



An
Bord
Pleanála

Inspector's Report ABP.304464-19

Development	Construction of a loose house, fodder and bedding storage shed and associated works
Location	Brackloon, Annascaul, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	19/177
Applicant(s)	Cathal McCarthy & Sonja Bohmer
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Cathal McCarthy & Sonja Bohmer
Observer(s)	None
Date of Site Inspection	13 th July 2019
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1. The site is located approx. 3 km to the southeast of the village of Annascaul on the southern side of the Dingle Peninsula. It is an agricultural field on steeply sloping ground overlooking Dingle Bay approx. 2km to the west of Inch Beach. The site is accessed by means of the R561 which travels south from Annascaul towards the coast and then follows the coastline in an easterly direction towards Inch Beach. A local road (L12133) branches off from the R561 in a north-easterly direction and the appeal site is located on the northern side of this road. It is one of a row of similar elongated fields fronting the local road with the gradient rising steeply to the north. The site is located within the Dingle Peninsula SPA.
- 1.2. The landholding has a stated area of 6.03ha. It is currently in use as grazing land for a specialised breed of cattle. It is enclosed by low stone walls and hedging and there is a small stone outbuilding on the western boundary for use of the cattle. The access point is on the southern boundary and is c.250m north along the L12133 from its junction with the R561. The entrance leads to a penned area to the west of the access point, which is delineated with timber post and rail fencing. There is a dense row of mature hedging and tall trees along the southern boundary. This dense vegetation extends along the northern side of the local road from a point c.100m to the west of the site to a point c.200m to the east of the site. There is a small mature woodland on the opposite side of the road which occupies the southern roadside frontage. There is a house located to the southwest of the woodland and a further three houses to the north-east, beyond the site.

2.0 Proposed Development

- 2.1. Permission is being sought for the erection of two farm sheds with an integrated farmyard between the two structures, together with a driveway and concrete hard stand area and associated landscape screening. The sheds would be located close to the local road at the southern end of the site. The southernmost shed is referred to as a 'Loose House' and the northernmost shed as a 'Fodder Shed'. The stated purpose of the development is to provide shelter for the small herd of specialist cattle known as 'Dexter' cattle, which are described as an organic pedigree breed with a small stature. The combined floor area of the proposed sheds is 229.38m².

- 2.2. The proposed sheds are rectangular in shape with mono-pitched roofs with a double-skin roof cladding finish. The two sheds would 'face each other' with the slightly larger one (loose house) closer to the road. The southern and western walls of this shed (3.5m in height) would comprise a concrete wall to be faced with stone to a height of c.2m with larch wood open panelling above. The lean-to roof would be 3.5m above ground level at the southern end and 5.0m at the northern end. The western elevation would also incorporate a sliding panel door. The fodder shed would have stone cladding on the lower sections of the western and eastern elevations with open vented panelling above and would range in height from 3m to 4.5m (S to N).
- 2.3. Excavation and filling are proposed in order to lower the FFL of the proposed sheds and to screen the structures from the south. The existing ground levels are shown on the cross sections as rising from just over 3 metres above the road level to c.7 metres above road level. It is proposed to position both sheds and the yards at c.4 metres above road level. The excavated material would be used to fill an area to the south of the structures, which would form a planted raised berm. In addition to this form of screening, it is proposed to retain all existing trees and vegetation on the site to the south and east and to plant new trees to the west and south of the proposed structures.
- 2.4. A number of documents were submitted to the P.A. in support of the application. These include a letter from Agricultural Consultants Owen O'Driscoll & Associates (21/07/18); a letter from Landscape Designers (15/08/18), which included landscaping proposals for the development; and an overview statement setting out a comparative analysis between the current proposal and a recently refused scheme for a similar proposal (16/649). It was advised that sight poles were also erected at the site and a set of "Accurate 3D model photomontages based on digital survey data" was also submitted with the planning application.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for one reason which reads as follows:

