



An
Bord
Pleanála

Inspector's Report ABP-309793-21

Development	26 houses and 12 apartments
Location	The Wood, Dingle, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	20/699
Applicant(s)	An Choill Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Mandy Hogan Astogo Holdings Ltd. Michael Keane
Observer(s)	Dingle Sustainable Development Group O'Cathain Iasc Teo
Date of Site Inspection	13 th July, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 1.417 hectare triangular-shaped site is located to the south of High Road, a relief road, on the west side of the town of Dingle in County Kerry. It comprises a field in grassland close to the junction of Regional Roads R549 and R559 which has panoramic views southwards over Dingle Bay. The site slopes from north-east to south-west. Its roadside boundary consists of a low stone wall and fence, while a hedgerow forms the south-western boundary and hedgerow and stone walls form the eastern flank boundary. Residential estate development in the form of detached houses is located to the east and south of the site and there is a large detached residential property to the south-west. A field also adjoins the site to the south-west with frontage onto High Road. There is detached housing along the northern side of High Road in the vicinity of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of:

- 5 two bedroom houses
- 22 three bedroom houses
- 4 four bedroom houses
- 2 two bedroom apartments
- 10 one bedroom apartments

The development would provide a two-storey terrace of 7 houses, 24 two-storey semi-detached houses, and 3 two-storey apartment blocks. Ancillary development would include a site entrance, pedestrian access, service roads, parking, and landscaping.

- 2.2. Details submitted with the application included a letter of consent for the making of the application from the landowner, a Design Statement, and a Traffic, Drainage and Flood Risk Assessment Report.

3.0 Planning Authority Decision

3.1. Decision

On 3rd March, 2021, Kerry County Council decided to grant permission for the proposed development subject to 21 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted a previous planning permission relating to the site, development plan provisions, reports received, and third party submissions. It was considered that, having regard to the site's zoning, a proposal for housing on the plot could be considered. The prominence of the site was acknowledged. The justification for houses backing onto the public road was questioned. A request for further information was recommended.

3.2.2. Other Technical Reports

The Housing Estates Unit outlined a range of deficiencies with the application, primarily with the range of house types, layout of access and amenities, and boundary treatment. Requirements to be met if permission is to be granted were set out.

The County Archaeologist requested a full archaeological impact assessment prior to any grant of permission.

The Biodiversity Officer submitted that no potential for the development to have a significant effect on European sites had been identified. Requirements were set out on planting and boundaries in the event of a grant of permission.

The Roads Report considered that a safety audit was required.

The National Roads Design Office stated it had no observations to make on the proposal.

3.3. Prescribed Bodies

Irish Water submitted that it may not have water/wastewater infrastructure within the public road fronting the development and noted that a foul sewer mains extension would be required to service the development.

Údarás na Gaeltachta noted that Dingle is designated a Gaeltacht Service Town under the Gaeltacht Act 2012. Reference was made to the general objective laid down in the Dingle Language Plan and to the fragile state of the language in the town. It was requested that new housing and apartment developments give proper recognition, support and vigour to the social, cultural and language aspect of the district in which they are located. Specific measures that the developer could include in undertaking the building/sales/purchases process were outlined.

The Department of Culture, Heritage and the Gaeltacht requested the imposition of language conditions where the application is approved and that a significant share of the development be retained for Irish speakers. It was noted that a language report had not been submitted with the application and requested that it be sought. The threat housing estates and apartments pose for the Irish language in Gaeltacht areas was emphasised.

3.4. Third Party Observations

Third party submissions were received from Dingle Sustainable Development Group, Michael J. Dooley, and Peter Malone. Concerns raised related to the proposal not being a sustainable development - comprising a holiday home development that draws people away from the town centre, being a car dependent housing estate, and injurious to views of the harbour, density, sprawl, traffic impact, impact on the Irish language, adverse visual impact, and the need to review the residential zoning.

Objections were received from Katherine Barrett, Owen Keane Jnr., Anne Marie Keane, and Ricky Keane. There were no grounds of objection set out in these

submissions. The objections from Katherine Barrett, Owen Keane Jnr., and Anne Marie Keane were subsequently withdrawn.

Submissions were received from Astogo Holdings Ltd., Mandy Hogan, and Michael Keane. The grounds of the appeals reflect the principal planning concerns raised.

