



An
Bord
Pleanála

Inspector's Report ABP-314678-22.

Development	Construct a house and garage and associated site works.
Location	Beaufort, Killarney, County Kerry.
Planning Authority	Kerry County Council.
Planning Authority Reg. Ref.	22/712.
Applicant(s)	Nuala Breen.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Nuala Breen.
Observer(s)	None.
Date of Site Inspection	20/03/2023.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The appeal site is located in Beaufort, Killarney, County Kerry, and outside the settlement boundary of the small village settlement. The site lies to the north of the county road and approximately 400m to the west of the settlement cross roads. Beaufort is located off the N72 Killarney-Killorglin road and the subject site is located in a rural area with a number of one-off houses evident due to the proximity of the site to the village.
- 1.2. The subject site has a stated area of 0.2 hectares and is currently under grass. The access to the site is via the established entrance and access road which serves an existing two storey house which is set back from the public road in the order of approximately 300m. The site is long and narrow and lies to the east of the existing driveway and bounds agricultural land to the east. The site is fenced along the full length of the driveway and is generally level across its length.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices to construct a dwelling house and domestic garage, to install a septic tank and percolation area and all associated site services, all at Beaufort, Killarney, County Kerry.
- 2.2. The application included the following documents:
 - Cover letter
 - Plans and particulars
 - Completed planning application form
 - Supplementary Application Form
 - Site Characterisation Form
 - Minutes from pre-planning meeting
 - Letters from the local GAA Club
 - Letter from applicant's employer advising that her role is hybrid which allows her to work remotely with occasional attendance in Dublin.
 - School letter

- Letter of consent from landowner (applicants' brother).

2.2.1. The proposed house comprises a single storey dwelling which will comprise 3 double bedrooms. A double garage is also proposed to be constructed to the north of the house.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

The Planning Authority is not satisfied on the basis of information submitted with the planning application, that a rural housing need has been demonstrated in accordance with Objective KCDP 5-14 of the Kerry County Development Plan 2022-2028 having regard to the location of the application site in an area designated Rural Area under Significant Urban Influence. The proposed development would, therefore, contravene Objective KCDP 5-14 of the said development plan and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history of the site and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening and EIA assessment.

The Planning Report concludes that the proposed development is acceptable in terms of visual impact, site suitability, residential amenity and road safety / traffic. Concerns are noted with regard to compliance with the settlement location policy. The report concludes that the documents submitted would not comply with the requirements of Objective KCDP 5-14 having regard to the location of the site in an area designated as a Rural Area Under Significant Urban Influence. The report

recommends that permission be refused for the proposed development, and this recommendation formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

County Archaeologist: The report notes that there are no recorded monuments in proximity to the proposed development. No mitigation is required.

County Biodiversity Officer: The report notes that the site is located outside European Sites with the nearest site being the Castlemaine Harbour SAC, approximately 250m to the north. The report concludes that the nature, scale and location of the development will not, either individually or in-combination with other plans or projects, give rise to a significant effect on the identified European site.

Conditions are recommended if permission is granted.

Site Assessment Unit: The report notes no objection to the proposed development subject to compliance with conditions.

The Board will also note that there is a report on the file from, it would appear, the Environment Section of the Council which relates to a different site and development.

3.2.3. **Prescribed Bodies**

Irish Water: No objection

3.2.4. **Third Party Submissions**

None.

3.2.5. **Elected Representatives**

Cllr Michael O'Shea made representations on behalf of the applicant.

4.0 **Planning History**

The following is the relevant planning history pertaining to the subject site:

PA ref: 98/3085: Outline permission granted to Laurence O'Rourke for 5 houses each with septic tank and percolation area.

PA ref: 03/338: Permission refused to WK O'Connor & Sons Ltd., for the construction of a holiday home development – 37 houses – on a larger site.

PA ref: 08/1595: Permission sought WK O'Connor & Sons Ltd., for 32 semi-detached houses and 3 detached houses with a WWTP – on a larger site.

PA ref: 14/74: Permission refused to Christopher Breen (landowner and current applicants' brother) for the construction of a dwelling house and septic tank on a larger site (including the current proposed site). Reasons for refusal related to roads and traffic matters, impact on Recorded Monument6 KE 065-022(001) Souterrain and visual impacts.