The site of the proposed development is located in a rural area designated as Secondary Special Amenity in the current Kerry County Development Plan 2015-2021. The proposed development and associated extensive excavation works would be an obtrusive element in the landscape in this area and would give rise to an extension of development into a substantially unspoilt open area. The proposed development would have an adverse effect on the natural environment and would interfere with the character of the landscape, which is necessary to preserve in accordance with Objective ZL-1 of the KCDP 2015-2021. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that there has been a previous planning refusal on the site, which related to the construction of a loose animal house (92sq.m) together with a cattle enclosure by the same applicant. This proposal had been refused on visual amenity grounds. Reference was also made to the zoning of the site in the current development plan as Rural Secondary Special Amenity and to its location within the Dingle Peninsula SPA. The following comments were also made:-

- Permission was refused on a nearby site to east under PL08.219664 (P.A. Ref. 06/1519) for the construction of a single-storey dwelling house with attic conversion including sun room with a proprietary effluent treatment unit and percolation area and garage. This was refused mainly on landscape and visual impact grounds. Reference was also made to a refusal of permission by the Board on similar grounds for a house on the site immediately to the east in 2016 (PL08.219664).

- The main concern was considered to be visual impact given the Secondary Special Amenity zoning, the location on an open and exposed highly scenic location and the depth of excavation required. It was considered that the proposed development could not be integrated into the landscape at this location and would therefore contravene CDP policy as stated in 12.2.1. It was concluded that the proposal would constitute a highly visible and obtrusive feature on this landscape which is devoid of natural screening and set an undesirable precedent at this location.
- It was noted that there are nine European sites located within 15km of the site. A screening assessment was carried out by the P.A. The views of the Biodiversity Officer were taken into account. It was concluded that there is no likely potential for significant effects to Natura 2000 sites.
- A Preliminary Examination in respect of EIA was carried out. It was stated that the proposal represents a small agricultural development in a rural area which does not come within the scope of Part 1 or Part 2 of Schedule 5 of the P&D Regulations. It was considered that no designated areas of biodiversity importance adjoin the site and that the development would not result in the production of any significant waste or result in emissions or pollutants. As such, there was no likelihood of significant effects on the environment.

It was concluded that permission should be refused on visual amenity grounds.

3.2.2. Other Technical Reports

Biodiversity Officer – It was considered that having regard to the nature and scale of the development, significant effects on the special conservation interests for which the Dingle Peninsula SPA is designated are unlikely. This was based on the following:

Fulmar – a seabird not associated with the habitat type found in the proposed development site.

Peregrine – a raptor species which may commute/forage in the area but is unlikely to be affected by the proposed development.

Chough – this species forage in coastal grassland with a tight sward. The development, which is just inside the SPA designation, is unlikely to affect Chough

populations. Suitable though foraging habitat is abundant within the SPA boundaries and extends over an extensive area.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Councillor Michael O'Shea requested to be kept informed of progress on the application.

4.0 Planning History

16/649 – permission refused by P.A. for construction of a loose house (92m²) and a cattle enclosure on the site on the grounds of visual obtrusion and adverse impact on character of landscape, which would be contrary to Objective ZL-1 of the Kerry County Development Plan. It was considered that the development would have resulted in an extension of development into a substantially unspoilt area. The single structure was set back c.14.8m from the roadside boundary and was square-shaped. The height was 4m-6.5m and there were no proposals to cut and fill the site. The materials were sheet cladding. It is noted that there were three objections from neighbouring residents to the proposed development.

PL08.237923 – planning permission granted by board in 2011 for restoration of an existing cut-stone coach house into a single dwelling. This site is opposite the appeal site on the southern side of the local road.

PL08.234814 – permission refused in 2010 by Board for dwelling house on site to the south-east. Reasons related to impact on the character of the scenic landscape due to exposed and elevated location and substandard access. The Inspector had also included a reason based on inadequate information to rule out adverse effect on European site (Dingle Peninsula SPA).

