Policy Objective 37: The proposed development ensures the integration of safe and convenient alternatives to the car, by prioritising walking and cycling accessibility.
- 3.1.3 National Climate Action Plan and Sustainability Mobility Policy: In line with Ireland's Climate Action Plan 2025 and National Sustainable Mobility Policy, the proposed development supports Active Travel, increasing the number of journeys taken by sustainable modes of transport, namely walking and cycling.
- 3.1.4 Southern Region RSES - Strategy: The proposed development meets 'Strategy No.2' of the RSES by enhancing regional accessibility through upgraded transport infrastructure and 'Strategy No. 4' which places a strong emphasis upon the transformation of transport systems and sustainable mobility.
- 3.1.5 Southern Region RSES - Tourism: The proposed development including road enhancement works meet policy objective RPO 53 which places emphasis upon the sustainable development of the road network and facilities for improved visitor access.
- 3.1.6 Southern Region RSES – Road Infrastructure and Investment: The proposed development supports regional investment in infrastructure, fully compliant with RPO 68 and the objective to enable the sustainable development of infrastructure, to create a platform for economic growth in the region.
- 3.1.7 Southern Region RSES – Inter Urban and Intra Regional Road Connections: The proposed development is in line with objective RPO 153 which seeks to improve and maintain the operation of the National and Strategic Regional inter-urban road connections.

- 3.1.8 Southern Region RSES – Walking and Cycling: The proposed development supports the requirements of RPO 174 which encourages active walking and cycle infrastructure, supports active health initiatives and encourages the transition to sustainable modes of travel.
- 3.1.9 RSES RPO 173 includes an objective to invest in service improvements to transport network corridors, along key tourism corridors, including the Wild Atlantic Way, subject to robust feasibility studies to reduce impacts on the environment and required appraisal, planning and environmental assessment processes.
- 3.1.10 KCDP Core Strategy Principles and Policy Objective 3-1: The proposed development is in line with KCDP Policy Objective 3-1 and the key Core Strategy Principle of ‘Mobility and Transport’ which emphasises the need to, ‘support increased use of sustainable modes of transport; enhanced county and regional accessibility and the development of a safer, more efficient, effective, and connected transport system within Kerry.’
- 3.1.11 KCDP, The Wild Atlantic Way, Economic Growth and Tourism: The proposed development forms part of the ‘Wild Atlantic Way’ and is a significant enhancement of the route which the Kerry County Development Plan 2022 to 2028 [Page 15] refers to as a driver of economic growth.
- 3.1.12 The proposed development is in line with KCDP Policy Objective 10-13 which puts emphasis upon the sustainable development of the Wild Atlantic Way and ‘facilitating road improvements works’, as part of a wider policy strategy which recognises the importance of this key tourism route.
- 3.1.13 KCDP Policy Objective 9-15 and The Kerry Economic Recovery Plan 2021: The proposed development will ensure full compliance Policy KCPD 9-15 and supports ‘Pillar 9: Enhanced Regional Connectivity and Infrastructure’ of the Kerry Economic Recovery Plan 2021 which [Page 66] seeks ‘Enhanced regional accessibility and improved connectivity within the county in terms of the road, rail and public transport network, together with cycleway and pedestrian facilities are critical to support the development of industry & tourism, and to strengthen and support sustainable rural economies and communities.’
- 3.1.14 KCDP – The Rural Economy and Rural Connectivity: The proposed development meets the requirements of KCDP Policy Objective 9-42 which supports investment in the sustainable development of fully accessible infrastructure that strengthens rural connectivity.
- 3.1.15 KCDP Policies – Tourism and Outdoor Recreation: The proposed development meets requirements of Policy Objective KCDP 10-36 delivering an integrated pedestrian and cycle network linking key tourist destinations in the County and to the national network.

- 3.1.16 KCDP Policies and Road Infrastructure: The proposed development will contribute, in terms of meeting objective KCDP 14-20 to enhance and improve regional connectivity through upgraded transport infrastructure.
- 3.1.17 KCDP Policies and Strategic Road Corridors: The proposed development will contribute, in terms of meeting objective KCDP 14-22 to protect and sustainably develop the County's principal transportation assets which includes strategic road corridors, in this case the N70/ Wild Atlantic Way Route.
- 3.1.18 KCDP Policies and Vulnerable Road Users: The proposed development meets the requirement of KCDP 14-21 and improves access for vulnerable road users and people with disabilities to all modes of transport with provision for universal design thereby increasing and improving transport facilities for all users.
- 3.1.19 KCDP Policies and Status as Priority Infrastructure Project: The proposed development delivers a key road infrastructure project, as identified under the 2022 to 2028 Kerry County Development Plan. The objective of KCDP 14-27 is to, 'Provide, or facilitate the sustainable provision of all road infrastructure projects set out in Table 14.3'. The subject scheme forms part of the N70 [Killorglin-Cahersiveen – Kenmare] route which is identified by Table 14.3 of the 2022 to 2028 Kerry County Development Plan as a Priority Road Infrastructure Project [Page 304].
- 3.1.20 KCDP Policies and Active Travel: The proposed development will contribute, in terms of meeting a number of key KCDP Planning Objectives, which relate specifically to road infrastructure, including KCDP Objectives 14-3, 14-10 and particularly 14-15 which seeks to 'Promote the sustainable development of the public footpath network, the walking and cycling routes and associated infrastructure in the County.'
- 3.1.21 Rural Landscape: The proposed project has taken account of the impact upon the rural landscape, including the relevant 'Visually Sensitive Area'. On this basis, the project is fully compliant with Policy Objectives KCDP 11-77 and 11-78, plus National Policy Objective 23 [Revised NPF].
- 3.1.22 KCDP Policies and Protected View: The proposed project has taken account of the impact upon the designated 'Preserved View' [Western]. On this basis, the project is fully compliant with Policy Objectives KCDP 11-79 and 11-81.
- 3.1.23 KCDP Policies - Archaeology: The proposed scheme facilitates the sustainable development of the N70/ Wild Atlantic Way, having regard to the impact upon Archaeological Heritage, including the nearby recorded monument [KE098-094 – Weir]. On this basis, the scheme is fully compliant with the relevant policy objectives included at Chapter 8 of the 2022 to 2028 Kerry County Development Plan, not limited to KCDP 8-24, KCDP 8-26, KCDP 8-27 and KCDP 8-30.
- 3.1.24 KCDP Policies – Environment: The proposed scheme facilitates the sustainable development of the N70/ Wild Atlantic Way, having regard to the impact upon the environment, including the integrity of Natura 2000 sites. On this basis, the scheme

is fully compliant with the relevant policy objectives included at Chapter 11 of the 2022 to 2028 Kerry County Development Plan, not limited to KCDP 11-1, KCDP 11-2, KCDP 11-3.

- 3.1.25 KCDP Policies and Historic Designed Landscape: The proposed project has taken account of the impact upon the historically designed landscape. On this basis, the project is fully compliant with Policy Objective KCDP 8-50.
- 3.1.26 Road Safety and N70 Works: The proposed development will lead to road improvement works which will resolve issues set out in the submitted PECR regarding the existing route / layout which is considered unsafe, particularly for vulnerable road users. The road improvement works are in alignment with Policy Objective KDCP 14-29 which is to, 'Protect the capacity and safety of the National Road and Strategically Important Regional Road network in the County and ensure compliance and adherence to the provisions of official Government policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) in order to safeguard carrying capacity and safety of National Primary and Secondary Routes.'
- 3.1.27 Kenmare Local Area Plan 2024 to 2030: The proposed development aligns with policy objective 'KENMD-WE-15' which supports the N70 Waterville to Ballybrack Road Improvement Scheme, subject to environmental assessments, The scheme will also provide for the sustainable development and improvement of pedestrian and cycling infrastructure in Waterville, in line with the objective set out in 'KENWD-WE-11'.
- 3.1.28 The proposed scheme will bring further positive benefits and aligns with Kenmare Local Area Plan objective 'KENWD-WE-14', to 'facilitate and support the extension of the existing seafront walkway southwards along the N70 to existing facilities and services to provide an amenity walkway (subject to environmental assessment).'

### **3.2 Policy Compliance: Discussion on Submission of Waterville House**

The proposed development fully aligns with the above principles and policies and the key Core Strategy Principle [Mobility and Transport] to, '*maintain the strategic function, capacity and safety of the national roads network, and ensure that the existing extensive transport networks, which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.*' [KCDP 2022 to 2028: Mobility and Transport Core Strategy Principle, Volume 1, Page 49].

In this regard reference is made to Section 15 of the PDA and the obligation of the Council to secure the objectives (plural) of its plans.

The Council had regard to planning policy at regional, national and international levels in relation to the proposed development, as referenced in the submitted documentation.

While it is stated that the project as proposed does not address various environmental issues, it is remarkable that Waterville House have not explained the rationale behind its suggestion that the *'usability of the Scheme'* has been hampered by its location. Nor has it produced material in support of its suggestion that the location is away from predominant users which it suggests are located in established housing. One of the objectives of the proposed development is the avoidance of conflict with existing entrances for users. The proposed development removes exposure to the denser pattern of eastern-side driveways.

It is respectfully submitted that Waterville House consider, subjectively, that the proposed development is inappropriate by reference to Waterville House and its land ownership proximate to the bridge.

For the avoidance of doubt, it is the submission of the Council that there is no direct impact on the recorded monument [KE098-094 – Weir -fish] which had been confirmed in the reports prepared in advance of the Submission.

So much as issues might arise in relation to mitigation, same have not been advanced by Waterville House in their Submission by reference to either their own landholding or the wider scheme. However, it is a matter for the competent authority to consider what, if any, further mitigation might be required in its decision-making.

In so far as mitigation measures can be addressed, these will be addressed as part of further proposed mitigation measures should the competent authority regard these as being appropriate to this location.

Insomuch as reference has been made to the LVIA reports prepared by the Council as part of this application, it is open to the competent authority to request copies of specific reports should the need arise and the Council will comply with any such requests.

It is noted that in the letter from the competent authority inviting a response, that the Council is directed not to furnish any further reports at this juncture.

It is incorrect that the Council has limited its assessment to five view points which were prepared and presented in a local context as part of the overall LVIA of the Improvement Scheme as a whole and this will be further elaborated upon in the detailed response to Brady Shipman Martin [BSM] supra.

It is noted that a particular emphasis of the technical reports submitted by Waterville House are confined to Waterville House and its landholding.

Insomuch as Waterville House requests the competent authority to consider further information in terms of LVIA or any other viewpoints, it is open to the competent authority to seek such information as part of the iterative decision-making process and the Council respects and indeed welcomes a request for such further information as is deemed material and relevant for the purposes of the decision making process – see *Klohn v. An Bord Pleanála* High Court McMahon J cited ante. See also Section 177AE[5] of the PDA.

In the respectful submission of the Council, Waterville House appear to conflate policy objectives in relation to the landscape as a whole and seeks to apply those objectives to their individual commercial landholding without due regard to and out of context with the physical changes to Waterville House, the Weir and the surrounding gardens [which now include chipping and putting facilities] since its acquisition for and in connection with the Golf Links . This is in the respectful view of the Council a mis-application and mis-interpretation of the policies within the County Plan.

The suggestion that the historic designed landscape in the wider area is in some way inextricably linked to Waterville House is also rejected. The ‘built’ heritage elements of Waterville House and the green spaces value have not been explained in the context of planning policy or of the wider receiving landscape, and without due regard to and out of context with the physical changes to Waterville House, the Weir and the surrounding gardens [which now include chipping and putting facilities] since its acquisition for and in connection with the Golf Links.

As stated earlier, a cultural heritage assessment has been carried out as part of the application and a summary is contained within the PECR. This is elaborated upon in this Response submission.

The competent authority has the power to seek such information as part of the decision-making process and the Council welcomes such a request if same is made.

Insomuch as there is a recorded monument [KE098-094, Weir - fish] approximated 86 metres west of the proposed development, there is no direct impact on this recorded monument. Accordingly, the suggestion that there is a failure to comply with policy objectives is rejected.

Insomuch as Waterville House propose an alternative crossing of the bridge, such a proposal is in conflict with other policies within the County Plan and potentially including those for which complaint is made in relation to the proposed development in like manner.

In this regard it is submitted that the proposed development balances the policy objectives overall.

While it is suggested that the proposed development is contrary to KCDP 14-21, this is not further explained and it cannot be contested that the proposed development does provide segregated travel for pedestrians / cyclists and vehicles.

In the respectful view of the Council, the alternative option as presented by Waterville House has a disproportionate negative impact on the benefits of the overall project as a whole to the

receiving community including Waterville, and those who wish to access the wider envelope of greenways within the County and beyond. This is set out in more detail supra.

Insomuch as Waterville House raise issues in relation to the adequacy of information for the purposes of the assessment under Article 6 (3) of the Habitats Directive, the Submission fails to recognise the right of the competent authority to seek such information as may assist them as the competent authority in making their assessment for the purposes of Article 6 (3) of the Habitats Directive – see Section 177AE[5] of the PDA.

Insomuch as Waterville House complain that adequate mitigation measures have not been provided in relation to the removal of hedgerows, it is a matter for the competent authority to assess, what if any, conditions and/or restrictions might be imposed in any development consent including such additional mitigation measures as may be required as part its evaluation of the proposed development.

Insomuch as reference is made to objectives of the Kenmare Local Area Plan 2024 to 2030, no detail is submitted as to how those impact on the use of Waterville House for the benefit of private members and fee-paying guests.

The reference to the construction of the new bridge is mis-described. It is not the case that the additional bridge is fixed to the existing bridge. The proposed additional bridge is standalone and is entirely in keeping and protects the existing bridge in which no works will be carried out other than routine maintenance works. This is set out in more detail supra.

The existence of the recorded monument KE098-094, Weir – fish was known at the time of the application but there will be no direct impact on this recorded monument. The absence of reference to it in the Natura Impact Statement does not constitute an absence of information as the Natura Impact Statement is focused on the impact on European sites. The AHIA prepared for the proposal does note the existence of the recorded monument but, contrary to the suggestion in the Submission, it has not been directly impacted by the proposed development. This is set out in more detail supra.

In summary, the suggestion that there is a contravention of planning policy or a material contravention in so far as same is alleged is rejected by the Council.

It is noted that An Coimisiún Pleanála will have regard to planning policy at national, regional and local levels in the discharge of its functions. In this regard, it is submitted that the proposed development is supported by policy at all levels and the assessments that have been carried out support such policy.

Without prejudice to the foregoing and having regard to the Submissions made including those of Waterville House, it is open to the competent authority to seek further information and to gather the material upon which to support its decision making including such information / material as might be requested in further justification of the policy support for the proposed development. The Council welcomes such a request if same is made.

#### **4. Sufficient Particulars to support the Application**

The commencement of the submission appears to be a discussion and narrative in relation to the Guidance document prepared by An Coimisiún Pleanála.

Insomuch as the Submission refers to inadequate drawings, it would appear that this Submission does not recognise the extent of the description of the development contained within the relevant documents including the Natura Impact Statement, the PECR, the EIA screening and all related documents. For example, Section 4 of the NIS describes the proposed scheme including the site location and proposed drainage system. The Appendix to the NIS also includes the site location and scheme drawings, comprising 25 drawings including a site location map.

The Appendices to the PECR also includes a regional location map, site location map, site layout plan and photomontages.

Further details of the proposed development including its characteristics, the drainage system, design standards and management practices are contained in Section 5 of the EIA screening report. There are 11 figures within the EIA screening report containing further description of the development and it is further supplemented by the details contained in the CEMP which contains further details in Section 3 of the proposed construction works including structures and includes a dust management plan. Further bridge design details are set out in Fig. 2-4 and 2-5 of PECR, in Fig. 9-1 of NIS and page 9 of the EIA Screening report. Should further detail such as cross-sections be sought, same will be provided.

In summary, the details submitted is sufficient for the purpose of assessment of the design but it is acknowledged that the competent authority can seek further information.

Insomuch as complaints are made in relation to the information submitted with the application, the Council submits that it is a matter for An Coimisiún Pleanála as the competent authority to consider and evaluate the necessary information for the purposes of its statutory remit.

Section 177AE specifically provides that a competent authority, as part of the iterative decision-making process can seek further information and should that be deemed appropriate, the Council would welcome any request for further information Insomuch as such material is deemed necessary to determine the application.

Insomuch as the submission makes reference to public participation, this is enshrined in Section 177AE of the PDA.

It is a function of the competent authority to consider and evaluate all of the material that is presented to it by way of the application, the submissions and if necessary further information.

There is no lack of public participation in relation to the statutory process. In fact, the detailed Submission of Waterville House confirms the adequacy of the statutory regime. Waterville House has availed of the opportunity to make detailed submissions, in relation to the development consent process and the Compulsory Purchase Order including its proposed alternative option.

The suggestion that meaningful participation has been prevented is entirely rejected. Section 177 AE gives effect to the Aarhus Convention and there is no want of procedural defect in terms of the information gathering process or participation.

The submission makes reference to environmental decision making and public participation which is enshrined in the statutory procedures. Furthermore, there has been non-statutory engagement with all stakeholders including Waterville House over a period of years in advance of the application for development consent.

In summary, it is a function of the competent authority to consider and assess the totality of the material before it.

In this regard it is to be noted that the majority of submissions fully support the proposed development. The Department as a prescribed body has raised certain issues in relation to cultural heritage.

Two affected landowners have raised issues related to matters pertaining to compulsory acquisition, compensation and accommodation works.

While Section 4 of the Submission points to inadequacies it does not explain in what manner these are to be addressed in terms of a further information request.

It is a matter for the competent authority to consider and assess whether or not these are required for the purposes of its overall assessment of the proposed development and its statutory right to seek further information as need arises. See for example An Bord Pleanála application 06S.JA0040 [competent authority requests for Further Information as part of decision-making process]

## 5. **Consideration of Alternative Options**

In the respectful view of the Council, the proposed development of a pedestrian bridge is not *'over designed and out of context'* as suggested and predicated on the impact on Waterville House in the *'local context'* of its location proximate to the individual landholding.

It is a matter for An Coimisiún Pleanála as competent authority to consider whether or not further information is required in relation to alternative options which were considered in advance of the application for development consent. As the Council determined that this is not an EIA development, there is no mandatory obligation for alternative options to be presented.

In the instant case, the Waterville House submission has put forward an alternative option which it suggests should be adopted by the competent authority and such a submission falls within Section 177AE[5][a][ii] and [5][b].

The suggestion that the absence of alternative options denies the public or Waterville House the opportunity to participate in the decision making is rejected and misconceived. In fact, the opposite is the case. Waterville House has put forward an alternative design. It is a function of the competent authority to consider whether or not to approve the development, not approve the development or modify the development. Section 177AE expressly provides that the An Coimisiún Pleanála as competent authority, can require a redesign of a proposed development should it be deemed appropriate. The fact that Waterville House has put forward an alternative design supports the proposition that they are fully engaged in the public participation process. In substance they are requesting the competent authority to amend the design and that is a matter for the competent authority and is so provided for in the statutory provisions.

The suggestion that the Waterville House alternative option would mitigate the impacts of the proposed development is misplaced. For the avoidance of doubt, the Council did consider a number of bridge options. In terms of a shared cycle pedestrian facility alongside the main line realignment, various options were considered including a cycle/pedestrian facility on the western side, the eastern side and a combination of both western and eastern.

Following a multi-criteria assessment, the proposed choice of a western option, the subject of the current application, was chosen for development consent under Section 177AE of the PDA.

What is proposed by Waterville House is an alternative option that was not considered by the Council in its bridge options considerations.

It would now appear that Waterville House is requesting the competent authority as provided for in Section 177AE to modify the proposed development at Waterville Bridge and elsewhere.

In the respective view of the Council, the option put forward by Waterville House does not meet the requirements of the provision of active travel along the N70.

## 5.1 Overview of Alternative Design Option proposed by Waterville House

An Alternative Proposal by Waterville House comprises an Eastern-Side Pedestrian / Cycle Route and Signalised Shuttle over Waterville Bridge for vehicular traffic.

## 5.2 McCutcheon Halley submission - Alternative Proposal Discussion

It is noted on Page 1 that:

*“MHL Consulting Engineers have on behalf of the client, developed an alternative proposal which represents a more appropriate solution that would require less interventions to and alterations of the existing landscape, heritage and ecological features which characterise this important piece of the Ring of Kerry”.*

It goes on to state that:

*“the alternative proposal is a less engineered solution that is more appropriate to the rural context, and protects the integrity of the historic landscape”.*

On Page 15, it states that:

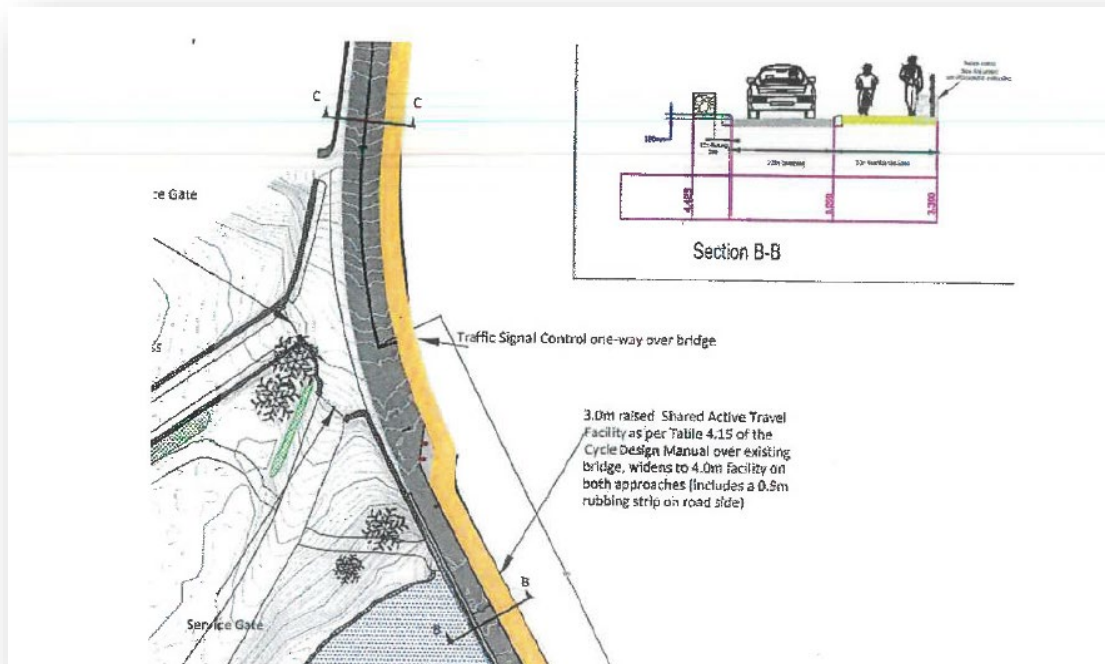
*“It is considered that the alternative option for the crossing of the Currane River developed by MHL Consulting Engineers that is detailed further in this submission would be a more appropriate intervention at this location as it represents a lesser impact on the historical heritage asset of Waterville Bridge”.*

The Council, at the outset, notes that there appears to be a conflict in the information submitted in the McCutcheon Halley submission and the report of MHL as follows:

- Page numbered 27 of McCutcheon Halley submission appears to show the bridge parapet wall removed in section B-B and Vehicle Restraint System (VRS) or safety barrier installed.

