



An  
Bord  
Pleanála

## Inspector's Report ABP-319651-24

### Development

Retention: To retain extension with material alterations along with permission to complete retained extension, widening of existing entrance and all associated site works.

### Location

Com Dhineol, Dun Chaoin, Tra Li, Co. Chiarrai, V92 E6R7

### Planning Authority

Kerry County Council

### Planning Authority Reg. Ref.

2460090

### Applicant(s)

Colm and Jane O'Loughlen

### Type of Application

Retention permission and Permission

### Planning Authority Decision

Refuse Retention

### Type of Appeal

First Party

### Appellant(s)

Colm and Jane O'Loughlen

### Observer(s)

None

### Date of Site Inspection

19 August 2024

### Inspector

Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site is located within the Corca Dhuibhne – Kerry Gaeltachts area 10km west of Ceann Trá (Ventry) and west of Dingle along the Sleah Head Drive, part of the designated Wild Atlantic Way. The subject site sits to the northern side of the R559 (Land side) with wide views to the south towards the Blasket Islands.
- 1.2. The subject site area is stated as 0.202 ha. Construction works were evident on the day of my site visit and the existing dwelling has been modified and extended. Excavation works within the site to create a widened entrance have been carried out. Running along the eastern boundary of the site is a stream and the vehicular entrance to the eastern side of the house is near a bridge crossing.

## **2.0 Proposed Development**

- 2.1. Retention permission sought for extension to the rear and material alterations to the side and rear elevations (stated floor area to be retained 39.90 sq. m) of an existing residential dwelling and planning permission is sought for the completion of the retained extension, widening of existing entrance and all associated site works. Drawing No. PP-006 indicates a 2 no. bedroom dwelling.

The application form states that the development is connected to an existing public main water supply and that surface water disposal is proposed via a soak pit. An existing conventional septic tank system is noted on the application form.

I highlight to the Board that a new wastewater treatment plant is now proposed to replace the existing septic tank. Revised site layout plan provided in Appendix 6 of the appeal submission and details provided in O'Grady Site Assessment & Wastewater Solutions report – I note that Appendix A -Site Characterisation Form included with the submission is left blank with exception to partly completed Step 5, Quality Assurance and site assessor details.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 11 April 2024 the planning authority refused to grant retention permission and permission for the following five reasons:

1. It is considered that the proposed development by virtue of its design, form, materials used in construction and the location of a site designated as Visually Sensitive on the Sleah Head drive would constitute a highly visible and obtrusive feature in the landscape and would not integrate with the existing traditional style dwelling house and outbuilding on site or into the surrounding scenic landscape. The proposal would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective KCDP 11-78 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.
2. The proposed development would have an unduly negative visual impact on the character, scale and form of the existing development and would represent a significant loss of the architectural character of the locality. The proposed development would contravene Objective KCDP 5-25 to 'Seek to preserve traditional or vernacular rural houses in order to protect the varied types of housing stock in the County and to preserve the rural built heritage' and Objective KCDP 8-46 to 'Encourage the retention, appreciation and appropriate revitalisation of the vernacular built heritage of Kerry by deterring the replacement of good quality older buildings with modern structures and by protecting these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type.'. The proposed development would, therefore, be contrary to the proper planning and development of the area.
3. It is an objective of the Kerry County Development Plan 2022-2028 as set out in Objective KCDP 11-79, to preserve the views and prospects from roads to the south of the site of the proposed development. It is considered that the proposed development would interfere with views and prospects which it is

considered necessary to preserve. The proposed development would therefore be contrary to the proper planning and development of the area.

4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the proposed entrance is located on a road where sightlines are severely restricted and because the traffic movements generated by this development would be likely to cause an obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. The planning authority is not satisfied on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. The proposed development would therefore be prejudicial to public health. 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**

- Planning permission was refused under planning register reference 21/736 for similar proposals to what is currently sought to be retained and completed. The current proposal represents has impacted negatively on the vernacular character of the buildings on site.
- The current proposal is somewhat simpler and has a reduced floor area of 27 sq.m from that of reg. ref, 21/736.