The applicant responded by letter dated 22nd September 2020 to the planning authority addressing concerns raised by a number of objectors.

3.5. A request for further information was issued on 28th September, 2020 and a response was received by the planning authority on 25th January, 2021. This included a Road Safety Audit, an Archaeological Impact Assessment, a Language Impact Assessment, correspondence with Irish Water, an Engineer's report, and architectural and engineering drawings.

3.6. Further third party submissions were received from Astogo Holdings Limited and Mandy Hogan refuting the further information submission and reiterating previous concerns raised.

3.7. The reports to the planning authority were as follows:

The County Archaeologist submitted that no further mitigation was required.

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media submitted that the recommendation of the language report that a significant proportion of the houses/apartments be kept for Irish speakers should be accepted if the application is approved. Clarity on a language condition was emphasised.

The Planner accepted that the site is in a sensitive location due to its prominent nature but noted that it was zoned residential serviced land with housing developments constructed in the vicinity. It was also noted that permission for housing had been granted previously on the land. To address some objectors concerns it was recommended that existing boundary trees and hedgerows to the east and west be retained. An Irish language condition was also recommended to be attached. A grant of permission subject to conditions was recommended.

4.0 Planning History

The planning history includes the following:

ABP Ref. PL 08.206242 (P.A. Ref. 03/3724)

Permission was refused by the Board for the demolition of existing outbuildings, extension and refurbishment of an existing property to accommodate four townhouses and the erection of 22 semi-detached dwellings.

ABP Ref. PL 08.226442 (P.A. Ref. 07/372)

Permission was granted by the Board for 34 houses on the site and adjoining field to the south-west.

5.0 Policy Context

5.1. Corcha Dhuibhne Electoral Area Local Area Plan 2021-2027

This Plan was adopted 29th April, 2021 and is effective from 27th May, 2021.

Dingle Daingean Uí Chúis

Vision

Dingle is designated a 'Regional Town' in the Plan. The future vision for Dingle / Daingean Uí Chúis is for the continued growth and development of the town as the primary urban centre for a large rural hinterland with key employment, educational, cultural, service and tourist functions.

Strategy

The Plan refers to important strategic issues which include:

- Sufficient population growth occurs through increasing employment opportunities and the provision of an attractive town,
- Affordable housing is provided in order to retain permanent residents,
- The town's compact form is maintained, and its character and natural setting is conserved, while ensuring that future growth adheres to the principles of sustainability,

- Development is of a high visual and architectural standard so as to enhance the attractiveness of the town to both residents and visitors alike,
- Irish is encouraged as an everyday working language and public services, recreational, social and commercial facilities continue to be provided to the Gaeltacht community, and
- The local environment that support's the town's social and economic needs is protected and managed in a sustainable manner.

Residential Development

The Plan states that additional future residential development will only be permitted on appropriately zoned land, prioritising infill sites and brownfield sites to ensure a sustainable and compact urban form and to ensure that residents are within easy walking distance of town centre facilities. It is recommended that all developments are in compliance with the DoEHLG guidelines on Sustainable Residential Development in Urban Areas 2009 and the Urban Development & Building Heights Guidelines 2018. New developments are required to recognise the need to allow for the consolidation of the town and development of a sense of place. It is recommended that all new individual housing schemes should be of an appropriate scale and density to the established pattern of development in the settlement and should not dominate. Development is required to integrate with the landscape and provide a good range of house types. An increase in density may be considered subject to design, layout and location.

Objectives include:

- D-RES-2 Ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only.
- D-RES-3 Ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form.

An Ghaeilge

Objectives include:

D-CG-4 Ensure that an Irish language condition is placed on permissions for housing developments.

Zoning

The site is zoned 'R1 New/proposed Residential'.

5.2. EIA Screening

The site of the proposed development comprises lands zoned for residential use and is a fully serviceable site in an urban area which adjoins established residential estate development and a relief road for the town of Dingle. The development constitutes a small-scale, relatively low density housing scheme. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. EIA is not required.

6.0 The Appeals

6.1. Grounds of Appeal from Mandy Hogan

The appellant owns a house, 3 Radharc na Mara, adjoining the site to the south. The grounds of appeal may be synthesised as follows:

- The proposal is an excessive development that will impact on the visual amenity of Dingle, is an opportunistic build too close to the town centre, and it should be located further out. The associated service development will cause significant disruption to local residents and businesses and the experience for tourists.
- The majority of adjacent properties are single-storey dwellings. The development is a collection of houses and apartments opportunistically crammed into available space to maximise profit to the detriment of the visual amenity of the town.

