



Comhairle Contae Chiarraí
Kerry County Council

Report for
ACP-324446-26

Development at Inch Beach Camp Site

Planning Authority Report to An Coimisiún Pleanála
pursuant to Section 177I, Part XA, (Substitute Consent)
of the Planning and Development Act 2000, as amended.

Introduction

This report addresses Kerry County Council's statutory obligation as Planning Authority, pursuant to Section 177I, Part XA, (Substitute Consent) of the Planning and Development Act 2000 with matters concerning An Coimisiún Pleanála case ACP-324446-26

(Development at Inch Beach Camp Site). This report is structured in accordance with the requirements of (2), (a), (b), (c), (d) & (e) of Section 177I and includes the following:

(a) information relating to development (including development other than the development which is the subject of the application for consent) carried out on the site where the development the subject of the application for consent is situated, and any application for permission made in relation to the site and the outcome of the application;

(b) information relating to any warning letter, enforcement notice or proceedings relating to offences under the Planning and Development Act 2000 (as amended) that relate to the applicant for substitute consent;

(c) information regarding the relevant provisions of Kerry County Development Plan 2022-2028 and any Local Area Plan as they affect the area of the site and the type of development concerned;

(d) any information that Kerry County Council may have concerning—

(i) current, anticipated or previous significant effects on the environment, or on a European site associated with the development or the site where the development took place or, where section 177E(2A)(b) applies, is proposed to take place and, if relevant, the area surrounding or near the development or site, or

(ii) any remedial measures recommended or undertaken;

(e) the opinion, including reasons therefore, of the chief executive as to—

(i) whether or not substitute consent should be granted for the development, and

(ii) the conditions, if any, that should be attached to any grant of substitute consent.

Furthermore, the report will provide an assessment of Kerry County Council's relevant policy and objectives as a rationale in support of a recommendation for the granting of substitute consent subject to conditions for the development.

Site Location

Located in Inch, Annascaul. Existing camping ground on site, located on the R-561 Regional Road, situated north of Inch Beach at approximately 160m distance from the beach at the closest point. There is a facilities block on site, housing toilets and showers. There are sheds and a vernacular style dwelling house on adjoining lands to southwest in the family ownership. This dwelling house appears to be in use as an office associated with the family tourism business inclusive of the camp site.

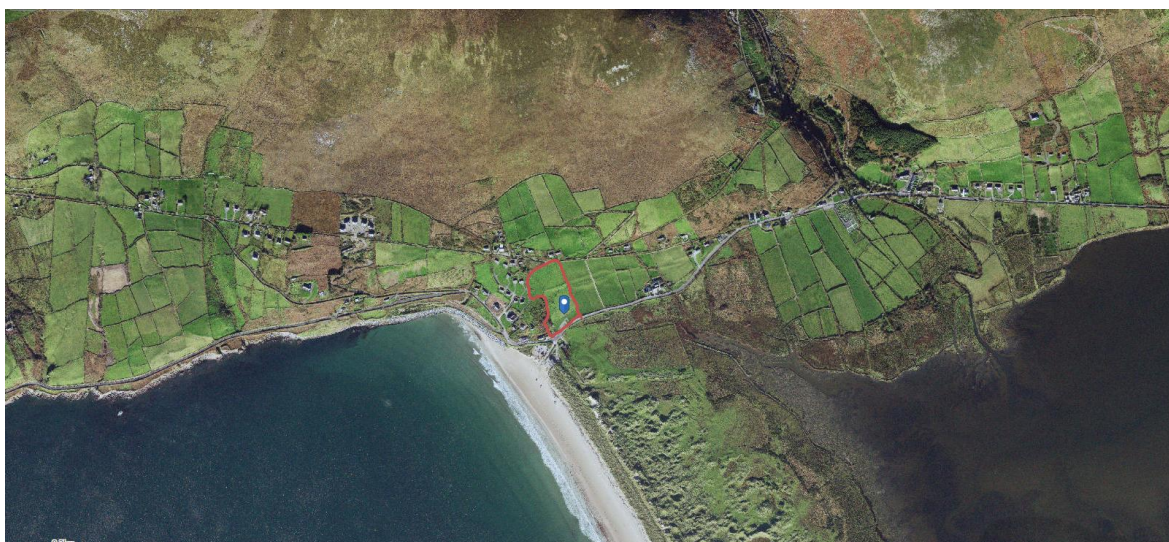
The land to the rear of the existing camping area rises steeply uphill from the camping area. This is a grassed hill side landscape, very open prominent and exposed. The site adjoins a local road, the L-12135 at the northwest corner of the land.

Works have taken place on site over the last 4 years including the laying down of hardcore gravel to develop access roads and camping spots. The land has been excavated to develop a 'tiered' camp site. Works have taken place to the facilities building, the toilet and shower block on site.

It is accepted by the Planning Authority that there has been 'ad-hoc' type camping taking place on site for a number of years. In the past four years a more formal camping layout incorporating individual pitches and tiered layout was constructed, no planning permission was sought for same. Site area 2.8ha.



Site location



Site location



Site location

Development on site on day of site inspection 24/08/2026



Entrance to site – view southwest



Entrance to site – view east



View over site from R-561 Regional road



View to toilet/shower block from R-561



View to west toilet/shower block from within campsite



Views south from within campsite

Planning history

25/60116 - Mark, George & Zara Hussain applied for:

Permission for the following 1) Upgrade and Service Existing Hardstandings for Touring Pitches, 2) To Improve Existing Camping Area for Tents, 3) Extend Existing Toilet Block, 4) Install New Waste Water Treatment System, 5) Install Entrance Barrier, 6) Attach NIS Report for Existing Caravan and Camping Park at Inch, Annascaul, Co. Kerry.

This application was deemed Invalid.

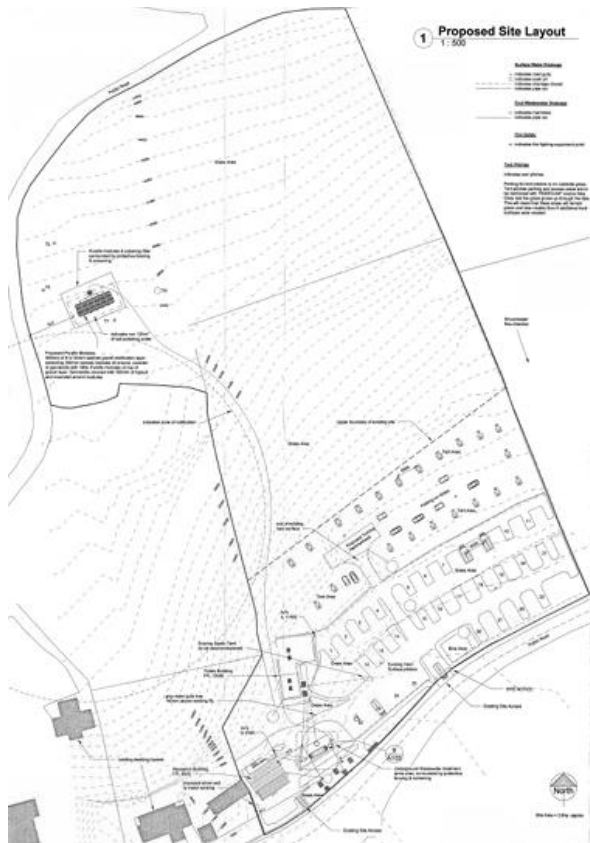
24/60817 - Mark, George & Zara Hussain applied for:

Permission for development to construct a two storey camping site reception building which will contain the reception, campsite shop, staff rooms and associated rooms and all ancillary works and permission to decommission the existing septic tank and to install a new wastewater treatment system including a campervan cassette wastewater disposal unit and all ancillary

works and Retention Permission to retain an extension to the existing toilet/services block which is a wash-up area at Inch Beach Campsite Inch Annascaul, Co. Kerry
This application was deemed Invalid.

21/438 - MARK, GEORGE AND ZARA HUSSAIN applied for:

(A) RETAN THE EXISTING SHORT TERM STAY CAMPING SITE WITHIN REVISED SITE BOUNDARIES (B) RETAIN THE ALTERATION AND RENOVATION WORKS TO THE EXISTING TOILETS AND SITE AS CONSTRUCTED (C) PLANNING PERMISSION TO CONSTRUCT AN EXTENSION TO THE EXISTING TOILETS INCLUDING ALTERATIONS TO THE EXISTING TOILETS (D) PERMISSION TO CONSTRUCT A CAMPING SITE RECEPTION BUILDING WHICH WILL CONTAIN THE RECEPTION , CAMPSITE SHOP, STAFF ROOMS AND ASSOCIATED ROOMS. (E) PERMISSION TO EXTEND THE CAMP SITE WITH ACCES TO SAME INCLUDING ALL NECESSARY LANDSCAPING AND SITE WORKS (F) PERMISSION TO CONSTRUCT A WASTEWATER TREATMENT TANK WITH PURAFLO MODULES AND POLISHING FILTER INCLUDING DECOMMISSIONING THE EXISTING SEPTIC TANK. AN NIS HAS BEEN SUBMITTED IN SUPPORT OF THIS APPLICATION.



