



An
Bord
Pleanála

Inspector's Report ABP-300249-17

Development

Permission to construct a split-level style dwelling house, installation of a mechanical aeration unit and soil polishing filter system with associated site works.

Location

Cordal West, Castleisland, Co. Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

17/887.

Applicant(s)

Paudie Walsh & Aine Clifford.

Type of Application

Permission

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Denis Herlihy.

Observer(s)

None.

Date of Site Inspection

10th May 2018

Inspector

Fiona Fair.

1.0 Site Location and Description

- 1.1.1. The appeal site (0.21ha) is located in the rural area of Cordal West, Co. Kerry, approximately 1.3km south east of the village of Cordal and 5.9km southeast of Castleisland.
- 1.1.2. The surrounding area is characterised by an undulating topography with the site itself situated in an elevated position on a hillside overlooking the lower-lying lands to the west.
- 1.1.3. The site forms part of a larger, generally rectangular-shaped field set as rough grass / pasture land, which is characterised by a steep gradient rising south-eastwards, and is bounded by mature hedgerow to the east and north, it is undefined to its southern boundary and a high ditch with hedgerow and mature trees line the western roadside boundary.
- 1.1.4. The applicant's parent's dwelling, a bungalow is located some 20m to the north, it shares an entrance with a similar conventionally designed house, located to its north. As per Reg. Ref. 11/731 / ABP PL08.240465 Permission was granted (13/09/2012) for a dwelling house (167sq.m, 5.54m in height, FFL 104.749) served by proprietary treatment unit, soil polishing filter and all associated ancillary site works on the lands immediately to the south of the subject appeal site. This dwelling has not been constructed to date.
- 1.1.5. The site adjoins a minor local road L-7038-20 to the northwest with the adjacent lands to the north, east and south in agricultural use. The surrounding pattern of development includes a loose clustering of houses located to the southwest with a farmyard and associated outbuildings located c. 70m southwest of site on the opposite side of the roadway.

2.0 Proposed Development

- 2.1. The proposal comprises:
 - Permission to construct a split level four-bedroom dwelling house, of approx. 202 sq. m
 - Front boundary walls

- Installation of a mechanical aeration unit and soil polishing filter system
- All associated site works.
- The application is accompanied with:
 - Design Statement for the proposed dwelling.
 - Road Safety Report
 - Storm Water Attenuation Report
 - Site Characterisation Form
 - T – test =11.7
 - P- test =9
 - Secondary treatment system / treatment unit and polishing filter proposed
- Supplementary Information Form for Residential Development in the Rural Area
 - The landowner is Michael Fitzgerald
 - The applicants relationship to the landowner is not indicated
 - The applicants work as an Electrician based in Crimmins Hotel and Leisure Ballyspillane, Killarney and an Accounts Assistant in Liebherr Container Cranes Ltd, based in Gortroe, Killarney
 - The applicants both live locally with their parents and distance of place of work from current and proposed place of residence is stated as 31 Km and 27 Km

3.0 Planning Authority Decision

3.1. Decision

Permission Granted subject to 18 number conditions, of Note:

Condition 4 FFL shall be in accordance with site section submitted on the 06/09/2017

Condition 6 Occupancy clause for 7 years

Condition 7 Restricts use of the dwelling as a place of permanent residence

Condition 18 Requires a rainwater harvesting system and storm water attenuation system be provided as per Site Layout Plan submitted to the p.a. on the 6th Sept 2017.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report sets out that the dwelling is to be built in a structurally weak rural area. The dwelling is to be used as a permanent place of residence. It is noted that the site is adjacent to the applicants family home.

3.2.2. Other Technical Reports:

Irish Water (IW): No objection

Environment Site Assessment unit: Report sets out that the reasons for refusal in the previous application on the site have been overcome and has no objection to the proposed development subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One objection on file and the issues raised are similar to those raised in the third party appeal summarised in detail below.

4.0 Planning History

4.1.1. On The Appeal Site

Reg. Ref. 17/13 Planning Permission Refused for a dwelling house by way of two number reasons relating to (i) surface water arising on site could be satisfactorily

disposed of on site, Negative impact on drainage. (ii) that effluent could be adequately disposed of on site, thus being prejudicial to public health.