6.2. Appeal from Michael Keane

I note the initial third party appeal from Michael Keane, O’Cathain Iasc Teo. This appeal was subsequently withdrawn.

6.3. Grounds of Appeal from Astogo Holdings Limited

The appellant owns a large detached house at Fuller’s Field adjoining the site to the south-west. The grounds of appeal may be synthesised as follows:

Land Use Zoning

- The land was never zoned Proposed Residential in any draft plan and is zoned O1, Strategic Reserve for development sometime in the future and subject to masterplans. There is no masterplanning for the site. The proposal is in conflict with the zoning objectives, is piecemeal development, does not draw from the existing pattern of development of the area, and should only be developed after more suitable sites closer to the town are developed.

Boundary Treatment / Relationship with High Road

- The proposal does not follow local patterns of development and does not address the specific guidelines of the LAP on how this section of the High Road should be developed, with a high wall proposed and the rear of dwellings facing onto the public road. This sets a dangerous precedent.

Private Amenity Space Issues

- The change in levels proposed for the houses backing onto the public road will result in unusable and/or severely diminished private amenity space for those houses, with significant retaining walls being needed, 2.8m high walls

on the garden side of units and or steep slopes, with gardens receiving little or no sunlight, and overlooking from tour buses on the route.

- The private amenity space of the apartments is non-compliant with minimum design standards due to the proposal to mount heat pumps on the balconies, which would be an eyesore.

Overdevelopment and Relationship with Neighbouring Properties

- The proposal constitutes low quality overdevelopment. The number of units is out of proportion with neighbouring developments and would impact on the privacy of neighbouring properties. 18 units would overlook the existing house at Fuller's Field.

6.4. Applicant Response

The applicant's response to the appeals may be synthesised as follows:

Zoning

- The site is zoned for residential development in the Dingle Functional Area Local Area Plan 2012-2018.
- The site is on lands contiguous to residential development and provides for a compact urban form. It is within walking distance of the town centre.
- The history of unsustainable development in rural areas beyond the town should weigh in favour of the proposal.
- The option of submitting an application for the site and adjoining site was not available. The development is capable of knitting in with the adjoining site in the future. The proposal does not unduly limit the development potential of the adjoining site.

Density of Development and Character of Area

- The proposed density is consistent with 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'.
- Reference is made to the National Planning Framework, the Action Plan for Housing and Homelessness, Design Standards for New Apartments - Guidelines for Planning Authorities, the Regional Spatial and Economic Strategy for the Southern Region, and the Local Area Plan in support of the proposal.
- The creation of low density development would limit the opportunity in number and affordability, representing a missed opportunity for compact sustainable development.
- The proposal provides a range of dwelling types which make a permanent home accessible to a broader range of local residents and will support the Irish language in the town.
- High Road is a relief road for the town and protection of views along this street is not an objective.

Boundary Treatment

- The boundary treatment to High Road has been carefully considered by the planning authority and subject to detailed discussions.
- The decision to face dwellings towards the central open space is based on balancing the design objectives for providing a high quality of living for residents and overlooking the space against the broader urban design objectives of overlooking public roads, as well as site constraints and the layout concept which acknowledges the triangular shape of the site, adjoining residential development and the public road.
- Amenity spaces exceed the minimum requirement of 48sqm per dwelling set out in the Kerry County Development Plan. The rear wall and lower level of the housing will offer the dwellings a greater level of protection from noise from High Road. It is not unusual for a dwelling to back onto a taller wall

where there are changes in level or where a development abuts a different land use.

- The proposed buildings are designed so the rear elevations of proposed dwellings face towards the rear elevations of existing dwellings. Given separation distances, the location and height of boundary walls, and hedgerows and planting, the residential amenity of adjoining properties would not be unduly affected.

6.5. Planning Authority Response

The planning authority submitted that the land is zoned 'Proposed Residential' in the Local Area Plan and submitted that the scheme is an architecturally designed development on a challenging plot. It was considered that the proposed roadside boundary treatment should integrate with the area. The density of development was stated to be acceptable and it was submitted that private amenity space was assessed in accordance with development plan requirements and Government guidelines.