This application was in part granted by Kerry County Council subject to conditions, with the proposed extension to the caravan park refused permission for the following reason:

1. The proposed extension to the campsite with access to same at this location would be unduly obtrusive by virtue of its visual impact on the landscape and would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective ZL-1 of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

This decision was appealed to An Bord Pleanála, **ABP-313162-22** and the application was Refused on the 19/02/2024 for the following reasons:

The Board noted the following:

- (a) This refers to an application which includes the seeking of permission to retain an existing short-term stay camping site as well as the retention of renovation works to the existing toilets and site as constructed.
- (b) An extensive area of the subject site lies within the boundaries of the Dingle Peninsula Special Protection Area (Site Code: 004153) and also borders both the Castlemaine Harbour Special Area of Conservation (Site Code: 000343) and the Castlemaine Harbour Special Protection Area (Site Code: 004029).
- (c) A Natura Impact Statement has been submitted with the application.

Accordingly, having regard to the provisions of Sections 34(12) and 37(7) of the Planning and Development Act 2000, as amended, and as the development the subject of the current application is for, inter alia, retention of unauthorised development, the Board is precluded from granting permission in this instance, as to do so would frustrate the requirements of both the Habitats and Birds Directives.

In addition, it is not considered appropriate to extract the elements of the proposed development from the associated retention elements in order to issue a grant of permission.

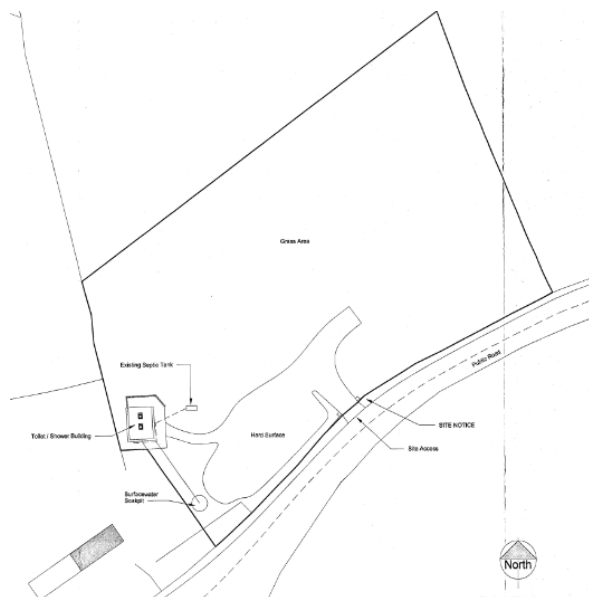
Therefore, the Board decided to refuse permission on appeal.



19/1026 - MAHMOOD AND GEORGE HUSSAIN applied for:

Retention permission sought to RETAIN THE RENOVATION AND ALTERATION WORKS CARRIED OUT TO THE EXISTING BUILDING IN THE CARAVAN AND CAMPING SITE.

Further information was requested of the applicants 26/11/2019 and the application was subsequently declared withdrawn after the period of 6 months from the date of the requirement for further information had lapsed.



04/4164 – ZAG Developments applied for:

PERMISSION TO CONSTRUCT A HOLIDAY HOUSE DEVELOPMENT CONSISTING OF SIXTEEN HOUSES (TWELVE SEMI-DETACHED AND FOUR DETACHED (B) INSTALL A COMMON WASTEWATER TREATMENT UNIT, CONTROL ROOM AND PERCOLATION AREA INCLUDING ALL NECESSARY FILTERS ETC (C) ERECT NEW SIGNAGE (D) CONSTRUCT AND ACCESS ROAD, FOOTPATHS, PARKING AREAS ETC INCLUDING ALL NECESSARY SITE WORKS.



This application was refused permission on appeal to An Bord Pleanála for the following reason:

Having regard to the location of the site of the proposed development on an exposed elevated hillside in a scenic rural area, it is considered that the proposed additional holiday homes, when taken in conjunction with the existing development, would result in an overall development which, by reason of its nature, excessive scale and layout, could not be satisfactorily assimilated into its surroundings and would seriously injure the visual amenities of the area and of property in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

(2), (b) of Section 177I – Information Relating to the Enforcement and related proceedings

Enforcement file 7861 was opened on 01/04/2019 in relation to the construction of a toilet and shower facilities on site. The first warning letter was issued on 08/05/2019 and served on Mahmood Hussain, Ardroe, Inch, Annascaul, Co Kerry.

A Retention Application, Ref. No. 19/1026 was submitted on 08/10/2019. The application was to retain renovation and alteration works carried out to existing building in the caravan and camping site at Inch. Further Information (FI) was requested 26/11/2019. No further information was submitted by 28/07/2020 and the application was declared withdrawn.

An Enforcement Notice was subsequently issued on 29/03/2021.

On 22/04/2021 a further retention application was submitted, Ref. No. 21/438. Further information was requested on 16/06/2021 with a decision due by 02/03/2022.

On 02/03/2022 Kerry County Council issued a split decision to Grant/Refuse Ref. No. 21/438 as follows:

Grant permission to retain existing short term camping site, alteration and renovation works to existing toilets and to construct extension to existing toilets and to construct wastewater treatment tanks and refuse permission to extend the camp site.

ABP Appeal 313162-22 was lodged with An Bord Pleanála on 29/03/2022. An Bord Pleanála refused permission on 2/3/2022 as it is located within an SPA and adjacent to an SAC.

Section 160 proceedings were issued on 03/10/ 2024.

Planning application Ref. No. 24/60817 was lodged on 24/10/2024, shortly before the hearing listed in Tralee Circuit Court on 29/10/2024. The hearing was adjourned; however, planning application ref. No. 24/60817 was deemed invalid on 30/10/2024. The matter came before Killarney Circuit Court on 12/12/2024 and was again adjourned. At the next hearing in Killarney Circuit Court on 06/02/2025, the matter was again adjourned.

Planning application Ref. No. 25/60116 was submitted on 24/02/2025 and was subsequently deemed invalid on 19/03/2025.

At the hearing in Killarney Circuit Court on 01/05/2025, evidence was given by the developer's engineer that a bird survey would be undertaken to support an application for substitute consent. The hearing was adjourned to 22/07/2025. The hearing on 22/07/2025 was subsequently adjourned.

The matter was next heard in Listowel Circuit Court on 13/05/2026, where the hearing was adjourned following a direction from the judge that the developer comply with paragraph 26 of the replying affidavit sworn on 09/12/2024. Mr Hussain's affidavit stated, "I confirm that the entrance barrier, the construction of a temporary building behind the existing toilet, electrical fittings and a meter box are in the process of being removed".

An application for substitute consent was ultimately lodged with An Coimisiún Pleanála on 16/07/2026. At the hearing in Killarney Circuit Court on 28/07/2026, the matter was again adjourned.

(2), (c) of Section 177I – Information Relating to the Development Plan & Policy relating to this area and site

Planning Policy

Kerry County Development Plan (KCDP) 2022- 2028

Most of the application site is located within the settlement boundary for Inch, designated as a Small Village Settlement as per Section 2.18 of the Castleisland-Corca Dhuibhne Municipal District Plan, Variation 3 of the KCDP 2022-2028.