PL08.222720 – permission refused in 2007 for erection of a dormer dwelling on a site to the east on the grounds of impact on the character of the landscape in this sensitive and scenic coastal area together with the density of existing development

given the lack of evidence of rural housing need, and on the grounds of inadequate and substandard access.

PL08.219664 – permission refused by Board for single-storey dwelling on site immediately to the east on grounds of density of development, impact on the character of the scenic landscape given elevated and exposed location of site and on the grounds of substandard access.

5.0 Policy Context

5.1. Development Plan

Kerry County Development Plan 2015-2021

- 5.1.1.** The site is located within an area zoned as Rural Secondary Special Amenity (Section 3.2.2 of the Plan). This is one of three rural landscape types. It constitutes sensitive landscapes which can accommodate limited amounts of development. It is stated that the level of development will depend on the degree to which it can be integrated into the landscape. Chapter 12 sets out the objectives for landscape protection. Policy ZL-1 seeks to protect the landscape of the county as a major economic asset and an invaluable amenity which contributes to people’s lives. Section 12.2.1 states that “permission will not be granted in areas zoned Rural Secondary Special Amenity for development which cannot be integrated into its surroundings”.
- 5.1.2.** Section 10.2.2 relates to European Designated sites and states that the P.A. will not give favourable consideration to proposals that would adversely affect the overall integrity of a European site in terms of the qualifying interests and nature conservation objectives for the site. Policies NE-11 and NE-12 apply.
- 5.1.3.** Section 4.8.1 relates to agriculture and Section 13.12 relates to Agricultural Buildings. It is stated that Agriculture is the second largest employer in the county. It is an objective of the Council to support the sustainable development and diversification of the agricultural sector. The following matters will be taken into account in all proposals for new agricultural buildings:
- Proximity to adjacent dwellings

- The rural character of the area
- Utilisation of natural landscape and landcover as screening
- Waste management in terms of storage and disposal.
- Environmental carrying capacity.
- Requirement that buildings are designed, located and oriented in a manner that will minimise their environmental impacts.
- All agricultural development that results in manure, soiled water and slurry etc. shall comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (as amended).

6.0 The Appeal

6.1. Grounds of Appeal

The third-party appeal was submitted by the owners of the site who farm the landholding. The main points raised may be summarised as follows:

- **Background** - The lands originally formed part of a much larger farm holding and that it adjoins a broad commonage area (101ha) for which there are grazing rights. The condition of the lands prior to purchase by the appellants was one of abandonment, but it has steadily been improved by use of traditional farming practices. The lands are registered under GLAS which supports more traditional and low-carbon farming methods, which are compatible with protection of the environment, water quality, the landscape and its features, as well as preservation of habitats, flora and fauna and climate change mitigation.
- **Previous history** – Following advice from the P.A. at the pre-planning meeting, a detailed comparative analysis was submitted comparing the current proposal to the previously refused scheme (16/649).
- **Impact on landscape** – extensive measures in respect of both siting and design have been taken to ensure that the development would not be an obtrusive element on the landscape. The site is particularly well sheltered and

is within a low-lying area within the overall lands relative to the surrounding landform. There will be minimal loss of pasture and no loss of existing screening or impact on habitat. The proposed development will require additional screening which is set out in the Landscaping Plan.

- **Design of development** – The design seeks to maximise shelter and integrate the buildings into the landscape by adapting its overall shape as sympathetically as possible to the surrounding topography. The configuration of the proposed structures in relation to one another and their respective roof designs function to mitigate the effects of changeable and severe weather conditions and allows the working yard area to be contained. The roof lines are designed to ensure the proposed structure does not interrupt the skyline and the use of local stone and larch wood finish ensures that the development is sympathetic to its surroundings.
- **Ground levels and proposed excavation** – The slope of the ground at the site location falls gently to the southwest, which after excavation will result in a rise of c. 4.3m, decreasing to 2.4m, from east to west. The proposed yard is at an elevation of 74 metres (OD), which is 3 m above the level of the adjoining road. No excavation is required to establish finished surface. The slope from road level is no greater than 17% rising some 3.4m over 21 metres. The south west portion requires no excavation.
- **Landscape and Visual Impact Assessment report** – This was submitted with the grounds of appeal and was prepared by a Landscape Architect from Macro Works Ltd. The response to the grounds of refusal is based on guidance contained in IEMA Guidelines for Landscape and Visual Impact Assessment (GLVIA 2013). This requires that the ‘Significance’ of the landscape and visual effects is based on the sensitivity of the receptor and the magnitude of the impacts. It is accepted that there is a reasonable but not prohibitive degree of landscape sensitivity (as reflected in the designations), but the magnitude of impact from a sensitively designed, modest scale agricultural shed in a rural area is disputed. The contents of this report will be discussed in the Assessment section below. However, the main points may be summarised as follows :-