Figure 6 of the McCutcheon Halley submission contains an extract from the MHL report showing the alternative option. Section B-B of Figure 6 is a cross section of the existing Currane River Bridge. It shows the existing stone bridge parapets, with a note on the eastern parapet stating *“Replace existing Stone Wall parapet with VRS / pedestrian safety railing”.*

In respect of the statements highlighted above in the same McCutcheon Halley submission, the Council submit that the demolition of the existing stone parapet on the historical heritage asset of Waterville Bridge would have a detrimental effect on the heritage value of the structure and the visual impact of the demolition would be more than substantial, with the introduction of a VRS or pedestrian safety railing at the edge of an old stone arch bridge. This is a significant intervention and alteration that is being proposed to the existing bridge.



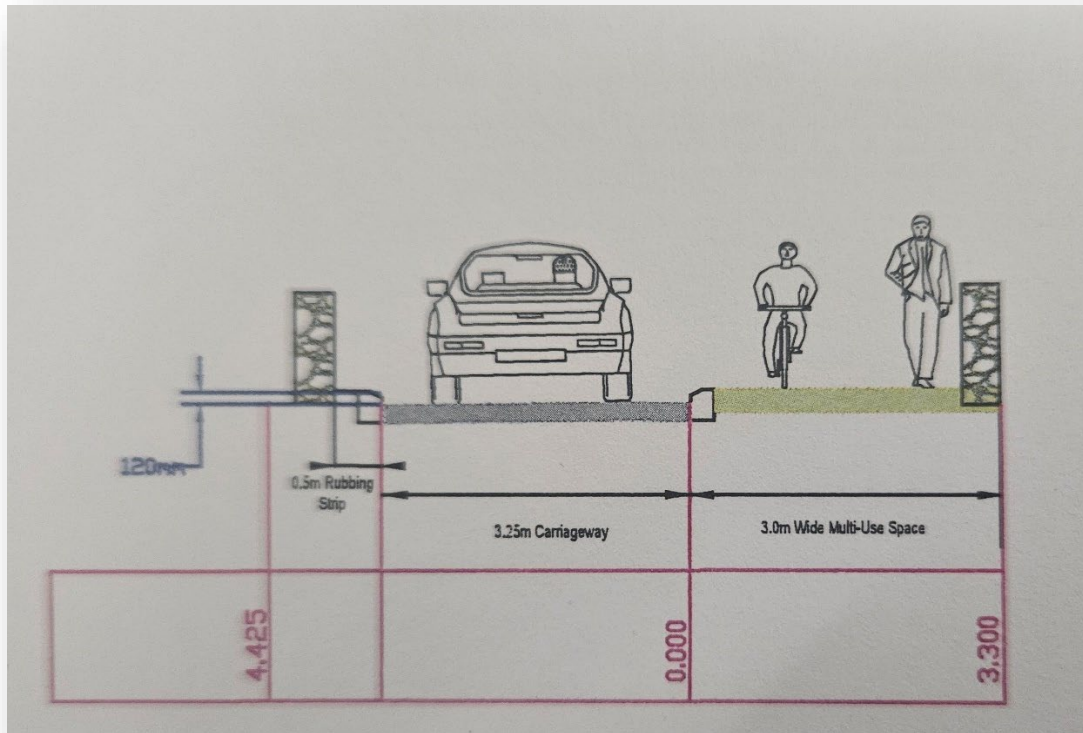
**Figure 5.2.1: Section B- B in Figure 6 of the McCutcheon Halley submission**

Demolition to the existing parapet would necessarily involve in-stream works to create a working platform on the outside edge of the bridge. It would also require the closure of the N70 to create working space on top of the bridge to implement the works required to demolish the existing stone masonry parapet and construct the necessary foundations for a new VRS/pedestrian safety railing. These works would introduce additional risk of deleterious materials entering the river and the SAC with consequent impacts on the qualifying interests.

The proposed development submitted to An Coimisiún Pleanála by The Council involves no work to the existing heritage bridge and no in-stream works to construct the clear spanning footbridge. Therefore, the assertions in the McCutcheon Halley submission that the MHL alternative proposal require less interventions and have a lesser impact on the heritage asset of Waterville Bridge are rejected.

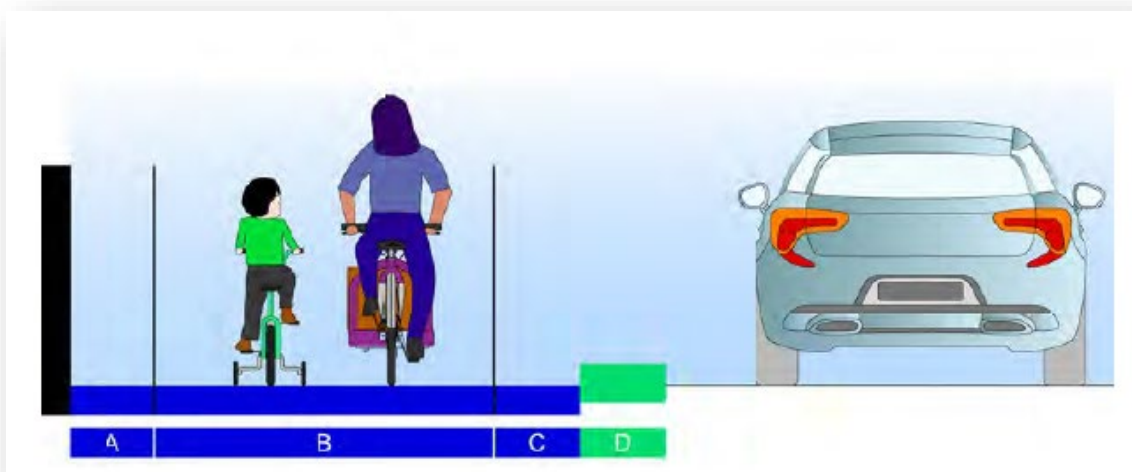
### 5.3 MHL & Associates submission - Alternative Proposal Discussion

Image 5 of the MHL report and the accompanying drawings also have a Section B-B which, similar to the McCutcheon Halley submission is a cross section of the existing Currane River Bridge. However, the MHL report does not appear to show the eastern parapet being replaced with a VRS/pedestrian safety railing. Instead, the MHL cross section shows both parapets being extended in height and made narrower than the existing parapets.



**Figure 5.3.1: Section B- B in Image 5 of the MHL submission**

The MHL proposal does not meet the current standards for the provision of cycle facilities. The Cycle Design Manual Table 2.2 requires an absolute minimum of 0.5m inside clearance to the bridge parapet (A) + 3m shared facility (B) + 0.2m outside clearance (C) + a buffer of 0.3m (D) assuming a speed limit of <50kph is allowed, giving a total width of 4m. This is the absolute minimum width required to meet current standards and this would leave only 2.25m for the carriageway in the MHL cross section above.



**Figure 5.3.2 Cycle Design Manual Width Calculator**

The Council note that the 3.0m width for the shared facility as depicted in the MHL cross section includes the width of the bridge parapet. Therefore, the actual width (without clearances or buffers) available for the shared facility is less than 2.5m. This is wholly inadequate for a shared pedestrian/cyclist facility.

The MHL report states that *“both stone wall parapets are fully maintained, with some localised raising of the stone walls for safety”*. This is not possible.

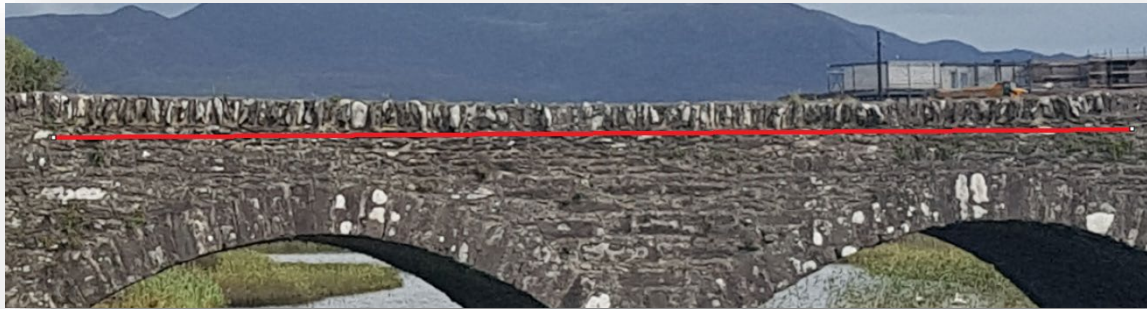
Based on survey information available, the minimum width of the existing bridge between existing parapet walls is 6.27m. This is insufficient to accommodate the proposed MHL cross section, which consists of a 0.5m rubbing strip, 3.25m carriageway and 3.0m wide footway/cycleway (a total of 6.75m). Therefore, the MHL proposal involves the removal of both parapets down to deck level and reconstruction of both parapets narrower than existing (to create enough horizontal space) and higher than existing (to meet the required containment height of 1.4m for cyclists).

MHL admit that the existing stone parapets need to be raised in order to meet safety standards. Scaling from the cross section in their report, they propose to raise the parapets to approximately 1.0m height (the existing parapets are <1m high). This does not meet the required standard for containment of cyclists. In fact, the required height of parapet would be 1.4m.

Notwithstanding the fact that the MHL proposal is misleading, their proposal to include *“some localised raising of the stone walls for safety”* is in contradiction to the claims in the McCutcheon Halley submission that this option *“represents a lesser impact on the historical heritage asset of Waterville Bridge”*.

Raising the existing parapet walls (even without needing to narrow them) would involve the removal of the soldier course of vertical coping stones at the top and then addition of new stonework above the existing stonework before (presumably) reinstating the coping stones at the top. This would result in irreparable damage to the aesthetic of the old bridge. A visible joint between old and new stonework would be visible with different colours, textures and workmanship clearly visible for posterity. The existing stonework is a random rubble type which would be extremely difficult to replicate.

It is not possible to extend an existing masonry structure without affecting its heritage value. The result would be a hybrid [old and new] version of the previous bridge and its heritage value at present.



**Figure 5.3.3** *Soldier Course (above the red line) would require removal and reconstruction*

It is reiterated again that the proposed development submitted to An Coimisiún Pleanála by The Council involves no work to the existing heritage bridge. The alternative proposal by MHL requires significant work to the existing bridge.

The MHL report states that *“there are no in-stream works required with minimal impact on either of the identified SACs”* is rejected, as the works required to the existing bridge parapets will require working platforms to be erected on the outside edges of the bridge to gain access to the outside face of the parapets to undertake the required demolition and reconstruction works. These construction works will introduce additional risk of deleterious materials entering the river and the SAC with consequent impacts on the qualifying interests and on Butlers Pool.

The MHL report states that *“construction will not require the closure of the N70”*. This is rejected as the MHL option requires significant work to the existing bridge, as the parapets need to be partially demolished and reconstructed which will require working space on the narrow bridge, and construction of the new kerbs on both sides of the proposed carriageway as well as the new shared pedestrian/cyclist path will require the full closure of the N70 as it is not possible to fit the required construction machinery and plant onto the existing bridge whilst catering for traffic (including buses and HGVs).

The proposed development submitted to An Coimisiún Pleanála by The Council requires no work to the existing bridge, and most of the work remote from the bridge is offline. It is therefore entirely possible to complete the proposed scheme without requiring a full closure of the N70, except for a single short duration overnight closure to lift the new footbridge into position.

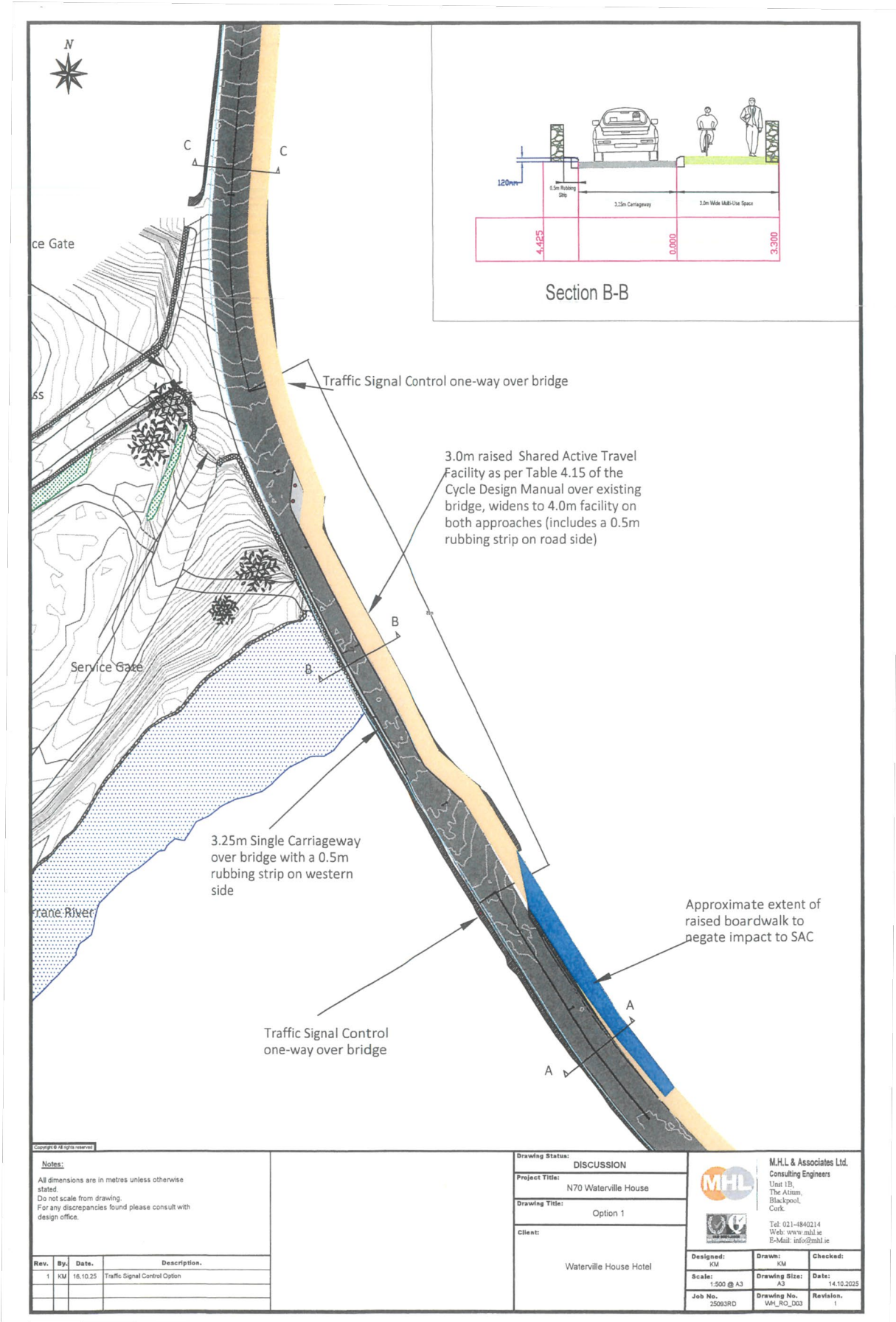


Figure 5.3.4 MHL Alternative Proposal – Plan View

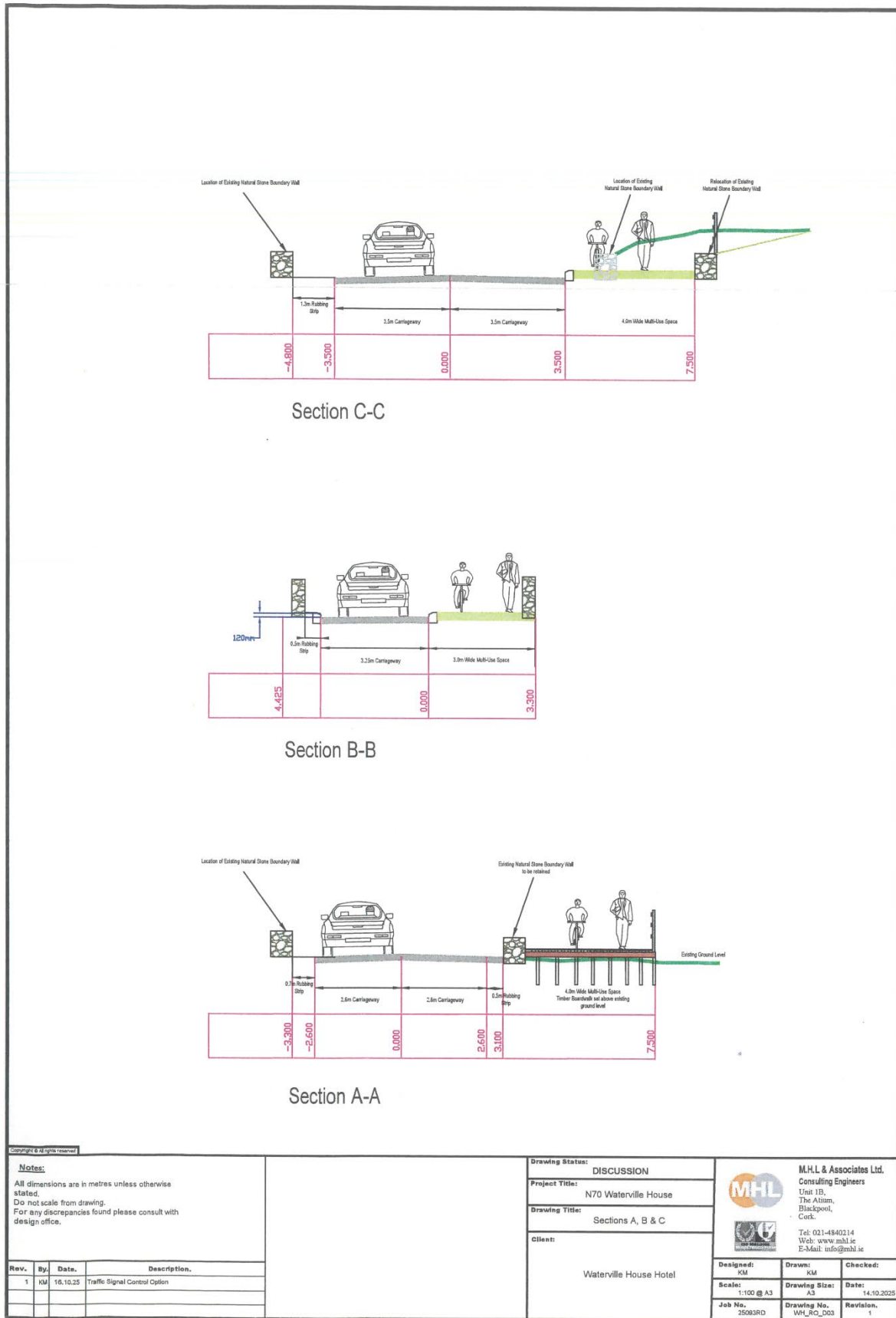


Figure 5.3.5 MHL Alternative Proposal – Cross Sections

In response to the Waterville House submission, a recent survey of Waterville bridge, establishes that at its narrowest point is 6.27 metres wide.

#### **5.4 Summary Discussion on Alternative Proposal**

In the Council's respectful opinion, this alternative proposal conflicts with national road policy, underperforms on safety and operational criteria, introduces new environmental and heritage risks, and is inferior to the proposed western-side option.

##### **5.4.1 Spatial Planning & National Roads Guidelines (2012)**

The Spatial Planning and National Roads Guidelines (2012) remain the operative national guidance and require planning authorities to protect the strategic function and level of service of national roads and to avoid measures that introduce traffic hazards or undermine route efficiency.

Permanent traffic signal-controlled shuttle operations on national roads are cautioned against where they degrade capacity or safety. The N70 is a national secondary route serving the Ring of Kerry / Wild Atlantic Way.

In the Council's respectful opinion, embedding a one-way shuttle would impose recurring delay, queuing and reliability penalties that are inconsistent with these Guidelines.

The proposed development maintains two-way flow, introduces segregated active-travel facilities, and greatly improves substandard geometry which is aligned with the 2012 Guidelines' objectives.

##### **5.4.2 Operational Performance & Network Reliability**

The Waterville House proposed option requires permanent signalisation at a constrained historic bridge with substandard forward visibility. This increases the danger of rear-end and red-light violations during peak tourist periods, reduces resilience, and creates new stop-start conditions that extend queues back into curves and approaches which are contrary to the Guidelines' direction to avoid operational constraints and traffic hazards on national roads. It also introduces new impacts on the receiving environment that have not been acknowledged or assessed.

The proposed development delivers the best transport efficiency and effectiveness, reliability, safety, and integration because it preserves two-way operation, reduces conflict points, and provides a continuous segregated facility linking the promenade and the Kerry Way.

### 5.4.3 Safety for Vulnerable Road Users (VRUs)

The Waterville House proposed option locates the shared path on the eastern side, where there are many more private accesses and turning movements, and requires users to cross the N70 near the promenade. There are 27 access conflicts for the eastern alignment versus 7 on the western alignment; and combined options (with crossovers) perform worse again.