PA ref: 17/521: Permission refused to Christopher Breen (landowner and current applicants' brother) for the construction of a dwelling house and septic tank on a larger site (including the current proposed site).

PA ref: 18/637: Permission granted to Christopher and Siobhan Breen (landowner and current applicants' brother) for the construction of a dwelling house, domestic garage and septic tank on a larger site (including the current proposed site).

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

- 5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.
- 5.1.2. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, ie.

the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Development Guidelines 2005

- 5.2.1. The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and sets out the information the Planning Authority will need to enable a speedy and informed decision to be made in all areas including road safety requirements. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.
- 5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.3. Development Plan

- 5.3.1. The Elected Members of Kerry County Council adopted the Kerry County Development Plan 2022-2028 at a full Council Meeting on the 4th of July 2022. The Plan came into effect on the 15th of August 2022 and incorporates the Planning and Development (Kerry County Development Plan 2022-2028) Direction 2022, dated 5th December 2022. Therefore, the 2022 CDP is the relevant policy document pertaining to the subject site.
- 5.3.1. Section 1.8.2 of the Plan deals with Municipal Districts/Electoral Areas and notes that the electoral structure of the County was reconfigured following the re-organisation of local government in 2014. The County is now divided into five municipal districts, for electoral and local government purposes. The five districts are

Tralee, Killarney, Listowel, Kenmare and Castleisland/Corca Dhuibhne. A planned programme to prepare Local Area Plans (LAPs) in respect of Municipal Districts and other defined geographical areas commenced in 2018 and will continue following the completion of the County Development Plan. The Local Area plans for Tralee, Killarney and Listowel MDs will be reviewed within 12 months of the adoption of this plan and all remaining Local Area Plans by the end of Q1 2024.

- 5.3.2. Having regard to the significant geographical extent of the Kenmare Municipal District, it is necessary to prepare a land use planning strategy comprising of a number of Local Area Plans covering the Municipal District administrative area. The West Iveragh Local Area Plan 2019 – 2025 covers the western part of the Iveragh peninsula and the future South Kerry LAP, which will include the small village settlement of Beaufort.
- 5.3.3. The site is therefore, within the Tralee/Killarney Hub FALAP 2013-2019, and this policy document provides that the subject site lies outside of the settlement boundary for the village. In terms of residential development, the FALAP states:

The development boundary defines the existing extent of the area where new development may be considered, whilst also allowing for expansion /re-development in the village core. It is an objective of the plan to encourage the development of a compact and sustainable village structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites.

- 5.3.4. The site is also located within a visually sensitive area in terms of landscape. Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. Rugged mountain ranges, spectacular coastal vistas and unspoilt wilderness areas are some of the features within this designation. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. Chapter 11 of the CDP deals with Environment Section 11.6 deals with landscape. The following objectives are considered relevant in this regard:

KCDP 11-77: Protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

KCDP 11-78: Protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted.

5.3.5. Chapter 5 of the CDP deals with Rural Housing. The Chapter sets out the rural area types and the subject site is identified as being located within a Rural Area Under Significant Urban Influence in Section 5.5.1.1. These areas are identified as areas which exhibit characteristics such as proximity to the immediate environs or close commuting catchment of the larger towns and villages, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network. Beaufort is identified as a settlement with no form of wastewater treatment, but which includes zoned lands to facilitate development in accordance Objective 5-14 of the plan. The subject site lies outside of the settlement boundaries of Beaufort, and within the rural area.

5.3.6. Objective KCDP 5-14 states as follows:

In Rural Areas under Significant Urban Influence applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social (including lifelong of life limiting condition) and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, including their sons and daughters or a favoured niece/nephew where a farmer has no family of their own who wish to build a first home for their permanent residence on the family farm.
- b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent residence, where no existing dwelling is available for their own use.

The proposed dwelling must be associated with the working and active management of the farm.

