



An
Bord
Pleanála

Inspector's Report

ABP-318155-23

Development	Retention: Agricultural building and associated site works.
Location	Coongar Farm, Derreenamucklagh, Tahilla, Killarney, Co. Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	23811
Applicant(s)	Peter Woodcock
Type of Application	Retention Permission
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Peter Woodcock
Observer(s)	Erika Kinsella
Date of Site Inspection	21 st June 2024
Inspector	Ciara McGuinness

1.0 Site Location and Description

- 1.1. The site is located in the townland of Dereennamucklagh, approximately 18km west of Kenmare and 7.5km east of Sneem. The site is located in a rural coastal location approximately 0.6km from Tahilla, a small village settlement. The surrounding area is predominantly agricultural land with a sporadic one-off housing. Access to the site is from the N70 National Secondary Road which comprises part of the Ring of Kerry. The site is set back from the N70 road and is screened by mature dense trees.
- 1.2. The site comprises agricultural lands which the applicant states is currently used to keep a small number of sheep. There was no evidence of livestock on site on the day of my site inspection. There is no farm building currently located within the landholding. Levels within the site falls from north to south towards the coast. The site has a stated area of 0.59 ha.

2.0 Proposed Development

- 2.1. Permission is sought for the retention and proposed completion of a partially constructed agricultural building. The agricultural building will comprise a main hall, agricultural store, secure store and WC at ground floor level and a mezzanine storage loft and sheltered external storage area.
- 2.2. The proposed development is intended to replace a previously permitted agricultural shed permitted under PA Reg Ref 20/913. The applicant states that the proposed development has been redesigned to have a lesser visual impact and higher architectural standard. The previously permitted agricultural shed had a floor area of 164sqm and a height of 6.702m, on a site of 0.43 hectares. The partially constructed shed is indicated as having a floor area of 162.72sqm, and a height of 7.5m on a site of 0.59ha. While there is some overlap between the site boundaries of the two applications, the location of the structure the subject of this application has moved to the northeast of the previous site boundary.
- 2.3. The applicant is proposing a wastewater treatment system, identical to the system granted under PA Reg Ref 20/913. The applicant has stated that WC facilities are provided for those working on the farm in the interest of good hygiene and comfort.

- 2.4. The development description includes for landscaping and boundary treatments, however I note that no specific landscaping or boundary treatments proposals have been submitted.
- 2.5. The application is accompanied by a Planning Report, and documents previously submitted under the PA Reg Ref 20/913 application, including the AA Screening Report and copies of the documents pertaining to the permitted wastewater treatment system.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for 3 no. reasons;

1. The minimum building line set back from the National Secondary Roads is 30m as set out in section 1.20.1, Volume 6 of the Kerry County Development Plan 2022-2028. The steel frame constructed on the lands is set back less than 30m from the boundary fence with the public roads. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in an environmentally sensitive area, in the vicinity of native woodland and heath habitats and the Kenmare River Special Area of Conservation. Based on the information submitted and the planning history of the site, the Planning Authority is not satisfied that the development proposed to be retained and completed, would not by itself and the precedent it would set for other similar development, result in adverse impacts on water quality downstream and on landscape features of biodiversity interest. The proposal would therefore conflict with Development Objective KCDP 11-22 and 11-27 and would be contrary to the protection of the environment, biodiversity and natural heritage and the proper planning and sustainable development of the area.
3. Having regard to the design of the partially constructed building and the proposed internal layout, the planning authority is not satisfied that the ultimate use of the building will be for agricultural purposes. Therefore, the

proposed development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report (dated 08/09/2023) notes that the principle of the proposed agricultural shed granted under PA Reg Ref 20/913 was appropriate, however, the principle of retaining the agricultural building as partially constructed would not be acceptable as the design of the agricultural building proposed to be retained and completed does not resemble a typical agricultural building. The site is designated as a Visually Sensitive Area and is located in a coastal location adjacent to the Kenmare River SAC. The agricultural building proposed to be retained and completed is in line of views and prospects south of the N70 National Secondary Road. The report also notes the other internal technical reports received (see section 3.2.2 below). A refusal is recommended.

3.2.2. Other Technical Reports

County Archaeologist – No recorded monuments in proximity to the site. No mitigation required.