The visual impact of the proposed development is rated as significant and negative. The material proposed and contemporary design of the link extension between the main building and what was the outbuilding is not sympathetic to the character of the original buildings on site.

- The Roads Department note the development would constitute a traffic hazard and further information is recommended. Given refusal of retention permission is being recommended it is also recommended that traffic safety be cited as a reason for refusal.

- The application form states that there is an existing septic tank on site and in the design statement the applicant has a proposal for a new wastewater treatment system on site. No details have been submitted in support of the new system. Having regard to the conditions on site and the increase in floor area it is recommended that the application be refused on the grounds of inadequate effluent disposal infrastructure.
- The reasons for refusal of reg. ref. 21/736 are applicable to the current proposal (see section 4.0 of my report).

### 3.2.2. Other Technical Reports

- Conservation Officer- serious reservation about the proposed development. The design of the development represents an unduly negative visual impact on the character scale and form of the existing development resulting in the loss of the distinctive parallel layout of the structures on site. The introduction of a large tarmacadam driveway and parking bay and low wall (concrete) to the front of the site is also an incongruous feature in the landscape. The finish of the roof of the existing structures with heavy fascia detailing, as well as flat roof connecting section, and raising of the roof profile, dominates the roofscape of the development. The character of the plan form is no longer legible in the landscape and the development represents significant loss of the architectural character of the locality. This development, in a most scenic and sensitive landscape, does not positively impact the landscape of the area. Recommends that the application be refused.
- County Archaeologist – The proposed development site is located partly in the zone of notification around the recorded monument Ke052 021, listed in the Record of Monuments and Places as a hutsite. However, there is sufficient distance between the proposed development and the recorded monument. No mitigation is required.
- Roads report – Traffic hazard, insufficient sightlines due to the curvature of the road from proposed entrance. Further Information indicated on a site layout plan relating to how the applicant can achieve adequate sightlines is required illustrating the visibility splays. No surface water is permitted to flow onto the public road.

- Environmental Assessment Unit – Considers that notwithstanding the proximity to European Site designations that the nature, scale and location of the works is such that potential for cumulative and in combination effects with other plans and projects can be ruled out with certainty, as there is no realistic or meaningful pathway for impact to any European Site.

Considers that the development concerned would not have required either an EIA or EIA Screening.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

None received.

## **4.0 Planning History**

Planning register reference 21/736 Planning permission refused for (175 sq. metres existing and extended building) in August 2021 for the renovation and extension of an existing bungalow to a one and a half storey dwelling house and to install a mechanical wastewater treatment pumped unit intermittent filter and polishing filter and all associated external works, servicing and landscaping. Applicants Jane and Colm O'Loughlen.

Four reasons for refusal:

1. It is considered that the proposed development by virtue of its scale and design and location on a visually sensitive site on Sleahed Drive would constitute a highly visible and obtrusive feature in the landscape and would not integrate with the existing traditional style dwelling house on site or into the scenic landscape. The proposal would interfere with the character of the landscape, which is necessary to preserve, in accordance with Objective ZL-1 of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is an objective of the Kerry County Development Plan 2015-2021 as set out in Objective ZL-5, to preserve the views and prospects from roads to the south of the site of the proposed development. It is considered that the proposed development would interfere with views and prospects which it is considered necessary to preserve. The proposed development would, therefore, be contrary to the proper planning and development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard, because the proposed entrance is located on a road where sightlines are severely restricted and because the traffic movements generated by this development would be likely to cause an obstruction to road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The planning authority is not satisfied on the basis of submissions made in relation to the application, that the effluent arising from the proposed development could be adequately disposed of on site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The applicant's appeal submission states that Kerry County Council advised them that they needed to submit a retrospective planning application for retention. No record of Enforcement is available on ePlan or in the submitted application documents.

## **5.0 Policy Context**

### **5.1. Kerry County Development Plan 2022-2028**

Corca Dhuibhne – Kerry Gaeltachts

Map H Landscape designation: Visual sensitive area and protected views and prospects to the west of the site south and east of the site protected views and prospects in both directions.