- c) Other persons working full-time in farming or the marine sector for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent residence.
- d) Persons who have spent a substantial period of their lives (i.e., over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation and currently live with a lifelong or life limiting condition and can clearly demonstrate that the need to live adjacent to immediate family is both necessary and beneficial in their endeavours to live a full and confident life whilst managing such a condition and can further demonstrate that the requirement to live in such a location will facilitate a necessary process of advanced care planning by the applicants immediate family who reside in close proximity.

Preference shall be given to renovation/restoration/alteration/extension of existing dwellings on the landholding before consideration to the construction of a new house.

5.4. Natural Heritage Designations

The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Castlemaine Harbour SAC (Site Code: 000343) which is located approximately 230m to the north of the site. The Killarney National Park, Macgillycuddy's Reeks And Caragh River Catchment SAC (Site Code: 000365) lies approximately 1.9km to the east and the Killarney National Park SPA (Site Code: 004038) lie approximately 2.6km to the east.

The Castlemaine Harbour SPA (Site Code: 004029) lies approximately 10km to the north west.

5.5. EIA Screening

- 5.5.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 5.5.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units
 - Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.
- 5.5.3. The proposed development comprises the construction of a rural house in Co. Kerry, on a site of 0.20ha. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA. The requirements of section 172(1)(b) of the Planning and Development Act 2000 (as amended), in terms of sub-threshold developments, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.5.4. Having regard to:
- (a) the nature and scale of the development,
 - (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal was submitted by Setanta Solicitors on behalf of the applicant and includes 12 extensive appendices as follows:

1. The ABP Planning Appeal Form
2. Full print out of the Planning Application to Kerry County Council, including all reports, plans etc.
3. Kerry County Development Plan 2022-2028 – Issues Paper dated June 2020.
4. Notice to Extend Duration Of Kerry CDP 2015-2021
5. Chapters from Volume 1 of the Kerry CDP 2022-2028
6. The Development Plans – Guidelines for Planning Authorities, DoHLGH, June 2022.
7. Our Rural Future – Rural Development Policy 2021-2025 document.
8. Chapters from Volume 1 of the Kerry CDP 2015-2021
9. Sustainable Rural Housing – Guidelines for Planning Authorities, April 2005.
10. Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, May 2009.
11. Housing For All – A New Housing Plan for Ireland – Executive Summary.
12. Circular SP 5/08, September 2008 and Circular Letter PL 2/2017, May 2017.

6.1.2. The appeal is summarised as follows:

- The site is on family land and the applicant is currently residing in her parents' home across the road from the site, where she has lived for four decades.
- The form of the application is consistent with applicable plans and County Development Plan objectives.

- The grounds of refusal are based on an objective which appears to be a transposing error or conflation of established National planning policies and Ministerial Guidelines.
- The decision does not give adequate reasons, is lacking in specificity and is not clearly understood and further is inconsistent with the Core Strategy and National Housing Strategy.

It is requested that the appeal be upheld, and permission granted.

6.2. **Planning Authority Response**

The Planning Authority made no response to the first-party appeal.

6.3. **Observations**

None.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development the subject of this appeal, and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Water Services & Site Suitability Issues
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the Development:

- 7.1.1. The Kerry County Development Plan 2022-2028 is the relevant policy document pertaining to the subject site. The Plan, together with the Sustainable Rural Housing Guidelines, provide clear guidance that there is a presumption against the development of one-off houses except where the proposal constitutes a genuine rural generated housing need based on social and / or economic links to the particular rural area. Should the Board be minded to grant planning permission in this instance it should be satisfied that the appellant adequately complies with the requirements of these stated policies, as well as National Policy Objective 19 of the National Planning Framework.
- 7.1.2. Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, the provision of single housing in the countryside will be based on the core consideration of demonstratable economic or social need to live in a rural area..... having regard to the viability of smaller towns and rural settlements. The site is located outside the identified settlement boundary of the village of Beaufort and in an area which is identified in the CDP as a Rural Area Under Significant Urban Influence. Such areas are identified as being under considerable pressure for development of housing due to proximity to larger towns. Beaufort is identified as a settlement with no form of wastewater treatment, but which includes zoned lands to facilitate development in accordance Objective 5-14 of the plan. Objective 5-14 requires that applicants satisfy the planning authority that their proposal for a house constitute an exceptional rural generated housing need and they must comply with one of four categories of housing need.
- 7.1.3. In terms of the principle of the development, and acknowledging the content of the first party appeal, it would appear that the applicants family home, located across the road from the subject site, lies just outside the identified settlement boundary of Beaufort, as defined in the Tralee/Killarney Hub FALAP 2013-2019. As such, it is reasonable to conclude that the proposed development comprises a rural generated housing need. As such, the applicant is required to comply with one of the four identified categories outlined in Objective 5-14 of the plan.
- 7.1.4. I would note that the applicants' family are not farmers in the local area. It would appear that the family resides in a one-off house across from the subject site, for

