



An
Bord
Pleanála

Inspector's Report PL08.247044

Development	Permission to construct a dormer dwelling house, domestic garage, treatment unit and polishing filter and all site development works at Coolies, Muckcross, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	16/132
Applicant(s)	Deirdre Buckley & John Hannon
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Appellant(s)	Michael J. Horgan
Observer(s)	None
Date of Site Inspection	19/10/2016
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. The proposed development site is located within the townland of Coolies, Muckross, Co. Kerry, in a rural area approximately 6km to the southeast of the town of Killarney and approximately 3km to the east of Muckross House in the Killarney National Park. The site is accessed off a local road which runs to the east of the N71, which is the national primary road which runs between Killarney and Kenmare.
- 1.2. The general area can be described as a rural landscape. There is significant evidence of pressure for one-off housing developments in the area. In the vicinity of the subject site, there is a high concentration of one off housing along the local road network, particularly to the north and north west of site. The subject site is currently under grass and comprises part of a larger field. There is an existing single storey house located to the north west of the subject site.
- 1.3. The site itself has a stated site area of 0.288ha and is rectangular in shape. It is bounded by timber post and rail fencing to the north west which acts as the site boundary for the existing house to the north west of the site. The roadside boundary comprises a post and wire fence and the site is generally flat and level.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of dormer dwelling house, domestic garage, treatment unit and polishing filter and all site development works at Coolies, Muckross, Killarney, Co. Kerry.
- 2.2. The proposed house will rise to a height of 7.5m and will have a stated floor area of 278.3m². The external finishes will include plaster finish with stone to the porch, 'Thrutone Plus' slates to the roof and windows will be either PVC or hardwood to clients instructions. The house proposes a large kitchen / dining room, utility, large entrance hall, sitting room, shower room, play room and ensuite bedroom at ground floor level, with three further double bedrooms (including master suite), bathroom

and office at first floor level. The development also proposes a garage which will have a stated floor area of 36.95m².

- 2.3. The house will be serviced by a connection to the public water mains and the installation of a packaged wastewater treatment system and polishing filter. The site assessor has selected a 'Klargester BA6' with a percolation area comprising 12 x 10m percolation trenches.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant permission, subject to 19 conditions, for the development.

Condition 7: Occupancy condition

Condition 16: Archaeological monitoring of ground disturbance.

Conditions 17-19: Relate to the waste water treatment system.

3.2. **Planning Authority Reports**

The report of the area planner can be summarised as follows:

- The initial Planners report considered the proposed development in terms of the policy requirements of the County Development Plan and in particular, compliance with criteria of table 3.3.2 of the plan to ensure that the house integrates into the landscape, given the secondary special amenity zoning afforded to the area. The report accepts that the applicant complies with the settlement location requirements of the Plan in terms of the 'stronger rural area' in which the site is located. The initial report sought further information in relation to 'revisions to finished floor levels or ridge height to ensure that visually, the

proposed dwelling is more in line with than of the dwelling house to the north west.'

- Following receipt of the response to the FI request, the Planning report recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

- 3.3.1. Site Assessment Unit: Advises no objection to the proposed development
- 3.3.2. Irish Water: No objection subject to compliance with conditions
- 3.3.3. DoAHG: No objection subject to the inclusion of an archaeological impact assessment condition
- 3.3.4. County Archaeologist: Requests the submission of an Archaeological Impact Assessment. Following the submission of said assessment, the County Archaeologist recommends that a condition for archaeological monitoring should be included in any grant of permission.

3.4. Third Party Observations

One third party submission is noted raising concerns over the overdevelopment of the area and the number of one-of houses built in the area.

4.0 Planning History

- 4.1. There is no relevant planning history relating to the subject site.
- 4.2. In terms of the planning history of the wider area, the following is relevant:

PA Ref. 92/765: Permission granted in 1992 for outline permission to erect a dwelling house.

PA Ref. 96/695: Permission granted in 1996 permitting Fred Healy permission to erect a dormer type bungalow at Coolies, Muckross, Killarney, Co. Kerry.