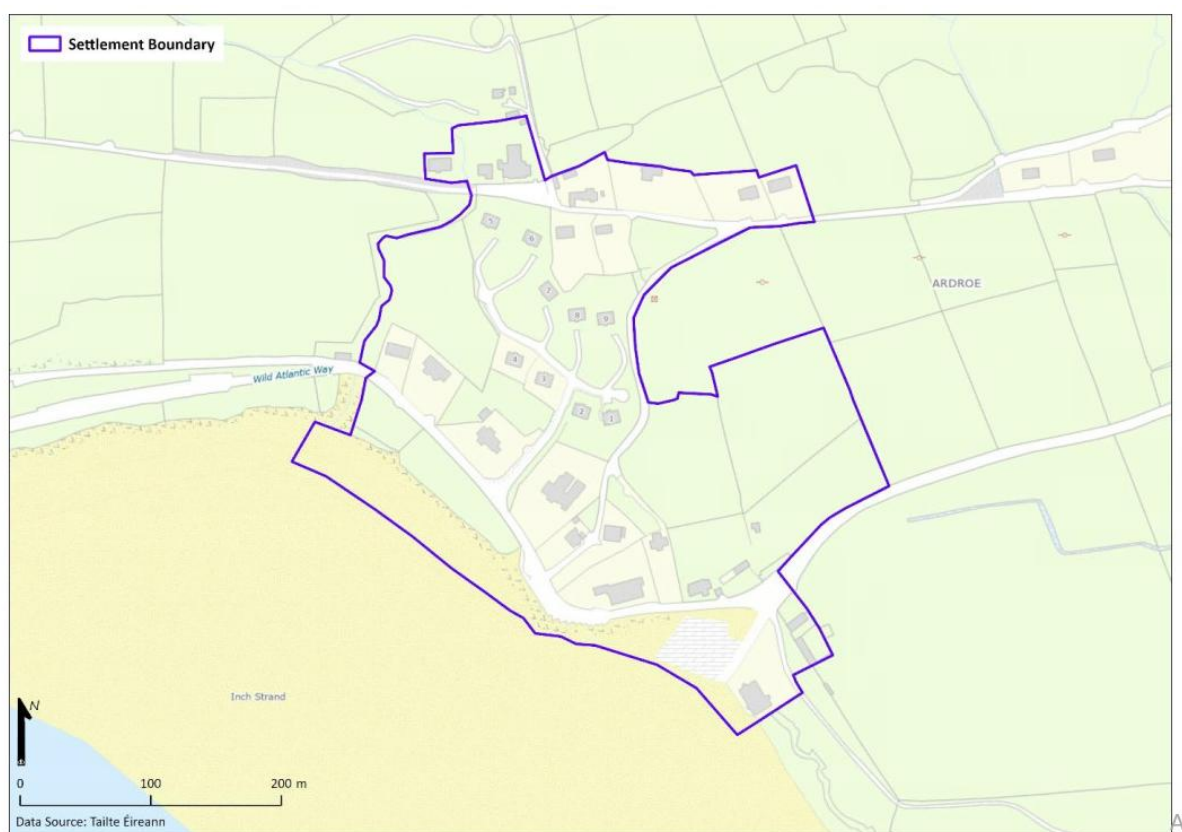


Figure 2.109: Inch

It is the policy of the KCDP 2022-2028 to support the sustainable development of these small villages, in a compact manner.

Development shall occur within the settlement boundary only. All development in these settlements should contribute to improvements in the villages' urban form and shall preserve their character, heritage and natural features. This plan supports the enhancement of local services in the various settlements and the provision of additional services in appropriate locations.

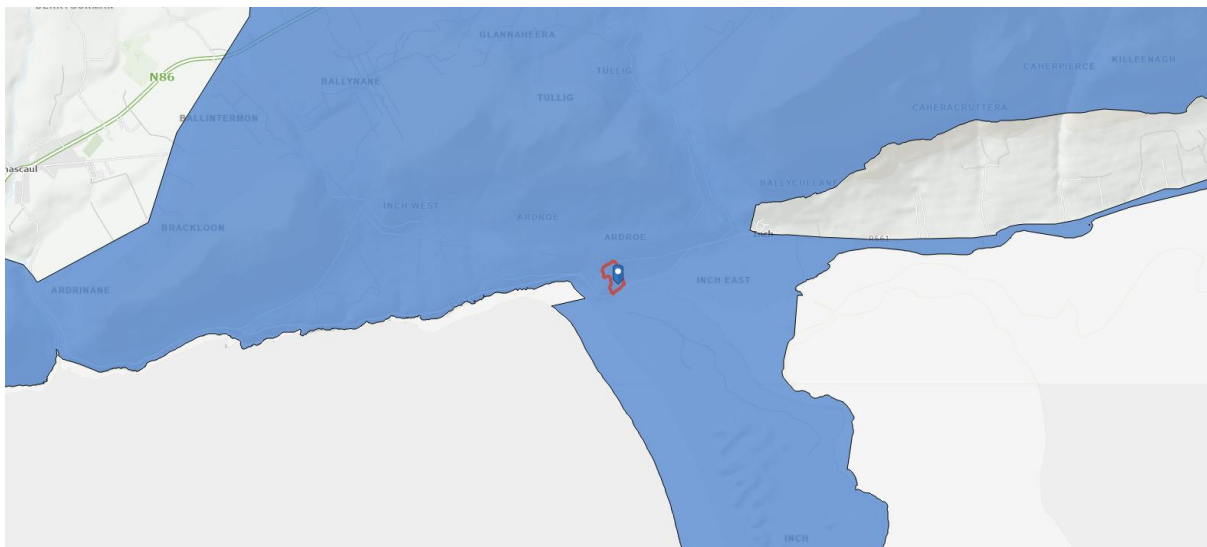
Objective KCDP SV-11

Promote the sustainable development of ecotourism and other niche markets. Encourage the sustainable extension and diversification of tourist facilities at appropriate locations.

Objective KCDP SV-17

Development proposals within the development boundary of Inch and which adjoin or are located within the Dingle Peninsula SPA, shall be supported by a Habitats Directive Assessment, informed by Chough surveys and impact assessment. As part of this, potential for loss/degradation of Chough foraging habitat and or Chough disturbance, shall be assessed. Proposals which would adversely impact the ecological integrity of the Dingle Peninsula SPA will not be permitted.

The application site is located on land zoned Visually Sensitive as per the KCDP 2022-2028, see map hereunder illustrating the lands in this area zoned Visually Sensitive in blue, (map below prepared before the adoption of Variation 3 of the KCDP 2022-2028 for Inch settlement boundary).



11.6.3 Landscape Designations

In the preparation of landscape designations for the County, the Planning Authority has had regard to the Landscape Review of County Kerry which outlines the quality of a landscape, but also the level of existing development and the ability of the landscape to absorb further development without altering it to an unacceptable degree.

Designations are not wholly dependent on a hierarchy of the quality of landscapes. Designations also reflect the importance of a landscape to the overall amenity of a locality and its importance to communities within these areas.

There are two landscape designations for the county.

1 Visually Sensitive Areas

2 Rural General

It is important that development in all areas be integrated into its surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Development in areas outside of designated areas, should, in their designs take account of the topography, vegetation, existing boundaries and features of the area.

Permission will not be granted for development which cannot be integrated into its surroundings.

11.6.3.1 Visually Sensitive Areas

Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation.

These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area.

The County enjoys both a national and international reputation for its scenic beauty. It is imperative in order to maintain the natural beauty and character of the County, that these areas be protected.

Objective KCDP 11-76

Have regard to any future National Landscape Character Assessment, Regional Landscape Assessments and Landscape Character Map, and the publication of Section 28 Guidelines on Landscape Character Assessment.

Objective KCDP 11-77

Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Objective KCDP 11-78

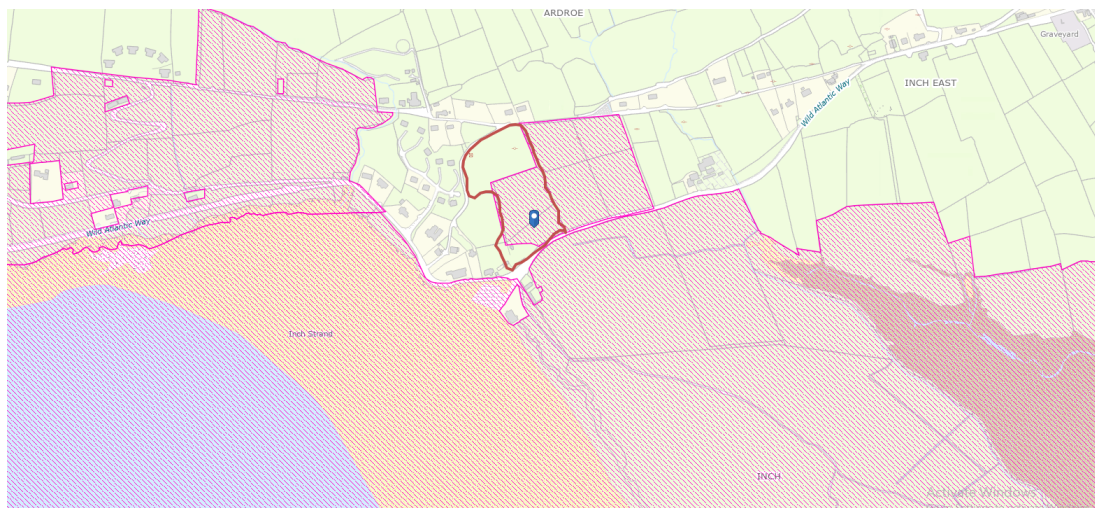
Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