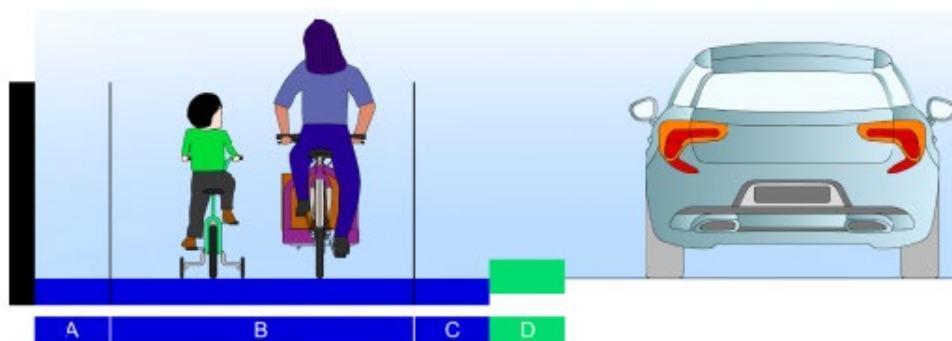
The proposed development submitted by the Council minimises conflict points and avoids mid-scheme crossings.

The 2012 national road Guidelines seek to integrate active travel without compromising national road safety or capacity. Locating VRUs on the western side avoids an additional road crossing at the village gateway and Kerry Way, removes exposure to the denser pattern of eastern-side driveways, and ties directly into the promenade and Kerry Way.

### 5.4.4 Adherence to Standards

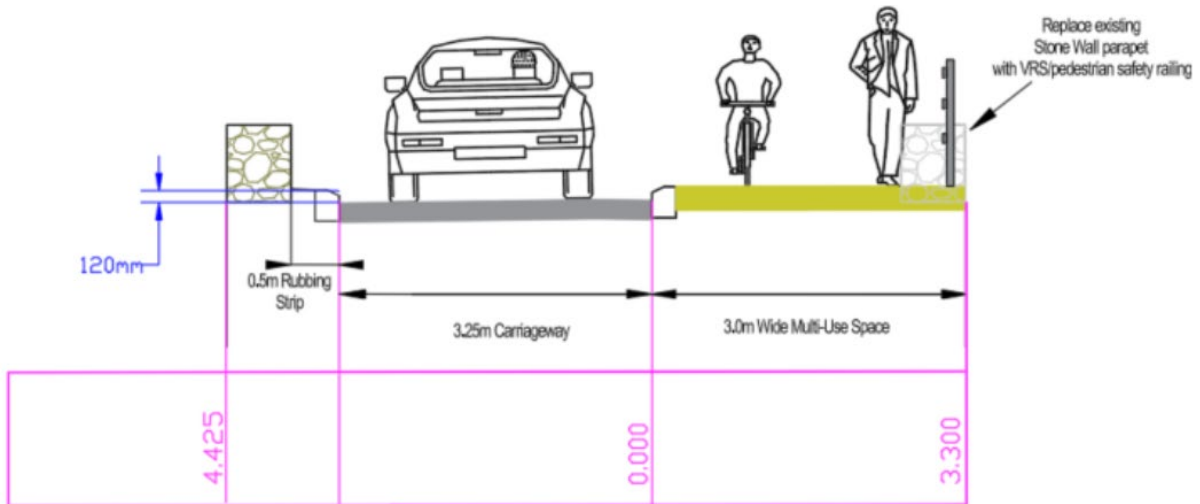
The Waterville House proposed option does not comply with TII requirements in terms of cross-sectional width, lateral clearances and separation requirements for the following reasons:

- It would require raising the existing parapet wall to 1.4m minimum or knocking the existing wall and erecting a vehicle restraint system to that height. It also introduced additional environmental impacts that are not acknowledged or addressed;
- While the submission refers to Table 4.15 of the Cycle Design Manual, this table only refers to the width of the shared facility and does not take account of the other elements of the cross section which are clearly outlined as required in the same document (absolute minimum values shown)
  - A. Inside Clearance 0.5m
  - B. Central width 3m
  - C. Outside Clearance 0.2m
  - D. Buffer width 1.5m



**Figure 5.4.4.1 Cycle Design Manual Width Calculator**

- Applying these standards, the proposal does not fit on the existing bridge and would require widening.
- The cross section as shown on the submission does not fit on the existing bridge which has a minimum wall-to-wall measurement of 6.27m.



**Figure 5.4.4.2 Cross Section width indicated does not fit between the existing bridge parapets**

- Section 5.2 of DN-GEO-03036 (TII Publications) states that ‘Roads Diverted or Improved on-line as Part of a National Road Scheme require that the cross-section at a structure of a road diverted or improved on-line as part of a National Road scheme shall have a minimum width of 5.5m’.
- Lateral Clearance If vertical objects such as a wall, a pedestrian / cyclist fence or a VRS are located immediately adjacent to an active travel facility, the effective width of the active travel facility will be reduced. A minimum lateral clearance of 1m shall be provided to vertical objects where they are located adjacent to active travel facilities.
- Further TII requirements are shown below which are met by the submitted proposal but not be the alternative Waterville House option.

**Table 4.7 Horizontal Separation Distances**

Speed Limit (km/h)	Desirable Min Horizontal Separation – Rural (m)
80	1.5
100	2.0

**Table 4.5 Mandatory Minimum Widths for Active Travel Facilities**

Active Travel Facility Types	Volume	Minimum Width of Cycle Facility (m)	Minimum Width of Pedestrian Only Facility (m)
Segregated Pedestrian and Two-Way Cycle Facility	Low Volume	3.0	2.0
	High Volume	4.0	2.0
Shared Use Two-Way Pedestrian and Cycle Facility	Low Volume	3.0 (Shared with Pedestrians)	N/A
	High Volume	5.0 (Shared with Pedestrians)	N/A

#### 5.4.5 Environmental Effects and the River Crossing

The Waterville House proposed option using the existing bridge for shared use demands structural changes and traffic signalisation at the most constrained point—inviting queuing in proximity to designated habitats, increasing the risk of accidental spills and increasing environmental risk at the environmentally sensitive river crossing and significantly impact on cultural heritage.

The proposed development and bridge placement on the western side requires a shorter span and ~2 m lower profile than an eastern bridge (which sits over a wider channel), reducing visual prominence and construction footprint.

The proposed development of western crossing option is preferable for ecology and hydrology because they avoid in-stream works, passes through terrestrial habitat of lower ecological value, and reduce potential construction impacts on the Currane system.

#### 5.4.6 Heritage, Landscape and Visual Considerations

The Waterville House proposed option suggests that avoiding a new bridge would better protect Waterville Bridge, Waterville House, and the medieval salmon weir.

In the Council’s respectful option, the proposed development provides a sleek, low-profile footbridge that preserves the visibility of the masonry arch bridge and can be detailed (for example masonry-clad abutments) to complement existing views.

#### 5.4.7 Property, Access, and Community Integration

The Waterville House proposal for eastern-side alternative is said to align with “desire lines” of residents and the Hogs Head Hotel.

The factual appraisal indicates the opposite: the western alignment has *fewer* access interactions and provides direct, at-grade continuity to the promenade so that Kerry Way users and local pedestrians do not need to cross the N70 at the settlement edge. See also Policy 'KENWD-WE-14', to '*facilitate and support the extension of the existing seafront walkway southwards along the N70 to existing facilities and services to provide an amenity walkway (subject to environmental assessment)*'

#### 5.4.8 Cost, Deliverability, and Construction Risk

The alternative implies lower cost by avoiding a new bridge; the scheme estimates show the contrary when total deliverability is considered.

Any modifying/using the existing bridge for shared use would entail road closures for anchorage or parapet works (in cantilever or retrofit scenarios) and heightened consent risk due to in-stream interfaces—risks the proposed development of western bridge avoids.

### **5.5 Conclusion and Summary regarding Alternative Options**

The Council did adequately consider alternatives. The Option Selection Process required a structured two-stage appraisal, including Do-Nothing, Do-Minimum, four alignment options, and three river-crossing concepts (widening, independent bridge, cantilever), assessed against engineering, environment, economy, safety, accessibility, integration and physical activity criteria. The approach is within the 2012 Spatial Planning and National Roads Guidelines.

Consequently, the methodology and the preferred option are compliant with current national policy.

The Waterville House proposal —eastern-side route with signalised shuttle over the existing bridge—conflicts with national road policy, performs worse on safety, degrades operational reliability, heightens environmental and heritage risks, and costs more.

In the Council's respectful option, the proposed development is the preferred option because it:

- Protects the strategic function of the N70 in line with the 2012 Guidelines;
- Delivers the safest, most legible VRU corridor with the fewest conflicts;
- Minimises environmental/heritage effects via a short, low-profile western bridge;
- Integrates seamlessly with the promenade and Kerry Way

## 6. Ecological Considerations

### 6.1 Scott Cawley report - Discussion

At paragraphs 12 and 13 of the Scott Cawley report it identifies habitats '*that are likely to be part of the QI resource*' and species that '*may occur*'. Paragraph 17 and 18 refer to the '*vicinity of the proposed crossing*' and at best indicated '*are likely to be*' and indicated '*positive indicators*'. There are no objective information to confirm such '*indicators*'. [emphasis added]

At paragraph 22, the Scott Cawley report expresses the opinion that '*the removal of Molinia meadows*' [6410] habitat when same was not found as a result of surveys and this assertion is not verified.

At paragraph 36, the Scott Cawley report suggests an expansion of the embankment when same if not factually correct and proceeds on this erroneous basis.

By reference to paragraph 47 of the Scott Cawley report, such mitigation can be provided and it is open to the competent authority to impose such a condition in any development consent as may be granted.

By reference to paragraph 50 of the Scott Cawley report, the Waterville House alternative proposal cannot be provided within the existing bridge and would require removal of parts of the historic bridge, with potentially ever more significant impacts both from a cultural and ecological perspective. It proceeds on the basis of impact on *Molinia* meadows [6410] habitat which is not objectively verified.

By reference to paragraph 51 of the Scott Cawley report, it acknowledges that '*the alternative requires detailed assessment in its own right*'.

In summary, the Scott Cawley report provides no objective scientific data to support its conclusions. At best, it raises indicative suggestions unsupported by survey information.

### 6.2 McCutcheon Halley submission - Discussion

By reference to the final paragraph of the McCutcheon Halley submission at Section 6 Ecological Considerations, it is respectfully submitted that the conclusions of Scott Cawley are not definitive on the alternative design, contain material errors in the actual works associated with the Waterville House alternative option and do not conclude that there would be a '*reduced associated habitat loss and risk to the integrity of any European sites*' because it is accepted in the Scott Cawley report that detailed assessment would be required '*in its own right*'.

### 6.3 Technical Response to Waterville House Submissions on Ecology

A review of the most recent Article 17 data on the distribution of Annex I habitats (NPWS, 2025<sup>1</sup>) was conducted to assess the potential for their occurrence within the proposed development site.

The spatial data for Article 17 assessments provides the best estimate of the habitat and species distribution in either 10km or 50km Irish National Grid Squares.

Spatial data of the current distribution of the following Annex I habitats are shown to overlap with the 10km Irish National Grid Square V56 in which the proposed development site lies:

- [3260] Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitriche-Batrachion vegetation;
- [91E0] Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) \*;

Distribution and range of [6410] Molinia meadows do not overlap with the proposed development site according to the most up-to-date Article 17 spatial data (NPWS, 2025), nor to any grid square within the vicinity of the proposed development.

The distribution and range of [3260] Vegetation of flowing waters covers the majority of 10km<sup>2</sup> national grid square in Ireland (NPWS, 2025). The distribution of this habitat in Ireland was based on mapped rivers, whereby all river segments, regardless of stream order were used, as this habitat can occur in all of these areas. As rivers are distributed across all counties, the only 10km<sup>2</sup> grid square in which rivers are not found are limited to those occur in small areas of coastal land.

As such, this habitat has the potential to occur within the site and is indicative only but no occurrence of habitats designated under Annex I of the EU Habitats Directive within the proposed development site was found (Figure 6.3.1).

At the time of submission of original report, the distribution and range of [91E0] Alluvial woodland did not extend to the 10km grid square V56 in which the proposed development site is located (NPWS, 2019).

Updated Article 17 reporting, published in 2025, highlights the increase in both distribution and range of this habitat to include the V56 grid square, attributing this increase due to improved knowledge/more accurate data.

The distribution of the aforementioned habitats is indicative only, and their presence within the proposed development site was investigated during a multidisciplinary ecological survey undertaken by qualified and experienced The Council Ecologist on the 11<sup>th</sup> September 2024.

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<sup>1</sup> NPWS (2025). The Status of EU Protected Habitats and Species in Ireland. Habitats Assessments Volume 2. Available at: <https://www.npws.ie/publications/article-17-reports/article-17-reports-2025>

These surveys supplemented the surveys undertaken by Consultant ecologists on the 9<sup>th</sup> of June 2021 and 24-26<sup>th</sup> January 2022.

The surveys concluded that there was no occurrence of habitats designated under Annex I of the EU Habitats Directive within the proposed development site (Figure 6.3.1).

See also Section 5.1.1 of the NIS and Section 4.5.1.6 of the PECR.



**Figure 6.3.1 Habitat Map**

It is acknowledged that the SAC boundary was updated in 2023. Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC boundary now extends to cover area south of the existing pumping station at the Currane Bridge, and appears to overlap with the southern outfall location.

The updated boundary has been reviewed and examined alongside existing habitat mapping of the proposed development (see Figure 6.3.1).

The habitat within the updated SAC boundary was surveyed prior to the update and was identified as GS4 Wet Grassland, not corresponding to any Annex I QI habitats of Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC.

As stated above, Habitats designated under Annex I of the EU Habitats Directive were not recorded during ecological multidisciplinary surveys within the proposed development site.

Direct/indirect effects are unchanged from those discussed in PECR Chapter 4 Biodiversity and in the NIS, namely:

- Construction Phase Impacts
  - o Loss of Habitat (mixed broadleaved woodland, scrub, wet grassland, agricultural grassland, amenity grassland and hedgerow, none of which correspond to Annex I habitat).
  - o Runoff of Sediment and/or Construction Pollution
  - o Noise and Disturbance
  - o Dispersion of Invasive Species
  
- Operational Phase Impacts
  - o Noise and Disturbance
  - o Pollution Runoff

Embankment expansion, as per PECR Chapter 4, Section 4.6.2.2 Habitat and Flora:

*“The proposed construction works will include the installation of a pedestrian / cycle bridge adjacent to the existing Currane River bridge which will include foundation works and land take on the banks of the river. The bridge works will be set back outside the SAC site boundary. Minor works associated with the drainage system, which will include the installation of an overflow pipe and headwall will be constructed within a small section of the Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC. Most of the proposed outfall pipeline will be confined to outside the SAC boundary, however approximately 5m of the pipeline and the proposed headwall will be located within the SAC site boundary. Habitat which will be disturbed within the SAC site boundary will include gravel, amenity grassland and an existing stone wall (refer to Figure 4-1). Following completion of the construction works all disturbed land will be fully reinstated.”*

Information contained within the Aquatic EClA is also contained with PECR, Chapter 4 (i.e methodology, results, impact assessment and mitigation).

See also footnote on page 38 of the PECR [Williams, L (2017) Waterville N70 Road Improvement Scheme Aquatic Ecological Impact Assessment. (Unpublished Report)].

Visual assessment completed from the riverbank during surveys in January 2022 and September 2024 disclose no significant changes to watercourse evident. Therefore, existing baseline conditions are unlikely to be significantly altered since timing of initial aquatic ecology assessment, i.e:

- The usage of the Currane River, in proximity to the Currane River Bridge, as an important migration route by lamprey species as they migrate upstream to spawn.
- The Currane River remains sub-optimal habitat for Freshwater Pearl Mussel.
- The Currane River remains an important salmonid nursery and is an important migration route for Atlantic salmon moving in and out of the catchment.
- The Killarney Shad is confined to Lough Leane, which is not hydrologically connected with the proposed development site.

An updated desktop review of NPWS1 (NPWS, 2025), NBDC<sup>2</sup> (NBDC, 2026) and IFI<sup>3</sup> (2023) was carried out to collate information on aquatic species and to identify features of aquatic ecological importance within the study area of the proposed development.

**Table 6.3.1 Updated desktop study summary:**

Annex Species	NPWS Article 17 reporting (2025)	NBDC	IFI
Freshwater Pearl Mussel	Range and Distribution covers V56	Not recorded in V56C, recorded in V56 (2009)	N/A
Sea Lamprey	Range and Distribution does not cover V56	Not recorded in V56C, or V56	Site not surveyed as part of National Programme: Habitats Directive and Red Data Book Fish Species Summary Report (Published 2024).
River Lamprey	Range and Distribution does not cover V56	Not recorded in V56C, or V56	
Salmon	Range and Distribution covers V56	Not recorded in V56C.	No data from fish counter at Waterville House, c.120m downstream of the proposed development. Fish counter currently inoperative. Most recent data from 2022 with 382 spring salmon and 195 late summer salmon recorded.

With the exception of Freshwater Pearl Mussel, the precautionary principle is applied to each of the aforementioned species and their presence within the Currane River adjacent to the proposed development site is assumed.

Mitigation designed to protect adjacent and downstream watercourses will also be proposed as part of the development to mitigate potential impacts to each of these protected aquatic species, should they occur.

No amendments are required in terms of direct/indirect impacts to aquatic ecology receptors.

<sup>2</sup> NBDC, (2026) 'National Biodiversity Data Centre map viewer.', available: <https://maps.biodiversityireland.ie/Map>.

<sup>3</sup> IFI, (2023) 'Water Framework Directive Fish Ecological Status 2008-2023 online open data portal.', available: <https://opendata-ifigeo.hub.arcgis.com/>.

## 6.4 NIS Conclusion

*“Following an analysis and evaluation of the relevant information including, in particular, the nature of the proposed development including mitigation measures, characteristics of the qualifying interests, the potential link between the proposed development and the Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC, no adverse effect on the integrity of any European sites during development and operation of the proposed improvement works is anticipated along or in-combination with any other plans or projects.”*

Information submitted can be summarised as follows:

1. Updated desktop assessment were conducted to provide an overview of the potential occurrence of Annex I habitats (including Molinia meadows [6410], Vegetation of flowing waters [3260], Priority Alluvial woodland [91E0] within the proposed development site.
2. Updated SAC boundary were taken into consideration, particularly in relation to possible occurrence of Annex I QI habitat of Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC within the proposed development site.
3. No Annex I habitat were recorded within the proposed development site, as stated in PECR Chapter 4 Biodiversity and in the NIS.
4. Aquatic baseline contained within PECR Chapter 4 Biodiversity was assessed with updated aquatic ecological baseline.
5. Mitigation measures described in PECR Chapter 4 Biodiversity and NIS remain applicable and will ensure the protection of adjacent watercourses and QI’s of Killarney National Park, Macgillycuddy’s Reeks and Caragh River Catchment SAC.

In the respectful opinion of the Council, the conclusion of the NIS remains valid based on the submitted information and the updated baseline conditions obtained through an interrogation of the current information and mapping available. With the implementation of the proposed mitigation measures there will be no adverse effects on the integrity of any EU sites arising from the proposed development.

## 6.5 Summary

This Waterville House submission makes the legal point that in their opinion further information is required in order to form the basis of an appropriate assessment for the purposes of Article 6 (3) of the Habitats Directive.

It is recognised that An Coimisiún Pleanála as the competent authority can seek further information inasmuch as it may be deemed appropriate in order to have sufficient material before it to conduct its examination, analysis and informed conclusions within its statutory remit. Inasmuch as complaint is made in relation to the adequacy of the surveys or baseline information, it is accepted that An Coimisiún Pleanála as competent authority can seek further information should the need arise, as appropriate.

## 7. Landscape and Visual Aspects

A Landscape and Visual assessment was carried out. A copy of the report is available should same be requested by An Coimisiún Pleanála, the competent authority. A report was prepared by MacroWorks in January 2022. A further report was prepared by RPS in December 2025 which considered, inter alia, the wider envelope of the proposed development and specific local viewpoints.

### 7.1 Assessment Overview and Response to Submission

Due to the position of the Proposed Development, combined with the privately owned land immediately adjoining the bridge, inherently exposed nature of the site, and sensitivities of the landscape within which the Proposed Development is located a reduced redline application boundary has been generated to minimise the working area and the extent to which the landscape is impacted.

There is limited capacity within the scheme's footprint to accommodate extensive planting (such as hedgerows and woodland planting) which may be considered as part of the soft landscape treatment proposals that would seek to aid integration of the Proposed Development into the existing visual and landscape context.

It is acknowledged that the narrative summary in the PECR does not provide the more detailed assessments and the following particulars are set out to address the submission of Waterville House and as part of the detailed appraisal process.

The construction phase of the Proposed Development will result in additional built elements being introduced into the landscape. The operational phase of the Proposed Development will result in new built form being visible within the surrounding landscape.

The detail of the assessment of the predicted landscape impacts during both construction and operation is provided in Tables 6-11 below, which has been based upon the susceptibility and sensitivity of the landscape character as described within the KCDP.

**Table 1 - LCA 33 Lough Currane and Máistir Gaoithe**

#### LCA 33 Lough Currane and Máistir Gaoithe

Significance and Sensitivity of Landscape Resource	<p>The Proposed Development site is wholly located within LCA 33, and therefore those portions of the LCA which lie within the site boundary associated with the Proposed Development will be directly affected.</p> <p>Key characteristics which, together with site survey works, have informed an understanding of the significance and sensitivity of this landscape, particularly at a local level, to the Proposed Development include:</p>
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## LCA 33 Lough Currane and Máistir Gaoithe

	<ul style="list-style-type: none"> <li>• Inland, the area is surrounded by high mountains which separates it from adjoining areas but in the northwest corner there would be closer ties with the area to the north.</li> <li>• There are several large water bodies (lakes) in the area which would include Lough Currane.</li> <li>• Substantial areas of coniferous forestry can also be found in the Inny Valley.</li> <li>• Waterville is the main settlement.</li> <li>• Housing is focused close to the coast with housing becoming less frequent further up the Inny Valley. There would be a high level of holiday homes in the area.</li> <li>• A 4-turbine wind farm can be found at Knockeneden in the northern part of the area.</li> <li>• The Wild Atlantic Way driving route, Ring of Kerry, and Kerry Way walking route pass through the area.</li> </ul> <p>It is noted that the Landscape Character Assessment that accompanies the KCDP identifies the categorisation of the Lough Currane and Máistir Gaoithe (LCA 33) with regards to Landscape Value, Landscape Sensitivity, and Landscape Importance as: Landscape Value: <b>High</b></p> <p>Landscape Sensitivity: <b>Medium / High</b></p> <p>Landscape Importance: <b>County</b></p> <p>Overall, given the size and scale of the Proposed Development, along with the review of the landscape character through which the Proposed Development traverses is judged to have a <b>high</b> sensitivity.</p>
<p>Magnitude of Impact - Construction Stage</p>	<p><u>Magnitude of Impact – N70 Improvement &amp; Active travel route</u></p> <p>Direct impacts on this LCA will arise from the physical construction of new elements associated with the Proposed Development, resulting in the introduction of new man-made elements into the existing landscape combined with the removal and relocation of existing landscape features, such as stone walls. A strip of existing vegetation alongside the N70 will, in the main, be removed to accommodate the improvement works to the N70 whilst sections of</p>

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## LCA 33 Lough Currane and Máistir Gaoithe

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existing overhead line will be undergrounded as part of the Proposed Development.