4.1.2. **On the Adjoining Site to The South**

Reg. Ref. 11/731 / ABP PL08.240465 Planning permission was granted (13/09/2012) for a dwelling house (167sq.m, 5.54m in height, FFL 104.749) served by proprietary treatment unit, soil polishing filter and all associated ancillary site works on the lands immediately to the south of the subject appeal site. This dwelling has not been constructed to date.

5.0 **Policy Context**

5.1.1. Sustainable Rural Housing Guidelines for Planning Authorities, 2005

The guidelines refer to criteria from managing rural housing requirements while achieving sustainable development. Among the policy aims identified for sustainable rural housing are

- Ensuring that the needs of rural communities are identified in the Development Plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas at appropriate location necessary to sustain rural communities is accommodated.
- Expanding on the rural policy framework set out in the National Spatial Strategy, the Guidelines provide that the people who are part of the rural community should be facilitated in the planning system in all rural areas, including those under strong urban based pressures. The principles set out in the Guidelines also require that new houses in rural areas be sited and designed to integrate well with the physical surroundings and be generally compatible with:
 - The protection of water quality and the arrangements made for on-site wastewater disposal facilities.
 - The provision of a safe means of access in relation to road and public safety.
 - The conservation of sensitive sites such as natural habitats, the environs of protected structures and other aspects of heritage.

Box 3 Structurally Weak Areas states:

The key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas. In addition, policies will normally include references to:

- Identifying potential development areas such as crossroad type settlements or population decline blackspots where appropriately located and designed clustered development will be both encouraged and accommodated,
- Linkage to other policies aimed at enhancing development potential and availability of indigenous employment in weaker areas, for example by identifying potential for development of local enterprise, agri-tourism, waterway related development, tourist accommodation and renewable energy as some examples, and
- Monitoring the operation of settlement policies on an ongoing basis in structurally weak areas to avoid excessive levels of or inappropriately located development.

5.1.2. Development Plan

The site is governed by the policies and provisions contained in the Kerry County Development Plan 2015-2021.

The site is located in an area zoned 'Rural General' which is detailed in section 3.3.1 of the Plan. The following sections of the Development Plan are of relevance:

Chapter 3, Section 3.3 sets out Rural Development Policies.

Objectives numbers RS-1 to RS-6 constitute the overall objectives relating to Rural Housing Policy.

I note in particular **RS-4** which states: '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- 6 which states: '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. And **RS-12** Accommodation demand for permanent residential development as it arises subject to good sustainable planning practice in matters such as design, location, waste water treatment and the protection of important landscapes and environmentally sensitive areas.

Table 3.7 of the County Development Plan states that in an area zoned Rural General, any development permitted shall be for the use as a permanent primary place of residence.

Chapter 12 'Zoning and Landscape'. Policy relating to areas zoned Rural General in section 12.3.1 Rural (c) states that: 'It is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.'

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'.

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.'

As per Map 3.1 the site is located within an area categorised as a structurally weaker rural area. These areas generally exhibit characteristics such as persistent and significant population decline over an average of two census periods (2002 – 2006-2011). These areas have low population density averages and few planning application numbers. Many of these areas by virtue of their location and topography are isolated. In these areas the challenge is to stop sustained population and economic decline with a focus on both key villages and rural areas.

5.2. **Natural Heritage Designations**

The site is located approx. 520 m from the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161)

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised are summarised as follows:

Surface water and Storm Water

- Appellant own's the lands across the road from the proposed development.
- The applicants were refused permission under PL 17-13. They added attenuation and some minor changes but they have not demonstrated that the development will not impact on appellants lands,
- The adequacy of the proposed storm water system has not been demonstrated.
- The existing ground level of the site is steep (the planning drawings Indicate a slope of 1 to 4.5) with heavy vegetation and a mound at the bottom of the site.
- The proposed site has significant hard surfaces, landscaped areas and very steep slopes and is likely to lead to significant and detrimental water overflow and discharge into appellants lands.
- Concern with respect to the location of a proposed soak-away close to the public road which will probably need to be 5 metres deep, at such a depth there is likely to be construction and maintenance issues, which will result in discharge directly to the road and then lead to significant and detrimental water discharge onto appellants property.