Rural area under urban influence.

## Section 2.6.3 Sustainable Land Use and Climate Resilience

### Climate Change and Achieving a Sustainable Future

It is an objective of the Council to: KCDP 2-13 Promote energy conservation, energy efficiency and the use of renewable energy sources in existing buildings, including retro fitting of energy efficiency measures in the existing building stock, energy efficiency in traditional buildings and initiatives to achieve Nearly Zero-Energy Buildings (NZEB) standards in line with the Energy Performance of Buildings Directive (EPBD).

### Volume 6 Development Management Standards and Guidelines

#### Para. 1.3.1 Energy efficiency, sustainable design and construction

All development, in terms of materials, design, landscaping, standard of construction and operation should include measures capable of mitigating and adapting to climate change to meet future needs and be built to a standard which minimises the consumption of resources during construction and thereafter in its occupation.

## Section 5.7 Renovation and Restoration of existing and Vacant Buildings Situated in Rural Areas

Renovation and Restoration of Buildings It is an objective of the Council to:

KCDP 5-24 Enhance, integrate, and protect the special physical, social, economic, and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.

KCDP 5-25 Seek to preserve traditional or vernacular rural houses in order to protect the varied types of housing stock in the County and to preserve the rural built heritage.

KCDP 5-26 Promote the viable re-use of vernacular dwellings and buildings without losing their character and to support applications for the sensitive restoration of disused vernacular or traditional dwellings as permanent places of residence.

KCDP 5-27 Facilitate the sensitive restoration and conversion to residential use of disused vernacular or traditional buildings as permanent places of residence.

## Section 8.4.4 Vernacular Architecture

Vernacular Architecture It is an objective of the Council to:



KCDP 8-46 Encourage the retention, appreciation and appropriate revitalisation of the vernacular-built heritage of Kerry by deterring the replacement of good quality older buildings with modern structures and by protecting these buildings where they contribute to the character of an area and/or where they are rare examples of a structure type.

KCDP 8-47 Promote the sympathetic maintenance, adaptation, and re-use of the county's vernacular built heritage, including thatched structures, in recognition of their role in tourism, economic revitalisation, climate change, placemaking and quality of life.

#### Section 11.6.2

Landscape Sensitivity It is an objective of the Council to:

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.

#### Section 11.6.5 Views and Prospects

Views and Prospects It is an objective of the Council to:

KCDP 11-79 Preserve the views and prospects as defined on Maps contained in Volume 4.

KCDP 13-8 Protect rivers, streams and other watercourses and where applicable ensure developments follow guidelines outlined in the IFI's Planning for Watercourses in the Urban Environment, 2020.

KCDP 13-10 Ensure that all wastewater treatment systems for single houses are designed, constructed, installed and maintained in accordance with the manufacturers guidelines and the E.P.A. Publication 'Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses' or any amending/replacement guidance or standards.

#### 13.2.2.4 Individual Private Wastewater Facilities in Rural Areas

The 2016 Census identified that 55% of private households in the county were served by a private individual septic tank or other type of individual treatment

system. This rate was considerably higher than the State average of 28.8%. The provision of on-site wastewater treatment systems to serve new one-off rural housing must be carefully considered as these systems place significant pressure on water quality.

KCDP 13-19 Ensure that proposed wastewater treatment system for single rural dwellings are in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and are maintained in accordance with approved manufacturer's specifications and subject to compliance with the Water Framework Directive, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.

## **5.2. Building a Rural House in Kerry (Kerry County Council Rural Design Guidelines)**

Boundary treatment and vehicular entrance...The extensive use of hard surfaces should be avoided, and gravel finishes should be considered on suitably graded driveways instead.

Extensions/Sunrooms/Garages...In the case of extensions the scale should be subsidiary to that of the main dwelling house. As a general rule, maintaining the existing ridge height or stepping it down from the existing dwelling house can be considered appropriate.

Renovations – The renovation of a traditional vernacular dwelling house in a rural area is encouraged.