The construction activities associated with the implementation of the realigned N70 and active travel route and associated ancillary features, together with the presence of construction materials, heavy plant, compounds, and lighting, will be locally noticeable during the construction phase of the Proposed Development.

It is considered that construction activities will have a localised, temporary, short-term effect on the surrounding undulating landscape. Portions of the LCA adjacent to, but beyond the site boundary of the Proposed Development are predicted to experience indirect effects because of the formation of the new features, though the predicted impacts are often negated by retained vegetation and localised changes in topography.

The predicted magnitude of impact associated with the formation of the realigned N70 and active travel route is judged to be localised, temporary, short-term and **low**, with change being experienced over a restricted area as a moderate change to key characteristics and components of the landscape and restricted to land contained within the site boundary.

Localised portions of the LCA adjacent to, but beyond, the site boundary of the Proposed Development are predicted to experience indirect effects only, most likely due to the construction activities and presence of construction machinery that are considered to give rise to a temporary, **low** magnitude of effect.

### Magnitude of Impact - New pedestrian/cycle bridge

Direct impacts on this LCA will arise from the physical construction and the presence of large scale construction machinery associated with the implementation of the single span bridge to the immediate west of the existing bridge crossing. The nature of plant likely required to erect a single span will bridge will be a crane to lift the single span structure into place onto preformed footings.

The predicted magnitude of impact associated with the construction of the new bridge crossing is judged to be localised, temporary, short-term and **low** with change being experienced over a restricted area as a moderate change to key characteristics and components

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## LCA 33 Lough Currane and Máistir Gaoithe

	<p>of the landscape and restricted to land contained within the site boundary.</p>
<p>Magnitude of Impact - Operational Stage</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>During the operational phase, the inclusion of an active travel route alongside the widened N70 corridor will appear similar to existing features and will therefore be perceived as a minor alteration locally, as such linear infrastructure features are not uncommon within the landscape. Where realignment of stone walls occurs, approximately 5.0m to the west, the re-formed stone walling will be in keeping with existing stone walls and will not be out of character with the LCA, although it will increase the footprint of the N70 for this stretch of improvement works.</p> <p>The removal of existing timber poles and the subsequent undergrounding of overhead lines will be viewed as a localised improvement within the LCA, with vertical elements reduced overall which will be viewed as a positive improvement to the landscape character locally.</p> <p>New built form, where visible beyond existing screening or retained vegetation, will be viewed as a minor addition, though not generally obvious within the wider context. There will be a direct, short-term change to the local area, which is considered to have a <b>low</b> magnitude of impact given the wider geographical extent of this LCA.</p> <p><u>Magnitude of Impact: New pedestrian/cycle bridge</u></p> <p>Direct effects will arise from the addition of the single arched steel bridge set 2.5 m to the west of the existing stone bridge. The addition of this structure within the landscape will represent a minor change to the overall character and components of the landscape locally. Its influence, whilst medium-term over a restricted area, will not be experienced far from the banks of the Currane River due to the bridges overall low, open form with colouration an elements selected to aid integration within the landscape at bot a local and wider level.</p> <p>Overall it is judged that the addition of the new bridge will give rise to a direct, medium-term change locally, which is considered to have a <b>low</b> magnitude of impact given the wider geographical extent of this LCA.</p>

## LCA 33 Lough Currane and Máistir Gaoithe

Significance of Landscape Effect during Construction Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p>The introduction of construction activity and machinery along this short, localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised negative effect on the nature / quality of the LCA during the construction phase only.</p> <p>Overall the significance of landscape effect associated with the N70 improvements and implementation of the Active travel route is <b>slight localised, negative, short-term, temporary</b>, assessed as not significant. Remaining portions of the LCA are predicted to experience localised temporary effects which are assessed as <b>not significant</b> during the construction phase of the Proposed Development for the addition of an active travel route.</p> <p><u>Significance of effect - New pedestrian/cycle bridge</u></p> <p>The introduction of construction activity and machinery within a localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised negative effect on the nature / quality of the LCA during the construction phase only.</p> <p>Overall the significance of landscape effect associated with the formation of the new bridge is <b>slight, localised, negative, short-term, temporary</b>, assessed as not significant. Remaining portions of the LCA are predicted to experience localised temporary effects which are assessed as <b>not significant</b> during the construction phase of the Proposed Development for the addition of the new bridge crossing.</p>
Significance of Landscape Effect during Operational Phase.	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Slight, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase of the Proposed Development for the realigned N70 and active travel route as whilst changes will be noticeable locally they are not considered to effect the sensitivities of the landscape within which the Proposed Development is located.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Slight, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase as whilst</p>

## LCA 33 Lough Currane and Máistir Gaoithe

	<p>the addition of the bridge will be noticeable within a restricted, local extent, the new bridge is not considered to affect the sensitivities of the landscape within which it is located.</p> <p>Remaining portions of the LCA are predicted to experience <b>no significant effects</b> during the operational phase.</p>
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**Table 1 - LCA Urban Landscape**

### LCA Urban Landscape

Significance and Sensitivity of Landscape Resource	<p>Significance and sensitivity of LCA Urban Landscape within the Waterville urban environment is considered to have common place elements forming a recognisable structure and characteristic patterns giving a sense of place.</p> <p>The rating of the landscape significance and sensitivity is considered <b>medium</b>.</p>
Magnitude of Impact Construction stage	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>The construction works associated with works to the existing N70 corridor and the formation of the active travel route to the eastern side of the N70 will require active traffic management throughout the duration of the construction works within this LCA with the combination of plant, deliveries and general increase in construction traffic. To implement the improvements to the N70 and active travel route the removal of existing roadside vegetation, localised modifications to existing vegetated embankments and stone walls will be noticeable locally. The formation of the active travel route will require localised modifications to stone walls forming existing boundaries of 2 residential properties on the southern limit of Waterville.</p> <p>Direct moderate, temporary impacts on this urban landscape will be evident over a restricted area. It is considered that the magnitude of impact is <b>medium</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u></p>

## LCA Urban Landscape

	<p>The bridge crossing associated with the Proposed Development is not located within this locally defined character area, and as such it is judged that there will be no direct impact upon the urban environment. It is however considered that there will be indirect effects arising because of increased construction traffic movements, associated with traffic and plant movement along the N70 to and from the working area associated with the formation of the new bridge.</p> <p>As there is predicted to be no direct impact upon the physical character or components of the urban landscape because of the formation of the new bridge it is assessed that a <b>negligible</b> magnitude of impact will occur, as there will be an imperceptible change to the key landscape characteristics or components associated with the urban landscape.</p>
<p>Magnitude of Impact Operation stage</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>During the operational stage the newly widened N70 corridor and associated active travel route will become quickly absorbed into the existing environment with its key qualities being not dissimilar to the existing linear infrastructure within this LCA. Relocated stone walls will maintain the sense of arrival and place, similar in nature to the existing character, though modifications will locally improve visual connection between the urban form and the coastal edge by increasing visibility to the west.</p> <p>The relocated stone walls and the widened section of the N70 will be seen as a direct minor change to the existing landscape characteristic and components of the LCA at a local level, with the magnitude of impact predicted to be <b>low</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u></p> <p>There will be no direct effects from the operational phase of this bridge option on the LCA and the magnitude of impact is assessed as <b>negligible</b>.</p>
<p>Significance of Landscape Effect during</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p>

## LCA Urban Landscape

<p>Construction Phase</p>	<p><b>Moderate, direct, negative, temporary</b>, assessed as not significant effects are predicted to be experienced during the construction phase of the Proposed Development.</p> <p><u>Significance of Effect – New pedestrian/cycle bridge</u></p> <p><b>Imperceptible, indirect, neutral</b>, assessed as no significant effects are predicted to be experienced during the construction phase of the Proposed Development for this bridge option.</p> <p>Remaining portions of the LCA are predicted to experience <b>no significant effects</b> during the construction phase.</p>
<p>Significance of Landscape Effect during Operational Phase.</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Slight, direct, positive</b>, assessed as not significant effects are predicted to be experienced during the operational phase of the Proposed Development. Where realignment of stone walls occurs, the re-formed stone walling will be in keeping with existing stone walls and will not be out of character when compared against the existing visual context, although it will increase the footprint of the N70 for this short stretch of improvement works.</p> <p>New built elements will be viewed as a minor addition, though not generally obvious from within the more centralised portions of this local character area.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Imperceptible, indirect, neutral</b>, assessed as no significant effects are predicted to be experienced during the operational phase of the Proposed Development for this bridge option.</p> <p>Remaining portions of the LCA are predicted to experience <b>no significant effects</b> during the operational phase.</p>

**Table 2: LCA Coastal Fringe****LCA Coastal Fringe**

Significance and Sensitivity of Landscape Resource	<p>LCA Coastal Fringe is largely covered by the Visually Sensitive area designation with Views and Prospects located within this local landscape area. The area is largely used as a scenic route along the N70.</p> <p>The rating of the landscape significance and sensitivity is considered <b>very high</b>.</p>
Magnitude of Impact Construction stage	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> The construction works associated with the improvements and realignment of the N70 and provision of the active travel route will require active traffic management throughout the duration of the works within this LCA, with the combination of plant, deliveries, and general increase in construction traffic. To implement the Proposed Development the removal of existing roadside vegetation and stone walls will be noticeable.</p> <p>It is considered that there will be a direct moderate, short term, temporary, localised impact on this LCA that will be evident over a restricted area. It is judged that the magnitude of impact is <b>medium</b> as changes will be perceived as a moderate change in landscape character during the construction phase only.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> Direct impacts from construction activities associated with the implementation of a single-span bridge will be localised and temporary in nature. The nature of plant likely required to erect a single span bridge will be a crane to lift the single-span structure into place onto preformed footings.</p> <p>It is considered that there will be a direct moderate, short term, temporary, localised impact on this LCA that will be evident over a restricted area. It is judged that the magnitude of impact is <b>medium</b> as changes will be perceived as a moderate change to the landscape character and components associated with the Currane River during the construction phase only.</p>
Magnitude of Impact Operation stage	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> During the operational stage, the widened N70 corridor and associated active travel route will become quickly absorbed into the existing environment, with the implemented features (such as stone</p>

## LCA Coastal Fringe

	<p>walls) being not dissimilar to the existing linear infrastructure within this LCA.</p> <p>The widened corridor and relocated stone walls will be seen as a direct, minor change in the landscape characteristics, with the magnitude of effect being <b>low</b> as changes are predicted to be experienced over a restricted area.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> Direct effects will arise from the addition of a single arched steel bridge set 2.5 m to the west of the existing stone bridge. The addition of this structure to the LCA will represent a minor change to the characteristics of the local area.</p> <p>It is considered that the magnitude of effect is <b>low</b> as the introduction of the new bridge crossing will be viewed as a minor addition to the existing landscape character locally and not generally experienced far from the banks of the Currane River.</p>
Significance of Landscape Effect during Construction Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Profound, direct, negative, short-term, temporary</b>, assessed as significant effects are predicted to be experienced during the construction phase of the Proposed Development.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u> <b>Profound, direct, negative, short-term, temporary</b> assessed as significant effects are predicted to be experienced during the construction phase of the Proposed Development for the addition of the bridge.</p> <p>Remaining portions of the LCA are predicted to experience <b>no significant</b> effects during the construction phase.</p>
Significance of Landscape Effect during	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Significant, direct, neutral</b> assessed as significant effects are predicted to be experienced during the operational phase of the Proposed Development. Effects are judged to be neutral in nature</p>

## LCA Coastal Fringe

Operational Phase.	<p>as the Proposed Development will soon integrate with the existing baseline conditions due to relocation of existing stone walls which are a common feature adjacent to the transport corridor.</p> <p><u>Significance of Effect – New pedestrian/cycle bridge</u>  <b>Significant, direct, neutral</b>, assessed as significant effects are predicted to be experienced during the operational phase of the Proposed Development. Effects are judged to be neutral in nature as the proposed bridge crossing, due to its form and colouration will integrate with the existing baseline conditions when viewed from the within the wider landscape. The bridge will not be visually prominent from the N70 or the Active travel route and as time elapses and the Proposed Development settles into the Coastal Fringe LCA, the significance of effect is anticipated to decrease further.</p> <p>Remaining portions of the LCA are predicted to experience <b>no significant</b> effects during the operational phase.</p>
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**Table 3: LCA Upland Fringe**

## LCA Upland Fringe

Significance and Sensitivity of Landscape Resource	LCA Upland Fringe is largely covered by the Visually Sensitive area designation with Views and Prospects in it. The area is largely used as a scenic route along the N70. The rating of the landscape significance and sensitivity is considered <b>very high</b> .
Magnitude of Impact Construction stage	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>There will be no direct or indirect effects from the construction phase associated with the realigned N70 and active travel route works. <b>Negligible</b> magnitude of effect.</p> <p><u>Magnitude of Impact- New pedestrian/cycle bridge</u></p> <p>There will be no direct or indirect effects from the construction phase for works this bridge option. <b>Negligible</b> magnitude of effect.</p>

## LCA Upland Fringe

<p>Magnitude of Impact Operation stage</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> There will be no direct or indirect effects from the operational phase associated with the realigned N70 and active travel route works. <b>Negligible</b> magnitude of effect.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> There will be no direct or indirect effects from the operational phase on the LCA. <b>Negligible</b> magnitude of effect.</p>
<p>Significance of Landscape Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Not significant, neutral</b> effects. Assessed as not significant.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u> <b>Not significant, neutral</b> effects assessed as not significant.</p>
<p>Significance of Landscape Effect during Operational Phase.</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Not significant, neutral</b> effects. Assessed as not significant.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u> <b>Not significant, neutral</b> effects of this bridge option on the LCA. Assessed as not significant.</p>

The following table provides a summary of the predicted construction phase and operational phase effects upon the portion of the extensive Visually Sensitive Areas Designation.

**Table 4: Visually Sensitive Areas****Visually Sensitive Areas**

<p>Significance and Sensitivity of Landscape Resource</p>	<p>Visually Sensitive Areas designation cover large tracts of land within Kerry County, covering varied coastal and upland landscapes within the County. The Visually Sensitive Areas designation also aligns with lands associated with the Killarney National Park and the Core and Buffer zoning areas associated with the Kerry International Dark-Sky Park and the previously assessed LCA 33.</p> <p>At a more local level this designation aligns with the western coastal edges and landscape of Kerry where the following characteristics are noted;</p> <ul style="list-style-type: none"> <li>• Away from the less elevated coastal fringe, the area is surrounded by high mountains which provides variation in visual experience.</li> <li>• Housing on the coastal fringe is often linear in extent, aligning with the existing N70 road network, with scattered residential properties serviced by a network of lesser routes</li> <li>• The N70 is located within the Visually Sensitive Area, forming a well established and recognised feature, locally, within the landscape.</li> <li>• The N70 forms part of the wider promoted tourist routes such as The Wild Atlantic Way driving route, Ring of Kerry, and Kerry Way walking route.</li> <li>• Protected Views and Prospects are located within the Designation and align with the existing N70 corridor, offering expansive panoramic views west across the Kerry coastline.</li> </ul> <p>It is judged that the landscape within the designation associated with the Proposed Development does have the capacity to accommodate change to a certain degree and is considered to have an overall high susceptibility to the project.</p> <p>It is judged that the landscape within the designated area associated with the Proposed Development is a landscape widely acknowledged as containing elements of importance, has been nationally designated and is a landscape acknowledged for its high</p>
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## Visually Sensitive Areas

	<p>quality and value, further emphasised by the promoted tourist routes within the area.</p> <p>Based on the susceptibility and value attached to this landscape, the overall significance and sensitivity is judged to be <b>high</b>, as the landscape receptor is judged to be of a high susceptibility to the project and is located within a landscape considered to contain landscape features that are covered by designations.</p>
<p>Magnitude of Impact Construction stage</p>	<p><u>Magnitude of Impact – N70 Improvement &amp; Active travel route</u></p> <p>Direct impacts on this designation will arise from the physical construction of new elements associated with the Proposed Development, resulting in the introduction of new man-made elements into the existing landscape combined with the removal and relocation of existing landscape features, such as stone walls. A strip of existing vegetation alongside the N70 will, in the main, be removed to accommodate the improvement works to the N70.</p> <p>The construction activities associated with the implementation of the realigned N70 and active travel route together with the presence of construction materials, heavy plant, compounds, and lighting, will be noticeable locally during the construction phase of the Proposed Development.</p> <p>It is considered that construction activities will have a localised, temporary, short-term effect on the designated landscape. Portions of the designation adjacent to, but beyond the site boundary of the Proposed Development are predicted to experience indirect effects because of the formation of the new features, though the predicted impacts are often negated by retained vegetation and localised changes in topography.</p> <p>The predicted magnitude of impact associated with the formation of the realigned section of the N70 and active travel route is judged to be localised, temporary, short-term and <b>medium</b>, with change being experienced over a restricted area as a moderate change to key characteristics and components of the landscape and restricted to land contained within the site boundary.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u></p>

## Visually Sensitive Areas

	<p>Direct impacts on this designation will arise from the physical construction of the southern abutment adjacent to the existing water course and the presence of large scale construction machinery associated with the implementation of the single span bridge to the immediate west of the existing bridge crossing.</p> <p>The predicted magnitude of impact associated with the construction of the new bridge crossing is judged to be localised, temporary, short-term and <b>low</b> with change being experienced over a restricted area as a moderate change to key characteristics and components of the landscape and restricted to land contained within the site boundary.</p>
<p>Magnitude of Impact Operation stage</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>During the operational phase, the inclusion of an active travel route alongside the widened N70 corridor will appear similar in nature to the existing N70 corridor, though experienced as a localised widening to the established corridor. Where realignment of stone walls occurs, the re-formed stone walling will be in keeping with existing stone walls and will not be out of character with the wider landscape, although it will increase the footprint of the N70 for this stretch of improvement works.</p> <p>New built form will be viewed as a minor addition, though not generally obvious within the wider context of the designation. There will be a direct, short-term change to the local area, which is considered to have a <b>low</b> magnitude of impact given the wider geographical extent of this designation.</p> <p><u>Magnitude of Impact: New pedestrian/cycle bridge</u></p> <p>Direct effects will arise from the addition of the single arched steel bridge. The addition of this structure on the edge of the designation will be viewed as a minor change to the overall character and components of the designated landscape. Its influence, whilst medium-term over a restricted area, will not be experienced far from the banks of the Currane River due to the bridges overall low, open form with colouration an elements selected to aid integration within the landscape at bot a local and wider level.</p> <p>Overall it is judged that the addition of the new bridge will give rise to a direct, medium-term change locally, which is considered to</p>

## Visually Sensitive Areas

	<p>have a <b>low</b> magnitude of impact given the wider geographical extent of this designation.</p>
<p>Significance of Landscape Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p>The introduction of construction activity and machinery along this short, localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised negative effect on the nature / quality of the designated landscape area during the construction phase only.</p> <p>Overall the significance of effect associated with the improvements of the N70 and the formation of the Active travel route is <b>moderate localised, negative, short-term, temporary</b>, assessed as significant.</p> <p><u>Significance of effect - New pedestrian/cycle bridge</u></p> <p>The introduction of construction activity and machinery within a localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised negative effect on the nature / quality of the designation during the construction phase only.</p> <p>Overall the significance of effect associated with the formation of the new bridge is <b>Slight, localised, negative, short-term, temporary</b>, assessed as not significant.</p>
<p>Significance of Landscape Effect during Operational Phase.</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Not significant, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase associated with the improvements to the N70 and provision of the active travel route as whilst changes will be noticeable locally, they are not considered to affect the sensitivities of the designated landscape within which the Proposed Development is located.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p>

## Visually Sensitive Areas

	<p><b>Not significant, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase as whilst the addition of the bridge will be noticeable within a restricted, local extent, the new bridge is not considered to affect the sensitivities of the landscape within which it is located.</p> <p>Remaining portions of the designation are predicted to experience <b>no significant effects</b> during the operational phase.</p>
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In response to the location of Waterville House, the following table provides a summary of the predicted construction phase and operational phase effects upon the historic landscape and features associated with Waterville House and Grounds.