Environmental Assessment Unit –

- Biodiversity considerations – As part of this proposal it appears that scrub and several broadleaf woodland trees, which were of biodiversity interest have been removed from areas not located within the site boundaries permitted by 20/913. There is no indication that a tree survey was undertaken prior to removal of same. No landscaping proposals have been submitted. The AA Screening Report outlines that wet and dry heath to the south and west of the 20.913 site corresponds to Annex 1 Habitats. No ecological impact assessment has been submitted to help assess the operational impact of the proposal, including on habitats present within the landholding and water quality downstream. The proposed development would conflict with Objectives KC DP 11-22 and 11-27.

- Notional Screening exercise under Section 34(12) of the Planning and Development Act –

Appropriate Assessment - It is noted that a previously permitted project at this site was screened out (PA Reg Ref 20/913). Potential effects of the proposed development are considered broadly similar to that project. The coastal area at this location is potentially of use by otter and harbour seals, however the development does not include works/activities along the coastline where otters and seals could be affected. Minimal artificial lighting would be used intermittently as required for an agricultural development of this nature and is not likely to have a significant affect on lesser horseshoe bat. It is noted that the NPWS undertook a site visit and while works were possibly inside the SAC, they were not affecting the qualifying interest habitat and not adversely affecting the conservation objectives of the SAC. Overall, it is concluded that the development concerned would not have required AA.

Environmental Impact Assessment – It is concluded that the development concerned would not require EIA as there is no realistic or meaningful pathway for significant impact on the environment, and there is no real likelihood of significant effects on the environment arising from the development.

3.3. Prescribed Bodies

TII – No observations

Irish Water – Connection agreement must be signed prior to commencement of development.

3.4. Third Party Observations

A submission was received from an adjoining landowner, Erika Kinsella. The submission is summarised as follows;

- The applicant is not a farmer and has never lived in the local area.
- Rock has been excavated from an SAC area on the applicants lands without permission.

- No stock proof fencing has been erected.
- Unauthorised access to the development lands has been facilitated.
- The applicant has cut down mature trees.
- There has been ecological damage to the site.
- The applicant plans are more accurately for a residential house.

4.0 Planning History

20/913 – granted in May 2021 to construct a farmyard to consist of agricultural shed for use as animal housing, machinery store, feed store with concrete yard, wastewater treatment system, associated percolation area and all associated site works to facilitate this development.

The Planner's Report notes a previous enforcement file (No. 8773) and a current enforcement file in relation to the existing steel frame structure (no. 9432).

5.0 Policy Context

5.1. Kerry County Development Plan

Objective KCDP 9-39 Support and facilitate the thematic objectives outlined in "Our Rural Futures", rural development policy 2021-2025, to strengthen economic activity and employment in rural areas.

Objective KCDP 9-53 Facilitate and support the development of sustainable agricultural practices and facilities within the county, subject to normal planning and environmental criteria and the development management standards contained in Volume 6 of this plan.

Objective KCDP 9-55 Facilitate the sustainable modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Objective KCDP 9-56 Ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full

compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2010-2020) and any subsequent updates and relevant best practice guidelines.

Objective 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.

Objective 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.

Objective KCDP 11-22 Encourage and facilitate the retention and creation of features of local biodiversity value, ecological corridors and networks that connect areas of high conservation value such as watercourses, woodlands, hedgerows, earth banks and wetlands.

Objective KCDP 11-27 - Support the preservation and enhancement of the general level of broadleaf tree cover throughout the County in both urban and rural areas and ensure that development proposals satisfactorily retain existing trees and/or provide additional native planting. A Tree Survey Report shall inform applications where appropriate

1.20.1 Building Line in Rural Areas

The setback building line for National Secondary Roads is a minimum of 30m.

All large agricultural/commercial structures may need to be set back further from the road than the guidance given above. Local surroundings will determine the appropriate building line when dealing with individual planning applications.

5.2. National Policy

- Climate Action Plan
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030
- Department of Rural and Community Development's Our Rural Future: Rural Development Policy 2021-2025

- Department of Agriculture, Food and the Marine's Food Vision 2030
- Department of Agriculture, Food and the Marine's Ag Climatise A Roadmap towards Climate Neutrality
- Nitrates Action Programme (NAP) 2022-2025

5.3. **Regional Policy**

- Regional Spatial and Economic Strategy for the Southern Region

5.4. **Other Guidance**

- European Commission's 'Farming for Natura 2000, Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2018)
- Department of Agriculture Food and the Marine S. 101 Standards (Minimum Specifications for the structure of Agriculture Buildings July 2016)
- Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).