PA Ref. 03/1398: Permission granted in 2004 to John Buckley for the construction of a dormer type dwelling house, garage, septic tank unit and percolation area at Coolies, Muckross, Killarney, Co. Kerry.

PA Ref. 091126: Permission granted in 2010 to Mags Buckley for the construction of a dwelling house with septic tank and percolation area and associated site works at Coolies, Muckross, Killarney, Co. Kerry.

PA Ref. 12/591: Permission sought by Denise Buckley to construct a dwelling house, septic tank and percolation area and all site development works at Coolies, Muckross, Killarney, Co. Kerry. This application was withdrawn prior to a decision issuing.

PA Ref. 14/752: Permission granted in 2015 to Denise Buckley for the construction of a dwelling house, septic tank and percolation area and all site development works at Coolies, Muckross, Killarney, Co. Kerry.

ABP ref PL08. 246033 (PA Ref. 15/921): Kerry County Council granted permission to Edmond Lynne for the construction of dwelling house, domestic garage, septic tank and percolation area and all site development works at Coolies, Muckross, Killarney, Co. Kerry. The Board, on appeal, refused permission for the following stated reasons:

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2005), it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or in the Kerry County Development Plan 2015 – 2021 for a house at this sensitive rural location. The

proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the provisions of the Guidelines and the objectives of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character in the vicinity, and would conflict with Section 3.1 of the Kerry County Development Plan 2015-2021, which states that “urban sprawl on the edge and environs of the Hub towns should be discouraged.” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development site is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would,

therefore, be contrary to objective ZL-1 of the Development Plan, which seeks to protect the amenity value of the landscape of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In addition to the above, the Board also had regard to the location of the site within an Area Under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines, and accepted the Inspector's view that the area in question clearly exhibits the characteristics of being under serious urban pressure, including proximity to the immediate environs of Killarney, and a significant proliferation of one-off rural housing development in the area. The Board, therefore, considered that the Inspector's application of rural housing criteria was appropriate and that any other approach would conflict with the provisions of the national Guidelines.

5.0 Policy Context

5.1. National Policy Context

The '*Sustainable Rural Housing, Guidelines for Planning Authorities*', 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. The proposed development site would appear to be located in an '*Area under Strong Urban Influence*' as indicatively identified by the Guidelines. In accordance with the provisions of the Guidelines, the Kerry County Development Plan, 2015-2021 includes a detailed identification of the various rural area types relevant to the county at a local scale and '*Map 3.1*' of the Plan would appear to indicate that the site is located within a '*Stronger Rural Area*', although it is in close proximity to an '*Area under Strong Urban Influence*'.

5.2. Development Plan

The Kerry County Development Plan, 2015-2021 is the relevant policy document pertaining to the subject site. The following sections are considered relevant:-

5.2.1. Chapter 3: Settlement Strategy:

Section 3.2: Housing:

- HS-2: Facilitate the housing needs of people in their local communities through actively providing / assisting the provision of housing in settlements and as single rural houses as identified in the Settlement Strategy.

Section 3.3: Rural Settlement Strategy:

- Aim: To sustainably manage the development of rural parts of the County; support the creation of employment opportunities for those living and working in the rural area; sustain established rural communities and conserve the qualities of the rural environment.

It is the policy of the Council to:-

- Enhance the vitality and viability of rural towns and villages to strengthen their role as rural service centres and protect existing community uses and services in the villages.
- Maintain a stable population base in the rural areas with a strong network of villages and small towns.
- Protect sensitive landscapes and other environmentally sensitive areas from unsustainable development.

Section 3.3.1: Rural Area Types and Settlement:

There is a tradition of dispersed settlement patterns in the countryside, however it is apparent that the recent rate of housing construction and scale of dispersed rural

housing is unsustainable and is uneconomical in terms of infrastructure provision and quality of life.