**Table 6: Historic Landscapes**

### Historic Landscapes

Significance and Sensitivity of Landscape Resource	<p>Waterville House, located in the townland of Waterville, and dates to c 1800 and is surrounded by a simply landscaped garden comprised of planted borders to internal footpaths and areas adjacent to stone walls, with extensive, well maintained grassed lawns forming the main feature around the house. Driveway access is provided from the N70, leading to parking areas directly adjacent to the house, and the dwelling is utilised as a guest house facility with access to local golf clubs.</p> <p>The house is not located within an area identified in the KCDP as a Visually Sensitive area, though is directly west of a short section of the N70 identified as a Protected View, with the house forming a portion of the expansive, panoramic view available.</p> <p>Based on the susceptibility and value attached to this historic landscape, the overall significance and sensitivity is judged to be <b>high</b>, as the landscape receptor is judged to be of a high susceptibility to the project and is located within a landscape considered to contain landscape features that could not be replaced.</p>
Magnitude of Impact Construction stage	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>The construction phase operations associated with the localised improvements to the N70 corridor and the provision of an active travel route along the western side will require active traffic management throughout the duration of the works on lands</p>

## Historic Landscapes

	<p>immediately adjacent to the historic landscape, with the combination of plant, deliveries, and general increase in construction traffic. The localised removal of existing roadside vegetation and works associated with the relocation of existing stone walls will be locally noticeable.</p> <p>It is considered that there will be a direct, short term, temporary, localised impact upon a minor portion of the historic landscape, that will be evident over a restricted area. It is judged that the magnitude of impact is <b>low</b> as changes will be perceived as a minor change in landscape character during the construction phase only.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u>                  Direct impacts from construction activities associated with the implementation of a single-span bridge will be localised and temporary in nature. The nature of plant likely required to erect a single span bridge will be a crane to lift the single-span structure into place onto preformed footings.</p> <p>It is considered that there will be a direct moderate, short term, temporary, localised impact that will be evident over a restricted area. It is judged that the magnitude of impact is <b>medium</b> as changes will be perceived as a moderate change to the landscape character and components associated with the Currane River associated with the Currane River during the construction phase only. It is noted that there will be no direct impact upon the existing historic features in the immediate vicinity, including the fish-weir and the existing bridge crossing.</p>
<p>Magnitude of Impact                  Operation stage</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u></p> <p>During the operational phase, the widened N70 corridor and associated active travel path will, were visible from within the historic landscape, appear similar in nature to existing features and will therefore be perceived as a minor alteration locally, as such linear infrastructure features are not uncommon within the landscape. Where realignment of stone walls occurs, the re-formed stone walling will be in keeping with existing stone walls and will not be out of character for this stretch of improvement works.</p> <p>There will be a direct, short-term change to the area locally, which is considered to have a <b>low</b> magnitude of impact.</p>

## Historic Landscapes

	<p><u>Magnitude of Impact: New pedestrian/cycle bridge</u></p> <p>Direct effects will arise from the addition of the single arched steel bridge set 2.5 m to the west of the existing stone bridge. The addition of this structure within the landscape will represent a minor change to the overall character and components of the landscape locally. Its influence, whilst medium-term over a restricted area, will not be experienced far from the banks of the Currane River due to the bridges overall low, open form with colouration and elements selected to aid integration within the landscape at a local level.</p> <p>Overall it is judged that the addition of the new bridge will give rise to a direct, medium-term change locally, which is considered to have a <b>low</b> magnitude of impact as this portion of the Proposed Development will be viewed as a minor addition to the existing landscape character and composition.</p>
<p>Significance of Landscape Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p>The introduction of construction activity and machinery along this short, localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised negative effect on the nature / quality of the landscape during the construction phase only.</p> <p>Overall the significance of landscape effect associated with the localised widening and improvement of the N70 corridor and the provision of the active travel path is <b>slight localised, negative, short-term, temporary</b>, assessed as not significant. Remaining portions of the historic landscape are predicted to experience localised temporary indirect effects which are assessed as <b>not significant</b> during the construction phase of the Proposed Development.</p> <p><u>Significance of effect - New pedestrian/cycle bridge</u></p> <p>The introduction of construction activity and machinery within a localised section of the existing N70, along with site clearance and localised vegetation removal is considered to have a localised</p>

## Historic Landscapes

	<p>negative effect on the nature / quality of the area during the construction phase only.</p> <p>Overall the significance of landscape effect associated with the formation of the new bridge is <b>Moderate, localised, negative, short-term, temporary</b>, assessed as significant for the construction phase only.</p>
Significance of Landscape Effect during Operational Phase.	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Slight, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase of the Proposed Development as whilst changes will be noticeable locally, they are not considered to affect the sensitivities of the landscape within which the Proposed Development is located.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Slight, localised, neutral</b>, assessed as not significant effects are predicted to be experienced during the operational phase as whilst the addition of the bridge will be noticeable within a restricted, local extent, the new bridge is not considered to affect the sensitivities of the landscape within which it is located.</p>

The following table provides a summary of the predicted construction phase and operational phase landscape effects.

**Table 6a : Summary of Predicted Landscape Character and Designation Effects**

<b>Landscape Character Designation</b>	<b>Predicted / Construction Phase Landscape Effects</b>	<b>Predicted Operational Phase Landscape Effects</b>
LCA 33 Lough Currane and Máistir Gaoithe	<u>N70 Improvement &amp; Active travel route</u>	<u>N70 Improvement &amp; Active travel route</u>

Landscape Character Designation	Predicted / Construction Phase Landscape Effects	Predicted Operational Phase Landscape Effects
	<p><b>Slight, localised, temporary,</b> assessed as not significant effects.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Slight, localised, temporary,</b> assessed as not significant effects.</p>	<p><b>Slight, localised, neutral,</b> assessed as not significant effects.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Slight, localised, neutral,</b> assessed as not significant effects.</p>
LCA Urban Landscape	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Moderate, direct, negative, temporary,</b> assessed as not significant effects.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Imperceptible, indirect, neutral,</b> assessed as no significant effects.</p>	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Slight, direct, positive,</b> assessed as not significant effects.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Imperceptible, indirect, neutral,</b> assessed as no significant effects.</p>
LCA Coastal Fringe	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Profound, direct, negative, short-term, temporary,</b> assessed as significant effects.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Profound, direct, negative, short-term, temporary</b> assessed as significant effects.</p>	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Significant, direct, neutral</b> effects assessed as significant. Effects are judged to be neutral in nature as the Proposed Development will soon integrate with the existing baseline conditions due to relocation of existing stone walls which are a common feature adjacent to the transport corridor.</p>

Landscape Character Designation	Predicted / Construction Phase Landscape Effects	Predicted Operational Phase Landscape Effects
		<p><u>New pedestrian/cycle bridge</u>  <b>Significant, direct, neutral</b> assessed as significant effects. Effects are judged to be neutral in nature as the proposed bridge crossing, due to its form and colouration will integrate with the existing baseline conditions when viewed from the within the wider landscape. The bridge will not be visually prominent from the N70 or the Active travel route and as time elapses and the Proposed Development settles into the Coastal Fringe LCA, the significance of effect is anticipated to decrease further.</p>
LCA Upland Fringe	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Not significant, neutral effects.</b> Assessed as not significant.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Not significant, neutral effects</b> assessed as not significant.</p>	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Not significant, neutral effects.</b> Assessed as not significant.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Not significant, neutral effects</b> of this bridge option on the LCA. Assessed as not significant.</p>
Historic Landscapes	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Slight localised, negative, short-term, temporary,</b> assessed as not significant.</p>	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Slight, localised, neutral,</b> assessed as not significant.</p>

<b>Landscape Character Designation</b>	<b>Predicted / Construction Phase Landscape Effects</b>	<b>Predicted Operational Phase Landscape Effects</b>
	<u>New pedestrian/cycle bridge</u> <b>Moderate, localised, negative, short-term, temporary,</b> assessed as significant.	<u>New pedestrian/cycle bridge</u> <b>Slight, localised, neutral,</b> assessed as not significant.
Promoted Routes	<u>N70 Improvement &amp; Active travel route</u> <b>Moderate, direct, positive,</b> assessed as not significant.  <u>New pedestrian/cycle bridge</u> <b>Moderate, direct, positive,</b> assessed as not significant.	<u>N70 Improvement &amp; Active travel route</u> <b>Moderate, direct, positive,</b> assessed as not significant.  <u>New pedestrian/cycle bridge</u> <b>Moderate, direct, positive,</b> assessed as not significant.

Visual effects from the representative local viewpoints considered in the LVIA are described in Table 7 to Table 11 below. To avoid repetition, an assessment of construction phase impacts and predicted operational phase impacts are included within each of the following viewpoint assessments.

**Table 5: Viewpoint 1 Baslickane Lane**

**Viewpoint 1 – View from Baslickane Lane**

<b>Grid Ref</b>	450141; 564957	<b>Existing Viewpoint Location</b>	Appendix B: VP01 – Baslickane Lane
<b>Direction of View</b>	North-east	<b>Approx Distance to Proposed Development</b>	375m from south-western boundary

## Viewpoint 1 – View from Baslickane Lane

Description of existing view and potential receptors	<p>This viewpoint is located on the northern edge of Baslickane Lane, adjacent to a low stone wall forming its boundary, approximately 375m from the south-western boundary of the Proposed Development.</p> <p>The existing view available from this location (refer to Appendix B, VP01 – Baslickane Lane; Existing View) is generally panoramic in nature, with low rolling hills in the foreground, leading to wide sweeping views over the estuary of Currane River with the hills of Benduff, Foilclough, and Cnoc an Bhothan forming the backdrop against the skyline, leading the eye towards further mountains that are part of the Ring of Kerry.</p> <p>The foreground comprises low rolling pastoral fields bound by stone walls with the yellow render of Waterville House prominent in the view on the northern bank of the Currane River. The line of the N70 is defined by low stone walls leading to Currane River Bridge where the western elevation of the stone-clad three-arch spans can be seen. In the middle ground on the left of the view, Waterville town wraps around the bay, whilst to the right there is dense scrubby vegetation combined with topography screening some residential parts of Waterville.</p> <p>Timber poles carrying overhead lines are perceived within the available view at varying distances, forming a minor vertical element within the overall available view.</p> <p>The view is considered to be representative of peripheral views experienced primarily by road users traveling east/west on Baslickane Lane as well as recreational receptors using the road network or outdoor activities, such as the Kerry Way, and residential receptors in the vicinity.</p>
Significance and Sensitivity	<p>Residential and recreational receptors are judged to be of a high susceptibility to change in their views, whilst transient receptors on Baslickane Lane are judged to be of a low susceptibility to change as their focus is on the direction of travel.</p>

## Viewpoint 1 – View from Baslickane Lane

	<p>The viewpoint is representative of views available from The Kerry Way, a recognised walking route, as well as being a typical view from Hogs Head Golf Club. The overall value of the view available is judged to be very high.</p> <p>Overall, taking into account the receptor susceptibility and the value of the view, the significance and sensitivity is judged to be <b>very high</b>.</p>
<p>Magnitude of Impact – Construction Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>  During the construction phase, operations and machinery movements associated with the Proposed Development will be visible at mid-distance across the central portion in a limited part of the view, though perceived well below existing horizon lines and against a well-vegetated backdrop which will aid integration. Clearance of existing vegetation to the northwestern side of the existing bridge will be apparent within the view.</p> <p>Construction phase activities and vehicular movements will be viewed as a <b>medium</b> magnitude of impact upon northern views from this location.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u>  During the construction phase, plant and machinery movements will be limited to the location around the Currane River with some of the ground level operations and construction activity anticipated to be screened by the southern bank of the river.</p> <p>Construction phase activities associated with the construction of the new bridge crossing will be viewed as a localised moderate change in the visual characteristics as heavy plant and machinery are visible for a short duration and impacts are judged to be temporary in nature.</p> <p>Construction phase activities and vehicular movements will be viewed as a <b>medium</b> magnitude of effect.</p>

**Viewpoint 1 – View from Baslickane Lane**

<p>Magnitude of Impact – Operational Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>                  During the operational phase, elements of the Proposed Development will be partially visible, at mid-distance within a small portion of the overall view available from this location. New stone walls, particularly to the northwestern side of the existing bridge will be read as part of the existing stone wall-lined environment. Visible elements will be viewed below and beyond intervening vegetation cover, and topography in combination with stone walls. The active travel route and widened portion of the N70 will be viewed as a minor addition to the view, with the character of the view remaining largely unaltered. Existing elements of the view will retain visual prominence, with middle-distance and longer-distance views remaining largely unaffected. Overall the magnitude of effect is considered <b>low</b> as the Proposed Development is perceived within a minor portion of the overall view available.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u>                  During the operational phase, the addition of the new bridge along the western edge of the existing stone faced bridge will be perceived as a minor change to the visual composition of the view. The proposed bridge, a single arch span, has a light aesthetic design to it, allowing views of the existing stone-clad bridge behind.</p> <p>Overall the magnitude of change is considered <b>low</b> as the proposed bridge crossing associated with the Proposed Development is perceived within a minor portion of the overall view available.</p>
<p>Significance of Visual Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations judged to be at odds with the character of the existing view.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase</p>

### Viewpoint 1 – View from Baslickane Lane

	only as visibility of machinery and operations is judged to be at odds with the character of the existing view.
Significance of Visual Effect during Operational Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u>  <b>Significant, direct, neutral, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u>  <b>Significant, direct, positive, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p>

**Table 6: Viewpoint 2 Baslicon Road**

### Viewpoint 2 – View from Baslicon Road

<b>Grid Ref</b>	450361; 565086	<b>Existing Viewpoint Location</b>	Appendix B: VP02 – Baslicon Road
<b>Direction of View</b>	North-west	<b>Approx Distance to Proposed Development</b>	225m from south boundary
Description of existing view and potential receptors	<p>This viewpoint is located on the side of Baslicon Road, approximately 225m from the southern boundary of the Proposed Development.</p> <p>The existing view available from this location (refer to Appendix B, VP02 – Baslicon Road; Existing View) is generally open in</p>		

## Viewpoint 2 – View from Baslicon Road

	<p>nature, though partially influenced by visibility of stone walls and roadside vegetation. Lower lying land is visible in the foreground, where much of the middle view is screened by the topography of low rolling hills in the Currane River estuary or by intervening vegetation and occasional built form. Peaks of hills forming the ring of Kerry form the backdrop silhouetted against the skyline.</p> <p>In the immediate foreground Baslicon Road crosses the view from left to right bounded by low stone walls disappearing from view behind existing vegetation. On the left side of the stone wall is a low lying field with Waterville House sitting proud on the landscape in front to Ballinskelligs Bay. A brief portion of the N70 comes back into view around at the crossing point of the Currane River where the stone face and three arch spans can be seen crossing the River and passing the entrance of Waterville House. To the right side of the N70 views roof pitches are available between ornamentally planted gardens. Where views of pastoral fields are available, they are bound neatly by stone walls that are characteristic of the locality.</p> <p>Timber poles carrying overhead lines are perceived within the available view at varying distances, forming a minor vertical element within the overall available view.</p> <p>The view is considered to be representative of peripheral views experienced primarily by road users traveling north/south on Basclicon Road as well as recreational receptors using the road network or outdoor activities, Hogs Head Golf Club, the Kerry Way, and residential receptors in the vicinity.</p>
<p>Significance and Sensitivity</p>	<p>Residential and recreational receptors are judged to be of a high susceptibility to change in their views, whilst transient receptors on Basclicon Road are judged to be of a low susceptibility to change as their focus is on the direction of travel.</p> <p>The viewpoint is representative of The Kerry Way, a recognised</p>

## Viewpoint 2 – View from Baslicon Road

	<p>walking route, as well as being a typical view from Hogs Head Golf Club.</p> <p>Overall, taking into account the receptor susceptibility and the value of the view, the significance and sensitivity is judged to be <b>very high</b>.</p>
<p>Magnitude of Impact – Construction Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>  During the construction phase, operations and machinery movements associated with the Proposed Development will be visible at mid-distance in partial views where there are limited views of the N70 available. Demolition of the stone wall and clearance works will be the most prominent element of the construction works. Construction phase activities and vehicular movements will be viewed as a <b>medium</b> magnitude of effect.</p> <p><u>Magnitude of Impact – New pedestrian/cycle bridge</u>  During the construction phase, plant movements will be limited to the location around the Currane River. Activities will be seen as a moderate change in the visual characteristics. Construction phase activities and vehicular movements will be viewed as a <b>medium</b> magnitude of effect.</p>
<p>Magnitude of Impact – Operational Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>  During the operational phase, elements of the widened N70 corridor and the active travel route and realigned stone wall will be evident where views of the N70 are available in mid-distance views. The realigned stone wall lining the N70 will be apparent against the backdrop of existing vegetation to the eastern side of the road. Existing elements of the view will retain visual prominence, with middle-distance and longer-distance views remaining largely unaffected. The magnitude of effect is considered <b>low</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u></p>

## Viewpoint 2 – View from Baslicon Road

	<p>During the operational phase, the new bridge will be seen aside the existing stone bridge. The form and contemporary style will be out of character to the existing stone façade on the Currane River Bridge, however the lightness of the structure will allow views through it of the existing bridge. The magnitude of change is considered <b>low</b>.</p>
<p>Significance of Visual Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations judged to be at odds with the character of the existing view.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations is judged to be at odds with the character of the existing view.</p>
<p>Significance of Visual Effect during Operational Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u>  <b>Significant, direct, neutral, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u>  <b>Significant, direct, positive, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p>

**Table 7: Viewpoint 3 Baslicon - N70 Junction****Viewpoint 3 – Baslicon-N70 Junction**

<b>Grid Ref</b>	450423; 565228	<b>Existing Viewpoint Location</b>	Appendix B: VP03 - Baslicon-N70 Junction
<b>Direction of View</b>	North-west	<b>Approx Distance to Proposed Development</b>	0m from south boundary

Description of existing view and potential receptors	<p>This viewpoint is located on the south-western edge of the Baslicon-N70 Junction, at the southern boundary of the Proposed Development.</p> <p>The existing view available from this location (refer to Appendix B, VP03 – Baslicon-N70 Junction; Existing View) is partially enclosed in nature, focused north-east generally along the route of the N70 by close built form and roadside topography which drawing the eye along the length of the N70 with Knocknaskereighta and further elevated land form, forming part of the Ring of Kerry bounding Ballinskelligs Bay.</p> <p>The foreground is comprised of road infrastructure associated with the N70 with stone walls closely lining the existing road alignment in varying state of repair. On the left side of the foreground is a residential property, a tourist information finger pointer and a timber pole with overhead cables forming a strong visual draw. Beyond the intervening structures, the yellow render of Waterville House is visually prominent against silhouettes of hills beyond. In the mid-distance view low lying waterlogged fields can be seen indicating the line of the Currane River. The eastern side of the existing Currane River Bridge can be partially seen as well as upper portions of the wall lining the western elevation of the N70 before it disappears behind a hill lined with native scrub screening any distant views.</p> <p>The view is considered to be representative of views experienced primarily by road users traveling east/west on Baslicon-N70 Junction as well as recreational receptors using the road network or outdoor activities, such as the Kerry Way</p>
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### Viewpoint 3 – Basclicon-N70 Junction

	and the Ring of Kerry, as well as residential receptors in the vicinity.
Significance and Sensitivity	<p>Residential and recreational receptors are judged to be of a high susceptibility to change in their views, whilst transient receptors on Basclicon Road are judged to be of a low susceptibility to change as their focus is on the direction of travel.</p> <p>The viewpoint is representative of The Kerry Way, a recognised walking route, as well as the Ring of Kerry driving route and it is also representative of a typical view available from Hogs Head Golf Club. The view experienced at this location is also considered to be available to residential receptors in the vicinity and is also representative of northern views available from a portion of the N70 designated for its Views and Prospects.</p> <p>Overall, taking into account the receptor susceptibility and the value of the view, the significance and sensitivity is judged to be <b>very high</b>.</p>
Magnitude of Impact – Construction Phase	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> During the construction phase, operations and machinery movements associated with the Proposed Development will be prominent within this view. Works associated with the demolition and relocation of existing stone walls in combination with vegetation clearance, earthworks and plant movement along the route of the Proposed Development will be viewed as a major alteration to the baseline, particularly within the foreground portion of the view during this phase. The middle and far distance view will be largely unaffected by construction activity as intervening landform and vegetation will screen construction activities and machinery movements. Overall the magnitude of effect is considered <b>very high</b> during the construction phase of the active travel route.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> During the construction phase, plant movements will be limited to the location around the Currane River, within a small central portion of the overall view available from this location. Activities will be seen as a moderate, localised change in the visual</p>

### Viewpoint 3 – Baslicon-N70 Junction

	<p>characteristics. Construction phase activities and vehicular movements will be viewed as a <b>medium</b> magnitude of impact.</p>
<p>Magnitude of Impact – Operational Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>  During the operational phase the widened portion of the N70 and adjacent active travel path will alter the baseline character, with the width of the N70 extending laterally by up to 5m because of the widening associated with the improvements to the road corridor and implementation of the active travel route. Newly formed stone walls will be perceived as an improvement to the overall character of the view, with new walls set back from the carriageway giving breathing space for both vehicles and non-motorised users. The existing timber pole will be realigned to sit off the proposed carriageway, which will see its prominence lessen, with Waterville House maintaining its prominence within the wider view. The magnitude of impact is considered <b>very high</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u>  During the operational phase, the stone wall lining the westerly side of Currane River Bridge will screen much of the proposed pedestrian bridge from this location, apart from the upper portions of the pedestrian guard rails that will be perceived as a minor addition to the view from this location. Visibility of the Currane River, within the central middle ground will be maintained, whilst the Proposed Development does not impact on components or character of the wider view. The easterly elevation of Currane River Bridge will not change. This is considered a <b>low</b> magnitude of impact.</p>
<p>Significance of Visual Effect during Construction Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u>  <b>Profound, direct, adverse, temporary, short term</b> assessed as significant effects are predicted during the construction phase only.</p> <p><u>Significance of Effect – New pedestrian/cycle bridge</u>  <b>Significant, direct, adverse, temporary , short-term,</b></p>

### Viewpoint 3 – Baslicon-N70 Junction

	assessed as significant effects are predicted during the construction phase.
Significance of Visual Effect during Operational Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Profound, direct, permanent, positive</b> assessed as significant effects are predicted during the operational phase. Effects are considered to be profound, positive as whilst the visual baseline character has substantially changed, the change is perceived from a location designated as a sensitive viewpoint but elements of the Proposed Development maintain visual coherence with the wider character of the view, sense of place formed by the wider view is maintained and the new arrangement is considered to enhance the experience for pedestrians, cyclists and visitors.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Significant, direct, permanent, neutral</b> assessed as significant effects are predicted during the operational phase because of the new pedestrian bridge. Effects are considered to be neutral as the new bridge is difficult to perceive in views from this location and the introduction of the new built feature does not degrade or enhance the sense of place when compared against the existing visual baseline.</p>

**Table 8: Viewpoint 4 N70 at Hotel entrance**

### Viewpoint 4 – N70 at Hotel entrance

<b>Grid Ref</b>	450272; 565427	<b>Existing Viewpoint Location</b>	Appendix B: VP04 - N70 at Hotel entrance
<b>Direction of View</b>	South-east	<b>Approx Distance to Proposed Development</b>	0m from south-western boundary

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## Viewpoint 4 – N70 at Hotel entrance

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Description of existing view and potential receptors

The viewpoint is located at the vehicular entrance to Waterville House adjacent to the N70 on the western boundary of the scheme.