## **5.3. The Environmental Protection Agency Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤10).**

Outcrops and karst features: The presence of vulnerable features such as bedrock or subsoil outcrops may mean an insufficient depth of subsoil to treat wastewater, allowing it to enter the groundwater too rapidly. Localities of outcrops of the bedrock and/or subsoil, as well as related features such as swallow holes or enclosed depressions, should be determined and the distance between them and the proposed DWWTS evaluated.

### Section 5.4.3 Percolation Tests

...Both a subsurface (where depth allows) and a surface percolation test are required to establish a percolation value for soils that are being considered to be used for ... a low-pressure pipe distribution system...

## 5.4. Natural Heritage Designations

Proposed Natural Heritage Area: Sleah Head [Site Code 001377] is approximately 150m south of the subject site and the subject site partly within the Special Protection Areas; Dingle Peninsula SPA [Site Code 004153].

Special Area of Conservation: Blasket Islands SAC [Site Code 002172] is approximately 170m south of the subject site.

## 6.0 Environmental Impact Assessment (EIA) Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

It is stated that the impact of the scheme on the wider landscape will be either negligible or slightly positive, that the scheme retains strong visual links with the past and that the proposals represent a credible future for these vernacular buildings, representing a way of halting their present decay and preserving them for future generations.

The key grounds of the first party appeal are a rebuttal of the five reasons for refusal. In summary:

- Reason for refusal no.1:

Objective KCDP 11-78 is primarily designed to control significant development (i.e. new build on greenfield sites) and is concerned with the wider setting. The proposal is for a modest increase in floor area keeping much of the original form and material intact. It is questioned how much the actual context is affected by the scheme taking into account the modern homes within the landscape.

The particular local circumstances of the site must be taken into consideration, and its position within a fold in the landscape amid mountainous terrain, restricting its visibility in the wider landscape.

The most modern element of the building, the glass southern elevation, is only clearly visible when the viewer is almost in front of it. It appears as an interesting and honestly modern feature. From all other angles of the approach the impression will be of a traditional building built of traditional materials.

- Reason for refusal no. 2
  - The buildings are not a protected structure or in a conservation area.
  - The building is exposed to the weather and subject to decay.
  - The local character has already been degraded by unsympathetic modern buildings.
  - All historical features and fabric will be reused and retained.
  - The majority of the outer walls of the buildings remain intact and in the same positions.
  - The main change is a glass link – deliberately modern to make transition between old and new clear and honest.
  - The policy quoted KCDP 8-46 is aimed at deterring the replacement of good quality older buildings with modern structures. The proposed scheme does not replace the structure.

The best way to conserve a building is often to keep it in its original use. In this case the buildings are conserved through action and use, and all of the

original fabric is retained, the proposed development represents the best available conservation future for the buildings.

- Reason for refusal no. 3

The designated views are principally to the south (out to sea), as delineated on Map H, and the house is not within this view. Only one viewpoint to the north is indicated but this is located to the southeast of the site and the house being northwest, is out of the way, and does not affect this view.

None of the views are compromised by the modest extension to the existing house.

- New technical evidence provided addressing concerns relating to traffic hazard. Satisfactory sightlines can be achieved with a re-designed access and no obstruction of traffic will occur. In addition, a new passing bay for use by the public would be provided which would be a significant planning gain at the appellants expense in an area where passing places on the narrow road are few and far between.
- New technical evidence for wastewater management proposals. It is stated that the existing septic tank was installed by Kerry County Council in 2005. The applicant accepts that a higher standard of treatment is now required and has submitted a site assessment and design for a wastewater treatment plant that complies with the EPA's Domestic Wastewater Treatment Systems Code of Practice. Revised site layout plan provided in Appendix 6 of the appeal submission.

## **7.2. Planning Authority Response**

- No response received.

## **7.3. Observations**

- Notification issued to the Heritage Council; no response was received.