It is the policy of the Kerry County Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005 (DoEHLG) and this will be achieved through greater emphasis on the following:-

- Establishing that there is a genuine housing need for permanent occupation.
- Giving priority to the reduction of residential vacancy rates in the Rural Areas under Strong Urban Influence and Stronger Rural Areas in preference to new residential development.
- The replacement, renovation or modification of existing structures in rural areas for residential use.
- Encouraging people who wish to reside in the countryside to live in existing settlements or development nodes where there are services available.

RS-1: Ensure that future housing in all rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DoEHLG) and the Development Guidance document of this Plan.

RS-2: Require the design of rural housing to have regard to the “Building a House in Rural Kerry; Design Guidelines” (KCC, 2009).

RS-3: Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within existing cluster developments.

RS-4: Ensure that the provision of rural housing will protect the landscape, the natural and built heritage, the economic assets and the environment of the County.

RS-5: Ensure that future housing in all rural area complies with the EPA's 2009 Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e < 10).

RS-6: Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence. In addition such development shall be subject to the inclusion of an occupancy clause for a period of 7 years.

Section 3.3.1.1: Identifying Rural Area Types:

This section of the Plan supports the approach of The Sustainable Rural Housing Guidelines (2005) which stress the importance of "evidence based" research and analysis being carried out into population and development trends in rural areas. The PA has submitted that the subject site is located within an area identified as a Stronger Rural Area. I consider it reasonable to present the policy requirements for Area 1: Rural Areas Under Strong Urban Influence given the proximity to Killarney and the extent of ribbon development evident in the vicinity.

- Area 1: Rural Areas under Strong Urban Influence:

These are areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the Hub Towns and larger towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area and pressures on infrastructure such as the local road network.

It is an objective of the Council to:-

RS-7: Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters or favoured niece/nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection considerations.

RS-9: Facilitate the housing requirements of the rural community as identified while directing urban generated housing into the towns and villages.

- Area 2: Stronger Rural Areas:

In these areas population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong rural/agricultural economic base. The key challenge in these areas is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages and housing proposals in wider rural areas.

It is an objective of the Council to:-

RS-10: Facilitate the provision of dwellings for persons who are an intrinsic part of the rural community in which they are raised, subject to compliance with normal planning criteria and environmental protection considerations.

RS-11: Consolidate and sustain the stability of the rural population and to promote a balance between development activity in urban areas and villages and the wider rural area.

Section 3.3.2: Development in Amenity Areas:

Section 3.3.2.2: Secondary Special Amenity:

Areas of Secondary Special Amenity constitute sensitive landscapes which can accommodate a limited level of development. The level of development will depend on the degree to which it can be integrated into the landscape. Residential development in these areas shall be regulated in accordance with the provisions of Section 3.3.1 and Table 3.7 below.

The following provisions shall apply:-

- Individual residential home units shall be designed sympathetically to the landscape and the existing structures and shall be sited so as not to have an adverse impact on the character of the landscape or natural environment.
- Any proposal must be designed and sited so as to ensure that it is not unduly obtrusive. The onus is therefore on the applicant to avoid obtrusive locations. Existing site features including trees and hedgerows should be retained to screen the development.
- Any proposal will be subject to the Development Management requirements set out in this Plan in relation to design, site size, drainage etc.

Table 3.7: Amenity Zoning Settlement Policy: Secondary Special Amenity:

- Sons and Daughters of the traditional landowner, or a favoured niece or nephew, the land having been in the ownership of the family for in excess of 10 years while being the location of the principal family residence; or
- The applicant shall demonstrate a genuine rural employment need; or
- The applicants family shall have lived in the immediate locality prior to Jan 2003 with the applicant having been reared in the locality.

5.2.2. Chapter 10: Natural Environment & Flood Risk Management:

Section 10.2: Environmental Designations:

NE-11: Ensure that all projects likely to have a significant effect on a Natura 2000 / European site will be subject to Habitats Directive Assessment prior to approval.

NE-12: Ensure that no projects which will be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, shall be permitted on the basis of this Plan (either individually or in combination with other plans or

projects) unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions.