The existing view available from this location refer to (Appendix B, VP04 – N70 at Hotel Entrance; Existing View) offers open views towards the right and a sense of enclosure on the left following the line of the N70.

A stone wall bounds the line of the road with a rising scrub topped hill behind obscuring views of the mid-distance on this side. Far distance views are available of the mountains of the ring of Kerry, including: Cahernageeha, Farraniaragh Mountain, Binn Ui Ruairc and Cnoc an Stoca. At the foot of these mountains, in mid-ground views, are low lying fields with Ballybrack residential settlement visible to the left of the N70 defined by stone walls. In the main the houses are two story, colour rendered buildings with dormer windows with little, tall vegetation around them. Stone walls throughout the landscape define roads and pastoral fields that are in visual juxtaposition to well-manicured grassed areas associated with Hogs Head Golf course giving a strong character to the area.

In the foreground on the right side of the view Waterville House vehicular entrances are set back from the alignment of the N70. The stone wall lining the N70 and Currane River Bridge connects directly into stone pillars at Waterville House entrance. Although visible in the view, the internal western elevation of Currane River Bridge is difficult to discern from the road topography or existing wall structure at this viewpoint.

Timber poles carrying overhead lines are perceived within the available view at varying distances, forming a minor vertical element within the overall available view.

The view is considered to be representative of views experienced primarily by road users traveling north/south on the N70, road users of the Ring of Kerry, as well as recreational

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## Viewpoint 4 – N70 at Hotel entrance

	<p>receptors using the road network or outdoor activities, such as the Kerry Way, and residential receptors in the vicinity.</p>
<p>Significance and Sensitivity</p>	<p>Residential and recreational receptors are judged to be of a high susceptibility to change in their views, whilst transient receptors on the N70 are judged to be of a low susceptibility to change as their focus is on the direction of travel.</p> <p>The viewpoint is representative of The Kerry Way, a recognised walking route, as well as the Ring of Kerry driving route and is also representative of south western views available from a portion of the N70 designated for its Views and Prospects.</p> <p>Overall, taking into account the receptor susceptibility and the value of the view, the significance sensitivity is judged to be <b>very high</b>.</p>
<p>Magnitude of Impact – Construction Phase</p>	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u>  During the construction phase operations and machinery movements associated with the Proposed Development will be prominent within this view. Works associated with the demolition and relocation of existing stone walls, specifically along the eastern side of the N70, in combination with vegetation clearance, earthworks and plant on site will be viewed as a major alteration to the baseline, particularly within the foreground portion of the view during this phase. The middle and far distance view will be unaffected by construction activity. The magnitude of effect is considered <b>very high</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u>  During the construction phase, plant movements will be limited to the location around the Currane River, with much of the works screened within the view from this location by retained stone walling forming the western edge of the bridge crossing. Construction phase activities will be seen as a moderate change in the visual characteristics. Construction phase activities and vehicular movements will be viewed as a <b>medium</b></p>

## Viewpoint 4 – N70 at Hotel entrance

	magnitude of effect.
Magnitude of Impact – Operational Phase	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> During the operational phase the widened N70 and adjacent active travel route will alter the baseline with the addition of it extending the width of the infrastructure at this viewpoint by up to 5m on the western side, towards the entrance of Waterville House. A new stone wall on the eastern side of the N70 set back the carriageway will open the perceived width of the N70 which will be a long term change to the visual characteristics in this area. The Magnitude of impact is considered <b>high</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> The operational phase for the new pedestrian bridge will see an additional section of stone wall being perceived in combination with the existing western stone wall associated with the existing bridge crossing. The alignment of entrance walls and gates associated with Waterville House will be locally modified, though the addition of this small section of wall is not considered to substantially alter the baseline characteristics of the view. The upper horizontal rails of the new bridge will be seen at a higher elevation than the existing wall lining Currane River Bridge, though considered to be a minor addition to the overall visual character and composition. The change in view is considered a notable change in visual characteristics and a <b>high</b> magnitude of effect.</p>
Significance of Visual Effect during Construction Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Profound, direct, adverse, temporary, short term</b> assessed as significant effects are predicted during the construction phase only.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u> <b>Very significant, adverse, temporary, short term</b> assessed as significant effects are predicted during the construction phase.</p>

## Viewpoint 4 – N70 at Hotel entrance

Significance of Visual Effect during Operational Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Profound, direct, positive</b> assessed as significant effects are predicted during the operational phase. Effects are considered to be profound, positive as whilst the visual baseline character has substantially changed, the change is perceived from a location designated as a sensitive viewpoint but elements of the Proposed Development maintain visual coherence with the wider character of the view, sense of place formed by the wider view is maintained and the new arrangement is considered to enhance the experience for pedestrians, cyclists and visitors.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Profound, neutral, permanent</b> assessed as significant effects are predicted during the operational phase because of the new pedestrian bridge. Effects are considered to be neutral as the new bridge, whilst visible in the view as a new built feature does not degrade or enhance the sense of place when compared against the existing visual baseline.</p>
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**Table 9: Viewpoint 5 Southview Terrace**

## Viewpoint 5 – Southview Terrace

<b>Grid Ref</b>	450918; 565868	<b>Existing Viewpoint Location</b>	Appendix B: VP05 - Southview Terrace
<b>Direction of View</b>	South-west	<b>Approx Distance to Proposed Development</b>	690m from south-western boundary

Description of existing view and potential receptors	This viewpoint is located on Southview Terrace approximate 690m northwest of the Proposed Development.
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## Viewpoint 5 – Southview Terrace

	<p>The existing view available from this location (refer to Appendix B, VP05 – Southview Terrace; Existing View) is open over towards the mouth of the Currane River.</p> <p>In the foreground is low lying field with unmanaged wetland vegetation with the water in the mid-view where Lough Currane and River Currane flowing centrally away from the viewer to Ballinskelligs Bay between two headlands, swathed by riparian shrubby planting, screening the majority of further distance views. Currane River Bridge is not visible from this viewpoint location.</p> <p>The headland the left side of the view is low rolling fields with occasional shrubberies, the peaked silhouette of An Rinn Larthach just rising above, with fields rising just out of view on the left to the lower slopes of Cnoc an Stoca.</p> <p>On the headland on the right side there are houses of Waterville town, one and two story, with some low planting around. Timber poles carrying overhead lines are perceived within the available view at varying distances, forming a minor element within the view on the left side.</p> <p>The view is considered to be representative of peripheral views experienced primarily by road users traveling north/south on Southview Terrace as well as recreational receptors, not only using the road network, but also using Southview Terrace marina.</p>
Significance and Sensitivity	<p>Recreational receptors are judged to be of a high susceptibility to change in their views.</p> <p>The viewpoint is representative of a recognised recreational activity and it is also a typical view from those attending Waterville GAA club, although their interest is generally not on appreciation of the landscape.</p>

## Viewpoint 5 – Southview Terrace

	<p>Overall, taking into account the receptor susceptibility and the value of the view, the significance and sensitivity is judged to be <b>very high</b>.</p>
Magnitude of Impact – Construction Phase	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> During the construction phase machinery movement and construction phase activities at this distance to the development site will be viewed as imperceptible changes to the visual characteristics of the view. The magnitude of effect is assessed as <b>negligible</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> During the construction phase machinery movement and construction phase activities at this distance to the development site will be viewed as imperceptible changes to the visual characteristics of the view. The magnitude of effect is assessed as <b>negligible</b>.</p>
Magnitude of Impact – Operational Phase	<p><u>Magnitude of Impact - N70 Improvement &amp; Active travel route</u> During operational phase at this distance to the Proposed Development there is anticipated to be imperceptible changes to the visual characteristics of the view. The magnitude of effect is assessed as <b>negligible</b>.</p> <p><u>Magnitude of Impact - New pedestrian/cycle bridge</u> During operational phase at this distance to the Proposed Development there is anticipated to be imperceptible changes to the visual characteristics of the view. The magnitude of effect is assessed as <b>negligible</b>.</p>
Significance of Visual Effect during Construction Phase	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u> <b>Not significant, neutral</b>, effects are predicted during the construction phase.</p>

**Viewpoint 5 – Southview Terrace**

	<p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the construction phase.</p>
<p>Significance of Visual Effect during Operational Phase</p>	<p><u>Significance of Effect - N70 Improvement &amp; Active travel route</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the operational phase.</p> <p><u>Significance of Effect - New pedestrian/cycle bridge</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the operational phase.</p>

Table 12 below summarises the predicted significance of visual effect for each of the previously assessed viewpoints.

**Table 10: Summary of Predicted Visual Effects for Viewpoints**

Viewpoint	Predicted Construction Phase Visual Impacts	Predicted Operational Phase Visual Impacts
1	<p>Baslickane Lane</p>	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations judged to be at odds with the character of the existing view.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Very significant, direct,</b></p>

		<p><b>adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations is judged to be at odds with the character of the existing view.</p>	<p><u>New pedestrian/cycle bridge</u>  <b>Significant, direct, positive, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined..</p>
2	Baslicon Road	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations judged to be at odds with the character of the existing view.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Very significant, direct, adverse, temporary</b>, assessed as significant effects are predicted during the construction phase only as visibility of machinery and operations is judged to be at odds with the character of the existing view.</p>	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Significant, direct, neutral, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Significant, direct, positive, permanent</b> assessed as significant effects are predicted during the operational phase as proposed view is neither degraded or enhanced by the proposed development, with visual coherence maintained and the sense of place / character and composition of the view not undermined.</p>
3	Baslicon-N70 Junction	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Profound, direct, adverse,</b></p>	<p><u>N70 Improvement &amp; Active travel route</u></p>

		<p><b>temporary, short term</b> assessed as significant effects are predicted during the construction phase only.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Significant, direct, adverse, temporary, short-term,</b> assessed as significant effects are predicted during the construction phase.</p>	<p><b>Profound, direct, permanent, positive</b> assessed as significant effects are predicted during the operational phase. Effects are considered to be profound, positive as whilst the visual baseline character has substantially changed, the change is perceived from a location designated as a sensitive viewpoint but elements of the Proposed Development maintain visual coherence with the wider character of the view, sense of place formed by the wider view is maintained and the new arrangement is considered to enhance the experience for pedestrians, cyclists and visitors.</p> <p><u>New pedestrian/cycle bridge</u>  <b>Significant, direct, permanent, neutral</b> assessed as significant effects are predicted during the operational phase because of the new pedestrian bridge. Effects are considered to be neutral as the new bridge is difficult to perceive in views from this location and the introduction of the new built feature does not degrade or enhance the sense of place when compared against the existing visual baseline.</p>
4	N70 at Hotel entrance	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Profound, direct, adverse, temporary, short term</b> assessed as significant effects are predicted during the construction phase only.</p>	<p><u>N70 Improvement &amp; Active travel route</u>  <b>Profound, direct, positive</b> assessed as significant effects are predicted during the operational phase. Effects are considered to be profound, positive as whilst the visual baseline character has substantially changed, the change is perceived from a</p>

		<p><u>New pedestrian/cycle bridge</u>  <b>Very significant, adverse, temporary, short term</b> assessed as significant effects are predicted during the construction phase.</p>	<p>location designated as a sensitive viewpoint but elements of the Proposed Development maintain visual coherence with the wider character of the view, sense of place formed by the wider view is maintained and the new arrangement is considered to enhance the experience for pedestrians, cyclists and visitors</p> <p><u>New pedestrian/cycle bridge</u>  <b>Profound, neutral, permanent</b> assessed as significant effects are predicted during the operational phase because of the new pedestrian bridge. Effects are considered to be neutral as the new bridge, whilst visible in the view as a new built feature does not degrade or enhance the sense of place when compared against the existing visual baseline.</p>
5	Southview Terrace	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the construction phase.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the construction phase.</p>	<p><u>N70 Improvement &amp; Active travel route</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the operational phase.</p> <p><u>New pedestrian/cycle bridge</u></p> <p><b>Not significant, neutral</b>, effects are predicted during the operational phase.</p>

## 7.2 Protected Views and Prospects

As part of the visual assessment associated with the Proposed Development, an assessment of the predicted visual impacts on Protected Views and Prospects directly impacted by the Proposed Development has been undertaken.

As previously mentioned, a short section of the N70, north and south of the existing bridge crossing has been identified from review of the KCDP as being designated as a Protected View and Prospects. This section of the N70 has been designated to protect the western views available across the lower elevation lands, across Ballinskelligs Bay towards more elevated land forming the southwestern tip of the county at Bolus and Kildreelig.

Existing views from this designation section of the N70 are generally open and panoramic in nature and available to transient users on the N70 and recreational receptors on this section of the promoted route. The views contain visual interest, formed by variations in built form, with Waterville House forming a prominent element within the available views. Existing stone walls form strong visual draws at proximity due to their location directly adjacent to the N70 corridor, whilst timber poles carrying overhead lines form minor points of visual interest within the views.

As described previously recreational receptors appreciating these views are judged to be high sensitivity receptors, as whilst the view is protected, it is the receptor (person) who is viewing and appreciating the character and nature of the view as they pass along this designated section of the N70.

During the construction phase, operations and machinery movements associated with the Proposed Development will be prominent along this section of the N70, with works associated with the demolition and relocation of existing stone walls in combination with vegetation clearance, earthworks and plant movement being viewed as a major alteration to the baseline character and nature of the view within foreground and close distance portions of the view. The character and nature of the view within mid and distant portions of the view will remain unaltered during the construction phase. Overall the magnitude of impact is considered very high during the construction phase, resulting in a **direct, adverse profound, temporary short term duration** assessed as significant effect upon Protected Views and Prospects on this short section of the N70.

During the construction phase, plant movement associated with the implementation of the new bridge crossing will be limited to the location around the Currane River, within a small portion of the overall view available from this location. Activities will be seen as a moderate, localised change in the visual characteristics. Construction phase activities and vehicular movements will be viewed as a medium magnitude of impact during the construction phase, resulting in a **direct, adverse profound, temporary short term duration** assessed as significant effect upon Protected Views and Prospects on this short section of the N70.

During the operational phase the proposed active travel route will alter the baseline character, with the width of the N70 extending by up to 5m because of the widening associated with the improvements to the road corridor and implementation of the active travel route. Newly formed stone walls will be perceived as an improvement to the overall character of the view, with new walls set back from the carriageway giving breathing space for both vehicles and non-motorised users. The magnitude of impact upon the Protected Views is judged to be **high** during the operational phase of the active travel path, resulting in a **very significant, assessed as neutral**, permanent effect. Effects are judged to be neutral as the newly constructed stone walling does not degrade or enhance the sense of place when

compared against the existing visual baseline and the active travel route does not impact on key elements or characteristics of the wider, panoramic view available.

During the operational phase, the stone wall lining the westerly side of Currane River Bridge will screen much of the proposed bridge within western views from the N70, apart from the upper portions of the pedestrian guard rails that will be perceived as a minor addition. Visibility of the Currane River and Waterville House will be maintained, whilst the Proposed Development does not impact on components or character of the wider view. This is considered a **low** magnitude of impact resulting in a **slight, permanent** impact upon the view, which is assessed as not significant.

### **7.3 Further Mitigation Measures: subject to Conditions: Discussion**

#### 7.3.1 Construction Phase Mitigation Measures

Site compounds will be located to minimise landscape and visual impacts experienced by recreational, residential and transient receptors in the vicinity of the Proposed Development and will avoid the excessive removal of existing vegetation.

Where vegetation is to be removed for temporary construction works, site compounds or storage, it can be replaced following completion of the construction phase works.

Mitigation measures have also the potential to reduce any potential construction night-time impacts including:

Use of directional down light style cut-off luminaries to prevent up lighting and reduce glare and sky glow.

Use of lighting control systems to reduce amount of light spill, sky glow, and visual appearance during the construction phase where works take place in proximity to properties.

#### 7.3.2 Operational Phase Mitigation Measures

It is acknowledged that due to the nature of the receiving environment, it's associated sensitivities and the nature of the works that localised significant landscape and visual impacts have been identified. As such the following mitigation measures can be further developed with regards to aiding the integration and reducing the reported landscape and visual impacts arising because of the Proposed Development, and subject to Conditions.

Planting areas, developed as part of the mitigation measures can be comprised of locally appropriate, native shrub species to ensure that they fit within the surrounding landscape context and will be developed in combination with potential areas of seeding and other planting typologies such as hedgerows.

The overall aims of further landscape mitigation shall be:

- To provide mitigation measures that help to avoid, reduce or remedy any significant landscape and visual impacts arising from the Proposed Development.

- To ensure the physical and visual integration of the Proposed Development and associated features into the surrounding landscape.
- To provide replacement planting for areas of established planting and/ or hedgerows lost due to the Proposed Development.
- The general objective for the landscape mitigation is that it shall be in keeping with the existing landscape character. Therefore, small areas of native shrub planting developed and which utilise plant species present in the local landscape will be beneficial and positively enhance the landscape.
- Plant mixes of native trees and shrubs and wild meadow grass mix will be planted where appropriate.
- In line with the National Road's Authority (NRA) *Guide to Landscape Treatments of National Road Schemes in Ireland* it is a core objective of the landscape mitigation to use native plants and seed from indigenous sources.
- The implementation of the landscape mitigation measures must be in accordance with the NRA *Guide to Landscape Treatments*.

#### **7.4 Summary**

The main source of impact on Visually Sensitive Areas, Views and Prospects and Protected Views arises because of the presence of construction machinery and operations which are judged to be at odds with the character and nature of the available views during the construction phase.

During the operational phase, whilst very significant, neutral visual impacts have been predicted to occur, the Proposed Development is not considered to degrade the sense of place when compared against the existing visual baseline and the N70 road improvements and implementation of the active travel route do not impact on key elements or characteristics of the wider, panoramic view available, but rather reinstates stone walling along the roadside ensuring its visual coherence within the surrounding visual context.

The Proposed Development is also not considered to alter the wider panoramic western views associated with the designated section of the N70 but rather allows such views to be experienced by recreational and tourist receptors from a safer location adjacent to but separated from the N70.

Whilst significant visual effects are predicted to be experienced by receptors at local viewpoints in proximity to the Proposed Development during the operational phase, such impacts are considered to be either neutral or positive in nature as whilst the visual baseline character has substantially changed locally, the change is perceived from a location identified as visually sensitive, but elements of the Proposed Development maintain visual coherence with the wider character of the view and the sense of place formed by the wider view is maintained and the new arrangement is considered to enhance the experience for pedestrians, cyclists and visitors.

## 7.5 Waterville House Alternative Option at Waterville Bridge

### 7.5.1 The Council response

- i. This alternative introduces additional vertical elements within a landscape that is relatively devoid of such features.
  - a. It's noted that there are existing timber poles carrying overhead lines adjacent to the N70, but these stop at the junction of the N70 and Baslicon (as represented in Vp 03 of the TT LVIA) and do not occur again until on the approach to the southern edge of Waterville. This means that the section of designated road and western views (protected) are not overtly impacted by the presence of vertical elements in close proximity to the promoted route (N70 – Ring of Kerry) - including but not limited to traffic signals and required advanced signage.
  - b. The alternative introduces features is likely to be perceived as an extension of the 'urbanisation' associated with Waterville, which is currently defined by the signage at the southern extent of the development area.
  - c. Vertical elements (traffic lights and associated signage) are likely to impact on northern views along the route of the road and would be perceived directly in forward facing views when traveling along the N70 – with visibility of traffic lights more apparent at night, forming a new visual draw and perhaps distracting receptors from the wider western views
  - d. Traffic lights will be located on a section of the N70 that has been designated as a Prospect, with Protected Views identified west, which may be locally impacted by inclusion such elements, with character of views locally altered
  - e. Traffic stopped at the lights – unclear from the submission as to how long traffic is likely to be stopped for – but again visibility of stopped traffic within the landscape, particularly from Waterville House would give rise to a localised impact on the nature and character of the available views.
  - f. Proposed traffic lights are located within the Core Area of the Kerry International Dark-Sky Reserve and will have a localised impact.
- ii. The alternative involves the location of the proposed shared surface intervention is on the eastern side of the N70 – which coincides with the adjacent SAC, with a proposed board walk along the eastern edge of the existing N70 (assumed to be beyond the existing stone wall, the implementation of which is likely to give rise to impacts on the SAC itself
- iii. Location of the shared surface facility in the eastern side of the N70 – means that views to the west would include visibility of the road infrastructure, (including traffic lights), passing traffic and 2Nr. boundary walls, which are not going to be experienced in western views associated with the Proposed Development (traffic would be to the rear of the receptor and not visible in the view west)
- iv. The alternative is not clear if the proposals fully intend to retain the existing N70 as per existing width and arrangement – or if boundary walling is to be fully retained along this section but the location of the shared surface facility along the eastern edge

is going to require some additional earthworks / modifications / rectifications to the existing walls. This would be further 'exasperated' by changes in level north of the current bridge crossing where existing ground levels are above the existing stone wall - again potentially causing issues with retention of walls, and usability of the pathway by all users (able bodied and less able-bodied users).

- v. Location of the shared surface facility will increase the perception of the existing pumping station infrastructure to recreational receptors utilising the route along the eastern edge of the N70, particularly when traversing north towards Waterville.
- vi. The alternative states – “Both stone wall parapets are fully maintained, with some localised raising of the stone walls for safety.” - this would represent an impact upon the bridge / historical feature and may impact on the western views available from this location as well as the character of this historic feature.
- vii. It's noted that the alternative state that there will be no impact on the 'Butler's Pool' site or the fish Weir recorded monument (KE098-094) and will have minimal impact on Waterville House – which is the same as the findings from the current LVIA reporting.

## **8. Heritage Impacts**

As stated at Section 11 of the PECR, a cultural heritage impact assessment was carried out. A copy of the report is available should same be requested by An Coimisiún Pleanála, the competent authority.

The gravamen of the submission by Waterville House is that Waterville House should be listed on the NIAH and on the RPS. It also suggests that Waterville Bridge should be listed on the NIAH and on the RPS.

In the respectful submission of the Council, the potential impact on Waterville House and the Weir is overstated in the submission and the Council rejects the level of architectural significance attached either to Waterville House or the impact on the Weir within its landholding, in particular having regard to the changes to the House, Weir and gardens since its acquisition.