## 8.0 Assessment

8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the relevant local/regional/national policies and guidance I consider that the substantive issues in this appeal to be considered are as follows:

- Visual impact, impact on the architectural character/built heritage and energy efficiency
- Traffic hazard
- Wastewater management

8.2. *Visual impact, impact on the architectural character/built heritage and energy efficiency*

8.2.1. The subject site is located within a visually sensitive landscape designation and protected views and prospects from the Sleah Head Drive are identified in Map H of the development plan, as noted in section 5.0 of my report. As such, whilst the works to extend an existing dwelling that would usually be viewed to be of a minor nature, in this sensitive context the works and extension to the dwelling have a greater visual impact due to their location.

8.2.2. Having reviewed the previously refused planning register reference 21/736 against the subject application I am of the opinion that the works sought to be retained and completed are simpler in form and of a reduced scale than that previously refused. Nevertheless, the works to the existing structure, including the use of the new dark roof covering, removal of barge details to the roof and new fascia details are stark in comparison to the building's roof covering prior to the works being undertaken which was a softer/muted tone. The increase in height of the existing building and its adjoining outbuilding emphasises its visual prominence onto the road rather than as it had originally more obviously stepped down. Furthermore, there has been a significant amount of earth works in and around the existing building where the proposed new tarmac driveway/ parking area is proposed which again increases the visual impact of the building by the enlargement of the escarpment around its footprint.

- 8.2.3. The visual impact of the proposed development to be retained and completed cannot be considered in isolation in terms of its impact on the architectural character/built heritage as these are integral to each other. The Conservation Officer in their report considers that the character of the plan form is no longer legible in the landscape and the development represents significant loss of the architectural character of the locality. I would concur with the report from the Conservation Officer that there has been a negative impact on the character of the existing vernacular building cluster.
- 8.2.4. Taking into account the existing more modern built form within the immediate vicinity, the natural fold in the landscape which constrains direct views of the building and given that the protected views and prospects are primarily southwards and seaward from the road I am of the opinion that the proposed extension and refurbishment works, whilst accepting they have taken a heavy-handed approach, the works are of a reduced scale to that refused under planning register reference:21/736 and are not such that would warrant a refusal.
- 8.2.5. The applicant has put forward an explanation for the works carried out without permission. I accept that works were undertaken, in part, to address issues of damp and making the house more energy efficient. The subject site sits within an exposed location on the peninsula and, as such, I would agree that works undertaken to provide insulation and passive solar features would continue positively to the energy efficiency of the existing dwelling in line with Development Management Standards 1.3 and KCDP Policy 2-13 on Climate Change and Achieving a Sustainable Future.
- 8.2.6. I shall move to consider the issues relating to traffic hazard (section 8.3) and wastewater management (section 8.4)

### 8.3. *Traffic hazard*

- 8.3.1. The applicant has submitted a technical evaluation prepared by Coakley Consulting Engineers of the proposed widening of existing entrance onto the R559 'Slea Head Drive' and provision of a driveway/parking area located at the eastern portion of the site close to the bridge crossing. A passing bay area is included in the proposal along the southern boundary of the site. The technical evaluation addresses specifically reason for refusal no. 4 relating to traffic hazard and road obstruction, as detailed in section 3.1 of my report.

- 8.3.2. The submitted technical evaluation states that: *“Although the speed limit on the road is the default 80km/h for non-national roads, the existing carriageway width, geometry and bends (horizontal/vertical alignment) on the R559 act as natural traffic calming measures, slowing vehicles to more appropriate and safe ambient speeds to reflect the road conditions which in turn permits reduced sightlines to reflect these lower speeds.”* The technical evaluation outlines the informal seasonal one-way system on Sleah Head Drive implemented by Kerry County Council and Failte Ireland and the collection of traffic data that will inform ongoing decision making and implementation of various traffic management measures in responses to the significant 285% increase in traffic movements during the peak season. The consultant suggests that potential measures which Kerry County Council could consider introducing would be to replace the existing 80km/h speed limit with a more appropriate speed limit such as 60km/h or the new Rural Speed Limit Sign ‘Go Mall/ SLOW’ reflecting ‘the low vehicular operating speeds (ambient speed) consistent with the rural nature and geometry of this road’. An ambient vehicle speed observational survey was undertaken (see Table 1 of Coakley Consulting Engineers Report) which finds that the 85-percentile speed (surveyed ambient Design Speed) is calculated to be 33km/h which it states *“...reflects its rural nature, geometry and low operating speeds and allows for reduced sightlines in accordance with the roads standards.”*
- 8.3.3. The roads report of the local authority raised concerns with respect to traffic hazard and sought further information on the sightlines. The technical evaluation and new Drawing no. ABP-P001 by DMA Architects indicates the available sightlines for both the horizontal, and vertical alignment of the road. It is stated in the technical evaluation that the improved site access was designed to ensure the optimum location for existing cars in terms of achieving maximum available sightlines, road safety and forward visibility.
- 8.3.4. I highlight for the Board that since the technical evaluation was undertaken a new 60km/h speed limit came into effect from 7 February 2025 on rural roads, reducing the speed limit which was as stated 80km/h. Noting the required sightlines distance (Table 2.0 – TII Visibility Standards and Sightline Requirements for design speed of 60km/h as 90m) I highlight to the Board that Table 3 of the submitted technical