6.6. Observations

The observation from Dingle Sustainable Development Group requested the retention of Conditions 5 and 6 of the planning authority's decision and the need for the units to be primary all-year-round residences, and emphasised social housing, rather than a payment in lieu, be provided and be increased to 20-25% of the development.

The observation from O'Cathain Iasc Teo, owners of the land to the west of the site, queries the quality of the development and states that it supports the application, requesting the same development standards be applied to its future development proposal.

7.0 Assessment

7.1. Introduction

7.1.1. I consider that the principal planning issues relating to the proposed development are the principle of residential development on the site, the form, character, and layout of the development, the roadside boundary provision, impact on residential amenity, and impact on the Irish language.

7.2. The Principle of Residential Development on the Site

7.2.1. I note the planning history of this site. Under Appeal Ref. PL 08.226442 (P.A. Ref. 07/372), the Board granted planning permission for 34 houses on a site which included the current appeal site and the field adjoining it to the south-west. It is, therefore, understood that the use of this site for housing had previously been considered an acceptable and compatible use.

7.2.2. I note the recently adopted Corcha Dhuibhne Electoral Area Local Area Plan 2021-2027, within which Dingle Daingean Uí Chúis is the principal settlement and for which there are specific plan provisions. The Plan seeks to promote continued growth and development of the town, to provide for sufficient population growth, to provide affordable permanent housing, and to maintain the compact form of the settlement. The principle of residential development on this site within the serviced urban area of Dingle can reasonably be viewed as not being incompatible with these provisions of the Plan.

7.2.3. The Plan specifically states that additional future residential development will only be permitted on appropriately zoned land. It includes the following objectives:

D-RES-2 Ensure that residential development on lands zoned proposed residential (R1) shall be for permanent places of residence only.

D-RES-3 Ensure that future residential development is only permitted on appropriately zoned land to ensure a sustainable and compact urban form.

7.2.4. I can confirm that the site of the proposed development is on lands which are zoned 'R1 New/proposed Residential'. There are no restrictions or specific objectives relating to the land which view the development of the land as premature nor are there any other specific objectives relating to the site.

7.2.5. Having regard to the above, it may reasonably be concluded that the development of the site for residential use is acceptable in principle and could not be seen to be premature.

7.3. The Form, Character, and Layout of the Development

7.3.1. I consider this issue to be the most significant planning issue relating to the proposed residential development. I note for the Board the layout and character of development on High Road. New development on the south side of the road to the east of the site comprises housing that is set back from the road with a low stone wall frontage and a buffer between road and houses in the form of gardens and/or green areas. The houses nearest to the road present their front elevations to this road and are substantially set back. Detached housing on the opposite side of the road follows a similar pattern. As one moves closer towards the town centre new housing at Fairfield Close on the south side of the road continues with a similar form of development. Houses on the opposite side of the street in this area again present their main elevations to the street. Such a pattern of development is also followed to the south of the site on An Choill (R559).

7.3.2. I submit to the Board that the layout of the proposed development is most concerning. This is a development that distinctly turns its back on High Road. It is clearly uncharacteristic of the type of development on this road where a respectful set back is consistently provided, where there is invariably a green buffer area between street and housing, where those houses in proximity to the street present their front elevations to the street, and where the presentation of the estates are not hidden by a high wall along the road frontage. The entire roadside frontage of the proposed development comprises terraced and semi-detached houses that would be located close to the road and which would back on to this road.

- 7.3.3. Another principal concern relating to the layout of the development is the form and character of the development after the provision of the residential units and their private amenity spaces to the rear. The remaining site area seeks to provide a car dominant space. I acknowledge the triangular plot of amenity space placed in the middle of the site. What presents as 'Home Zones' in each of the corners of the triangular site are car parking areas and what is not a 'Home Zone' separate from the central space is a car park or internal road space.
- 7.3.4. Further concerns about the form and layout of the development relating to the houses backing onto High Road are the finished floor levels of the proposed houses. These houses would be bunkered into the site. There would be substantial reductions in ground levels of over a metre to attain the finished floor levels proposed. A 1.8 metre high stone wall would then be erected to the rear along the roadside boundary. The back garden spaces for these units, less than 9 metres in depth, would abut the road, would be north facing, and would each be the sole private amenity spaces of these houses which would be constantly under shadow.
- 7.3.5. While I have no particular concern about the density of the proposed development, which should be pursued in such a serviced site close to the town centre, the approach to the layout of the development, in the form of developing along each edge of the triangular plot is poorly conceived. Higher density development can clearly be attained in a manner that is compatible with the general pattern of development on High Road.
- 7.3.6. I acknowledge the third party concerns raised about the provision of heat pumps on apartment balconies, the consequent reduction in balcony areas and the adverse visual impact that would result. The permitted layout for the proposed apartment blocks would indicate that such a proposal would not likely substantially impact on the usability and character of the proposed balcony spaces.
- 7.3.7. Finally, I note the provisions of the Dingle Daingean Uí Chúis Plan which recommends that all residential developments be in compliance with the DoEHLG guidelines on Sustainable Residential Development in Urban Areas. I note the content of the *Guidelines for Planning Authorities on Sustainable Residential*