It is accepted that Waterville House is located as with other housing within a particular landscape.

The Council's cultural assessment report noted that there would be no direct impacts on Waterville Bridge as a result of the proposed development or on any other undesigned heritage assets.

It is proposed to use existing drystone which is being removed in the construction of the approaches to the existing Waterville bridge which itself remains unaltered.

In that assessment on behalf of the Council as summarised in the PECR, the existence of the Recorded Monument (KE098-094) namely the Fish Weir on the Currane River was noted.

Nonetheless, the Recorded Monument KE098-094 is much changed, as demonstrated in the following photographic history from the material before the competent authority:

## 8.1 Consarc Report extracts



**Fig 8.1.1- From Consarc Conservation Architectural Heritage Impact Assessment (Fig 010)**



**Fig 8.1.2 - From Consarc Conservation Architectural Heritage Impact Assessment (Fig 20)**

## 8.2 Waterville House Website



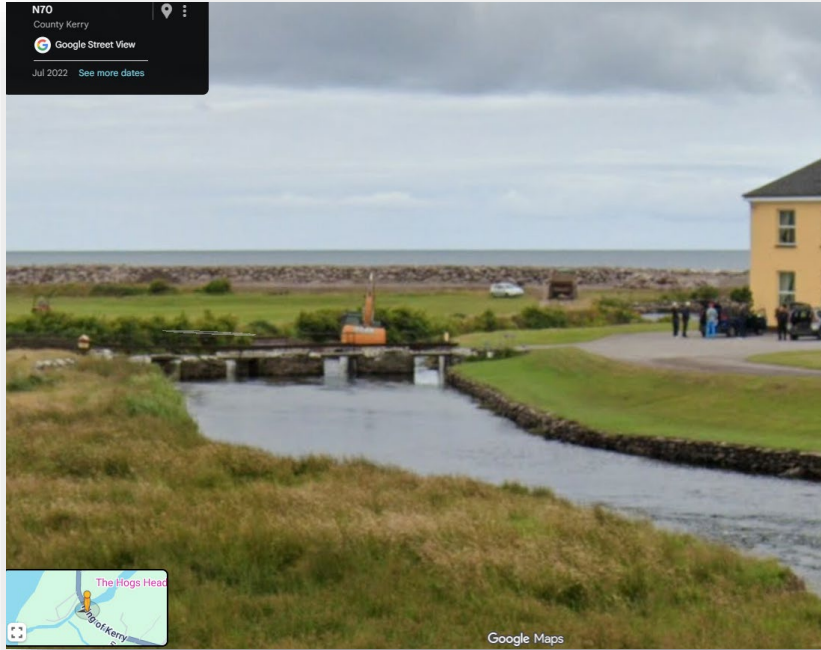
*Fig 8.2.1 - Aerial View from Waterville House Website*



*Fig- 8.2.2 – Aerial View of Weir from Waterville House Website*

### 8.3 Google Maps Streetview

Google Maps Streetview appears to show works immediately adjacent to the weir in 2022. An excavator appears to be in the Currane river near the weir and there appears to be machinery in the background.



**Fig 8.3.1 – Google Maps Screenshot 2022**



**Fig 8.3.2 – Google Maps Screenshot 2022**



**Fig 8.3.3 – Google Maps Screenshot 2022**

#### **8.4 Cultural Heritage**

The photo below taken on July 7<sup>th</sup> 2025 shows further modernisation and works completed at the weir.



**Fig 8.4.1 – Photo taken on July 7<sup>th</sup> 2025**

The conclusion of the Cultural Heritage report prepared on behalf of the Council is that the proposed development does not impact on any designated archaeological assets listed in the RMP and/or the SMR.

It is acknowledged that the closest designated site comprises the Fish Weir KE098-094 approximately 86 metres to the west/southwest. As such the edge of the Zone of Notification for this Recorded Monument is approximately 35 metres to the southwest of the study area.

The proposed development does not extend through any ACAs. There are no historic gardens/domain listed in the NIAH garden survey either in the study area or within the wider hinterland.

As noted in the report, the Butler family sold the house in or about 1963 and it now comprises a guesthouse, and the former historic attendant grounds now forms part of the Waterville Golf links.

For the purposes of the assessment a 50 metres study area included and extended from the proposed works. In this regard as the Weir was beyond that study area, and while noted in the assessment, there was no direct impact on the Weir.

Mitigation measures in terms of cultural heritage were proposed in that report. These can be summarised as follows:

**Table 8.1 Recommended mitigation measures.**

Mitigation Measure	Mitigation Details
<b>Archaeological Heritage</b>	<p>There is the potential that previously unidentified subsurface archaeological remains will be uncovered in greenfield areas during the proposed works. Thus, a comprehensive programme of archaeological test-trenching should be developed within the CPO area for the scheme. The test excavations should be undertaken by a suitably qualified licensed eligible archaeologist as part of an advance Archaeological Services Contract. The test trench layout should be agreed in advance with the TII-assigned Project Archaeologist.</p> <p>The overall aim of the test excavations should be to ascertain the location, nature, date, character, extent and significance of whatever archaeological features/deposits may be discovered and to provide an adequate amount of archaeological testing in all relevant areas to reveal the horizontal extent of all archaeological sites/features/deposits and the vertical extent of any archaeological stratigraphy and to produce a report on the findings.</p> <p>If archaeological remains are identified during test excavations, then these archaeological sites/features/deposits should either be avoided and preserved <i>in situ</i>, or preserved by record through full excavation in consultation with the NMS of the DHLGH and the NMI. Adequate funds should be made available for all required archaeological works including, but not limited to, finds retrieval, conservation, storage and analysis of</p>

Mitigation Measure	Mitigation Details
	<p>all artefacts and ecofacts, post-excavation analyses, specialist reports, reporting and dissemination of findings.</p> <p>A licensed Wade and Detection Survey should be carried out in the area of the proposed instream works in the Currane River. This should be undertaken by a suitably qualified archaeologist with experience in the use of a metal detector in riverine environments.</p>
<b>Built Heritage</b>	<p>An Architectural and Topographic Survey should be carried out of the downstream section of Waterville Bridge in advance of road improvement works and the construction of the freestanding pedestrian/cycle bridge. This activity shall be undertaken as part of an advance Archaeological Services Contract and conducted by qualified competent and authorised professionals.</p> <p>The building recording shall include, but not be limited to, a written description, measured drawing and the compilation of a photographic and documentary archive, as necessary. The aim of the building recording survey should be to compile a comprehensive written and illustrated record of the bridge. The significance of the bridge should be recorded using the criteria for rating outlined in the <i>National Inventory Architectural Heritage: Handbook</i> (DHLGH 2025).</p> <p>Pre-construction and post-construction Property Condition Survey (CL 136 Series 100 of the TII Specification for Roadworks) should be carried out of Waterville Bridge (AH01).</p> <p>Construction barriers and signage should be erected to protect Waterville Bridge (AH01) and AH04 (the iron gate, gate pillar and wing walls of 'Ballybrack Cottage') while upgrade works are underway and while the freestanding cycle/pedestrian bridge is being installed. The specifications for any barriers should be agreed with the Kerry Architectural Conservation Officer in advance. Not less than 10% of roadside stone walls within the CPO should be recorded by means of a written and photographic survey. In instances where architectural details of note are present in stone walls, specifications for the recording of these should be devised on an individual basis.</p>

Proposed mitigation measures shall comply with the National Monuments Acts 1930–2014 (as amended). Archaeological testing should only be undertaken under an excavation licence issued under Section 26 of the National Monuments Act 1930 (as amended) and in accordance with the *Framework and Principles for the Protection of the Archaeological Heritage* (DAHGI 1999).

In the respectful submission of the Council, the proposed development will not have any significant negative effect either on Waterville House, its surrounding gardens or the Weir as suggested in their submission. It is the Council's respectful opinion that there is no contravention of any policies of the CDP either in relation to any recorded monument or any area of archaeological potential or landscape.

In the respectful opinion of the Council, the proposed alternative has not been properly assessed in the report on behalf of Waterville House given the physical works required to Waterville Bridge and the imposition of other features into the landscape such as signal-controlled traffic lights.

Figure 11-1 of the PECR illustrates built heritage assets within the study area of 50 metres. The proposed new pedestrian bridge will be located approximately 2 metres downstream to the west of the existing bridge structure and accordingly,

Waterville Bridge will not be directly impacted during either the construction or operation of the proposed development.

The undesignated gardens of Waterville House have been substantially modified since it was first shown on OS mapping in 1846.

In the respectful opinion of the Council, the biggest change to the former Butler Estate was as a result of the development of the Waterville golf course in the mid to late 20<sup>th</sup> century which adversely impact any remaining sensitive and/or important aspects of the attendant grounds of Waterville House. Waterville House has been substantially altered from the 19<sup>th</sup> century and now comprises a guesthouse. This house has been negatively impacted by 20<sup>th</sup> century extensions

In the respectful opinion of the Council, Waterville House and its attendant grounds has already been altered through the development of the golf course as well as extensions and modifications to the Georgian house, changes to the Weir KE098-094 and the provision of putting and chipping facilities within the grounds.

In the respectful view of the Council, from a cultural heritage perspective the proposed development will cause a change without affecting the sensitivity of Waterville House or its surroundings.

In respect of the Weir, this was substantially modified in the late 20<sup>th</sup> century through the construction of a wooden footbridge over the recorded Monument.

The grounds of Waterville House have also been altered by the construction of a putting and chipping course. While as a matter of judgement, it may be considered that construction of the new bridge might result in an indirect impact to the setting of the original Weir, that impact is consistent with emergent and current baseline trends

In the respectful submission of the Council, the alternative proposal gives rise to additional cultural heritage impacts which have not been acknowledged or understood including a one way traffic system, clearing of vehicles including coaches and HGVs, restrictions of movement and controlled traffic lights, and works to the existing Waterville bridge.

In the respectful view of the Council, the overall impacts of such an alternative design have not been appropriately assessed and cannot be seen to be an improvement or better option compared to the proposal development submitted to the competent authority.

## **9 Planning Policy and Material Contravention: Discussion**

### **9.1 National Planning Policy**

Section 3.1 of the Waterville House submission asserts that the N70 Waterville to Ballybrack Road Improvement Scheme fails to comply with National Planning Policy due to

- (i) reference to allegedly outdated policy documents
- (ii) an over-engineered design that undermines rural character, and
- (iii) failure to consider a “more balanced” alternative solution.

1. The objectives relied upon by the Council are consistent with the current National Planning Framework, Climate Action, biodiversity and transport policy, notwithstanding publication of revised editions.
2. The scheme objectives are directly aligned with and deliver National Policy Objectives, particularly in relation to road safety, active travel, and sustainable rural accessibility.
3. The Waterville House submission subjectively interprets national policy, elevating landscape protection wording above equally binding national road safety and sustainable mobility objectives.
4. The Waterville House proposed eastern-side, signal-controlled shuttle alternative conflicts with national roads policy and undermines the National Planning Framework’s integrated transport objectives.

### **9.2 Objectives of the Submitted Scheme (submitted Council Documentation)**

Across the Planning and Environmental Considerations Report (PECR), NIS and EIA Screening, the scheme objectives are clearly and consistently defined, to:

- Address identified road safety deficiencies on a substandard national secondary road, including poor horizontal and vertical alignment, insufficient carriageway width and inadequate forward visibility.
- Provide safe, segregated facilities for pedestrians and cyclists, particularly where the N70 overlaps with the Kerry Way walking trail and serves significant tourist and recreational traffic.
- Improve accessibility and regional connectivity in line with the strategic function of the N70 as part of the Ring of Kerry and Wild Atlantic Way.
- Deliver a proportionate online upgrade, minimising environmental impact by remaining largely within the existing road corridor and avoiding in-stream works where possible.

- Integrate land use, transport and tourism objectives, enabling safer walking and cycling access to Waterville, Hogs Head, hotels and local amenities.

These objectives arise from longstanding deficiencies and respond directly to national policy mandates concerning road safety and active travel.

### 9.3 Objectives Relied Upon by the Waterville House Submission (Section 3.1)

Section 3.1 of the Waterville House submission focuses on three National Planning Framework policy themes:

- NPF Objective 23 – protection of rural landscape character and sense of place.
- NPF Objective 37 – integration of safe and convenient alternatives to the private car.
- Visitor experience along the Wild Atlantic Way – avoiding “urbanisation” of sensitive landscapes.

Policy Currency – see Section 3 of this Response in respect of updated Policy details.

It is acknowledged that updated iterations of the NPF (April 2025), Climate Action Plan (2025) and NBAP (2023–2030) have been published. However:

- The core objectives relied upon in the Council’s documentation are unchanged.
- The revised NPF retains and strengthens objectives on:
  - Road safety and compact growth,
  - Active travel integration,
  - Protection of rural landscapes while supporting necessary infrastructure.
- No new policy wording in the revised NPF prohibits online safety improvement of national roads.

The Waterville House submission itself concedes that “the provisions ... may not have materially changed” yet seeks to elevate this into a fundamental flaw. That submission is rejected.

#### 9.3.1 Mischaracterisation of National Policy Objective 23

National Policy Objective 23 relates to preservation of rural character and landscape distinctiveness. Critically, Objective 23 does not operate in isolation. The NPF explicitly recognises the need to:

- Accommodate essential infrastructure in rural areas;
- Avoid development patterns that compromise safety, accessibility or social inclusion;
- Support tourism and regional connectivity.

The Waterville House submission characterises the proposed scheme as “over-engineered” and “urbanising”, yet disregards the key elements to the proposal:

- The scheme is an online improvement, not a bypass.
- It follows the existing alignment with limited widening.
- It minimises instream works at the Currane River resulting in no significant effects.

- Boundary treatments use reconstructed natural stone walls reflecting local typology.

Conversely, the Waterville House signalled shuttle proposal introduces permanent traffic signal infrastructure, narrowing of the national road and operational disruption inconsistent with rural national road function.

The proposed development has been designed based upon a considered approach including its likely impact upon the rural/ local landscape and built heritage.

### 9.3.2 Balancing of National Policy Objectives

The NPF requires balanced judgement, not absolute landscape preservation at the expense of safety. Where an existing road demonstrably fails to meet modern safety standards, inaction is not a policy-compliant outcome.

### 9.3.4 Delivery of National Policy Objective 37

National Policy Objective 37 requires the integration of safe and convenient alternatives to the car. The proposed development complies by:

- Providing continuous, segregated pedestrian and cycle infrastructure over 1.25 km.
- Eliminating reliance on walking in a narrow carriageway with limited visibility.
- Removing conflict between vulnerable users and fast-moving traffic on the N70.

By contrast, the Waterville House alternative proposal:

- Retains a shared carriageway environment on a structurally constrained historic bridge.
- Depends on signal compliance and driver behaviour rather than physical segregation.
- Introduces a single-lane bottleneck on a national secondary road.
- Introduces additional environmental risk due to works to Waterville Bridge.

National policy consistently favours segregation rather than temporal sharing of space where traffic speeds and volumes are significant.

The alternative proposal therefore does not comply with Objective 37.

The proposed development provides multiple policy-based benefits including objectives for road safety, sustainable mobility, active travel and connectivity.

### 9.3.5 Infrastructure as Enabler of Tourism

The NPF and RSES [RPO 173] emphasise safeguarding the visitor experience along the Wild Atlantic Way. Importantly, they also recognise that:

- Visitor safety is paramount,
- Active travel infrastructure enhances tourism value,
- Bottlenecks and unreliable journey times undermine visitor experience.

The Waterville House alternative of a permanently signalised shuttle crossing at Waterville Bridge would:

- Create seasonal queuing during peak tourism periods,
- Interrupt tour coach movements,
- Increase driver frustration and collision risk,
- Reduce network resilience.
- Conflicts with cultural and ecological considerations due to works to Waterville Bridge

The proposed development maintains two-way flow while improving conditions for all users, thereby aligning with NPF and RSES tourism objectives rather than undermining them.

The proposed development is aligned with RPO 173 where the objective is, *‘to invest in the sustainable development of infrastructure and service improvements on the transport networks along our region’s key tourism corridors, subject to robust feasibility studies to reduce impacts on the environment and required appraisal, planning and environmental assessment processes, including the Wild Atlantic Way, Ireland’s Ancient East and Ireland’s Hidden Heartland Corridors.’*

### 9.3.6 “Engineering-Led” Design

The Waterville House submission repeatedly characterises the scheme as “engineering-led”. This is a rhetorical framing rather than a planning analysis.

In response:

- National roads are, by their nature, engineered infrastructure.
- Engineering standards are a tool to implement planning policy, not a substitute for it.
- Design mitigation takes account of the local context and evidence based assessment.

### Proportionality of Alternatives Assessment

Section 3.1 asserts that a viable alternative of “lesser impact” was ignored. This is incorrect.

The Option Selection Process evaluated:

- Do-Nothing and Do-Minimum scenarios,
- Multiple corridor and river crossing configurations,
- Eastern-side, western-side and hybrid active travel alignments,
- Widening, cantilever and independent bridge options.

In any event, the Waterville House alternative option is a new proposal and none of the options considered by the Council would be acceptable to Waterville House.

The Council has taken a considered evidence-led approach to this development, factoring in environmental, ecological, archaeological, landscape, built heritage and other relevant sensitivities, in order to ensure policy compliant sustainable development.

### 9.3.7 Safety as a National Planning Objective

The Waterville House submission notably downplays road safety. This is contrary to National Policy.

The NPF, CAP and transport policy embed the principle that preventing fatal and serious injury is a core planning objective. The evidence base for the Waterville House alternative shows:

- poor forward visibility ,
- Substandard carriageway widths (<5.4 m),
- No segregated facilities for vulnerable users,

In summary:

- The objectives relied upon in the Council's submission are consistent with current national policy.
- Section 3.1 selectively emphasises landscape policy while disregarding equally binding safety and mobility objectives.
- The proposed development demonstrably delivers NPF Objectives 23 and 37 in a balanced, proportionate manner.
- The alternative proposal conflicts with national roads policy, undermines safety and degrades network function.

## **9.4 Regional Planning Policy (RSES for the Southern Region 2020–2030)**

### 9.4.1 Purpose and Scope

Section 3.2 of the Waterville House submission alleges non-compliance of the proposed N70 Waterville to Ballybrack Road Improvement Scheme with the Regional Spatial and Economic Strategy (RSES) for the Southern Region 2020–2030, particularly in relation to:

- Landscape protection and visual sensitivity,
- Archaeological and built heritage safeguards,
- Tourism and the Wild Atlantic Way, and
- Walking and cycling objectives.

It is further asserted that the proposed development is disproportionate, inadequately assessed, and contrary to specific Regional Policy Objectives (RPOs), with the implication that a materially different alternative should have been preferred.

The Council submits that:

- The objectives of the RSES are explicitly embedded in the scheme's appraisal, design evolution and option selection.
- The Waterville House submission misrepresents the role and function of the RSES, selectively prioritising certain objectives while disregarding others of equal status.
- The proposed development is fully aligned with the RSES's balanced approach, which requires integration of safety, connectivity, tourism, landscape and environmental protection.
- The alternative proposal advanced by Waterville House does not perform better under the RSES framework and conflicts with key regional transport and safety objectives, and is sub-standard.

#### 9.4.2 Role of the RSES in Regional Planning

The RSES is a strategic policy document, not a site-specific development control instrument. Its purpose is to:

- Translate the National Planning Framework into a regional context,
- Provide directional guidance for investment priorities, and
- Require that infrastructure be delivered in a manner that is sustainable, proportionate and integrated.

The RSES does not prohibit infrastructure delivery in sensitive locations, nor does it mandate avoidance of intervention on scenic or tourism routes. Instead, it seeks balanced outcomes, recognising that:

- Regional connectivity underpins economic resilience,
- Road safety interventions are essential on legacy infrastructure, and
- Tourism corridors must be accessible, safe and resilient.

#### 9.4.3 Relevant RSES Objectives

The Waterville House submission relies heavily on Section 5 of the RSES (Environment), citing policy emphasis on safeguarding landscape character and avoiding adverse effects from visitor pressure.

However, these objectives must be read alongside other equally relevant RSES policies, including:

- Support for infrastructure investment that underpins rural communities,
- Delivery of safe and accessible transport networks, and
- Enabling tourism growth through improved connectivity.

#### 9.4.4 Response to “Failure to Assess Landscape Impacts”

It is incorrect to state that the proposed development has not appropriately assessed landscape impacts:

- Landscape and visual considerations were embedded within the Option Selection Process, where western, eastern and hybrid alignments were compared.
  - Western-side options were identified as less visually intrusive due to:
    - Narrower river span,
    - Lower bridge elevation, and
    - Reduced interference with utilities and development on the eastern side.
- The proposed bridge was deliberately located to ensure that the existing masonry bridge remains visually legible, rather than altered or widened.

In the respectful submission of the Council, the LVIA includes a robust assessment of the impact of the proposed development, including landscape character and the historically designed landscape.

#### 9.4.5 Mischaracterisation of “Urbanisation”

The Waterville House submission asserts that the scheme represents “urbanisation” of a rural landscape. This claim is unsupported:

- The scheme follows an existing national road corridor.
- No new development corridor or bypass is created.
- Boundary treatments utilise traditional stone wall reconstruction.
- No urban lighting, hardstand or plaza-type interventions are introduced.

By contrast, the Waterville House alternative proposal introduces:

- Permanent traffic signals,
- Roadside control infrastructure, and
- Stop-line queuing on a nationally important tourism route.

On an objective reading, the urbanising elements arise from the alternative when compared to the Council’s proposed development.

#### 9.4.6 Interpretation of RPO 207

RPO 207 requires that where development may have implications for archaeological monuments, decisions be informed by appropriate investigation.

#### 9.4.7 Archaeological Considerations in the Submitted Scheme

The submission alleges inadequate consideration of:

- The recorded salmon weir within the Currane River [KE098-094],
- The wider historic riverscape.

However:

- The proposed development minimises in-stream works at the crossing location.
- The new bridge is physically separated from the existing bridge and the weir.
- No excavation is proposed within the recorded monument footprint.
- Archaeological oversight and mitigation are integral to the scheme's delivery phase.