11 Environment

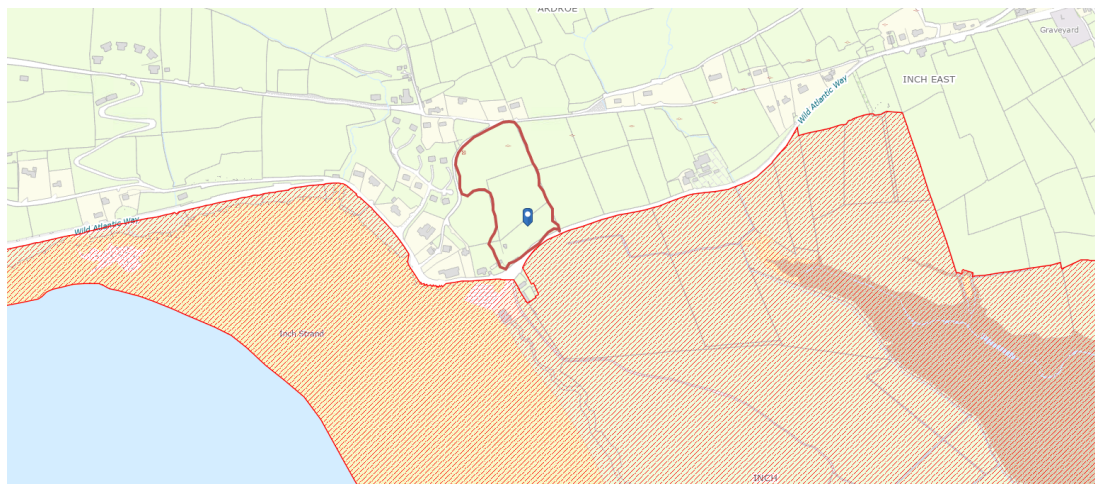
European / National Designations

The European and National Designations, identified in the County Development Plan 2022 – 2028, impacting/abutting the site are indicated on maps below.

The application site is located within the Dingle Peninsula SPA, Site code 004153 and adjacent to the Castlemaine Harbour SPA, Site code 004029, illustrated in pink hatching below.



The application site is located adjacent to the Castlemaine Harbour SAC, Site code 000343 Illustrated in red hatching below.



The application site is located adjacent to the Castlemaine pNHA, Site code 000343 illustrated in blue hatching below.



Objective KCDP 11-1

Ensure that the requirements of relevant EU and national legislation, are complied with by the Council in undertaking its functions, including the requirements of the EU Birds and Habitats Directives.

Objective KCDP 11-2

Maintain the nature conservation value and integrity of Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs). This shall include any other sites that may be designated at national level during the lifetime of the plan in co-operation with relevant state agencies

Objective KCDP 11-5

Support and facilitate the actions in the National Biodiversity Action Plan and Kerry County Councils Biodiversity Action Plan 2022 – 2028.

10.3 Tourism in County Kerry

Objective KCDP 10-7

Promote and facilitate sustainable tourism as one of the key economic pillars of the County's economy and a major generator of employment and to support the provision of facilities such as hotels, aparthotels, guesthouses, bed and breakfasts, tourist hostels, caravan and camping, glamping, cafes, restaurants, visitor attractions and activity tourism.

10.3.5 Visitor Accommodation

Kerry is fortunate to have a varied accommodation offering for its many visitors. The Fáilte Ireland Accommodation Capacity Report 2019 states that Kerry has the greatest number of

Guesthouses (27) in the Country and the greatest concentration of hotel rooms outside of Dublin. The county has a total of 23,878 bedstock available for guest accommodation in 2019. This accommodation is provided within 79 hotels, 27 Guesthouses, 155 Bed and Breakfasts, 58 Self Catering Units, 14 hostels, 15 Caravan and Camping Parks and 33 businesses accredited with Fáilte Ireland's Irish Welcome Standard. The Council recognises that the provision of varied accommodation types is essential to enable growth in the tourism sector. Traditionally, tourism growth has followed accommodation growth. The distribution of hotel accommodation in Kerry is concentrated in the towns of Killarney, Tralee, Dingle and Kenmare. The Council supports the development of tourism throughout the county by encouraging the provision of a wide range of tourist accommodation types and will therefore direct new tourist accommodation including hotels, guesthouses, hostels, B&Bs, holiday homes glamping/camping/caravan and campervan sites to towns and villages with good spatial spread throughout the county. The provision of tourist accommodation in a given location should be on a scale that a settlement can sustain on a year-round basis and should not interfere with the economic or social viability of that settlement. The provision of new tourist facilities should respect the outstanding quality and variety of the natural and built environment of Kerry and it is the policy of the council to restrict development that would be likely to impact negatively on the local environment.

10.3.5.1 Camping/Glamping, Campervans and Caravans

Kerry County Council recognises that the provision of suitable sites for camping/glamping, campervans and caravans is an important element in the range of tourist accommodation offers. Data from the National Vehicle and Driver File, a database of all 2.5 million vehicles in the country, shows the number of campervans in the country rose from about 11,200 in 2018 to almost 12,600 in April 2020 and had reached 13,700 by October of that year. While the Council considers that camping sites should be located on appropriately zoned land within established/ or adjacent to existing settlements, proportionate camping sites may be appropriate to complement tourism assets in rural and coastal locations within or adjacent to existing settlements. The planning authority may facilitate proposals for camping sites which support rural tourism initiatives subject to proper planning and sustainable development. It is the policy of the council to support developments locating in existing settlements where such proposals demonstrate the provision of safe pedestrian links to the settlement or at established centres which provide existing services to tourists, subject to the capacity of the site and the location to facilitate the proposal.

Objective KCDP 10-31

Support the development of appropriately scaled camping/glamping, campervan and caravan type accommodation located within/or adjacent to existing settlements, established tourism assets or adjacent to a main farmyard complex on suitable sites and at an appropriate scale subject to normal planning considerations.

Objective KCDP 10-32

Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g., sand dune systems).

1.12.2 Caravan, Glamping and Camping developments

The provision of camping/glamping and tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority. Planning applications for new caravan parks will be required to submit a masterplan for the entire site to which the application relates indicating compliance with the provisions of this Plan and adherence to Fáilte Ireland's publications 'Model Standards for Caravan & Camping Parks' and 'Classification Matrix for Caravan & Camping Parks'. Regard should also be had to Chapter 9 Economic Development and Chapter 10 Tourism & Outdoor Recreation of the Plan.

Proposals will also be assessed with regard to the following matters:

- Parks will be permitted within settlement boundaries only.
- Parks will not generally be permitted in proximity to the coastline, outside of lands specifically zoned for such development.
- Location of the development relative to existing services including retail and social facilities.
- Availability of services to cater for the development.
- Impact on existing residential amenities, traffic, waste disposal and general disturbance will be considered.
- Impact on the environment including the integrity of Natura 2000 network. Applications shall also address the following:
 - A high standard integrated design and layout linking pitches to well-located communal areas and on-site facilities and amenities.
 - A detailed hard and soft landscaping plan for the overall site.
 - Mitigation plans for noise and litter; and
 - Details of wastewater disposal for the site.

(2), (d) of Section 177I – Information Relating to the Environment or a European site associated with or relevant/near to the development or the site

Environmental Considerations

The Environment Department of KCC carried out an assessment on the septic tank serving the existing campsite in 2023 and 2024. This involved a dye test on the tank and shower/greywaters serving the campsite. These inspections were carried out in response to a complaint received by the Environment Department of KCC.

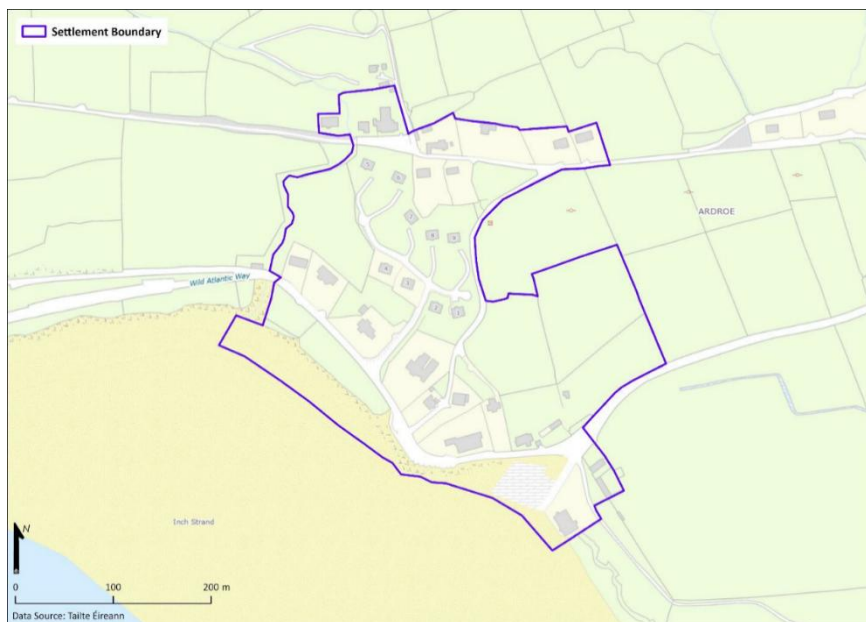
While the result of the inspections on the day did not indicate pollution or a public health nuisance, it was not a detailed conditional survey on the treatment system and percolation area/polishing filter in place. Therefore, the Environment Department of KCC based on the information submitted with the Substitute Consent application are not in a position to approve the existing septic tank system to treat proposed wastewater generated at the facility.