5.5. **Natural Heritage Designations**

Kenmare River SAC (Site Code 002158) borders the site to the south.

5.6. **EIA Screening**

5.6.1. See Form 1 on file. The development is not a class for the purposes of EIA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal is a first party appeal against Kerry County Council's decision to refuse permission. The grounds of appeal are summarised as follows;

- The building line is set back 30.5m from the N70, and is therefore compliant with Section 1.20.1, Volume 6 of the Kerry County Development Plan 2022-2028.
- Transport Infrastructure Ireland had no observations to make.
- A transportation note prepared by Tent Engineering is submitted which concludes that there will be no traffic or road safety issues.
- The second reason for refusal is inconsistent with the EIA Screening and AA Screening carried out by Kerry County Council.
- It is refuted that the proposal would conflict with the Development Objective KCDP 11-22, as the retention and proposed completion of the agricultural building will cause no significant effects on the environment.
- The relevance of Objective KCDP 11-27 to the proposal is questioned.
- Toilet washrooms facilities are provided for those working on the farm in interest of good hygiene and comfort.
- The shed and ancillary concrete year will provide storage for machinery and animal feed as well as giving shelter to animals. While the design is not typical, it is designed to have a lesser visual impact and higher architectural standard than the previously permitted development.

6.2. Planning Authority Response

None.

6.3. Observations

An observation is submitted by Erika Kinsella, the adjoining landowner. The observation can be summarised as follows;

- The observation notes the similarities between the submitted drawings and drawings on the J&B Rochford Engineers Website for a 3-bedroom house.
- The proposed building is out of character with its surroundings.

- Other sheep farmers with significant numbers of livestock do not need a building such as the one proposed.
- The building is too near the Ring of Kerry Road and is very visible driving west towards Sneem.
- There is a special area of conservation between the building and the sea.
- Mature trees have already been cut down on the site.

6.4. Further Responses

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows;

- Principle of Development/Design
- Building Line Setback
- Impact on Biodiversity

7.2. Principle of Development/Design

7.2.1. The Planning Authority in their third reason for refusal are not satisfied that the ultimate use of the building will be for agricultural purposes having regard to the design and the proposed internal layout. With regards to the internal layout of the structure, I note that the proposed structure will have a main hall, store, secure store and WC facilities at ground floor level. A staircase is located centrally within the main hall which facilitates access to a first-floor mezzanine which is indicated to be used as a storage loft. The building is 18.9m in length and 6.4m in width. An additional external storage space 2.4m in width is sheltered under a canopy on the eastern elevation. A proposed roller shutter door is shown on the south elevation measuring 4m in width. A further 2 access doors measuring 0.9m in width are located on the

eastern elevation and northern elevation. The building as proposed will have a steel frame and be finished is charred timber cladding.

7.2.2. The applicant states that the proposed development has been redesigned from what was originally granted under PA Reg Ref 20/913, to have a lesser visual impact and higher architectural standard. I note that the proposed development is located in a visually sensitive area and that the site is also within the line of the protected view from the N70 road south towards the coast. However, the site is well screened from the public road by the topography of the land and existing tree cover. I do not consider that the placement of such a structure to be seriously injurious to the visual amenities or established character of the area. I would also note that sheds are common agricultural structures, and I see no justifiable reason for the design of the shed to deviate so considerably from a standard agricultural design.

7.2.3. Having reviewed the drawings, I agree with the Planning Authority that the agricultural building proposed does not resemble a typical agricultural building in terms of the layout or finishes. Likewise, I am not satisfied that the proposed use of the building is for agricultural purposes. On the day of my site visit I did not see any evidence of the site actively being used for agricultural purposes. Similarly, I am not satisfied that the proposed development would adhere to the Department of Agriculture Food and the Marine S. 101 Standards (Minimum Specifications for the structure of Agriculture Buildings July 2016) or the Department of Agriculture, Food and the Marine specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022). I therefore recommend that permission is refused.