Development in Urban Areas and the *Urban Design Manual* which supplements these Guidelines. I submit the following in response to several of the key Development Criteria set out in the Guidelines:

- The proposed development responds particularly poorly to its surroundings and would not positively contribute to the character and identity of the neighbourhood in which it would be placed.
- The proposal provides no understanding of how it may relate to the development of adjoining undeveloped lands.
- The proposed development would provide a poor sense of place, shirking presentation to the road and producing car dominant space within its communal core.
- This layout would not create people-friendly spaces.
- This layout would not produce safe, secure and enjoyable public areas to reside in.
- The development would provide a very poor quality of amenity, both in terms of private amenity space for many of the housing units and public amenity in general.
- The landscape design would be tokenistic and minimalist.
- The building design would be of similar character throughout.

7.3.8. Having regard to the above, I cannot reasonably determine that this is a development which has had due regard to such guidance in the design approach which is required to attain a high quality residential development.

7.3.9. I submit to the Board that a development of this form, character and layout should not be pursued at this location. It constitutes unsustainable development.

7.4. The Roadside Boundary Wall

7.4.1. Reference has been made above to the proposed roadside boundary wall in terms of its incompatibility with this location and its impact on the proposed housing which it

would screen. I acknowledge that there is some variety in stone wall heights along High Road on its south side, ranging from the dwarf wall along the site's frontage, rising to approximately a metre to the east, and rising higher again to some 1.8 metres in height further east where land remains undeveloped. I also note that there are some openings along the walls. I further acknowledge that there is a significant variety of boundary wall types and heights on the northern side of High Road. Notwithstanding these variations, I submit to the Board that consistency of approach and presentation of new development onto High Road should be pursued in the interest of attaining a high quality of presentation to the public realm. For this reason, the controlled height of the roadside boundary wall and the provisions of a buffer between the roadside frontage and new development should be viewed as an integral part of the layout of new development. This would ensure continuity and would continue a pattern that can then reasonably be sought for new development in the future which may follow for lands further east along the south side of High Road. To seek to pursue another approach such as that proposed may likely result in potentially inconsistent roadside boundary treatment further east and would set a poor precedent.

7.5. Impact on Residential Amenity

- 7.5.1. The Board will note my considerations on the form, character and layout of the proposed development. With due regard to those considerations, I submit that the proposed development would provide a very poor standard of amenity for the future occupants of the proposed housing scheme, producing very poor quality private amenity space for some 13 houses along the northern side of the scheme and providing internal space between the rows of residential units which would be dominated by provisions for cars.
- 7.5.2. I note the proposals to retain the boundaries to the south-west and north-east. I am satisfied that the retention of the mature hedgerow would greatly aid in screening the nearest proposed housing from the established residential property to the south-west. There would not be concerns about overlooking or overshadowing and the two-storey houses would not have any overbearing impact due to the limited building

height and the retention of the hedgerow. I note the hedgerow and low stone walls which form the site boundary to the north-east. The nearest existing houses closest to the southern corner of the site are within Radharc na Mara estate and are single-storey units. A couple of these houses back onto the southern end of the site. The communal boundary comprises a low stone wall. I acknowledge that the nearest proposed house (Unit 26) faces north-east, that its gable would face the communal boundary, and there are no window or door openings proposed on this gable. I note that other proposed houses, Units 20-25, would back on to an undeveloped area within the adjoining residential estate, while significant hedgerow and walls would be retained along the rear of Units 14-19 to the west of detached houses in the adjoining estate to the east.