Wastewater Treatment

- The proposed development will have a percolation area on a very steep slope close to the road side drainage and elevated above the road and within 4m of a cut surface.
- The locations of the percolation trial hole and testing are not shown.
- The level of the percolation area is not show,
- The location of the public road and its level relative to the percolation and finished location of the public road and its level relative to the percolation and finished ground are not shown on the sections.

- Concern with respect to the location and functioning of the percolation area on such a steep site in close proximity to the steep road side embankment.

Traffic Hazard

- The access is likely to be a traffic hazard.
- The drawings are vague and are not consistent i.e. the long sections through the site do not show the works required to provide the sight lines.
- The access road levels are not shown but are likely to have a grade of 30% which is excessive.

Appeal Accompanied with report by Diarmuid Mangan & Associates Ltd. Chartered Engineers. The report is summarised as follows;

- The original site slope is at a gradient of 1:4:5. Generally good site practice would be to restrict onsite treatment systems to sites with a slope less than 1:8.
- No levels have been given for the treatment system.
- The treatment system proposed will not be in accordance with the Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses i.e. the percolation area should be at least 4m from cut banks.
- Unacceptable significant risk of contamination from the treatment system,
- Estimate that if you allow for 2% fall for the first 5m from the public road then the road gradient up to the house will be 1:3:3 (30%) which is excessive
- Unacceptable risk to road side safety due to gradient proposed at access
- No consideration given to the Integrity of the road side cut bank given the proximity of the drainage, soak-ways and polishing filter to the cutbank.
- Unacceptable risk of further storm water loading onto appellants lands.

6.2. Planning Authority Response

None received.

6.3. First Party Response

A response was received from Kenneally Murphy Architects and Engineers on behalf of Paudie Walsh and Aine Clifford. It is summarised as follows:

- The appeal site is adjacent to the applicant's family home where she was born and raised and currently resides.
- The site has been legally transferred to the applicant
- The applicants have a genuine need to reside in Cordal West
- The applicant and her partner are involved in all aspects of community life in Cordal West. Strong connections with the local area, family live there, went to school locally, involved with GAA. Wish their daughter to attend local school.
- Applicant has a need to live close to her elderly parents as other siblings reside abroad.
- It is proposed to install a rain water attenuation system, rainwater harvesting system and reducing as much as possible the hard-standing areas
- Kerry County Council approved the application and consider measures proposed to deal with surface water are acceptable.
- The appellant is incorrect in relation to issues raised with regard to the percolation area. The roadside boundary adjacent to the percolation area is to remain with the scrub along the roadside boundary being trimmed back to maintain sightlines.
- There is no requirement to indicate levels for the treatment system
- A site characterisation assessment was undertaken. The percolation system is designed to comply with EPA regulations and on completion will have to be certified.
- Sightlines as indicated on the plans and drawings submitted are achievable.
- The proposed soakaway is located the required distance away from the roadside boundary and storm water will discharge directly into the water table via same, there will be no discharge onto the public road.
- Storm water from the elevated driveway site will be collected via road gullies

- A precedent has been set on the adjoining site for a dwelling house at this location. Planning permission was granted by The Board for a dwelling under Reg. Ref. 11/731 / ABP PL08.240465 following an appeal by the current appellant (Denis Herlihy) with the same issues.
- The applicants in the subject appeal case are going above and beyond what is required in order to satisfy appellants concerns.

7.0 **Assessment**

The issues of the subject appeal case can be dealt with under the following headings:

- **Principle of the Development / Rural Housing Policy**
- **Design / Visual Impact**
- **Traffic**
- **Surface Water / Storm Water**
- **Wastewater Treatment**
- **Appropriate Assessment**

7.1. **Principle of the Development / Rural Housing Policy**

7.1.1. The site is located within an area designated 'Rural General' and is designated as a 'Structurally Weaker Area', by reference to 'Settlement Strategy' Map 3.1 of the Kerry County Development Plan 2015 – 2021. The Plan sets out that it has been designated as such because of persistent population decline in the area over two census periods (2002 - 2006 - 2011),

7.1.2. Objectives RE1 – RS6, set out in section 3.3.1 of the Plan, are pertinent to the subject appeal case. I highlight in particular:

RS-4 which states: '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.' And

RS-6 which states: '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.'