7.3. Building Line Setback

7.3.1. The first refusal reason notes that the steel frame constructed on the lands is set back less than 30m from the boundary fence with the N70 and is therefore contrary to Section 1.20.1, Volume 6 of the Kerry County Development Plan 2022-2028 which requires a minimum building line of 30m set back from National Secondary Roads. The applicant contends that the building line is set back 30.5m from the N70 and is therefore compliant with minimum building line set back.

- 7.3.2. I note the reason for refusal explicitly states the building line set back with reference to the boundary fence with the N70. The Development Plan plainly requires a minimum set back of 30m from the National Road. I have reviewed the drawings, and I consider that the structure is more than 30m from the road edge. I consider that this is sufficient to comply with the Development Plan standards.
- 7.3.3. Furthermore, the structure is well screened from the public road. No issues from a traffic perspective are raised by either TII or the Planning Authority. I note that the applicant has submitted a traffic note prepared by Tent Engineering Ltd outlining the proposals acceptability in terms of traffic and road safety issues. I consider that the proposal is in accordance with Section 1.20.1, Volume 6 of the Development Plan and that the location of the building relative to the N70 will not cause any traffic or road safety issues.

7.4. Biodiversity

- 7.4.1. The AA Screening Report for the previously permitted development has been resubmitted with the current application. As noted above, there is some overlap between the site boundaries of the two applications, however the location of the structure the subject of this application has moved to the northeast of the previous site boundary. Notwithstanding the ecological environment within the development site for the most part is recorded and mapped within the aforementioned AA Screening report. The description of the habitat has been carried out in accordance with the Fossit (2000) classification scheme. It is stated that the development site occurs within a mosaic of sheep grazed improved agricultural grassland (GA1) and birch scrub (WS1). The mosaic of grassland and scrub is surrounded by mature oak-birch-holly (WN1) woodland to the north, south and west with birch and hazel (*Corylus avellana*) scrub occurring to the east. The report notes that the proposed development site occurs within the 10km grid square (V76) which occurs within the range and distribution of the Annex I habitat Old oak woodland (EU Code -91A0). The mature oak-birch-holly (WN1) that occurs to the north, south and western section of the proposed development may potentially correspond with this habitat. It is also outlined that wet and dry heath to the south and west of the site corresponds to Annex 1 habitats. It is noted that dry heath is a qualifying interest habitat for the adjacent Kenmare River SAC.

- 7.4.2. Based on the information submitted and the planning history of the site, it is apparent that scrub and several broadleaf woodland trees have been removed from areas located outside of the boundaries permitted by PA Reg Ref 20/913, to accommodate the structure the subject of this application. No ecological assessment or tree survey has been undertaken for the site. I consider that the applicant has failed to have regard to the context of the site and its features. Given the sites location within a wider area of significant biodiversity value, I consider that the layout should be informed by the ecological and environmental constraints of the site through the carrying out of detailed/up-to-date surveys and assessments to get a full understanding of the site. This has not been done and in this regard, I am not satisfied that the proposal has had regard to its context.
- 7.4.3. Furthermore, I am not satisfied that the proposed development is in accordance with Objective KCDP 11-22 which seeks to facilitate the retention of features of local biodiversity value including woodlands, and Objective KCDP 11-27 which supports the preservation of broadleaf tree cover and requires a tree survey to inform applications where appropriate. I consider both these objectives to be pertinent to the subject development. I therefore recommend that permission is refused.

8.0 AA Screening

- 8.1. See completed screening determination form in Appendix 2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale and nature of the works
- Taking into account screening determination by LPA
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Kenmare River SAC and would not undermine the maintenance of favorable conservation condition or delay or undermine

the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

- 9.1. I recommend that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to the design of the partially constructed structure and the proposed internal layout, the board is not satisfied that the ultimate use of the building will be for agricultural purposes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in an area of significant bio-diversity value, in the vicinity of native woodland and heath habitats. Based on the information submitted and the Planning History of the site, the Board is not satisfied that the proposed development to be retained and completed, would by itself and the precedent it would set for other similar developments, not result in adverse impact on landscape features of biodiversity interest. The proposal would therefore be contrary to objective KCDP 11-22 and 11-27 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ciara McGuinness
Planning Inspector

5th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Retention: Agricultural building and associated site works.		
Development Address	Coongar Farm, Derreenamucklagh, Tahilla, Killarney, Co. Kerry		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Template 3: Screening the need for Appropriate Assessment Finding of no likely significant effects

Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the agricultural shed to be retained and completed in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The application includes the AA Screening Report submitted under the previously permitted development under PA Reg Ref 20/913. A notional screening exercise was carried out by the Local Authority which concluded that Appropriate Assessment was not required.