Recommendation.

The applicant should ensure that there is a detailed site assessment as per the EPA Code of practice carried out by a qualified person with a proposal for a suitable wastewater treatment system. As an example, the proposed wastewater tertiary treatment system submitted with application reference 21/438 would be a significant improvement on the existing septic tank system. This also provided a campervan chemical wastewater disposal point.

Habitats Directive Considerations

- The use of the area for camping predates the Habitats Directive and the SAC / SPA designations in the area.
- It is accepted that it was not readily apparent that the proposals required Appropriate Assessment. In this regard, it is noted that KCC screened out the need for AA as part of the KCC decision issued for the planning application PLREF:21.438.
- It is considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an appropriate assessment, as evidenced in the reports submitted, has not been substantially impaired.
- The proposed site is located within the settlement boundaries of the designated small village settlement of Inch. That variation was subject to AA and SEA. Relevant policies and objectives for the settlement are included within S2.18 of variation 3 to the Kerry CDP 2022-2028.



Above: Adopted settlement boundary for Inch

- In relation to Development Objective KCDP SV-17 (contained in variation 3 of the Kerry CDP 2022-2028), it is noted that the proposal is supported by a Habitats Directive Assessment, informed by an ornithological report. The survey methodology undertaken is considered to be satisfactory. No Chough were recorded within the study area, which extended well beyond the proposed site to include an area of c.9Hectares. Potential for loss/degradation of Chough foraging habitat and or Chough disturbance, was ruled out as the habitat present was not deemed to be optimal for the species and as they were not found to be using the site or adjoining lands in the study area and as the nearest nesting site is 7.4Km to the Northwest. I agree with this well-reasoned conclusion.



Figure 4. Location of individuals of 4 target species which were recorded as Terrestrial during the survey.

Above: Ornithological survey area

- Inch continues to retain its blue flag beach, which suggests that water quality in the adjoining waters is satisfactory. As a substantial estuarine waterbody, dilution and assimilative capacity can be expected to be good.
- It is considered that the proposals did not or would not adversely impact the ecological integrity of the Dingle Peninsula SPA or other European Sites in the vicinity and that the proposals would not circumvent the purpose or objectives of the EIA or Habitats Directives.

Wider biodiversity considerations

- It is noted that PLREF: 21:438 provided for the upgrading of the existing wastewater treatment system and that no such upgrade forms part of this proposal. Wastewater treatment proposals should be to the satisfaction of the Site Assessment Unit / ACP.
- The stranding of Manx Shearwater fledglings, as a result of artificial light at night, is known to occur further west on the Dingle Peninsula and in certain locations in south Kerry. While this area is not known to be an area of particular concern, lighting controls would be beneficial to wildlife.

(2), (e) of Section 177I – the Opinion and Recommendations of KCC for the development

Assessment

This application for Substitute Consent relates to the existing Inch Beach Campsite and associated works and facilities inclusive of the toilet block/facilities building on site.

There has been ad hoc camping taking place at this location for a number of years. The applicant has stated that the campsite has been in operation on site since at least the 1990's and by the previous owner in the 1980's. On inspection of google maps imagery it can be determined that some camping was taking place on site in 2009. At this stage there is only a green field and small toilet block in place, which are evident again in 2017. In the past 6/7 years significant works have taken place on site with substantial quantities of hardcore brought onto site and the setting out of an official formal camp site. Works to the facilities building have also taken place, all without the benefit of planning permission.

The land at this location is for the most part within the settlement boundary for Inch Settlement as determined by Variation 3 of the KCDP 2022-2028 for the Castleisland-Corca Dhuibhne Municipal District Plan. The upper part of the site is zoned Visually Sensitive as per the KCDP 2022-2028. The subject site is within the Dingle Peninsula SPA and adjacent to the Castlemaine Harbour SPA, the Castlemaine Harbour SAC and the Castlemaine Harbour NHA.

The campsite is stated to incorporate 29 hard standing pitches, a facilities toilet block, a tent area above the level of the 29 pitches and a septic tank.

A planning application was lodged by the current applicants in 2021 care of Reg. No. 21/438 to retain the campsite and toilet/shower block, extend the campsite, install a new wastewater treatment system and erect a new facilities building. This application was in part granted permission with a refusal of permission issuing for the extension to the campsite on visual impact grounds.

The application was appealed to an Bord Pleanála and was refused mainly owing to the retention element of the application and location of site within/adjacent to Natura 2000 sites.

Generally the provision of a campsite at this location is deemed acceptable having regard to the location within the settlement boundary of Inch Settlement. In addition the need/justification for such a facility is deemed acceptable due to the location in proximity to Inch Strand.

As per the report received from the Environment Department KCC the applicant should ensure that there is a detailed site assessment as per the EPA Code of practice carried out by a qualified person with a proposal for a new suitable wastewater treatment system for the site. It is recommended to An Coimisiún Pleanála that this is the most significant item of the development on site to be addressed.

The visual impact of the as-constructed development on site is considered acceptable. The site is located on the landward side of the public road on relatively low-lying ground. The proposal as constructed on site does not interfere with any protected views and prospects in the area.

It is noted that as part of a previous application, Ref. No. 21/438, it was proposed to extend the existing campsite further uphill to more prominent and exposed land and land outside the now defined Inch Settlement boundary. This proposal to extend the campsite uphill of current location was deemed unacceptable by the Planning Authority.

It is considered that the tent area proposed as part of the current application is situated on more prominent exposed land, above the level of the 29 hard standing pitches in a somewhat undefined area. It is considered that this tent area needs to be more clearly set out relating to its exact extent, number of tent pitches and boundary treatment. It is recommended to An Coimisiún Pleanála that this can be dealt with by condition.

The Environment Department, KCC have assessed this application for Substitute Consent and have stated :

‘the applicant shall ensure that there is a detailed site assessment as per the EPA Code of practice carried out by a qualified person with a proposal for a suitable wastewater treatment system’.

The Environmental Assessment Unit, Planning Department have assessed this application for Substitute Consent and have stated :

‘It is considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an appropriate assessment, as evidenced in the reports submitted, has not been substantially impaired.

The proposed site is located within the settlement boundaries of the designated small village settlement of Inch. That variation was subject to AA and SEA. Relevant policies and objectives for the settlement are included within S2.18 of variation 3 to the Kerry CDP 2022-2028’.

The County Archaeologist has assessed this application for Substitute Consent and has stated:

‘The proposed development is located partly within the zone of notification, as defined in the Record of Monuments & Places, around the recorded monument Ke045 087, a ringfort. An archaeological Impact Assessment, including pre-development testing, was carried out in respect of a previous application 21/438. The report notes that no archaeological features or strata were encountered during the testing. As such, no further archaeological mitigation is required in respect of the lands in question’.

The Enforcement Section of the Planning Department, KCC have assessed this application for Substitute Consent , please refer to detail within this report and previously outlined - *Section (2), (b) of Section 177I – Information Relating to the Enforcement and related proceedings* .

These internal reports have been attached as appendices in this overall report.

Conclusion

The proposed development as outlined in this Substitute Consent application to An Coimisiún Pleanála accords with the policies and objectives for this area contained in the KCDP 2022-2028.

It is considered that subject to the installation of a new wastewater treatment system on site in line with the EPA Code of Practice there are no actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the carrying out or continuation of the development in question.

It is the opinion of Kerry County Council that Substitute Consent for the development in question should be granted subject to conditions.

It is recommended that the conditions outlined hereunder be attached to a grant of Substitute Consent if to issue.

Levy Calculation:

The existing campsite proposed for retention is stated to have 29 hard standing pitches with a further area for tents. An allocation of 25 spaces for the historic camping that has taken place on site is recommended.

Levy applies to 4 hard standing pitches and 'guesstimate' of 10 tent pitches = total of 14 to be levied:

Roads & Transport - €100 per pitch x 14 pitches = €1400 @150% for retention = €2100.00

Community & Amenity - €150 per pitch x 14 pitches = €2100 @150% for retention = €3150.00

Total = €5250.00

Recommendation

Having regard to the aforementioned, it is recommended that Substitute Consent for the development as outlined in **ACP-324446-26** should be granted subject to the following conditions:

Within 3 months of receipt of the date of grant of Substitute Consent, the developer shall pay a contribution of **€5250.00** to Kerry County Council (Planning Authority) in respect of Roads & Transport and Community & Amenity infrastructure benefiting the development.

This contribution is broken down as follows:

Roads & Transport	-	€2100.00
Community & Amenity	-	€3150.00

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and may be increased from January 1st 2027 and annually thereafter (unless previously discharged) in line with the Wholesale Price Indices – Building and Construction (Capital Goods) as published by the Central Statistics Office unless the Scheme is superseded by a further Development Contribution Scheme adopted by the Council.