- 7.1.3. There is no requirement in the Development Plan 2015 – 2021 for prospective applicants within 'Structurally Weaker Areas' to meet any qualifying / eligibility criteria, under section 3.3.1.1, in relation to such identified areas, objective RS-12 states: 'Accommodate demand for permanent residential development as it arises subject to good sustainable planning practice in matters such as design, location, waste water treatment and the protection of important landscapes and environmentally sensitive areas'.
- 7.1.4. The applicants submit that they are from the locality. That Aine Clifford's home house is located immediately adjoining the appeal site to the north. It is submitted the applicants have a genuine need to reside close to family and that the dwelling would be their primary place of residence, in accordance with rural housing need as per the County Development Plan. This is not disputed by the appellant or the planning authority. I note conditions attached to the draft grant of permission in this regard and consider same reasonable and enforceable. In any case there is no requirement for the applicant to comply with local needs criteria for a rural house given the designation of the site within a 'structurally weaker area'.
- 7.1.5. On the basis of the foregoing, and in light of the fact that it is the policy of the Planning Authority as expressed in Objective RS112, to accommodate demand for permanent residential development as it arises in accordance with the principles of proper planning and sustainable development, in my opinion, the applicant satisfies the relevant eligibility criteria, set out in the County Development Plan 2015 – 2021 and within the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, relevant excerpt, set out in section 5.0 of this report, as regards the construction of a dwelling house in this 'Weak Rural Area'.

7.2. Design / Visual Impact

- 7.2.1. The surrounding area is characterised by a remote undulating topography with the appeal site situated in an elevated position on a hillside overlooking the lower-lying

lands to the west. I would advise the Board that the subject site is located outside of any amenity designation. However extensive excavation would be required to construct the access, driveway and proposed dwelling.

- 7.2.2. It is evident from a map based search and from my site visit that a plethora of one off housing is present in the immediate and surrounding area. I note the two existing elevated dwellings houses to the immediate north of the site and the permission granted for a dwelling, as yet not constructed, on foot of Reg. Ref. 11/731 / ABP PL08.240465 to the immediate south of the appeal site. If permission is granted in the subject appeal case it could give rise to four number houses, within approx. 150m of road frontage along this narrow substandard county road.
- 7.2.3. Cognisance is had to the Sustainable Rural Housing Guidelines which encourage accommodating demand as it arises in structurally weak areas and defines ribbon development as where 5 or more houses exist on any one side of a given 250m of road frontage. However, cognisance is also had that the Development Plan encourages people who wish to reside in the countryside to live in existing settlements or development nodes where there are services available.
- 7.2.4. Albeit the elevated nature of the site, the proposal for considerable cutting into the hillside, the construction of a retaining wall, and the scale and extent of the excavation works were considered 'not ideal', by the inspector, in the case of PL08.240465, he recommended a grant of planning permission and the Board agreed. Cognisance was had to proposed screening and landscaping the 'weak rural area' designation and that the site is located outside of any amenity designation.
- 7.2.5. I highlight Reg. Ref. 07/1108, pertaining to lands located some 242 m / 0.2 Km to the north of the subject appeal site, whereby outline permission was refused for two number private residences with shared entrance and enviro care treatment units (dates to May 2007) by reason of (i) given the elevated location and sloping nature of the site, that the proposal would militate against the preservation of the rural environment and be seriously injurious visual amenity of the area (ii) adjoining roadway is substandard and generally lacking in passing areas, it was considered that an additional two number houses would seriously affect traffic safety and (iii) notwithstanding the site assessment results submitted the p.a were also not satisfied

that the site could be drained suitably, notwithstanding the proposed use of a wastewater treatment unit.