The development to be retained and completed comprises an agricultural building. The development is proposed to connect to a wastewater treatment system identical to that granted under PA Reg Ref 20/913.

Kenmare SAC borders the farm site to the south and extends into the southwest corner of the site. No works are proposed within the SAC. The AA Screening describes the habitats within the site as a mosaic of sheep grazed improved agricultural grassland (GA1) and birch scrub (WS1), surrounded by mature oak-birch-holly (Wn1) woodland to the north, south, and west with birch and hazel scrub occurring to the east. No Annex1 habitats occur within the footprint of the proposed development. Wet and dry heath to the south and west of the site corresponds with Annex 1 habitat.

The site does not contain any water courses. The site is circa 80m away from the Kenmare River/Bay waterbody at its nearest point.

The Planning Authority in their internal reports noted that the NPWS undertook a site visit and while works were possibly inside the SAC, they were not affecting the qualifying interest habitat and not adversely affecting the conservation objectives of the SAC.

European Sites

The Kenmare Bay SAC borders site to the south and overlaps with the southwest corner of the site.

The Blackwater River SAC is c. 4km to the northeast of the site, the Old Domestic Building, Askive Wood SAC is c. 6km to the east of the site and Cloonee and Inchiquin Loughs, Uragh Wood SAC is located c. 4km to the southeast of the site. I agree with the applicant that these SACs can be ruled out for further examination due to distance and lack of/weak ecological connections.

European Site	Qualifying Interests (summary)	Distance	Connections
Kenmare River SAC	Habitats: Large shallow inlets and bays, Reefs, Perennial vegetation of stony banks, Vegetated sea cliffs of the Atlantic and Baltic coasts, Atlantic salt meadows (Glauco-Puccinellietalia	Borders site to the south and overlaps with the south west corner of the site	Direct - proximity

	<p>maritimae), Mediterranean salt meadows (<i>Juncetalia maritimi</i>), Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), European dry heaths, <i>Juniperus communis</i> formations on heaths or calcareous grasslands, Calaminarian grasslands of the <i>Violetalia calaminariae</i>, Submerged or partially submerged sea caves</p> <p>Species: <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail), <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat), <i>Phocoena phocoena</i> (Harbour Porpoise), <i>Lutra lutra</i> (Otter), <i>Phoca vitulina</i> (Harbour Seal)</p>			
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Likely impacts of the project (alone or in combination with other plans and projects)

There are no works proposed in the southwest corner of the site. Therefore, there will be no direct impacts and no risk of habitat loss fragmentation or any other direct impact.

With regard to indirect impacts, in relation to construction pollutants, in a worst-case scenario (e.g. a period of very high rainfall) it is possible that surface water runoff from the construction site could carry pollutants to the Kenmare River. However, there are a number of factors that would prevent 'likely significant effects' on the SAC. In particular, any runoff from the site would have to flow over at least 80 m of agricultural land to reach the River, which would provide a high degree of filtration

Dry heath occurs adjacent to and south west of the development site boundary. No direct impacts will occur. The dry heath occurs on an elevated mound and would therefore be protected from any potential runoff.

No works or activities are located along the coastline where otter or seal could be affected. Furthermore, due to minor nature of works and short timeframe of the construction phase it is not considered that noise and vibrations will cause any impacts on species.

There are two internationally important roosts for Lesser Horseshoe Bat associated with the SAC, a souterrain near Dunkerron and a two-storey cottage near Killaha, both of which are c.13km east/southeast of the proposed development site. It is also considered that minimal artificial lighting would be used intermittently as required for an agricultural development of this nature. Therefore, it is considered that a significant effect on the species will not arise.

Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. The qualifying interests of the SAC and SPA (marine/coastal habitats and species) are considered to have relatively low sensitivity to suspended sediments or other

pollutants, and their conservation objectives would not be compromised in the event of a minor release. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The scale and nature of the works
- Taking into account screening determination by LPA
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Kenmare River SAC and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.