Reason: It is considered appropriate that the Developer should contribute towards the cost of public infrastructure and facilities benefiting the development, as provided for in the Councils prevailing Development Contribution Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act (as amended) and that the level of contribution payable should increase at a rate in the manner specified in that Scheme.

The wastewater treatment system on site shall be upgraded to the satisfaction and written approval of An Coimisiún Pleanála, and within 6 months of receipt of this decision.

The applicant shall ensure that there is a detailed site assessment as per the EPA Code of practice carried out by a qualified person with the proposal for a suitable wastewater treatment system.

Reason: In the interest public health and to prevent pollution.

The area for tents as indicated on Existing Site layout Map submitted shall be clearly defined with exact number of tents specified and northern boundary line for this area defined and detailed.

A revised Site Layout Map in compliance shall be submitted for the written approval of An Coimisiún Pleanála.

Reason: To regulate and control development on site.

(a) The site shall be landscaped with suitable indigenous trees, shrubs and hedges within the first growing season following receipt of this decision.

(b) All new site boundaries shall be provided with thick native hedges. These hedgerows shall include such native species as holly, whitethorn and furze.

(c) Existing hedges/ditches shall be suitably strengthened with native hedge species indigenous to the area.

(d) Any trees or shrubs, which die or become diseased, shall be replaced with similar native species.

- Native Evergreens (Holly, Yew, Scots Pine).
- Native Deciduous (Oak, Elm, Ash, Birch, Hazel, Alder, Willow, Whitethorn, Blackthorn, Irish Whitebeam, Rowan).

Exotic species such as Cypress, Escallonia, Griselinia, Leylandii, Rhododendron and Laurel, shall not be used.

Reason: In order to integrate the development into its setting and in the interests of biodiversity and the proper planning and sustainable development of the area.

No access to the site shall be permitted from the L-12135 Local Road to the west.

Reason: In the interest of orderly development.

Under no circumstances shall the applicant\developer cut or otherwise interfere with the public road for the purposes of connection to public services without a road opening licence.

Reason: In order to protect public property.

The development shall not cause surface water or seepage water to flow onto the road surface. No water from the campsite shall be allowed to flow onto the public road surface.

Reason: To avoid a traffic hazard and protect public property.

(a) The use of external lighting within the site and landholding shall be minimised and where required, any such lighting including any externally mounted onto structures, shall be fitted and maintained with 'warm white' lighting (2700 Kelvin or lower).

(b) All external lighting shall be mounted and maintained horizontally, with a Zero Upward Light Output Ratio to ensure all light is directed downward. There shall be no upward tilt and no light spillage exceeding 0.5 lux onto land, water bodies, roadways, hedgerows, or treelines located outside of the proposed site.

(c) Any required deviation from the above lighting specifications shall be submitted to the Planning Authority and written agreement obtained prior to installation. Any such proposals shall take into account environmental sensitivities in the area.

Reason: In the interests of clarity, to prevent light pollution, protect biodiversity and to integrate the development into the landscape.

Actions outlined in the All-Ireland Pollinator Plan document ' Businesses: actions to help pollinators' (National Biodiversity Data Series No. 10), shall be incorporated into the management of the landholding.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.

All mitigation measures included in the remedial Natura Impact Statement received shall be implemented in full.

Reason: In the interests of biodiversity

APPENDICIES

MEMORANDUM

To: Louise Sexton, Planning Section, KCC
Cc: Mick Boyce, S.E.E. – Environment Section.
From: Stuart Roche – Environment Section.
Re: Planning Application reference An Coimisiún Pleanála SU08.324446
Date: 14 September 2026

Applicant **Mark, George and Zara Hussain**

Description: Substitute Consent Application

Use of land as short stay camping site, demolition of toilet and shower block, alteration of existing toilet and shower facilities, Trenching works and associated site works.

Location : Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch beach, Annascaul, Co. Kerry

The Environment Section has the following comments on the above:

I carried out an assessment on the septic tank serving the existing campsite in 2023 and 2024. This involved a dye test on the tank and shower/greywaters serving the campsite. These inspections were carried out in response to a complaint received at our office.

While the result of the inspections on the day did not indicate pollution or a public health nuisance, it was not a detailed conditional survey on the treatment system and percolation area/polishing filter in place. The environment section cannot approve the existing septic tank system to treat proposed wastewater generated at the facility.

The applicant should ensure that there is a detailed site assessment as per the EPA Code of practice carried out by a qualified person with a proposal for a suitable wastewater treatment system.

As an example, the proposed wastewater tertiary treatment system submitted with application reference 21/438 would be a significant improvement on the existing septic tank system. This also provided a campervan chemical wastewater disposal point.

If you have any queries regarding the above, please don't hesitate to contact me at 087 6256456.

Best regards

Stuart Roche

Environmental Services

Kerry County Council

MEMORANDUM

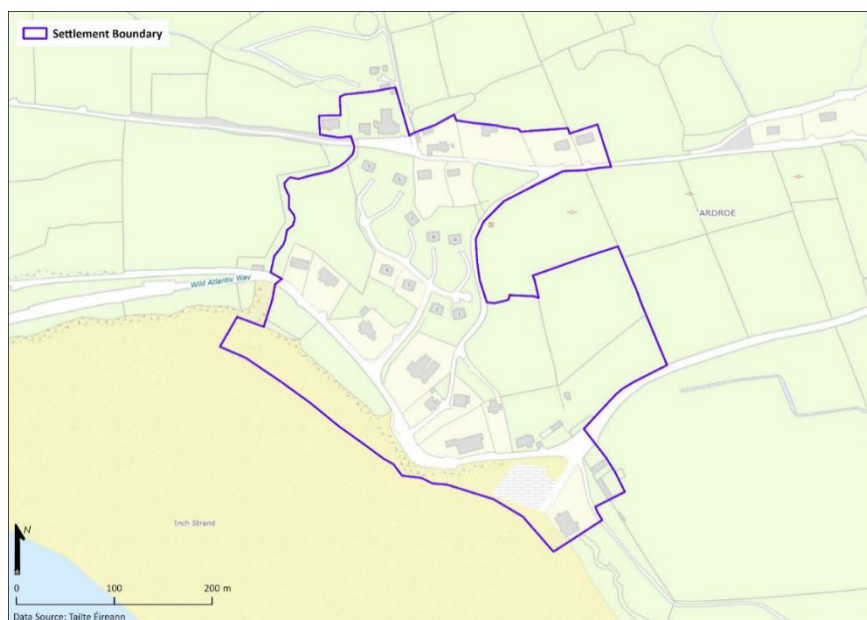
To: Louise Sexton, E Planner, Planning Section, KCC
From: Eoin Kelleher E. Planner & Ecologist, Environmental Assessment Unit
Re: Substitute Consent **ACP-324446-26**
Date: 19.09.2026

Development: Use of land as short stay camping site, demolition of toilet and shower block, alteration of existing toilet and shower facilities. Trenching works and associated site works. A remedial Natura Impact Statement (NIS) accompanies this application.

Location: Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch beach, Annascaul, Co Kerry.

Habitats Directive considerations

- The use of the area for camping predates the Habitats Directive and the SAC / SPA designations in the area.
- It is accepted that it was not readily apparent that the proposals required Appropriate Assessment. In this regard, it is noted that KCC screened out the need for AA as part of the KCC decision issued for the planning application PLREF:21.438.
- It is considered that the ability to carry out an assessment of the environmental impacts of the development for the purpose of an appropriate assessment, as evidenced in the reports submitted, has not been substantially impaired.
- The proposed site is located within the settlement boundaries of the designated small village settlement of Inch. That variation was subject to AA and SEA. Relevant policies and objectives for the settlement are included within S2.18 of variation 3 to the Kerry CDP 2022-2028.



Above: Adopted settlement boundary for Inch

- In relation to Development Objective KCDP SV-17 (contained in variation 3 of the Kerry CDP 2022-2028), it is noted that the proposal is supported by a Habitats Directive Assessment, informed by an ornithological report. The survey methodology undertaken is considered to be satisfactory. No Chough were recorded within the study area, which extended well beyond the proposed site to include an area of c.9Hectares. Potential for loss/degradation of Chough foraging habitat and or Chough disturbance, was ruled out as the habitat present was not

deemed to be optimal for the species and as they were not found to be using the site or adjoining lands in the study area and as the nearest nesting site is 7.4Km to the Northwest. I agree with this well-reasoned conclusion.