evaluation indicates that available sightlines to the left (south) at over 100m and to the right (north) at 95m.

- 8.3.5. The proposals are to improve an existing vehicular entrance and having regard to the submitted technical evaluation and new drawing ABP-P001 I consider that the proposals would not endanger public safety by reason of traffic hazard by reason of restricted sightlines given the now reduced rural road speed limit of 60km/h. Furthermore, the proposed scheme will assist with vehicular movement along the narrow road by maintaining the passing bay area to the front boundary of the site. Given that no significant additional traffic movements would be expected by the continuation of use of the existing dwelling I would be of the view that the development to be retained and permitted would not be likely to cause an obstruction to road users. In the event that the Board is minded to grant retention and permission it is recommended that the driveway and parking area shall be subject to conditioning the proposed finishes of the driveway to be gravel rather than tarmac in accordance with the Kerry County Council rural design guidance.

#### 8.4. *Wastewater Management*

- 8.4.1. As part of the appeal submission the applicant has submitted new information with respect to proposals for a new wastewater management system for the site. For the purposes of clarity, I shall set out the details of the submission in Table 8.1 with my comments:

**Table. 8.1: Summary of submitted information supplementary to the SCF.**

Site Characterisation Form (SCF) Report	<p>The SCF is almost completely blank with exception to:</p> <ul style="list-style-type: none"><li>• The time factor for Step 5: Modified Method for both the Subsurface Percolation Test and Surface Percolation Test for Soil. I note that these time factors are identical in both scenarios.</li><li>• Section 3.4 includes a list of associated maps, drawing and photographs that are appended. Errors are noted in this list as Item 4(a), (b), (c), (d) and (f) are</li></ul>
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	<p>not indicated clearly on the 'Aerial View of Distribution Layout' drawing. I note indicative circle of trial hole and percolation test area.</p> <ul style="list-style-type: none"> <li>• Treatment System Details with regard to general installation &amp; Commissioning advices and ongoing maintenance.</li> <li>• 7.0 Site Assessor details provided.</li> </ul>
GSI Maps	<p>Bedrock Aquifer – Locally Important Aquifer bedrock is moderately productive only in local zones.</p> <p>Coumeenoole Sandstone Formation.</p> <p>Bedrock at surface – non calcareous</p> <p>Bedrock outcrop or sub crop</p> <p>Rock at or near surface or Karst</p>
EPA Maps	<p>Groundwater Body WFD Status 2016-2021 European Code IESWG033. Overall Status, Good, Not at risk.</p> <p>NHA &amp; SAC</p> <p>Coastal Waterbody – Southwestern Atlantic Seaboard European Code IE_SW_150_0000 Status High</p> <p>SPA Dingle Peninsula</p>
Photos	<p>Visual Assessment</p> <p>Site Views</p> <p>Trial Hole Evaluation</p> <p>Percolation Test</p>
Drawings	<p>Distribution Layout</p> <p>Section BB</p> <p>Section CC</p> <p>Longitudinal Section</p> <p>Aerial View of Distribution Layout</p>

Pressure Pipe Network Calculations	Low Pressure Pipe Distribution Network
Wastewater Treatment Design & Performance Standards	Tricel Novo Range IE6-IE50 (Declaration of performance notes intended use to treat domestic wastewater for up to 50 population equivalent).