NE-13: Maintain the nature conservation value and integrity of all Natural Heritage Areas (NHAs), proposed Natural Heritage Areas (pNHAs), Nature Reserves and Killarney National Park. 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.

Section 10.3: Water Quality

Section 10.3.2: Groundwater and Source Protection:

NE-17: Prohibit any form of development within the catchment area of Lough Guitane (including the lake itself) that will have a potentially detrimental effect on water quality (See Map 10.1).

Section 10.4: Septic Tanks and Proprietary Waste Water Treatment Systems:

NE-26: Ensure that all waste water treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Wastewater Treatment Manuals Treatment Systems for single houses' (2010) or any amending/replacement guidance or standards.

5.2.3. Chapter 12: Zoning & Landscape:

Landscape Protection:

ZL-1: Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Section 12.3: Zoning:

Section 12.3.1: Zoning Designations: Rural Secondary Special Amenity:

The landscape of areas in this designation is sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape.

Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area, as set out in the Building a House in Rural Kerry Design Guidelines (Kerry County Council 2009).

Permission will not be granted for development which cannot be integrated into its surroundings. Development will only be permitted where it is in accordance with the provisions of Chapter 3.3.2.

ZL-4: Regulate residential development in Rural Areas in accordance with the zoned designation of that area and the policies outlined in the Rural Settlement Strategy set out in Section 3.3 of this Plan.

5.2.4. Chapter 13 Development Management - Standards & Guidelines:

Section 13.4: Standards for Residential Development in Rural and Non-Serviced Sites.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third party appeal against the decision of Kerry County Council to grant permission for the development of a house on the subject site. The grounds of appeal can be summarised as follows:

- The site is located approximately 3 miles from Killarney and is overdeveloped by one off houses.
- The development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities.

- Suburbanisation is eroding the rural character of the area, contrary to the CDP.
- Concern raised in terms of policing of conditions attached to grants of permission
- Traffic issues

6.2. **Planning Authority Response**

The PA has not responded to this third party appeal.

6.3. **Other Party Responses**

The First Party, through their agents, has responded to this third party appeal. The response is summarised as follows:

- The applicant is the sister of the landowner, who inherited the farm from their father. The land has been in the ownership of the family for generations. The applicant grew up in the area and her family home is located approximately 1 mile from the subject site.
- The house will be occupied by the applicants and their family and have no objection to the inclusion of the occupancy clause.
- The applicants will fully comply with conditions of the permission.
- Applicants currently reside in rented accommodation approximately 1 mile from the subject site and travel to the area daily. There will be no real change to the level of traffic on the roadways.

6.4. **Observations**

There are no observations noted.

6.5. **Further Responses**

There are no further responses noted.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of the proposed development and compliance with the Kerry County Development Plan
- Design, Setting & Visual Impact
- Other Issues
- Appropriate Assessment

7.2. **Principle of the proposed development & Compliance with the Kerry County Development Plan, 2015-2021:**

7.2.1. At the outset, I would note that the Planning Authority considered the proposed development site as being located within a 'Stronger Rural Area' in its assessment of the proposed development. I have had regard to the maps associated with the Kerry County Development Plan, 2015-2021 and this, together with a site inspection and an assessment of other planning applications within the vicinity of the site, I suggest that the subject site is located within an area of County Kerry which is more akin to a Rural Area Under Strong Urban Pressure given the proximity of the subject site to Killarney, and indeed, the National Primary Road, the N71, as well as the level of one off housing in the immediate vicinity of the subject site. The Board is also referred to a previous assessment for a house on a site across the road from the subject site, PL08.246033 refers, this determination was acceptable and considered appropriate by the Board.

7.2.2. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is necessary to consider whether or not the applicant satisfies the relevant eligibility criteria, with particular reference to Objective RS-7 which states the following:

‘Ensure that favourable consideration is given to individual one – off house developments for immediate family members (sons, daughters or favoured niece/nephew) on family farms and land holdings; subject to compliance with normal planning criteria and environmental protection considerations’.