many decades. The information submitted notes that the applicants' brother purchased the subject appeal site in approximately 2013. In this regard, I do not consider that the applicant, notwithstanding her living in the local area for the majority of her life, can comply with the requirements of parts (a), (b) or (c) of Objective 5-14. It is fully accepted that the applicant has spent a substantial period of her life living in the local rural area, however, there is no suggestion that she has a lifelong or life limiting condition.

- 7.1.5. Having regard to the information presented, I acknowledge that the applicant has resided in the local rural area for many years. However, the applicant has not demonstrated a sufficient economic or social need to live in this rural area, as set out in Policy Objective KCDP 5-14 – Rural Settlement Policy of the Development Plan and Policy Objective 19 of the National Planning Framework. As such and given the location of the site immediately adjacent to zoned lands, but within a rural area under significant urban influence, I am not satisfied that the proposed development complies with the principle of the policy objectives of the County Development Plan as they relate to rural housing, Objective 19 of the National Planning Framework and the guidance provided within the Sustainable Rural Housing Guidelines.

7.2. Visual Impacts

- 7.2.1. The subject site is located within a visually sensitive area in terms of landscape. Visually sensitive landscape areas comprise the outstanding landscapes throughout the County which are sensitive to alteration. These areas are particularly sensitive to development. In these areas, development will only be considered subject to satisfactory integration into the landscape and compliance with the proper planning and sustainable development of the area. Chapter 11 of the CDP deals with Environment Section 11.6 deals with landscape.
- 7.2.2. It is the stated objective of the CDP to protect the landscapes of the County as a major economic asset and an invaluable amenity which contributes to peoples lives (Objective KCDP 11-77 refers) and to protect the landscapes of the County by ensuring that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area. Any development which could unduly impact upon such landscapes will not be permitted (Objective KCDP 11-78 refers). I would note that the proposed development includes a landscaping plan

which sets out the proposals for the site. The proposed development proposes the retention of existing hedgerows located on the eastern boundary of the site, and the planting of a new yew hedge along all other boundaries.

- 7.2.3. The proposed house design provides for a 3-bedroom single storey house which will rise to just under 5m in height and with an overall stated floor area of approximately 219m². A detached double garage is also proposed which will have a floor area of 60m². The finishes are not clearly detailed but appear to include smooth plaster and a slate hipped roof.
- 7.2.4. I have no objections to the proposed development in terms of design. Having regard to the scale of the proposed house on the site, together with the existing site boundaries, I am satisfied that the development can be accommodated on the site. I do not consider that there are any significant visual impacts arising in the vicinity of the subject site.

7.3. Water Services & Site Suitability Issues

- 7.3.1. In terms of site suitability, the Board will note that the proposed house is to be served by a connection to the mains water supply and a new wastewater treatment system and sand polishing filter. Having considered the information provided on the planning authority file with regard to the proposed development, it is clear that the sites suitability with regard to the treatment and disposal of wastewater has been considered. In this regard, the applicant submitted a completed site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site. The Board will also note that the SAU (Environment Section of Kerry County Council) report notes no objection to the proposed development subject to compliance with conditions.
- 7.3.2. The site characterisation assessment, submitted as part of the planning application, notes that no bedrock was identified in the trial pit which was dug to 3.1m bgl. The water table was not encountered at this level. The assessment identifies that the site is located in an area with a locally important aquifer (LI) with high vulnerability. A Groundwater Protection Reponse of R2¹ is indicated. The bedrock type is described as 'Visean Limestone Calcareous Shale' while the soil and subsoil type are identified

as 'Amin SW Shallow Well Drained Mineral' and 'GDSs Gravels Derived from Sandstones'.