- 8.4.2. I note from the submitted GSI information, as listed in Table 8.1, the area is characterised by bedrock outcrop or sub crop and rock at or near surface or Karst. The EPA's Code of Practice (2021) outlines how the presence of such features may mean insufficient depth of subsoil to treat wastewater, allowing it to enter the ground water too rapidly.
- 8.4.3. Whilst I note the submission of supplementary information to the SCF (as summarised in Table 8.1 above) I have concerns that the Site Characterisation Form (SCF) has not been completed fully and has been left substantially blank. No percolation values have been presented. I highlight to the Board that both a subsurface (where depth allows) and a surface percolation test are required to establish a percolation value for soils that are being considered to be used for a low-pressure pipe distribution system (5.4.3 of the EPA's COP), which is the proposed system identified in the report from 'O'Grady Site Assessments & Wastewater Solutions'. As such, the information submitted as part of the appeal does not demonstrate how the site assessor has arrived at the design for the proposed wastewater treatment system and its suitability for the ground conditions at the subject site. On this basis I am of the view that a refusal of retention permission and permission is warranted.
- 8.4.4. Notwithstanding the above I acknowledge that it is stated that there is a functioning septic tank on site, installed by Kerry County Council in 2005, which presently handles wastewater. The planning authority have not disputed this statement. The applicants in their appeal submission accept that a higher standard of treatment is required. In the event that the Board is minded to grant retention permission and permission it is recommended that a Section 132 notice is issued requiring the applicant to submit to the Board: (a) a completed Site Characterisation Form (SCF) demonstrating the suitability of the proposed wastewater treatment proposal, and (b) details of proposed surface water soakpit.

## 9.0 Appropriate Assessment (AA) Screening

### Screening the need for Appropriate Assessment

#### Appropriate Assessment Screening Determination

##### (Stage 1, Article 6(3) of Habitats Directive)

I have considered the extension to the existing dwelling to be retained and works proposed for completion of the alterations to the dwelling and its entrance in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the planning authority assessment of the proposed development, a Appropriate Assessment Screening exercise was undertaken by Kerry County Council by the Environmental Assessment Unit as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Kerry County Council based this finding on the following reasons:

- There was no realistic or meaningful pathway for impact to any European Site,
- There was no realistic possibility that the proposal would have significantly affected European (Natura 2000) Sites,
- The similar proposal contained within planning application 21.736 was screened out for AA.

A detailed description is presented in Section 2.0 of my report. In summary, the proposed development site is already developed with a residential dwelling, outbuilding and vehicular access onto the R559, located within a visually sensitive rural area. The development to be retained includes an extension with material alterations to the facades along with permission to complete retained extension and widening of the existing entrance. The development includes an enlarged driveway with a tarmac surface and a new domestic wastewater treatment system (WWTS) with polishing filter (37.5 sq.m). Water will be connected to local services and surface water proposed to discharge to a soakpit and an Aco Drain is proposed to manage surface water from the driveway.

There is a stream (Slea Head EPA Code 22534) running immediately adjacent to the eastern site boundary (as outlined in red on Site Layout Plan (PP-002) that continues in a south/southwest direction towards the coast discharging into Coumeenoole Bay.

## European Sites

The proposed development site is located partly within the Special Protection Areas; Dingle Peninsula SPA [Site Code 004153].

“The Dingle Peninsula SPA is a large site situated on the west coast of Co. Kerry. It encompasses the high coast and sea cliff sections of the peninsula from just south of Brandon Point in the north, around to the end of the peninsula at Sleah Head, and as far east as Inch in the south” (NPWS Site Synopsis 2014).

The Special Area of Conservation: Blasket Islands SAC [Site Code 002172] is approximately 170m south of the subject site.