- **Compliance with CDP** - Objective ZL-1 does not provide any justification for refusing the development. Part of the R561 is designated as a Scenic Route and forms part of the Wild Atlantic Way. However, the scenic designation relates to seaward views in the opposite direction to the proposed development. The sheds will barely be discernible in the landscape beyond a very short distance.
- **Landscape impacts** - The physical landscape impacts in the form of excavation into the hillside is similar to what might be expected on a moderately sloping hillside and there is a balance of cut and fill such that there is no need to import or export material from the site. The excavation and design optimise the effect on the topography and enables it to integrate into the landscape. This is further achieved by the use of materials, the retention of existing landcover and natural screening and the proposal to incorporate additional screening
- **Landscape character** – the character of the landscape is rural and the proposed development is an agricultural cow shed, which has been carefully designed to minimise impact on the landscape. Thus, there will be no material consequence for this rural landscape.
- **Medium sensitivity and negligible magnitude impact** – this combination results in an imperceptible landscape impact.
- **Visual impact** – a set of photomontages have been prepared to support the judgements outlined above. These confirm that the proposed development is only readily visible from within its immediate vicinity, where the visual receptor sensitivity is very low. It is sited at the base of Brackloon and is for a characteristic rural feature of a modest scale and sensitive design.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on 29th May 2019. The response mainly reiterates the grounds for refusal. It is stated that the excavation works are significant with 4.5m depth and that the visual impact has intensified from the previous application which was refused. It is further pointed out that there is no

existing farm yard at this location and that it is an unsuitable location to develop a farmyard. It is considered that an alternative location should be considered by the applicant.

7.0 Assessment

7.1.1. It is considered that the main issues arising from the appeal are as follows: -

- Principle of proposed development at this location
- Impact on landscape character
- Impact on Visual Amenity
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of proposed development at this location

7.2.1. The planning authority considered that the proposed development was unacceptable as the site is located on a prominent exposed site in a scenic area, which is on lands zoned Secondary Special Amenity, that a previous refusal had been issued for a smaller shed and that there is no existing farm yard at this location. It was stated in the planning reports that it would give rise to an extension of development into a substantially unspoilt open area. This implies that the development of an agricultural shed on this site is likely to be unacceptable in principle. However, the Secondary Special Amenity zoning (Obj. ZL-1) does not preclude development and sustainable agricultural development in the countryside is encouraged, with specific requirements for agricultural buildings. Policy ES-10 promotes and supports the sustainable growth of agriculture and related agri-development.

7.2.2. The Secondary Special Amenity Area (SSAA) zone allows for a limited amount of development, which must be capable of integration into the landscape. The landscape is sensitive to development and as such, development must be designed to minimise the effect on the landscape by taking into account the topography, vegetation, existing buildings and features of the area. Development in this zone should also avoid obtrusive locations and any existing trees and hedgerows should be retained to screen development. The views and prospects from the R561 are

protected in a southerly direction, but the CDP (12.4) states that this should not give rise to a prohibition of development on these (scenic) routes, but neither should it hinder or obstruct views, and must be designed and located to minimise their impact. The appellants claim that the development has been sensitively designed to meet the requirements of the development plan for the SSAA designation. The impact on the landscape character and visual amenities of the area will be discussed below, which will enable a conclusion to be drawn on the degree to which the development would be integrated into the landscape and whether it is likely to be obtrusive.