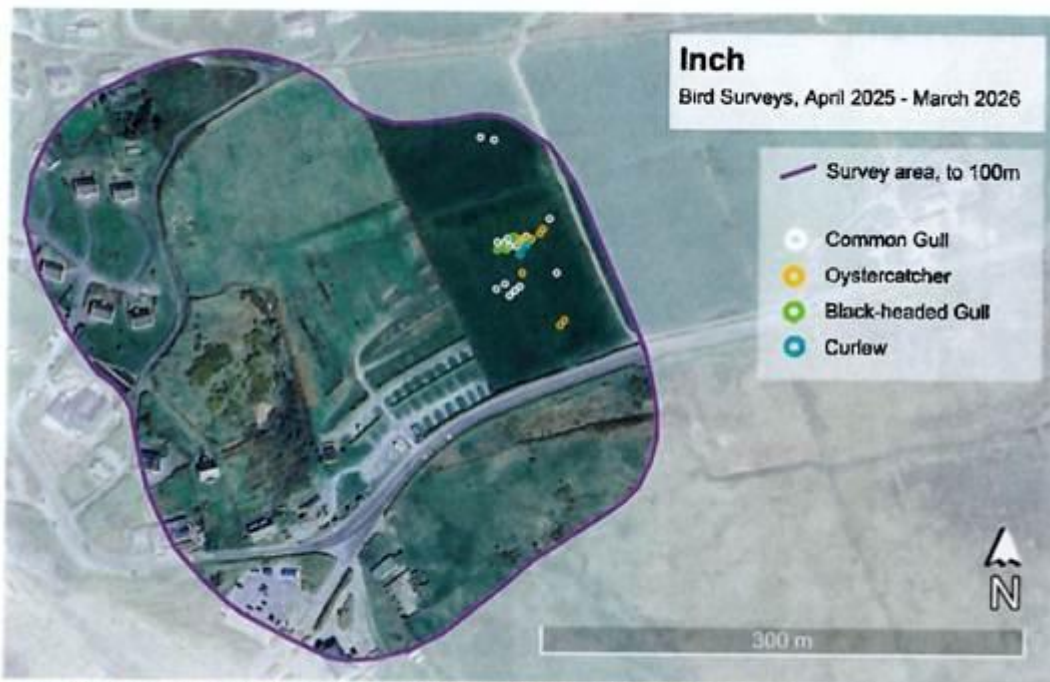


Figure 4. Location of individuals of 4 target species which were recorded as Terrestrial during the survey.

Above: Ornithological survey area

- Inch continues to retain its blue flag beach, which suggests that water quality in the adjoining waters is satisfactory. As a substantial estuarine waterbody, dilution and assimilative capacity can be expected to be good.
- It is considered that the proposals did not or would not adversely impact the ecological integrity of the Dingle Peninsula SPA or other European Sites in the vicinity and that the proposals would not circumvent the purpose or objectives of the EIA or Habitats Directives.

Wider biodiversity considerations

- It is noted that PLREF: 21:438 provided for the upgrading of the existing wastewater treatment system and that no such upgrade forms part of this proposal. Wastewater treatment proposals should be to the satisfaction of the Site Assessment Unit / ACP.
- The stranding of Manx Shearwater fledglings, as a result of artificial light at night, is known to occur further west on the Dingle Peninsula and in certain locations in south Kerry. While this area is not known to be an area of particular concern, lighting controls would be beneficial to wildlife.

Recommendation

It is recommended conditions be included in any grant of planning permission:-

- (i) The use of external lighting within the site and landholding shall be minimised and where required, any such lighting including any externally mounted onto structures, shall be fitted and maintained with 'warm white' lighting (2700 Kelvin or lower).

(ii) All external lighting shall be mounted and maintained horizontally, with a Zero Upward Light Output Ratio to ensure all light is directed downward. There shall be no upward tilt and no light spillage exceeding 0.5 lux onto land, water bodies, roadways, hedgerows, or treelines located outside of the proposed site.

(iii) Any required deviation from the above lighting specifications shall be submitted to the planning authority and written agreement obtained prior to installation. Any such proposals shall take into account environmental sensitivities in the area.

Reason: In the interests of clarity, to prevent light pollution, protect biodiversity and to integrate the development into the landscape.

Actions outlined in the All-Ireland Pollinator Plan document ' Businesses: actions to help pollinators' (National Biodiversity Data Series No. 10), shall be incorporated into the management of the landholding.

Reason: In the interests of biodiversity and the proper planning and sustainable development of the area.



Eoin Kelleher
Executive Planner and Ecologist
Environmental Assessment Unit

MEMORANDUM

Date/Dáta: 13th August 2026.

To/Chuig: Michael Lynch SEE, From/O: Michael Connolly

Planning

County Archaeologist

Re/Le: Re: Planning Refs: ACP-324446-26

ACP-324446-26 Use of land as short stay camping site, demolition of toilet and shower block, alteration of existing toilet and shower facilities. Trenching works and associated site works. A remedial Natura Impact Statement (NIS) accompanies this application. Inch Beach Campsite, in the townlands of Ardroe and Inch, Inch beach, Annascaul, Co Kerry.

The proposed development is located partly within the zone of notification, as defined in the Record of Monuments & Places, around the recorded monument Ke045 087, a ringfort. An archaeological Impact Assessment, including pre-development testing, was carried out in respect of a previous application 21/438. The report notes that no archaeological features or strata were encountered during the testing. As such, no further archaeological mitigation is required in respect of the lands in question.

Regards,

Dr Michael Connolly
County Archaeologist

An Rannóg Forfheidhmithe,
An Roinn Pleanála

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Enforcement Unit,
Planning Department

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email enforcement@kerrycoco.ie Suiomh | Web www.kerrycoco.ie

Enforcement file 7861 was opened on 1/4/2019 in relation to the construction of toilet and shower facilities. The first warning letter was issued on 8 May 2019 and served on Mahmood Hussain, Ardroe, Inch, Annascaul, Co Kerry.

A Retention Application 19/1026 was submitted on 8/10/2019. The application was to retain renovation and alteration works carried out to existing building in the caravan and camping site at Inch. Further Information (FI) was requested 26/11/2019. No FI was submitted by 28/7/2020 and the application was deemed withdrawn.

An Enforcement Notice was subsequently issued on 29 March 2021.

On 22/4/2021 retention application 21/438 was submitted. Further information was requested on 16/6/2021 with a decision due by 2/3/2022. On 2/3/2022 Kerry County Council issued a split decision to Grant/Refuse 21/438: Grant permission to retain existing short term camping site, alteration and renovation works to existing toilets and to construct extension to existing toilets and to construct wastewater treatment tanks and refuse permission to extend the camp site. ABP Appeal 313162-22 was lodged with An Bord Pleanála on 29/3/2022. An Bord Pleanála refused permission on 2/3/2022 as it is located within an SPA and adjacent to an SAC.

Section 160 proceedings were issued on 3 October 2024.

Planning application 24/60817 was lodged on 24 October 2024, shortly before the hearing listed in Tralee Circuit Court on 29 October 2024. The hearing was adjourned; however, planning application 24/60817 was deemed invalid on 30 October 2024. The matter came before Killarney Circuit Court on 12 December 2024 and was again adjourned. At the next hearing in Killarney Circuit Court on 6 February 2025, the matter was again adjourned. Planning application 25/60116 was submitted on 24/2/2025 and was subsequently deemed invalid on 19 March 2025.



GAELIGE AGUS FÁILTE

An Rannóg Forfheidhmithe,
An Roinn Pleanála

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Enforcement Unit,
Planning Department

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Tralee, Co. Kerry.

Guthán | Tel 066 7183774 Facs | Fax 066 7120328 Rphost | Email enforcement@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

At the hearing in Killarney Circuit Court on 1 May 2025, evidence was given by the developer's engineer that a bird survey would be undertaken to support an application for substitute consent. The hearing was adjourned to 22 July 2025. The hearing on 22 July 2025 was subsequently adjourned.

The matter was next heard in Listowel Circuit Court on 13 May 2026, where the hearing was adjourned following a direction from the judge that the developer comply with paragraph 26 of the replying affidavit sworn on 9 December 2024. Mr Hussain's affidavit stated "I confirm that the entrance barrier, the construction of a temporary building behind the existing toilet, electrical fittings and a meter box are in the process of being removed".

An application for substitute consent was ultimately lodged with An Coimisiún Pleanála on 16 July 2026. At the hearing in Killarney Circuit Court on 28 July 2026, the matter was again adjourned.



GAEILGE AGUS FÁILTE

WARNING LETTER

This Warning Letter is issued under Section 152 of the Planning and Development Act 2000-2018, in relation to the unauthorised development of land.

NAME and ADDRESS: Mahmood Hussain, Ardroe, Inch, Annascaul,
Co. Kerry

Our Ref: 7861

It has come to the attention of Kerry County Council that an unauthorised development as described in the schedule hereunder may have been, is being or may be carried out on lands described in the schedule hereunder. You may make submissions or observations to Kerry County Council regarding the purported offence by **5th June 2019**.

When Kerry County Council considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued under Section 154 of the Planning and Development Act 2000-2018. Officials of Kerry County Council may at all reasonable times enter on the land for the purposes of carrying out an inspection in relation to the purported unauthorised development.