The applicant is the sister of the landowner who inherited the holding from their father. It is submitted that the applicant is currently living in rented accommodation and works in Killarney. It would appear that Ms Buckley has resided in the area for a number of years, having grown up in the area. However, no specific details are submitted in support of this. I acknowledge and accept that the applicant is a local to the area, but proof of compliance with the current settlement location policy is not evident on the file unfortunately. However, I would accept the bone fides as presented and consider that in principle, the proposed development can be considered acceptable.

7.2.3. In addition, the subject site is also located in an area which has been designated as being of ‘*Secondary Special Amenity*’ value, Map 12.1(o) of the County Development Plan refers. Such areas are considered to constitute sensitive landscapes which can only accommodate a limited level of development depending on the degree to which it can be integrated into the landscape. It is, in principle, the policy of the Planning Authority to permit rural housing throughout the county subject to the intended occupancy of the house as a permanent place of residence and the inclusion of a 7 year occupancy clause. However, within ‘*Secondary Special Amenity Areas*’ the Board will note that the CDP is more restrictive. In these amenity areas consideration will only be given to prospective applicants for rural housing where they can demonstrate eligibility with one of the following criteria:

- Sons and Daughters of the traditional landowner, or a favoured niece or nephew, the land having been in the ownership of the family for in excess of 10 years while being the location of the principal family residence; or
- The applicant shall demonstrate a genuine rural employment need; or
- The applicants family shall have lived in the immediate locality prior to Jan 2003 with the applicant having been reared in the locality.

7.2.4. It would appear, based on the information presented in support of the proposed development, that the applicant complies with the Development Plan requirements for the construction of a house within a rural area described as having a Secondary Special Amenity value on the basis that her family has owned the landholding since before January, 2003. In addition, it is submitted that she grew up in the area and advises that the current accommodation is rented. It is regrettable that the applicants have not provided any indication as to whether or not they have previously owned any other residential property in the rural area, or indeed, the location of the stated current rented accommodation.

7.2.5. In addition to the above, the Board will note the requirement to consider any proposed development in terms of compliance with normal planning criteria and environmental protection considerations. As advised, there is clear evidence that local area has been subject to significant pressure for one off rural housing. Indeed, an assessment of other planning applications on the subject landholding, PA ref 09/1126 which relates to the adjacent site to the west of the current proposed site in particular, it was noted by Kerry County Council that no further sites could be accommodated on the landholding. This application also noted that a significant number of sites had been sold from the landholding. While rural housing is permitted by the Kerry County Development Plan, it is preferred that new developments be directed to existing settlements, villages etc.

7.3. Design, Setting & Visual Impact

- 7.3.1. The subject site is also located within a Secondary Special Amenity area within the county and as such, Section 12.3.1 of the County Development Plan is considered relevant in that it deals with Zoning Designations: Rural Secondary Special Amenity: The Plan states that ‘the landscape of areas in this designation is sensitive to development. Accordingly, development in these areas must be designed so as to minimise the effect on the landscape.’ The Plan further states that ‘permission will not be granted for development which cannot be integrated into its surroundings. Development will only be permitted where it is in accordance with the provisions of Chapter 3.3.2.
- 7.3.2. Section 3.3.2.2 of the CDP deals with Secondary Special Amenity Areas and advises that ‘areas of Secondary Special Amenity constitute sensitive landscapes which can accommodate a limited level of development. The level of development will depend on the degree to which it can be integrated into the landscape. Residential development in these areas shall be regulated in accordance with the provisions of Section 3.3.1 and Table 3.7 below.’ In terms of the current proposed development, and having undertaken a site visit, I am concerned that the size and scale of the house as proposed might reasonably be considered as being significantly larger than others in the area. The prevalent house design in the wider area is single storey houses with attic accommodation provided in some. While I have no objection to the proposed house design itself, I have concerns that its context may be such that it would adversely impact on the existing character of the landscape and would be unduly obtrusive given the flat and open nature of the receiving environment.
- 7.3.3. Policy Objective ZL-1 of the County Development Plan seeks to protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people’s lives and Objective ZL-4 in the County Development Plan seeks to regulate residential development in Rural Areas in

accordance with the zoned designation of that area and the policies outlined in the Rural Settlement Strategy set out in Section 3.3 of this Plan.