- 7.5.3. I am of the opinion that the proposed housing development would pose no particular concerns in terms of any adverse impact on established residential properties by way of overlooking, overshadowing, or by way of creating an overbearing impact.

7.6. Impact on the Irish Language

- 7.6.1. I note the provisions of the Daingean Uí Chúis Plan as they relate to the Irish language. Objective D-CG-4 seeks to ensure that an Irish language condition is placed on permissions for housing developments. I further note the submissions received by the planning authority from Údarás na Gaeltachta and the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- 7.6.2. Daingean Uí Chúis is designated a Gaeltacht Service Town and it is under severe pressure as the daily use of the Irish language in this town continues to decline. Much of this decline can be seen to be related to the expansion of the town, the influx of those without the language, and the failure to ensure that the promotion of the language forms an integral part of the development of the town. As is espoused by Údarás na Gaeltachta and the Department, in the event of a grant of permission for a residential estate on these lands, it is imperative that an appropriate language condition is attached and, following on from this and even more important, is that

there is a necessary commitment by the planning authority that such a condition is enforced.

7.6.3. In the context of forward planning for this town, I note that the planning authority has a specific strategy in its recent Plan to provide affordable housing in order to retain permanent residents, to encourage Irish as an everyday working language, and to continue to provide public services, recreational, social and commercial facilities to the Gaeltacht community. The development of housing subject to language requirements is imperative if such a strategy is to be attained.

7.6.4. I note the applicant's Language Impact Assessment. What is observed are aspirations but what is disconcerting is the lack of any strategy to achieve such objectives and to show how the language is to be encouraged and sustained in a development of this nature. The responsibility of the planning authority, in ensuring it meets with its own strategy and objectives for the language by facilitating new development, is significant. The attachment of a language condition and enforcement of it in any grant of permission, requiring a substantial proportion of the occupants of the housing scheme to have a recognised competency in the language, is a small component of the approach to achieving the Development Plan's aims.

7.7. Appropriate Assessment Screening

7.7.1. The site of the proposed development is within the urban settlement of Dingle. This is a serviced area and the site comprises lands that were previously subject to a permission for residential development. The site is a significant distant from the nearest European site, Mount Brandon Special Area of Conservation (Site Code: 000375). The Qualifying Interests of this Natura 2000 site are as follows:

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea [3130]

Northern Atlantic wet heaths with Erica tetralix [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]

Blanket bogs (if active bog)* [7130]

Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]

Trichomanes speciosum (Killarney Fern) [1421]

7.7.2. As can be seen, these are primarily terrestrial upland habitats and species. I further note that Freshwater Pearl Mussel in this SAC is found within the Owenmore catchment. The designated habitats and species are not located in proximity to the proposed development site and there is no known connectivity between the development site and these habitats and species. It is also acknowledged that the proposed development site does not lie within the Owenmore catchment.

7.7.3. Further to the above, I note the distant Dingle Peninsula Special Protection Area (Site Code: 004153), the nearest part of which is at the mouth of Dingle Bay. The Qualifying Interests of this SPA are:

Fulmar (Fulmarus glacialis) [A009]

Peregrine (Falco peregrinus) [A103]

Chough (Pyrrhocorax pyrrhocorax) [A346]

7.7.4. The land area of this SPA is distinctly coastal located. The site of the proposed development is within the urban settlement of Dingle and is separated by an

expansive area of urban development, rural lands and waterbodies. It has no known connectivity with the SPA.

- 7.7.5. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, the lack of any known connectivity with any European sites, and the separation distances to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to:

- the layout of the proposed development culminating in the provision of a substantial number of the residential units backing northwards onto High Road,
- the lack of a buffer between the public road and proposed housing,
- the proximity of the houses at the northern end of the site to the public road,
- the reduction in ground levels at this location,
- the provision of a high roadside boundary wall and the resulting poor standard of private amenity spaces,
- the provision of public spaces beyond the central open space within the site presenting as car-dominated parking and road space, providing for a poor standard of public amenity space, and
- the poor standard of landscape design,

it is considered that the proposed development would provide a substandard form of accommodation for future occupiers in terms of residential amenity, would give rise to a poor standard of development, and would be out of character with the pattern of development in the area. The proposed development would, therefore, be seriously injurious to the amenities of the area and would, thus, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

3rd August 2021