“The Blasket Islands are situated at the end of the Dingle peninsula in Co. Kerry. The site includes all of the islands in the group as well as a substantial area of the surrounding seas. There are six main islands, plus some rocky islets and sea stacks. Great Blasket Island, separated from the mainland by the Blasket Sound, is by far the largest of the islands (459 ha) and rises to 292 m above sea level. Inishtooskert (99 ha, 162 m), Inishnabro (51 ha, 175 m), Inishvickillane (81 ha, 138 m) and Tearaght Island (27 ha, 184 m) are located between approximately 7 km and 12 km from the mainland and, like Great Blasket, rise steeply from the sea. In contrast, Beginish is a small, low-lying island (15 ha, 14 m) and lies within 2 km of the mainland. The bedrock is principally Old Red Sandstone, with some outcrops of volcanic and Silurian rocks on Inishvickillane and Beginish. The islands have a very maritime climate, being exposed to the prevailing Atlantic wind and swells. There are no permanent habitations, though Great Blasket was inhabited until 1953” (NPWS Site Synopsis 2013).

European Site	Qualifying Interests (summary)	Distance	Connections
Special Protection Areas; Dingle Peninsula SPA [Site Code 004153].	Fulmar ( <i>Fulmarus glacialis</i> ) [A009] Peregrine ( <i>Falco peregrinus</i> ) [A103] Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) [A346]	Partly within the site	Direct
Special Area of Conservation: Blasket Islands SAC [Site Code 002172]	[1170] Reefs [1230] Vegetated Sea cliffs of the Atlantic and Baltic coasts [1351] Harbour porpoise <i>Phocoena phocoena</i> [1364] Grey seal <i>Halichoerus grypus</i> [4030] European dry heaths	Approx. 170m south	Indirect – stream adjoining subject site provides a pathway.

	[8330] Submerged or partially submerged sea caves		
<p><b>Likely impacts of the project (alone or in combination)</b></p> <p>Due to the developed nature of the site and the presence of a buffer area between the site and the stream, I consider that the development to be retained and as proposed would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.</p> <p>The proposed development to be retained and completed would not have direct impacts on any European site taking into account the nature and scale of the works being carried out to an existing residential dwelling.</p> <p>During site clearance, demolition and construction of the extension and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.</p> <p>The contained nature of the site and its relationship with receiving features connected to Dingle Peninsula SPA and Blasket Islands SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.</p> <p>No detail has been provided regarding the possible use of the wider site area by birds that are Special Conservation Interests of Dingle Peninsula SPA. However, given the scale of the proposed development within an existing residential dwelling, I do not consider it likely that any temporary noise or human disturbance that may occur during the construction phase would be any significant increase on the current baseline.</p> <p><b>Likely significant effects on the European sites in view of the conservation objectives</b></p> <p>The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections taking into account the greater dilution capacity and more naturally turbid features of the coastal waters, there will be no changes in ecological functions due to any construction related emissions or disturbance.</p>			

There will be no direct or ex-situ effects from disturbance on mobile species 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.

No mitigation measures are required to come to these conclusions.

#### **Overall Conclusion**

##### **Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Dingle Peninsula SPA and Blasket Islands SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Existing development on site and indirect connections to the Blasket Islands SAC,
- No significant impacts on mobile species given the development to the retained and as proposed is within an existing residential dwelling site.

## **10.0 Recommendation**

I recommend that retention permission and permission for the development be refused for the following reasons and considerations, in the absence of the relevant information on the suitability of the site for the proposed low-pressure pipe distribution system.

## **11.0 Reasons and Considerations**

1. Having regard to the ground conditions and likely presence of rock at or near the surface and/or karst features, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the

appeal, that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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.

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Claire McVeigh  
Planning Inspector

13 March 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	319651-24		
<b>Proposed Development Summary</b>	Retention: To retain extension with material alterations along with permission to complete retained extension, widening of existing entrance and all associated site works.		
<b>Development Address</b>	Com Dhineol, Dun Chaoín, Tra Lí, Co. Chiarraí, V92 E6R7		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	√		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>			

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q2)
Yes		

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_