The Waterville House assertion that the monument was “not meaningfully assessed” is rejected – see Section 8 ante.

By contrast, the Waterville House alternative proposal:

- Requires direct works to the historic Waterville bridge structure,
- Introduces parapet alterations and loading changes, and
- Permanently modifies traffic behaviour at the bridge itself.

This exposes the historic bridge structure to greater long-term risk, contrary to the stated heritage objective and introduces greater environmental risk to the Currane River.

As set out in Section 8, an Architectural and Cultural Heritage Assessment was carried out which demonstrates that the proposed development will not negatively impact upon this recorded monument [KE098-094- Weir – fish] and is fully compliant with RPO 270.

#### 9.7.8 Tourism Policy (RPOs 53, 54, 173)

The RSES identifies the Ring of Kerry and Wild Atlantic Way as strategic tourism corridors, requiring:

- Reliable access,
- Safe movement for all users, and
- Infrastructure that enhances—not degrades—the visitor experience.

“Tourism Harm” Argument

The Waterville House submission asserts that the proposed development undermines tourism by degrading landscape quality.

This ignores critical operational realities:

- Tourism routes are only viable if they are safe and functional.
- Visitors increasingly expect safe walking and cycling infrastructure.

- Queuing, delay and driver frustration undermine visitor experience more tangibly than carefully designed infrastructure.
- A permanent signalised shuttle system at Waterville Bridge would:
- Generate delays during peak tourist periods,
- Disrupt tour coaches and service vehicles, and
- Create congestion at a constrained gateway to Waterville.

The Council's proposal maintains two-way flow, improves safety for pedestrians and cyclists, and enhances access to tourism assets, in line with RPO 173.

The proposed development is then fully in keeping with RPO 53 which places emphasis upon the sustainable development of the road network and facilities for improved visitor access.

#### 9.4.9 Walking and Cycling Policy (RPO 174)

RPO 174 promotes:

- High-quality, segregated cycling infrastructure,
- Continuous and coherent networks, and
- Safe routes through busy junctions.

The proposed development delivers RPO 174 by:

- Providing continuous, segregated pedestrian/cycle infrastructure along the full length of the scheme.
- Eliminating reliance on carriageway sharing on a road with poor visibility.
- Reducing conflict between vulnerable users and fast-moving traffic.

The Waterville House submission's claim that the western alignment is "away from users" misunderstands the scheme's design logic.

The western alignment was selected because it:

- Minimises conflicts with multiple eastern-side accesses,
- Avoids additional utility relocation, and
- Connects directly into the promenade and Kerry Way.

The Waterville House alternative option, while presented as more convenient, would force pedestrians and cyclists into a controlled traffic environment on a substandard historic bridge, contrary to RPO 174's emphasis on segregation and continuity and into conflict with more property entrances.

RPO 174 places specific emphasis upon the '*Development of a safe cycling infrastructure to cater for the needs of all groups of cyclists, especially new cyclists, school children, elderly*' and it is considered that the proposed development appropriately meets this requirement.

#### 9.4.10 Proportionality and RSES Compliance

A recurring theme in Section 3.2 of the Waterville House submission is that the scheme lacks proportionality.

This is not borne out by the evidence:

- The scheme is limited in length ( $\approx 1.4$  km).
- It remains within or adjacent to the existing road corridor.
- It minimises instream works at the river crossing with no significant effects.

#### 9.4.11 Misapplication of RSES Hierarchy

The Waterville House submission treats certain RSES objectives (landscape, heritage) as overriding all others. This is inconsistent with regional planning practice.

The RSES expressly requires that:

- Transport investment support settlement vitality,
- Infrastructure deficits be addressed, and
- Safety and accessibility be improved alongside environmental protection.

The proposed development meets this integrated requirement.

The Waterville House alternative proposal prioritises minimisation at a single location over regional connectivity, safety and operational resilience.

In summary:

- The proposed development aligns with RSES objectives on environment, tourism, walking and cycling, and transport integration.
- The alternative signalised bridge proposal performs worse against the RSES, particularly in relation to transport efficiency, safety and tourism resilience.

### **9.5 Local Planning Policy (Section 3.3 Waterville Links Submission)**

*(Kerry County Development Plan 2022–2028 and Kenmare Municipal District LAP 2024–2030)*

#### 9.5.1 Purpose and Context

Section 3.3 of the Waterville Links Ltd submission asserts that the proposed N70 Waterville to Ballybrack Road Improvement Scheme is inconsistent with local planning policy, principally on the grounds that it:

- Traverses a designated Visually Sensitive Landscape,
- Impacts upon protected views and prospects,
- Inadequately protects historic designed landscapes and built heritage, and
- Represents a material contravention of the Kerry County Development Plan (KCDP).

It is further submitted that the Kenmare Municipal District Local Area Plan (KMDLAP) objectives relating to Waterville's character, tourism role and public realm are undermined by the proposed development and that an alternative eastern-side, signalised solution would be more compliant.

In the respectful submission of the Council:

- The KCDP and KMDLAP explicitly anticipate intervention on the N70, subject to proportionate and sensitive design.
- The proposed development has been designed, appraised and refined with direct reference to these local policy objectives.
- The Waterville House submission misinterprets both the application of local landscape and heritage policies, elevating them to absolute prohibitions rather than evidence-based assessments.

### 9.5.2 Kerry County Development Plan – Policy Structure and Hierarchy

The KCDP must be read as a balanced policy framework. It simultaneously:

- Protects landscape, heritage and biodiversity,
- Promotes tourism and placemaking,
- Seeks to improve road safety and transport infrastructure, and
- Supports sustainable rural communities.

The Waterville House submission isolates individual policies (notably Section 11.6.4 and Objectives KCDP 11-78 to 11-81) while disregarding equally explicit objectives supporting:

- Improvement of the N70 corridor,
- Provision of safe infrastructure for vulnerable users, and
- Proportionate, sustainable road design (including Objectives KCDP 14-27, 14-33 and 14-34).

### 9.5.3 Visually Sensitive Landscape Designation (Section 11.6.4) - KCDP 11-77, 11-78

The proposed scheme satisfies Section 11.6.4 in the following ways:

- It is an online upgrade of an existing national road, not a new corridor piercing unspoilt landscape.
- The road alignment largely follows existing levels and curvature, avoiding major cut-and-fill.
- The design explicitly retains and reconstructs stone walls, rather than replacing them with urban kerbing or fences.
- The pedestrian/cycle bridge is located on the western side where the river span is narrower, reducing visual bulk and height.
- In-stream works are minimised with no significant effects.

#### 9.5.4 Designated Views and Prospects (KCDP 11-79 and 11-81)

The Waterville House submission asserts that:

- The designated view westward from Waterville Bridge was not adequately considered, and
- The scheme results in “profound” negative impacts.

It is the Council’s respectful opinion that:

1. The proposed bridge does not replace or widen the existing historic bridge; it is visually subordinate and offset to preserve the legibility of the original structure.
2. The western-side bridge option was selected specifically because it:
  - Is lower in profile than an eastern alternative,
  - Requires a shorter span, and
  - Avoids the need for utility relocation and raised structures in the foreground of the view.

The Waterville House alternative signalled proposal would introduce:

- Permanent traffic signals,
- Stop lines, signage and queuing vehicles,
- A narrowed carriageway at the bridge which is sub-standard.
- Require bridge works

#### 9.5.5 Historic Designed Landscape and Built Heritage (KCDP 8-49 and 8-50)

In the Council’s respectful submission:

- The siting of infrastructure on the western side reduces conflict with residential development and accesses on the eastern side.
- The proposed development avoids direct encroachment on Waterville house structure and gardens.
- Construction activities and permanent works are confined to the margins of the existing N70 corridor.
- Boundary treatments are to be reinstated using materials and techniques appropriate to the locality.

By contrast, the Waterville House alternative proposal :

- Fundamentally alter the operational environment at the historic bridge,
- Introduce stop/start traffic immediately adjacent to the house entrance,
- Increase driver distraction and dwell time in front of the property.
- Alter the physical bridge structure and is sub-standard.

### 9.5.6 Archaeological Heritage (KCDP 8-24, 8-26, 8-27)

Recorded Monument – Salmon Weir (KE098-094). As stated above, the Weir has been substantially altered since the acquisition of Waterville House by Waterville Links Ltd.

The Waterville House submission argues that the proposed development detracts from the setting of the recorded monument.

As a matter of fact,

- No physical works are proposed at, within or around the recorded monument.
- The crossing avoids in-stream works at the weir location.
- Archaeological oversight and mitigation are integral to project delivery.

Conversely, the Waterville House alternative proposal:

- Requires structural intervention to the historic bridge,
- Alters parapets and carriageway configuration,
- Introduces permanent traffic control infrastructure.

### 9.5.7 Active Travel, Accessibility and Local Connectivity (KCDP 10-36, 10-42, 14-21)

These objectives seek to:

- Improve accessibility for vulnerable road users,
- Expand integrated pedestrian and cycle networks,
- Apply universal design principles where feasible.

“Desire Line” Argument

The Waterville House submission asserts that the western-side alignment is contrary to pedestrian desire lines because housing lies predominantly on the eastern side.

This overlooks key factors in that:

- The western alignment minimises the number of access conflicts (7 vs. 27 on the eastern side).
- It enables direct connection to the promenade and future southbound facilities.
- It reduces safety risks associated with frequent driveway crossings.
- Secures Policy ‘KENWD-WE-14’, to ‘*facilitate and support the extension of the existing seafront walkway southwards along the N70 to existing facilities and services to provide an amenity walkway (subject to environmental assessment).*’

### 9.5.8 National Road Upgrade Objectives and Proportionality (KCDP 14-27 and 14-33) [Kenmare LAP 2024 to 2030, RSES].

#### Interpretation of “Proportionate Design”

The proposed development forms part of the N70 [Killorglin-Cahersiveen – Kenmare] route which is identified by Table 14.3 of the 2022 to 2028 Kerry County Development Plan as a Priority Road Infrastructure Project [Page 304].

Policy Objective 14-33 is to, *‘Ensure a proportionate design response to the identified need for the projects listed in table 14.3 in order to minimise the impact of the scheme on unique road corridors and tourist routes’.*

The objective of KCDP 14-27 is to, *‘Provide, or facilitate the sustainable provision of all road infrastructure projects set out in Table 14.3’.*

Objective KCDP 14-33 requires a proportionate response to minimise impact on unique road corridors and tourist routes.

The deficiencies on this section of the N70 are well documented:

- Substandard geometry,
- Insufficient visibility,
- No safe provision for vulnerable users,
- Strategic regional function,
- Evidence based assessment of the receiving environment as a whole and sustainability factors

The scale of intervention proposed is directly commensurate with these deficiencies.

#### Waterville House Alternative Proposal and Proportionality

The Waterville House signalised shuttle proposal:

- Introduces operational constraints on a national secondary road,
- Reduces network resilience,
- Relies on driver compliance rather than physical segregation,
- Creates permanent delay and queuing.

This is not a proportionate response in the context of a national road forming part of a strategic tourism corridor.

The proposed development complies with the objectives of the KCDP [referenced above] along with the Kenmare LAP 2024 to 2030 policy objective ‘KENMD-WE-15’ which supports the N70 Waterville to Ballybrack Road Improvement Scheme.

### 9.5.9 Kenmare Municipal District Local Area Plan (KMDLAP: 2024 to 2030)

The KMDLAP defines Waterville as:

- ‘A District Town and service provider for smaller villages and rural dwellers in more remote rural areas’
- A settlement requiring improved approach routes and public realm.
- Improving safety and accessibility on the southern approach to Waterville is entirely consistent with this vision.

See KMDLAP 2024 to 2030 - KENMDWE-1, KENMD-WE-2, KENMD-WE-3 and KENMD-WE-9

### 9.5.10 Stone Walls, Public Realm and Approach Routes

The submission places significant emphasis on stone wall protection. The proposed development:

- Retains walls where feasible,
- Reinstates walls with appropriate materials,
- Avoids wholesale replacement with urban detailing.

## **9.6 Policy Summary**

- The proposed development is consistent with and secures the objectives and of the KCDP and KMDLAP including

### **Kerry County Development Plan 2022 to 2028 – [Project in accordance with]:**

- KCDP 4-11, KCDP 4-15, KCDP 4-17 and KCDP 4-18 [Chapter 4 -Town and Villages],
- KCDP 6-1 in Chapter 6 [Sustainable Communities];
- KCDP 8-24, KCDP 8-26, KCDP 8-27, KCDP 8-30 and KCDP 8-50.
- KCDP 9-15 and KCDP 9-42;
- KCDP 10-13, KCDP 10-36;
- KCDP 11-1, KCDP 11-2, KCDP 11-3, KCDP 11-77, KCDP 11-78, KCDP 11-79 and KCDP 11-81;
- KCDP 14-1, KCDP 14-2, KCDP 14-3, KCDP 14-10, KCDP 14-11, KCDP 14-15, KCDP 14-20, KCDP 14-21, KCDP 14-22, KCDP 14-25, KCDP 14-27, KCDP 14-29, KCDP 14-35, KCDP 14-36 and KCDP 14-37

### **Kenmare Local Area Plan 2024 to 2030 [Project in Accordance with]:**

- KENMD-1 in Section 2.1.6;
- KENMD-74 in Section 3.1.1.2;
- KENMD-WE-1, KENMD-WE-2, KENMD-WE-5, KENMD-WE-6, KENMD-WE-7, KENMD-WE-9, KENMD-WE-13, KENWD-WE-15 in Section 3.3.2 [Waterville Specific Objectives]. ‘KENWD-WE-14’, to ‘facilitate and support the extension of the existing seafront walkway southwards along the N70 to existing facilities

*and services to provide an amenity walkway (subject to environmental assessment).’*

- The scheme represents a balanced, proportionate response to long-standing safety and accessibility deficiencies.
- The alternative proposal advanced would introduce new conflicts with local transport and safety policy and does not achieve superior compliance.

## 9.8 Material Contravention

In **Sherwin v An Bord Pleanála**, Woulfe J [2024] IESC\_ 13, the Supreme Court considered the principles attached to consideration of material contravention at paras. 90 – 105.

These principles were adopted and summarised by Humphreys, J in *Parosi Developments Ltd v An Coimisiún Pleanála* [2026] IEHC 86 as follows:

*88. While the complaint is generally framed as one of reasons rather than misinterpretation, it may be helpful to set the scene in relation to the latter first. Sherwin v. An Bord Pleanála [2024]*

*IESC 13 (Unreported, Supreme Court, Woulfe J., 11 April 2024) (Charleton, O’Malley, Baker and Murray JJ. concurring) emphasises a number of critical points:*

*(i) The importance of the development plan is well established: Attorney General (McGarry) v. Sligo County Council [1991] 1 I.R. 99, [1989] I.L.R.M. 768 (Walsh J.)(Hederman and McCarthy JJ. concurring); Byrne v. Fingal County Council [2001] IEHC 141, [2001] 4 I.R. 565 (McKechnie J.) (Sherwin paras. 90-92).*

*(ii) “It is well established that the interpretation of a development plan is ultimately a matter for the courts. Any misinterpretation of the development plan by the relevant planning authority is an error of law which goes to jurisdiction. It is also well established that the development plan is not to be treated as if it were a piece of primary or secondary legislation emanating from skilled draughtsmen, and inviting the exceptive canons of construction applicable to such material. Instead, a development plan falls to be construed in its ordinary meaning as it would be understood by members of the public without legal training, as well as by developers and their agents, unless the document, read as a whole, necessarily indicates some other meaning” (Sherwin para. 96, emphasis added).*

*As regards what is a contravention, “Certain aspects of the plan may have a high level of specificity. In those cases, it may not be at all difficult to determine whether what is proposed is in contravention of the plan, and it would only remain to exercise a judgment as to the materiality of any such contravention. However, at the other end of the spectrum, it is not uncommon to find objectives in a development plan which may, to a greater or lesser extent, be properly described as aspirational. Such objectives may be expressed in general terms. In such cases, a much greater degree of judgment may*

need to be exercised as to whether the development proposed amounts to a material contravention of the development plan.” (Sherwin para. 95 citing *Maye v. Sligo Borough Council* [2007] IEHC 146, [2007] 4 I.R. 678 (Clarke J.)).

(iv) “the first question must be the nature of the determination (if any) actually made by the decision-maker, ‘as to whether or not the proposed application as a matter of law and fact would materially contravene the development plan’, (per Costello J. in [*South-West Regional Shopping Centre Promotion Association Limited v. An Bord Pleanála* [2016] IEHC 84]), in circumstances where there has been the required focus by the decision-maker on the specific provision of the plan allegedly materially contravened. In my opinion that question is the crucial starting point, before one gets to the questions as to the standard of review by the court.” (Sherwin para. 105, emphasis added). See also *Wilson v. An Bord Pleanála* [2025] IEHC 523 (Unreported, High Court, 3 October 2025) per Farrell J. (v) Thus where “the details of this planning application, and the materials before the Inspector and the Board, clearly required a focus by the Board on [a specified] policy” (Sherwin para. 106), this has the consequence that, even if the material was “not expressly alleging a material contravention of the development plan in terms” (Sherwin para. 107), the position is that “[i]n the circumstances it [is] incumbent on the Inspector to make a determination as to whether or not the proposed development, as a matter of law and fact, would materially contravene [the specified] policy” (Sherwin para. 108, emphasis added).

(vi) “the first step in making the required determination was for the Inspector to consider the text of [the] policy ... and to interpret that text to some degree, in terms of what she understood it to mean. In many cases the interpretation of such a provision may be clear and even self-evident, but in other cases there may be some lack of clarity requiring some level of engagement with the text.” (Sherwin para. 109, emphasis added). “it was necessary for the Inspector to give some indication as to her understanding of what the test meant, before she moved on to her application of that test, as so interpreted, to the facts of this planning application.” (Sherwin para. 110, emphasis added).

(vii) These requirements are not discharged merely by a planning assessment that permission should – or indeed should not - be granted. Thus in Sherwin, “opinion as to Block D1 comfortably sitting side by side with existing protected structures, without detriment to their character, cannot be viewed as an implicit or indirect assessment of compliance with policy CHC2. It appears from the sentences which followed this opinion that the opinion is essentially based on one consideration, that structures from different periods can co-exist within the same land parcel etc, rather than based on the considerations expressly stipulated in policy.

In the respectful submission of the Council, the proposed development fully complies with the policies and objectives of planning policy at local, regional and national levels, to be evaluated on the basis of the totality of material before An Coimisiún Pleanála including any Further Information sought by it during the decision-making process.

## 10 EIA Screening

Though not stated explicitly, the Waterville House submission suggests or contends implicitly that the proposed development ought to be subject to the EIA Directive and that such assessment takes place as provided by section 51 of the Road Act 1993 as amended.

It is a function of the competent authority to consider whether or not this sub threshold proposed development required assessment under the EIA Directive.

It is acknowledged that An Coimisiún Pleanála retains its own competence in relation to the EIA screening determination by the Council.

In that regard it is open to An Coimisiún Pleanála as competent authority to direct EIA should, in the circumstances, require it to be required.

This is endorsed in the decision: **Save Cork City v. An Bord Pleanála and Others 2022\_IESC\_52**. See also:

- **Monkstown Road Res Assoc v an Bord Pleanála**, Holland J [2022] IEHC\_318;
- **Eco Advocacy**, Humphreys J [2021] IEHC 610.

## 11 Oral Hearing

It is well established that An Coimisiún Pleanála has a statutory discretion in relation to the conduct of an oral hearing as part of the information gathering / dissemination process in decision-making and remains a matter for the competent authority under its statutory discretion.

See:

- **Waterville Fisheries Development Limited V Aquaculture Licenses Appeals Board And The Minister For Agriculture, Food And The Marine** [2014] IEHC 38;
- **Rural Residents Wind Aware v An Coimisiún Pleanála (I)** [2025] IEHC 600

## 12 Summary and Conclusions

In **R. (on the application of Malster) v Ipswich BC** [2001] EWHC Admin 711, a local resident, sought judicial review of the grant of planning permission for the redevelopment of the north stand at Ipswich Town Football Club and the main concerns raised by local residents related to the potential for the loss of daylight and sunlight and a challenge to the Screening Opinion that EIA was not required. In rejecting the legal challenge, O’Sullivan, J stated:

*73 The 1999 Regulations are concerned to protect the environment in the public interest. Whilst this may have the effect of avoiding harm to residential amenity, the purpose of the 1999 Regulations is not to protect the amenity of individual dwelling-houses. There may be a “significant” impact upon a particular dwelling or dwellings without there being any likely “significant effect on the environment” for the purposes of the Regulations.*

*74 In Rochdale (above) it was argued that reserve matters were capable of having an effect on the environment; that was why they were reserved for subsequent approval. It followed, it was submitted, that an outline application with some matters reserved for subsequent approval could not adequately describe the “design” of the proposed development for the purposes of the 1999 Regulations. In paragraph 113 I rejected that submission in these terms: “That ignores the fact that the environmental statement does not have to describe every environmental effect, however minor, but only the ‘main effects’ or ‘likely significant effects’. It is not difficult to see why this should be so. An environmental statement that attempted to describe every environmental effect of the kind of major projects where assessment is required would be so voluminous that there would be a real danger of the public during consultation, and the local planning authority in determining the application, ‘losing the wood for the trees’. What is ‘significant’ has to be considered in the context of the kinds of development that are included in Schedules 1 and 2. Details of landscaping in an application for outline planning permission may be ‘significant’ from the point of view of neighbouring householders, and thus subject to reserved matters of approval, but they are not likely to have ‘a significant effect on the environment’ in the context of the assessment regulations.”*

In the respectful view of the Council, the approach of O’Sullivan, J is apposite to the submission of Waterville House which focuses subjectively on its landholding as distinct from the wider envelope of the proposed development and the public interest.

The Policies referred to by Waterville House must be evaluated on the basis of the totality of material before the competent authority.

The contention put forward by Waterville House as to the significance of impact is overstated.

In the respectful submission of the Council, the proposed development on a more detailed analysis has considered the ‘main effects’ on the receiving environment in the public interest.

It is acknowledged that Further Information can be requested by the competent authority.

The Waterville House alternative proposal has fundamental issues that have not been presented or assessed.

The contention by Waterville House that there is a material contravention of the Plan is rejected.

**This Response has been informed by expert input from the following:**

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