7.3.3. *T tests were carried out on the site at a level of 0.8mbgl and yielded a value of 16.44. *P tests were also carried out at a level of 0.4m bgl, yielding a value of 24.25. The report concludes recommending that a septic tank and percolation area be installed, with discharge to ground water with a hydraulic loading rate of 50l/m2.

7.3.4. The Board will note that the SAU section of Kerry County Councils Environment Section who deal with site assessments, raised no concerns in terms of the proposed development. I am satisfied that, overall, the development is acceptable in terms of site suitability for the treatment and disposal of wastewater arising from the development.

7.4. Other Issues

7.4.1. Roads & Traffic

7.4.2. The proposed development is to be accessed off the local road via the existing residential access which serves the applicants brothers house. I have no objections in this regard and having regard to the nominal scale of the proposed development, I am satisfied that no road safety issues arise.

7.4.3. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 Appropriate Assessment

8.1. Introduction

8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 8.1.3. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
 - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

8.2. Consultations

- 8.2.1. With regard to consultations, the Board will note that no issues relating to impacts on ecology are noted from any party. The Board will note that the Kerry County Council Biodiversity Officer also raised no concerns in relation to the proposed development.

8.3. Screening for Appropriate Assessment

- 8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Castlemaine Harbour SAC (Site Code: 000343) which is located approximately 230m to the north of the site. The development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. In addition to the Castlemaine Harbour SAC, the following Natura 2000 Sites are noted as occurring within a 15km radius of the site:
- The Killarney National Park, Macgillycuddy's Reeks And Caragh River Catchment SAC (Site Code: 000365) lies approximately 1.9km to the east.
 - Killarney National Park SPA (Site Code: 004038) lie approximately 2.6km to the east.

- The Castlemaine Harbour SPA (Site Code: 004029) lies approximately 10km to the north west.

8.4. Potential Significant Effects

8.4.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of some 230m from the boundary of any designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Disturbance and / or displacement of species: The site lies within a rural environment, with low density residential and farming the primary uses. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.

Water Quality: The proposed development relates to the construction of a house on a rural site. The development includes a proposal to install a septic tank system to serve the dwelling. The submitted details with regard to the installation of the wastewater treatment system, together with the assessment of SAU (Environment Section of Kerry County Council) suggests a thorough assessment of the site has been undertaken and that the site is suitable for such installation and there is unlikely to be any risk to the groundwater aquifer.

Having regard to the nominal scale of the proposed development, together

with the separation distances between the site and the boundary of the SAC, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the Castlemaine Harbour SAC (Site Code: 000343).

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Castlemaine Harbour SAC can be excluded given the distance to the sites, the nature and scale of the development.

8.5. In Combination / Cumulative Effects

- 8.5.1. Given the nature of the proposed development, being the construction of a house, I consider that any potential for in-combination effects on water quality in the Castlemaine Harbour SAC (Site Code: 000343) can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Castlemaine Harbour SAC via rivers and other surface water features are also subject to AA.

8.6. Conclusion on Stage 1 Screening:

- 8.6.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude on the basis of the information available, that the ecology of the species and / or the habitat in question is not structurally or functionally linked to the proposal site. There is, therefore, no potential impact pathway identified, connecting the designated site to the development site.
- 8.7. Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal development would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development, separation distances involved to adjoining Natura 2000 sites. 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.

9.0 Recommendation

- 9.1.1. I recommend that permission be refused for the development for the following reason.

10.0 Reasons and Considerations

1. The site of the proposed development is located within an 'Area Under Significant Urban Influence', as set out in the current Kerry County Development Plan 2022-2028 and the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005. It is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

Taking account of the documentation submitted with the application and appeal and having regard to the location of the site outside the development boundaries of the settlement of Beaufort, the Board is not satisfied that the applicant has adequately provided a genuine and demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, as set out in the Guidelines and in national policy, for a house at this rural location.

Furthermore, the proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
11/04/2023