- 7.3.4. In terms of the current proposed development, the Board will note that if permitted, it will result in the extension of a ribbon of development to 7 houses along this stretch of road. Overall, and while I accept the bone fides of the applicants, I suggest that a grant of planning permission for the current proposed development, considering the level of existing and permitted development in the immediate vicinity of the site, and number of sites taken from the subject landholding, the proposed development would give rise to an extension of ribbon development along the public road in a rural area further eroding the rural character of this sensitive area and would contribute to an inappropriate level of residential density in an area lacking certain public services and community facilities. As such, I consider that the development, would militate against the protection of the rural area, of which it is the stated policy of the Planning Authority to protect, and would be contrary to the proper planning and sustainable development of the area.

7.4. Other Issues

7.4.1. Roads & Traffic:

Other than the issues raised above in terms of the extension of the ribbon of development along this public road, together with the level of existing residential development using the road, I am generally satisfied that if permitted, adequate sight distances are available at the proposed entrance to the site.

7.4.2. Site Suitability:

It is proposed that the house will be serviced with a treatment unit and polishing filter to deal with waste water arising. The Board will note that a site characterisation assessment was carried out with the relevant information presented on the file. In addition, the Site Assessment Unit of Kerry County Council also considered the

information presented in support of the proposed development. The test results from the site yielded a *T value of 50.26 and a *P value of 17. As the *T value is greater than 50, the site is not suitable for a conventional septic tank.

The packaged system proposed is indicated as a Klargestar BA6 with a percolation area comprising 12 no. 10m long percolation trenches. The Board will note references to the potential impact of the development on Lough Guitane and the water quality of same. Indeed, the CDP, Objective NE-17 clearly prohibits any form of development within the catchment of the Lough that will have a potentially detrimental effect on water quality. The subject site is however, located outside the catchment area of Lough Guitane.

There is no objection in principle to the proposed development in terms of site suitability. However, the overall issue of density of residential properties all on individual waste water treatment systems in the vicinity of the site, contributes to the wider concern advised in terms of the development of the area.

7.4.3. Archaeology:

The subject site is located partially within the zone of archaeological potential/notification, as defined in the Record of Monuments & Places and Sites & Monuments Record. The site is within 50m of monument KE075-007, a ringfort / possible enclosure and KE075-00701 a souterrain. In support of the proposed development, an Archaeological Impact Assessment was submitted with mitigation measures proposed in the form of monitoring of all groundworks associated with the development in the vicinity of the monuments. The PA considered this acceptable. I have no objections in this regard.

7.5. **Appropriate Assessment**

- 7.5.1. The subject site is not located within any Natura 2000 site but is located approximately 200m from the Killarney National Park, Magillicuddy's Reeks and

Caragh River Catchment Special Area of Conservation (Site Code 000365). It is the stated policy of the Kerry County Development Plan, 2015, to conserve, manage and, where possible, enhance the County's natural heritage including all habitats, species, landscapes and geological heritage of conservation interest and to promote increased understanding and awareness of the natural heritage of the County. In addition, the Plan provides, at Objective NE 12, that no projects which would be reasonably likely to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives, will be permitted (either individually or in combination with other plans or projects) unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions.

- 7.5.2. In terms of the current proposed development, having regard to the nature and scale of the development proposed, the location of the site outside of any protected site, the limited ecological value of the lands in question, and the separation distances involved between the subject site and surrounding Natura 2000 designations, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site'.

8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations/ Reasons

1. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is

eroding the rural character in the vicinity, result in an inappropriate extension of ribbon development along the public road and would conflict with Section 3.1 of the Kerry County Development Plan 2015-2021, which states that “urban sprawl on the edge and environs of the Hub towns...should be discouraged.” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development site is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the Development Plan, which seeks to protect the amenity value of the landscape of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine

Inspectorate

25th October, 2016