A person who is guilty of an offence in relation to an unauthorised development under the provisions of the Planning and Development Act 2000, as amended, shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,380 or to imprisonment for a term not exceeding 2 years or both.
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding six months or both.

In addition, any costs reasonably incurred by Kerry County Council in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken. These costs can relate to remuneration and expenses of employees carrying out inspections and may be substantial.

SCHEDULE

Description of land and nature of works to which this Notice refers.

Lands at **Sammy's Camp Site, Inch Beach, Annascaul, Tralee, Co. Kerry** namely **the construction of toilet and shower facilities.**

Signature


S.O. Enforcement Unit
Planning and Sustainable Development – 066 718 3774

Date

8th May 2019.

KERRY COUNTY COUNCIL
SECTION 154(5) PLANNING AND DEVELOPMENT ACTS 2000 to 2020.
ENFORCEMENT NOTICE

To: Mahmood Hussain, Ardree, Inch, Annascaul, Co. Kerry

Ref: 7861

WHEREAS Kerry County Council (hereinafter called "the Council") is the Planning Authority for the County of Kerry in which are situate lands in the Townland of Ardree, in the Electoral Division of Corca Dhuibhe, County Kerry.

AND WHEREAS the following development has been carried out at the said lands namely:

- **The unauthorised erection of toilet facilities adjacent to Inch Strand and the construction of a caravan park. The construction of facilities for a caravan park.**

AND WHEREAS the said development is not exempted and no permission for the said development has been applied for or granted by the Council in respect of the said development, the Council in exercise of the powers conferred on it by Section 154/155 of the Planning and Development Act 2000 requires that the development cease.

Further you are required to carry out the following steps:

- **Cease works immediately**

AND TAKE NOTICE THAT if within the period specified above, or within such extended period (not being more than 6 months) as the Council may allow, the steps specified in this Notice to be taken by you have not been taken, the Council may enter on the lands and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf. If by the period specified above the steps specified in this Notice have not been undertaken, you may be guilty of an offence.

A person who is guilty of an offence in relation to an unauthorised development under the provision of the Planning and Development Act 2000 (as amended) shall be liable to the following:-

- (a) On conviction on indictment, to a fine not exceeding EUR 12,697,381, or to imprisonment for a term not exceeding 2 years, or to both, or
- (b) On summary conviction, to a fine not exceeding EUR 5,000 or to imprisonment for a term not exceeding 6 months, or to both.

In addition you are required in accordance with section 154(5)(d) of the Planning and Development Act 2000 (as amended) to refund to the Council, the sum of EUR **250.00** being the costs and expenses reasonably incurred by the Council in relation to the investigation, detection and issue of the Enforcement Notice.

Dated: 29/03/2021

Signed: _____
S.O. Enforcement Unit
Enforcement Unit
Planning & Sustainable Development



CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS

Order No: M/2024/ 427
Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, IT IS HEREBY ORDERED as follows:

That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

Mahmood Hussain, Ardroe, Inch, Annascaul, Co Kerry,
Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand and the construction of a caravan park and the construction of facilities for a Caravan Park.

Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- (a) Remove the hardstand from the site. Topsoil the disturbed area, seed and grass.
- (b) Remove the entrance barrier.
- (c) Remove the unauthorized shower/ toilet block.
- (d) Remove the structures to the rear of the shower/toilet block.
- (e) Remove the electrical fittings and meter box.
- (f) Remove the wooden fencing from the site.

I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

* S160 CE Order M/2024/356 dated 09/05/2024 is hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 22 day of May 2024


Paul Neary, Director of Planning, Environment
& Emergency Management



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/ 641
Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

Mahmood Hussain, Ardroe, Inch Beach, Tralee, Co. Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park
and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

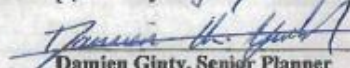
Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- a. Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
 - b. Remove the entrance barrier to the said caravan park.
 - c. Remove the unauthorised shower/ toilet building at the said caravan park.
 - d. Remove the structures to the rear of the said shower/toilet building.
 - e. Remove the electrical fittings and meter box at the said caravan park.
 - f. Remove the wooden fencing from the said caravan park.
 - g. Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.
- I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 19th day of July 2024


**Damien Gluty, Senior Planner
Delegated Executive**



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/ 642

Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

Iris Hussain, Ardroe, Inch Beach, Tralee, Co. Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park

and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

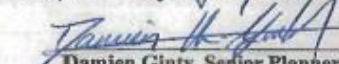
- Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
- Remove the entrance barrier to the said caravan park.
- Remove the unauthorised shower/ toilet building at the said caravan park.
- Remove the structures to the rear of the said shower/toilet building.
- Remove the electrical fittings and meter box at the said caravan park.
- Remove the wooden fencing from the said caravan park.
- Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.

I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 19th day of July 2024


**Damien Ginty, Senior Planner
Delegated Executive**



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/ 643
Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

George Hussain, Ardroe, Inch Beach, Tralee, Co. Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park

and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

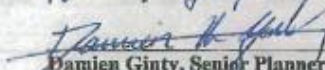
Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
 - Remove the entrance barrier to the said caravan park.
 - Remove the unauthorised shower/ toilet building at the said caravan park.
 - Remove the structures to the rear of the said shower/toilet building.
 - Remove the electrical fittings and meter box at the said caravan park.
 - Remove the wooden fencing from the said caravan park.
 - Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.
- I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 12th day of July 2024


Damien Ginty, Senior Planner
Delegated Executive



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/ 644

Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:
Mark Hussain, Ballycullane, Inch, Tralee, Co. Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park

and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

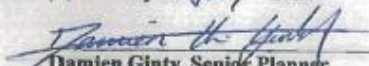
Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
 - Remove the entrance barrier to the said caravan park.
 - Remove the unauthorised shower/ toilet building at the said caravan park.
 - Remove the structures to the rear of the said shower/toilet building.
 - Remove the electrical fittings and meter box at the said caravan park.
 - Remove the wooden fencing from the said caravan park.
 - Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.
- I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 19th day of July 2024


Damien Ginty, Senior Planner
Delegated Executive



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/ 645
Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

Zarah Hussain, Ardcanuaght, Castlemaine, Co. Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park

and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

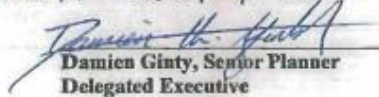
Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- a. Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
- b. Remove the entrance barrier to the said caravan park.
- c. Remove the unauthorised shower/ toilet building at the said caravan park.
- d. Remove the structures to the rear of the said shower/toilet building.
- e. Remove the electrical fittings and meter box at the said caravan park.
- f. Remove the wooden fencing from the said caravan park.
- g. Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park. I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 19th day of July 2024


**Damien Ginty, Senior Planner
Delegated Executive**



**CHIEF EXECUTIVE'S ORDER
MISCELLANEOUS**

Order No: M/2024/

646

Subject: Planning and Development Acts, 2000 (as amended)
S160 Proceedings. Enforcement Ref 7861 & 9532

ORDER: By virtue of the provisions of the Local Government Act 2001, and pursuant to Kerry County Council Chief Executive's Order No. S/2024/80 delegating powers, duties and functions to me, **IT IS HEREBY ORDERED** as follows:
That the County Solicitor be instructed to make an application under Section 160 of the Planning and Development Act 2000 (as amended) for an Order to require:

A.V.A. International Limited, Ardroe, Inch Beach, Tralee, Co Kerry

Being the owners and persons responsible for development carried out on lands at:
Ardroe, Inch, Annascaul, Co. Kerry.

Namely:

The unauthorised development of toilet facilities adjacent to Inch Strand, the construction of a caravan park, the construction of facilities for a Caravan Park and

The placing of a van on lands adjacent to said caravan park for the sale of goods (Kittys Food truck)

Requiring the cessation of the unauthorised use of the site as a caravan park and further requiring the following:

- Remove the hardstanding pitches for caravans/motorhomes/vans from the said caravan park. Topsoil the disturbed area, seed and grass.
 - Remove the entrance barrier to the said caravan park.
 - Remove the unauthorised shower/ toilet building at the said caravan park.
 - Remove the structures to the rear of the said shower/toilet building.
 - Remove the electrical fittings and meter box at the said caravan park.
 - Remove the wooden fencing from the said caravan park.
 - Remove the food truck ('Kitty's Food Truck') from the site adjacent to the said caravan park.
- I further order that the County Solicitor be instructed to seek an Order and for the relevant costs associated with these proceedings.

CE Order M/2024/357 dated 09/05/2024 and M/2024/470 dated 05/06/2024 are hereby rescinded

Signed by me at Áras an Chontae, Tralee,

On the 19th day of July 2024

Damien Ginty
**Damien Ginty, Senior Planner
Delegated Executive**



Google Maps Image – 2023



Google Maps Image – 2017



Google Maps Image - 2009