- 7.2.6. Albeit Reg. Ref. 07/1108 is now in excess of 10 years previous and the County Development has changed, the subject appeal site has similar characteristics, it also being elevated and having a sloping nature. The nature of the road also has not changed.
- 7.2.7. I highlight that there is a 17m change in ground level across the appeal site. A ground level of 95.81m OD is indicated at road level and a ground level of 112.80m OD is indicated to the south east / rear boundary of the site. There is a high embankment of some 3.19m in height along the road frontage. The ground level at the location of the proposed house ranges from 103.35m OD / 104.98m OD and the proposed dwelling has a FFL of some 104.98m OD (higher level) and 103.3m OD (lower level). I acknowledge that the site has extensive screening along its north-western boundary with the public road and that the dwelling is proposed to be set back approx. 20m from the roadside boundary in line with existing and permitted building line. I acknowledge the design statement submitted with the application and the landscaping proposed.
- 7.2.8. However, I consider that the addition of another one-off dwelling with wastewater treatment unit at this location would be unacceptable from a cumulative impact perspective. I have serious concern with respect to the nature of the cutting and excavation works proposed to construct the proposed driveway and access. I would seriously question whether the landscape could absorb further development and the precedent being set. It is acknowledged in the County Development Plan 'that while the landscapes of south and west Kerry are universally considered as being among the most scenic landscapes in the County from a tourist perspective, the landscape of the remainder of the County has also got significant tourism potential and needs to be protected from inappropriate developments which might detract from the landscape'. I highlight policy relating to areas zoned Rural General in section 12.3.1 Rural (c) states that: 'It is important that development in these areas be integrated into their surroundings in order to minimise the effect on the landscape and to maximise the potential for development.'

- 7.2.9. Section 12.3.1 of the Plan states: 'Proposed developments in areas zoned Rural General, 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'.
- 7.2.10. I consider that the two storey / split level design of the dwelling on an elevated slope sandwiched between an existing and permitted bungalow would militate against the preservation of the rural environment, seriously injure the visual amenities of the area. It would set an undesirable precedent for further such development and would be contrary to development objectives RS-4, ZL-1 and ZL-4.
- 7.2.11. The two storey part of the proposed dwelling has a proposed apex height of 6.6m, and is located some 7.2 m above the road level. I would also have concern with respect to overlooking to the northeast (existing bungalow) and to the southwest (permitted bungalow) as the design of the dwelling includes first floor bedroom windows which directly overlook existing and permitted development. The proposed dwelling is only 4.39m from the north-eastern party boundary and 5.95m from the south western party boundary.

7.3. **Traffic**

- 7.3.1. The Inspector's report of the adjoining site (PL08.240465) states: 'The proposed development site is accessed via a narrow local road network which extends southwards from the village of Cordal. This particular section of roadway is quite narrow and winding with a poor overall horizontal and vertical alignment whilst significant stretches of the carriageway are of such a width as to only permit a single lane of traffic with limited opportunities for vehicles to pull-in / pass'. I agree with this assessment, there has been no material change in circumstances since this file was dealt with.
- 7.3.2. His report goes on to state: 'Having conducted a site inspection, I would have reservations as regards the capacity of the existing road network to accommodate the proposed development...'. Reference is made to Reg. Ref. 07/1108 refused permission by the p.a. by reason of traffic hazard.

- 7.3.3. As in the case of the adjoining planning application, the applicant has anticipated concerns with respect to traffic and access arrangements. The subject appeal case has been accompanied by a 'Roads Report' prepared on behalf of the applicant which submits that traffic speeds (80Km/hr) and volumes along this roadway are very low with only 6 No. vehicles over 2 hours averaging 45 – 50 km/hr.
- 7.3.4. The maximum achievable sight distance is between 70m to 85m. It is submitted that with reference to the DMRB Road Geometry Handbook Table 3 for a design speed of 50 Km/hr the desirable minimum stopping sight distance is below 70m. It is therefore argued that the sight distances are in compliance with DMRB Standards. As a result, the installation of the proposed entrance, would not be prejudicial to existing and proposed road users.
- 7.3.5. Having reviewed the available information and following a site inspection, I would have serious reservations as regards the capacity of the surrounding road network to accommodate the proposed development. I would also have serious concern with respect to the erosion of the prevailing rural character of the area.
- 7.3.6. The proposed entrance would be immediately adjoining the access permitted under PL08.240465. Both require considerable roadside hedgerow to be removed to achieve sightlines. Given the bend in the road, roadside embankment of over 3m in height, considerable cutting and excavation would be required to achieve a safe access which would not compromise public safety.
- 7.3.7. Overall, I consider that having regard to the condition of the adjoining public roadway to the site, which is substandard in terms of width, alignment and is generally lacking in suitable passing places, that an additional entrance, in such close proximity to that permitted to its south, would give rise to additional traffic which would result in congestion and obstruction of road users which would seriously affect traffic safety. The proposed development would therefore, by itself and by precedent, endanger public safety by reason of traffic hazard.