7.2.3. The area is a rural one where agriculture is the predominant use, although the lands to the north and west are in open commonage. The appellants have stated that the lands in question have historically been in agricultural use and previously formed part of a larger farm/land holding known as Foildarrig, (now known as Red Cliff). This is consistent with the historic Ordnance Survey maps of the area, which show the site and the adjacent lands laid out as long narrow fields, and with the evidence on the ground of stone walls delineating the site and the stone hut at the western end. Thus, it is considered that the development of agricultural sheds for the storage of fodder and animal housing is consistent with the use of the lands.

7.2.4. The refusal of the previous proposal for a single shed is the subject of a comparative analysis submitted with the planning application. It is clear from the submitted drawings, that although the current proposal is substantially larger, the appellants are now proposing a design which makes a much greater effort to integrate the development into the landscape in terms of the siting, layout, building design, use of materials, screening vegetation and proposals for excavation and filling. The height of the structures has been significantly reduced and the use of materials and colour scheme are considered to be a significant improvement on the previous proposal. It is noted that the planning authority and/or the Board has refused several developments in the vicinity of the site during the past decade or so, (set out at 4.0 above). All of these proposed developments were residential in nature rather than agricultural and although visual/scenic amenity was a factor in the reasons for refusal, other factors were also cited in the reasons such as housing need, density of development of on-off houses and traffic hazard. Thus, it is considered that these decisions are not directly comparable to the current proposal before the Board.

7.2.5. It is considered that provided that the proposed development would not be an obtrusive element in the landscape, would be consistent with the landscape character of the area and would not adversely affect the visual and scenic amenities of the area, the proposed development of agricultural sheds for farming purposes on these lands is acceptable in principle.

7.3. Impact on landscape character

7.3.1. The landscape within which the site is set is highly scenic with the open moorland of Brackloon rising above the site and the panoramic coastal views across Dingle Bay to the south. This is reflected in both the Secondary Special Amenity zoning and the Scenic Route (part of Wild Atlantic Way) designation of the R561, from which views and prospects are protected (12.4). Thus, the sensitivity of the landscape is high. However, I would agree with the assessment in the LVIA submitted with the grounds of appeal that the magnitude of the impact, in terms of the scale and nature of the change is not that significant. This is mainly due to the siting of the sheds at a point within the site which is sheltered and shielded by the surrounding terrain, combined with the careful design of the proposed structures, the proposed use of materials and use of existing and proposed vegetative screening, as well as the rural nature of the development. It would appear that the topography of the proposed location is likely to be the optimal one within the overall landholding as most other locations would be more prominently visible.

7.3.2. Having viewed the site from various vantage points in the area, I would also agree that the proposed development would be barely discernible beyond the immediate vicinity of the site. The proposed sheds would fit into the landscape character to a much greater extent than several of the residential developments that have been erected on the hillside overlooking Inch Beach. I would agree with the P.A., however, that the extent of excavation is quite substantial and could potentially have a significant impact on the character of the landscape. However, given that the proposed sheds would fully occupy the excavated areas, with the excavated material being used to provide further screening, the impact of the excavation would be minimised and it would facilitate the integration of the structures into the landscape. It is also noted that the remainder of the site would retain its grassland cover and the

sloping roofs and use of local stone and timber would enable the buildings to blend into the hillside.