7.4. **Surface Water**

- 7.4.1. The principle concerns raised in the grounds of appeal relate to the potential impact of surface water / storm water run-off from the site negatively impacting on farm lands to the west on lower ground.

- 7.4.2. With regard to surface water drainage, it is of relevance to note that the application is accompanied with a storm water disposal report. It is proposed to install a rain water attenuation system (located in the front garden, with a capacity of 3000L measuring 1.2m Dia x 2.81m long), rainwater harvesting system and reducing as much as possible the hard-standing areas. Storm water from the elevated driveway site will be collected via road gullies along its length. It is submitted that the proposed soakaway (20 cubic meters, which takes the form of a 3.1 x 3.1 x 2.25m deep stone filled soak away which is wrapped in a geotextile layer with a soil capping) is located the required distance away from the roadside boundary and storm water will discharge directly into the water table via same, there will be no discharge onto the public road.
- 7.4.3. The Environment, Site Assessment Unit of Kerry County Council consider measures proposed to deal with surface water are acceptable and has no objection to the proposal subject to conditions.
- 7.4.4. It is my opinion, that provided measures proposed are carried out, maintained and managed, the proposed development should not pose a threat in terms of any discharge of surface water runoff onto the public road or adjacent lands. This issue could be satisfactorily dealt with by way of condition, should the Board disagree with my recommendation to refuse permission and decide to grant planning permission.

7.5. **Wastewater Treatment**

- 7.5.1. It is proposed to utilise a packaged wastewater treatment system and polishing filter located to the west / front of the dwelling house, down gradient of the dwelling.
- 7.5.2. On the basis of the submitted Site Characterisation Assessment (T-test = 11.7 and P-test = 9) it would appear that the subject site is suitable for the installation of the wastewater treatment system proposed subject to conditions.
- 7.5.3. I note the applicant's submission that the percolation system is designed to comply with EPA regulations and on completion will have to be certified. Again, I consider this issue could be satisfactorily dealt with by way of condition, should the Board disagree with my recommendation to refuse permission and decide to grant planning permission.

7.6. Appropriate Assessment

- 7.6.1. The proposed development site is not located within the confines of a Natura 2000 site, however, it is situated approximately 520m west of the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161) which has been so designated because of its special conservation interest for the Hen Harrier.
- 7.6.2. The p.a. carried out a screening report which concludes that there is no potential for significant effects upon a Natura 2000 site.
- 7.6.3. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle Special Protection Area (Site Code: 004161) having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 site. It is also not considered that the 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

1. Having regard to the elevated location and sloping nature of the site, it is considered that the proposed development would constitute an obtrusive feature in the landscape, would militate against the preservation of the rural environment, seriously injure the visual amenities of the area, would set an undesirable precedent for further such development and would therefore be contrary to development objectives RS-4, ZL-1 and ZL-4 of the Kerry County Development

Plan 2015 – 2021 and thus contrary to the proper planning and sustainable development of the area.

2. Having regard to the condition of the adjoining public roadway serving the site, which is substandard in terms of width, alignment and is generally lacking in suitable passing places, it is considered that the additional traffic from the proposed dwelling, cumulatively, would result in congestion and obstruction of road users which would seriously affect traffic safety. The proposed development would therefore, by itself and by precedent, endanger public safety by reason of traffic hazard.

Fiona Fair
Planning Inspector
24.05.2018