7.4. Impact on Visual Amenity

- 7.4.1.** I have viewed the site of the proposed development from various points along the R561 and the L12133, as well as from within the site, from the south and the north. I can confirm that the site of the proposed sheds is not visible from the R561 or from Inch Beach. This is due mainly to the topography of the site itself and to the terrain in the immediate vicinity of the site, as well as to the presence of the extensive mature vegetation to the south and east of the proposed development. The poles erected on the site are only visible from one location on the L12133, which is at the site entrance. Another potential vantage point at the entrance to the driveway of a house to the east was also examined on site. This vantage point was included in photos in the Area Planner's report, with an arrow pointing to the poles. It is considered, however, that this photograph depicts poles on an adjoining site to the east of the appeal site (white in colour). I was unable to detect the red and white poles relating to the proposed development. Even if the proposed sheds are visible from this vantage point, it is considered that it would have little or no impact on the visual amenities of the area, as it would be an obscure view of a farm shed in a rural area.
- 7.4.2.** The appellant has submitted a set of photomontages with the grounds of appeal, in addition to the 3D images submitted with the planning application. I would agree that these images are a fair representation of the visual impact of proposed development and are consistent with the foregoing assessment. In light of the above, I cannot agree that the proposal would be a visually obtrusive element in the landscape or that it would obscure or hinder any scenic views. It is considered that the proposed development would have an imperceptible impact on the landscape character and visual amenities of the area.

7.5. Appropriate Assessment

- 7.5.1.** The site is located within 15km of eight European sites and is situated within another European site, the Dingle Peninsula SPA. The following sites are within the 15km radius of the appeal site.

Dingle Peninsula SPA (004153)

Tralee Bay and Maharees Peninsula West to Cloghane SAC (002070)

Mount Brandon SAC (000375)

Slieve Mish Mountains SAC (002185)

Killarney National Park, MacGillycuddy Reeks and Caragh River Catchment SAC (000365)

Castlemaine Harbour SAC (000343)

Castlemaine Harbour SPA (002029)

Tralee Bay Complex SPA (004188)

Iveragh Peninsula SPA (004154)

7.5.2. The **Dingle Peninsula SPA (004153)** is designated for three species of bird, namely Chough, Peregrine and Fulmar. The site is of ornithological importance as it supports an internationally important population of Chough (a Red Data book species that is listed on Annex I of the E.U. Birds Directive). It also supports nationally important populations of Peregrine (Annex I) and Fulmar. The Site Synopsis states that the topography of the Dingle Peninsula favours Chough in terms of its mosaic of grazed semi-improved and improved pastures, extensive well-drained uplands, and sand dune systems in close proximity to breeding sea cliffs. The known roost sites are some distance from the appeal site, but it is stated that studies have shown that Chough forage mainly within 300m of the cliff tops used for breeding.

7.5.3. A Stage 1 Screening Assessment report has not been submitted with the application or appeal. However, there is information on the file provided by both the applicant and by the P.A. which informs the issue. It is noted that the P.A. Biodiversity Officer stated in her report (4/4/19) that Fulmar is a seabird not associated with the habitat found on the development site and that Peregrine is a raptor species, which may commute/forage in the area, but is unlikely to be affected by the proposed development. The Biodiversity Officer also stated that Chough forage in coastal grassland with a tight sward, and that suitable chough foraging habitat is abundant within the SPA boundaries and extends over an extensive area. For this reason, it was considered that the proposed development would not be likely to have any significant effects on the SPA.

7.5.4. The appeal site comprises improved agricultural grassland, which is abundantly found in this area. The applicant has stated that the lands are used for the production of organic Dexter pedigree cattle in accordance with GLAS requirements to preserve and enhance habitat areas for the Chough, and having regard to the conservation objectives of Dingle Peninsula SPA. The applicant has submitted a letter (22/02/19) from a qualified Agricultural Consultant who has been advising the applicant since 2015, and is familiar with the specific requirements of the GLAS scheme for this farm and the improvement works carried out on the lands to date. The following comments are of note:

- The farm is a traditional holding of 6.03ha of species rich grass within an SPA designated for the Chough. The grazing of Dexter cows is environmentally sustainable and the maximum stocking rate on the farm is 15 cows.
- The applicant's participation in the GLAS scheme since (2015) has allowed significant enhancement of the habitat value of the farm. The planned mulching and mechanical management of scrub encroachment has allowed for greater grazing practices and has created ideal conditions for the Chough.
- The proposal to build an animal house and storage facilities are welcomed and will help to achieve the objectives of a sustainable organic farming enterprise. The absence of such a facility would represent an animal welfare issue and would not comply with the GLAS specifications. The out-wintering of animals and poaching of land would have a negative effect on the habitat value of the land for Chough.

7.5.5. The grassland on the site appeared to be of good quality with a tight sward, and hence suitable for foraging for the Chough. However, the Site Synopsis states the SPA has a mosaic of grasslands, well drained uplands and sand dune systems in close proximity to breeding cliffs which favour the Chough and that this species tends to forage mainly within 300m of the cliffs. I would agree with the P.A. therefore that there is an abundance of suitable foraging habitat for the Chough within the SPA. The overall footprint of the development is estimated to be c.1,260m², which is only a fraction of the size of the farm. The applicant has also been implementing farming practices which have, and will continue to, provide good foraging conditions for the Chough. It is noted that the applicant proposes to provide straw bedding with

a seepage channel leading to a storage/holding tank (4,000 litre capacity). Rain water will also be collected and directed to an existing gully. It is considered, therefore, given the agricultural nature and limited scale of the development, it is unlikely to have any significant effects on the European Site, having regard to its Conservation Objectives.

- 7.5.6.** Aside from the Dingle Peninsula SPA, the closest European sites are the **Castlemaine Harbour SAC (000343)** and the **Castlemaine Harbour SPA (004029)**, which are c.300m to the south and are separated from the site by means of two public roads and several intervening land holdings. There is no evidence of any hydrological link between the development site and these European sites. These are large coastal sites which are predominantly located on the innermost part of Dingle Bay but the designated area for each site stretches as far as Inch Peninsula and just to the west of it, and Rosbehy Peninsula (opposite Inch). However, the habitats for which the sites are designated generally occur on the inner side of the bay and/or at Inch/Rosbehy Peninsulas. These include wetlands, intertidal flats, salt marshes, and sand dunes. The area to the south of the site (west of Inch sand spit) is 'Subtidal' and comprises shallow marine water. Castlemaine Harbour SPA is of special conservation interest for a number of wintering waterfowl including Red-throated Diver, Cormorant, Light-bellied Brent Goose, the latter which occurs in numbers of international importance. The SPA site provides important wetland habitats and habitats for waterfowl.
- 7.5.7.** The appeal site comprises improved grassland which is located c.300m from the sea cliffs to the south and is separated by the regional road, the local road, a small woodland and agricultural lands. It is located outside of the designated sites and as such, no direct impacts will arise. Given the small scale and nature of the development, the distances involved and the absence of any known hydrological link with the Castlemaine Harbour SAC and the Castlemaine Harbour SPA, it is considered that there is no likelihood of indirect impacts on these European sites, having regard to their Conservation Objectives.
- 7.5.8.** The remainder of the European sites in the vicinity of the development site are in excess of 5 km from the site. Given the nature and small scale of the development, the distances involved and the absence of any known hydrological link between the development and these European sites, it is considered that Appropriate

Assessment can be ruled out in respect of these designated sites, having regard to their Conservation Objectives.

7.6 Environmental Impact Assessment

Having regard to the nature and scale of the proposed development in a rural area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

It is recommended that planning permission be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Kerry County Development Plan 2015-2021, to the existing pattern of development in the area, and to the design, layout and limited scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 14th day of May 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangement for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard -
 - (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) All soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interests of the environmental protection and public health.

3. The loose animal house shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Practice for the Protection of Waters) (Amendment) Regulations, 2017, as amended, and shall provide at least for the following
 - (1) Details of the number and type of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of slurry.
 - (3) Arrangements for the cleansing of the buildings and structures (including the public road where relevant).

Reason: - In order to avoid pollution and to protect residential amenity.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason:- In order to ensure the capacity of the effluent and storage tanks is reserved for their specific purposes.

5. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the European Union (Good Practice for the Protection of Waters) (Amendment) Regulations, 2017, as amended.

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

6. A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of development details of how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of environmental protection and public health.

Mary Kennelly
Senior Planning Inspector

6th September 2019